BEFORE THE IDAHO STATE BOARD OF MEDICINE

In the Matter of: )
) Case No. BOM-2016-789
VINSON M. DISANTO, D.O., ) STIPULATION AND ORDER
License No. 0-0527, )
Respondent.
)

COMES NOW the Idaho State Board of Medicine, hereinafter referred to as the Board, and Vinson M. Disanto, D.O., hereinafter referred to as Respondent, and stipulate and agree as follows:

I

Respondent is the holder of an Idaho license to practice medicine and surgery, License No. 0-0527, issued by the Idaho State Board of Medicine on May 6, 2009. Said license is subject to the provisions of Title 54, Chapter 18, Idaho Code, commonly known as the Medical Practice Act.

II

The Board has received information that Respondent has his office in Miami, Florida. It is the Board's position that Respondent had contact with patients via email and has treated
several patients located in Idaho through telephone and has issued prescriptions for a testosterone replacement hormone, which is a controlled substance, to such Idaho patients. Respondent has also failed to obtain required registrations through the Idaho Board of Pharmacy and the D.E.A. to issue prescriptions for patients located in Idaho.

III

The acts and practices of Respondent, as alleged in Paragraph II above, may constitute violations of the Medical Practice Act in that Respondent may have violated the community standard of care and the Telehealth Access Act, in violation of Idaho Code Section 54-1814(7), IDAPA 22.01.01.101.03.e and Idaho Code Sections 54-5704, 54-5705, 54-5706 and 54-5707.

Respondent does not admit to any liability or wrongdoing by entering into this Stipulation and Order. Respondent contends that his care and treatment of the patients in question was appropriate and within the applicable standard of care.

IV

The Board believes it has sufficient evidence to support disciplinary action based upon these allegations, but rather than pursuing a formal investigation and hearing, the parties are voluntarily entering into this Stipulation and Order for the purpose of informally responding to the concerns of the Board and for the purpose of providing an acceptable procedure for dealing with the alleged problems.
V

Respondent knowingly and voluntarily waives any right to a formal hearing, to present evidence, to cross-examine witnesses, to reconsideration and appeal and to other rights accorded him pursuant to the Administrative Procedure Act and the Medical Practice Act which he might otherwise possess with respect to this Stipulation.

VI

In order to respond to these allegations, Respondent hereby stipulates and agrees that:

(a) Respondent is publically reprimanded for his conduct.

(b) Within ninety (90) days of the date of this Stipulation and Order, Respondent shall reimburse the Board $1,425.00 for its investigative costs and attorney's fees incurred herein.

(c) Within ninety (90) days of the date of this Stipulation and Order, Respondent shall pay a fine of $1,000.

(d) Respondent shall fully comply with all of the requirements of the Idaho Telehealth Access Act found at Idaho Code Title 54, Chapter 57 and the Board rules found at IDAPA 22.01.15.

(e) Respondent shall not prescribe any controlled substances through telehealth services to Idaho patients, except as allowed by Idaho's Telehealth Access Act.

(f) Respondent shall comply with all applicable DEA and
Idaho Board of Pharmacy laws and rules prior to issuing any further controlled substance prescriptions to patients located in Idaho.

(g) Respondent shall only use pharmacies licensed in Idaho to fill prescriptions written by Respondent.

VII

The above described terms, limitations and conditions are indefinite.

VIII

If, in the discretion of the Idaho State Board of Medicine, Respondent appears to have violated or breached any terms or conditions of this Stipulation and Order, the Idaho State Board of Medicine reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Idaho occurring before the effective date of this Stipulation and Order.

IX

Any action initiated by the Board based on alleged violations of this Stipulation and Order shall comply with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, the Medical Practice Act and the Rules of Practice and Procedure of the Board. Respondent shall not be entitled to and hereby waives any right or opportunity to appear before the Committee on Professional Discipline prior to the initiation of any enforcement proceedings.

STIPULATION AND ORDER - 4
X

Respondent agrees to execute a Release, in the form attached hereto as Exhibit A, releasing the Idaho State Board of Medicine, the Committee on Professional Discipline of the Idaho State Board of Medicine, their members, employees, agents, officers, representatives, attorneys, consultants and witnesses, jointly and severally, from any and all liability arising from their participation or involvement in the Board's investigation of Respondent and in the prosecution of this disciplinary proceeding.

XI

This Stipulation and Order shall be considered a public record and shall be reported to the National Practitioner Data Bank. This Stipulation and Order shall become effective upon the last date of signature below.

XII

Respondent further agrees to execute a Release, in the form attached hereto as Exhibit B, authorizing any person or entity having information relevant to Respondent's compliance with the provisions of this Stipulation and Order to release such information to the Board.

DATED This ___ day of __________, 2017.

IDAHO STATE BOARD OF MEDICINE

KATHLEEN SUTHERLAND, M.D.
Chairman
ORDER

Pursuant to Idaho Code §§54-1806(A)(6)(c) and 54-1806(A)(8), the Board hereby accepts the terms and conditions of the foregoing Stipulation and it is hereby ordered that Respondent comply with said terms and conditions. Based upon the foregoing, further formal proceedings will be waived.

DATED This ___ day of ___ , 2017.

IDAHO STATE BOARD OF MEDICINE

KATHLEEN SUTHERLAND, M.D.
Chairman
RELEASE AGREEMENT

In consideration of the informal resolution of the pending disciplinary action by the Idaho State Board of Medicine, which is hereby acknowledged, the undersigned, VINSON M. DISANTO, D.O., being of lawful age, does hereby release, acquit and forever discharge the Idaho State Board of Medicine, the Committee on Professional Discipline of the Idaho State Board of Medicine, and their members, employees, agents, officers, representatives, attorneys, consultants and witnesses, jointly and severally, from any and all known and unknown, foreseen and unforeseen, claims, actions, causes of action, demands, rights, injuries, damages, costs, loss of service, expense and compensation whatsoever which the undersigned now has or which may hereafter accrue on account of or in any way growing out of or resulting or which may result from the Board’s investigation and disciplinary proceedings regarding Dr. Disanto.

It is understood and agreed that this settlement is the compromise of a disputed claim, and that the settlement made is not to be construed as an admission of liability on the part of the parties hereby released, and that said releases deny liability therefor and intend merely to avoid litigation and buy their peace.

The undersigned hereby declares and represents that in making this release it is understood and agreed that the undersigned relies wholly upon undersigned’s judgment, belief and knowledge of the nature, extent, effect and duration of any damages and liability therefor and is made without reliance upon any statement or representation of the parties released or their representatives or by anyone employed by them.

The undersigned further declares and represents that no promise, inducement or agreement not herein expressed has been made to the undersigned, and that this release and the Stipulation and Order contain the entire agreement between the parties hereto, and that the terms of this release are contractual and not a mere recital.

THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

VINSON M. DISANTO, D.O.

EXHIBIT A
STATE OF Texas }  
County of Collin }  

On this 13th day of May, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared VINSON M. DISANTO, D.O., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

MELISSA MARR  
Notary Public, State of Texas  
Comm. Expires 07-16-2019  
Notary ID 130299041

NOTARY PUBLIC FOR Texas  
Residing at: 140 E Bay Dr. #302 75067  
My Commission Expires: 7-10-2019

RELEASE AGREEMENT - 2
AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize and direct any hospital, physician or other person who has any information regarding my compliance with the Stipulation and Order of the Idaho State Board of Medicine, at any time to release any and all medical records, reports and/or information to the Idaho State Board of Medicine, to Jean R. Uranga, attorney for the Idaho State Board of Medicine, or to such other representative of the Idaho State Board of Medicine as may be designated, for examination and for copying thereof, upon request for such records, reports or information.

I further authorize any hospital, physician or other person who has such information to consult with or discuss such information with any of the above entities or persons.

I further consent that a photocopy of this Authorization may be used in lieu of the original hereof.

DATED This 13th day of May, 2017.

VINSON M. DISANTO, D.C.

STATE OF Texas }:
County of Collin } ss

On this 13th day of May, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared VINSON M. DISANTO, D.C., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

MELISSA MARR
Notary Public, State of Texas
Comm. Expires 07-16-2019
Notary ID 130299041

EXHIBIT B
BEFORE THE IDAHO STATE BOARD OF MEDICINE

In the Matter of:

VINSON M. DISANTO, D.O.
License No. O-0527,

Respondent.

Case No. BOM-2016-789

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 6th day of June, 2017, I served a true and correct copy of the STIPULATION AND ORDER entered by the Board on June 2, 2017, upon the Respondent by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to:

Dylan A. Eaton
Attorney at Law
Parsons Behle & Latimer
800 West Main Street, Suite 1300
Boise, Idaho 83702

JEAN R. URANGA