LICENSE NO. P1540

IN THE MATTER OF

THE LICENSE OF

VINSON M. DISANTO, D.O.

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 2 day of March, 2018, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Vinson M. DiSanto, D.O. (Respondent).

On December 12, 2017, Respondent failed to appear at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. The Board’s representatives were Melissa Tonn, M.D., and Annette Raggete, members of District Review Committees (Panel). Claudia Kirk represented Board staff.

BOARD CHARGES

The Board charged that Respondent was disciplined by the Idaho State Board of Medicine (Idaho Board). The disciplinary action was due to Respondent seeing patients in Idaho via telephone and issuing prescriptions for testosterone, a controlled substance, without obtaining the required prescriptive registrations from the Idaho Pharmacy Board and Drug Enforcement Administration (DEA).

BOARD HISTORY

Respondent has previously received a Remedial Plan from the Board. On November 4, 2011, the Board entered a Remedial Plan upon license issuance. The Remedial Plan was due to Respondent’s disciplinary action by the Kentucky and West Virginia Medical Boards for failure to report he had been dismissed from medical school in 1979. The Remedial Plan required Respondent to complete four hours of CME in Ethics and pay a $500.00 administrative fee. The Remedial plan terminated on April 23, 2012.

Upon the recommendation of the Board’s representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.
FINDINGS

The Board finds the following:

1. General Findings:
   a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
   b. Respondent currently holds Texas Medical License No. P1540. Respondent was originally issued this license to practice medicine in Texas on December 1, 2011. Respondent is also licensed to practice in Idaho and several other states.
   c. Respondent is primarily engaged in the practice of family and occupational medicine. Respondent is board certified by the American Osteopathic Board of Family Medicine, a member of the American Osteopathic Association Bureau of Osteopathic Specialists.
   d. Respondent is 59 years of age.

2. Specific Panel Findings:
   a. On June 2, 2017, Respondent was disciplined by the Idaho Board.
   b. The Idaho Board found that Respondent had been seeing patients in Idaho via telephone and had issued prescriptions for testosterone, a controlled substance, without obtaining the required prescriptive registrations from the Idaho Pharmacy Board and Drug Enforcement Administration (DEA).
   c. The Idaho Board issued an Order which reprimanded Respondent and required him to: pay a $2,425.00 penalty; comply with the DEA and Idaho Pharmacy Board requirements; and to exclusively use pharmacies located in Idaho when treating Idaho patients.

3. Mitigating Factors:
   In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
   a. Respondent has cooperated in the investigation of the allegations related to this Agreed Order.
b. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent, based on Respondent holding a license to practice medicine subject to disciplinary action by another state, or subject to disciplinary action by the uniformed services of the United States, based on act by the person that are prohibited under Section 164.052 or are similar to acts described by this subsection.

3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent, based on Respondent’s Unprofessional or dishonorable conduct that is likely to deceive or defraud the public as provided by Section 164.053 of the Act, or injure the public.

4. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent shall comply with this Order and any terms and conditions imposed by Idaho Board in their Order. Any violation of the terms and conditions of this Order or any terms and conditions imposed by the Idaho Board Order, shall constitute a violation of this Order and a basis for disciplinary action against Respondent pursuant to the Act.
2. Respondent shall pay an administrative penalty in the amount of $1,000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

3. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

4. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

5. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

6. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 45-day notice requirement provided by §164.003(b)(2) of the
Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

7. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

8. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

9. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

(SIGNATURE PAGES FOLLOW)
I, VINSON M. DISANTO, D.O., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: January 22, 2018.

VINSON M. DISANTO, D.O.
Respondent

STATE OF Texas
COUNTY OF Collin

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 25th day of January, 2018.

(Notary Seal)

JORDAN WYSONG
Notary Public, State of Texas
Comm. Expires 09-25-2021
Notary ID 131260801

Signature of Notary Public
SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 2 day of March, 2018.

[Signature]

Sherif Zaafran, M.D., President
Texas Medical Board