

IN THE MATTER OF	*	BEFORE THE MARYLAND
DAVID W. SCHRUMPF, Ph.D.	*	BOARD OF EXAMINERS
Respondent	*	OF PSYCHOLOGISTS
License Number: 02013	*	Case No.: 2011-013

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION  
OF LICENSE TO PRACTICE PSYCHOLOGY**

The Maryland Board of Examiners of Psychologists (the "Board"), hereby **SUMMARILY SUSPENDS** the license of **David W. Schrupf, Ph.D. (the "Respondent")**, license number **(D.O.B. 09/24/55)** to practice psychology in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Govt. Code Ann. ("S.G.") § 10-226(c)(2)(2009 Repl. Vol. and 2010 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action. The applicable section of S.G. § 10-226(c)(2) provides:

*(c) Revocation of [sic] suspension. –*

- (2) A unit may order summarily the suspension of a license if the unit:
  - (i) finds that the public health, safety, or welfare imperatively requires emergency action; and
  - (ii) promptly gives the licensee:
    - 1. written notice of the suspension, the finding and the reasons that support the finding; and
    - 2. an opportunity to be heard.

**INVESTIGATIVE FINDINGS**

Based on the information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to

the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

1. At all times relevant hereto, the Respondent was and is licensed to practice psychology in the State of Maryland. The Respondent was originally licensed to practice psychology on November 22, 1985, under license number 02013.

2. At the time of the incidents described herein, the Respondent maintained a private psychology practice at an office located at 2303 Belair Road, Suite B, Belair, Maryland 21047.

3. From June 19, 2009 through November 23, 2009, the Respondent provided psychological services to two (2) siblings, Patient A, a female born in 2003 and Patient B, a female born in 2000. In August 2010, Patients A and B, along with their parents, were involved in a serious automobile accident. Following the trauma of that accident, the Respondent once again began treating Patients A and B, who were ages seven (7) and ten (10), respectively. The second course of treatment began on September 9, 2010 and continued until November 19, 2010.

4. On the evening of December 1, 2010, Patient A's mother initiated a conversation with Patient A during bathing, concerning body safety and private touching of her genital area. During that discussion, Patient A disclosed that the Respondent touched her vagina during several treatment sessions. Following this revelation, Patients' mother

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<sup>1</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

spoke with Patient B, independently, and learned that the Respondent had also touched Patient B's vaginal area during the same or similar time frame.

5. On December 2, 2010, the Patients' mother filed two (2) reports of suspected child abuse with the Harford County Child Advocacy Center ("Child Advocacy Center").

6. Patients A and B were subsequently interviewed by a social worker from the Child Advocacy Center. The interviews were observed by a Harford County police officer. Patient A stated that during every visit with the Respondent from September 9, 2010 through November 19, 2010, he had requested that she stand up while he was seated in front of her in a desk chair. While she was standing, the Respondent put his hand under her shirt and touched her bare breasts. He also placed his hands down her pants, rubbed her bare vagina and digitally penetrated her vagina. The Respondent did not speak while he was touching Patient A, nor did he threaten her or ask her not to tell anyone.

7. During her interview, Patient B stated that she also had been touched by the Respondent during treatment sessions in the summer and fall of 2010. She recalled that on three (3) separate occasions, the Respondent rubbed the sides of her body, her hips and her breasts over her clothing. On two (2) separate occasions, the Respondent placed both of his hands inside her pants and rubbed her vagina. The Respondent neither spoke nor threatened her during these sexual assaults.

8. On December 2, 2010 at approximately 9:30 p.m., a court-ordered search and seizure warrant was executed at both the home and office of the Respondent. The Respondent was present and alone at his place of residence at the time of the warrant execution.

9. The criminal Statement of Probable Cause revealed that during the execution of the warrant, the Respondent attempted to destroy evidence of internet searches that contained images of female child erotica featuring children of the same age range as Patients A and B. The websites that were open on Respondent's personal computer at the time of the search and seizure included female children in various stages of undress and sexually explicit/provocative poses.

10. When police entered his home to execute the search and seizure warrant, the Respondent darted towards his home office in an attempt to exit open websites by shutting down his computer. The police apprehended the Respondent before he was able to do so and subsequently seized several computers. A computer forensic consultant employed by the Harford County Sheriff's Office was able to retrieve historical data from the Respondent's computer(s) that confirmed that the Respondent had repeatedly searched websites containing female child erotica and had been accessing approximately ten (10) such sites at the time of the warrant execution.

11. On or about December 3, 2010, the Respondent was arrested and subsequently criminally charged in the Circuit Court for Maryland for Harford County with twenty-four (24) separate counts of sex offenses, including sexual abuse to a minor child, sexual contact with a child under the age of 14 and assault in the second degree.

12. The Respondent was indicted on December 14, 2010 for each separate incident of sexual abuse and assault perpetrated against Patients A and B. He remained incarcerated for an extended period of time and released only after posting a substantial bond.

13. A criminal jury trial was scheduled for October 18, 2011.

14. On or about August 10, 2011, the Respondent, through legal counsel filed a pre-trial motion requesting the suppression of evidence obtained from Respondent's personal computer seized pursuant to the December 2, 2010 search warrant. The Harford County State's Attorney's Office ("State's Attorney") filed a formal response to the Respondent's motion and a hearing was held on August 15, 2011. The presiding Harford County Circuit Court judge denied the Respondent's Motion to Suppress Evidence, thereby allowing the State's Attorney to introduce at trial, the historical data from the Respondent's personal computer. That data, as interpreted by a computer forensic expert, exposed the Respondent as a habitual voyeur of young, female children.

15. Approximately one (1) week after the Court's denial of the Respondent's pre-trial motion, on or about August 22, 2011, the Respondent entered into a plea agreement with the State's Attorney, wherein he entered a guilty plea<sup>2</sup> to Sexual Abuse of a Minor and Assault in the Second Degree.

16. The plea agreement requires the Respondent to:

- a. enter into a sex offender treatment program;
- b. register as a Tier III sex offender<sup>3</sup> on the lifetime sex offender registry;

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<sup>2</sup> Although the plea agreement refers to an "Alford plea", in *Ward v. State*, 83 Md. App. 474, 478 (1990), the Maryland Court of Special Appeals held that an Alford plea "is a specialized type of guilty plea where the defendant, although pleading guilty, continues to deny his or her guilt, but enters the plea to avoid the threat of greater punishment. *North Carolina v. Alford*, 449 U.S. 845 (1980) (other citations omitted)... A court may accept an Alford plea only after determining that the plea was voluntary and that there was a factual basis for the plea." The *Ward* Court further held, "we do not see how an Alford plea can be construed as anything short of a guilty plea." 83 Md. App. at 479.

<sup>3</sup> Tier III classification on the lifetime sex offender registry generally requires guilt of an offense punishable by imprisonment of more than one (1) year as well as specific offense related criteria such as engaging in a sexual act with a child under the age of 12, including: (i) oral-genital or oral-anal contact, (ii) any degree of genital or anal penetration, and (iii) direct genital touching of a child under the age of 16.

- c. not access internet child pornography sites;
- d. not work or volunteer in any capacity that places him in direct contact with children under the age of 18; and
- e. voluntarily surrender his license to practice psychology to the state agency that grants him licensure.

17. The Respondent is awaiting criminal sentencing currently scheduled for October 31, 2011. At that time, the Court will consider the State's recommendation that the Respondent be sentenced to 25 years, all but 6 years suspended for the count(s) of sexual abuse of a minor, with an additional 20 consecutive years, suspended, for the count(s) of second degree assault.

18. As a condition of the plea agreement, the Respondent voluntarily agreed to surrender his license to practice psychology to this Board but to date, the Board has not received the relevant documents necessary to effectuate that surrender.

19. The Respondent perpetrated a sexual assault and sexually abused two (2) minor children entrusted to his care, thereby committing an egregious crime of moral turpitude. He does not possess the moral character necessary to hold a license to practice psychology and further presents a substantial likelihood of risk of serious harm to the public health, safety and welfare.

#### **CONCLUSIONS OF LAW**

Based on the foregoing investigative facts, the Board concludes that the public health, safety and welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't. Code Ann. § 10-226(c)(2)(2009 Repl. Vol. and 2010 Supp.)

#### **ORDER**

Based on the foregoing Investigative Findings and Conclusions, it is this

7th day of October 2011, by a majority of the Board:

**ORDERED** that the Respondent's license to practice psychology in the State of Maryland under license number 02013, is **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that, on presentation of this Order, the Respondent shall surrender to the Board Investigator his original Maryland license number 02013 and any and all renewal cards for his license to practice psychology; and it is further

**ORDERED** that during the period of **SUSPENSION**, the Respondent shall be **PROHIBITED** from practicing psychology in the State of Maryland or rendering any form of mental health care or treatment to any individual, irrespective of whether those services are provided for monetary gain or not; and it is further

**ORDERED** that the Respondent shall post a conspicuous and securely attached notice on his office door or other obvious location which shall state in part:

1. That David W. Schrupf's psychology practice shall be closed until further notice;
2. The name, address, and telephone number of at least one other local psychologist who the Respondent has confirmed will be available to treat the Respondent's patients in the event of an emergency; and
3. The name, address, and telephone number of the nearest hospital emergency room; and it is further

**ORDERED** that during the period of **SUSPENSION**, the Respondent shall maintain an active office telephone number, with an answering machine containing a recorded message informing patients of the information contained in items 1-3 of the previous paragraph, or alternatively have a staff member available to provide the information to callers; and it is further

**ORDERED** that upon the request of the Respondent, made within **ten (10) days** of the service of this ORDER FOR SUMMARY SUSPENSION, a Show Cause Hearing will be scheduled within **thirty (30) days** of the request, for the Respondent to have the opportunity to show cause as to why his license should not continue to be suspended; and it is further

**ORDERED** that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** as defined in Md. State Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol. and 2010 Supp).

October 7, 2011  
Date

Steven Sobelman, Ph.D.  
Chair, MD Board of Examiners of Psychologists