BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE
Complainant,

v. Complaint No. 2017-26

VINSON DISANTO, D.O.
Respondent.

CONSENT ORDER

On September 20, 2017, The West Virginia Board of Osteopathic Medicine (hereinafter referenced as the “Board”) initiated a complaint against Dr. Vinson DiSanto, D.O. (hereinafter referenced as “Respondent”) alleging that he failed to conform to the ethics of the osteopathic profession by issuing prescriptions to patients in a jurisdiction in which he did not have the required registrations. After the Board has investigated the facts relating to this complaint and undertaken a discussion with the Respondent, the Board and the Respondent have reached an agreement as to an appropriate disposition of the complaint.

The West Virginia Board of Osteopathic Medicine and Vinson DiSanto, D.O. therefore, agree to entry of the following Order:

FINDINGS OF FACT

The West Virginia Board of Osteopathic Medicine makes the following findings:

1. The Respondent, Vinson DiSanto, D.O., is a licensee of the Board and holds license number 2442 to practice medicine and surgery in the State of West Virginia.
2. On June 8, 2017, the Board received notice that the Idaho State Board of Medicine publicly reprimanded the Respondent and levied a fine against his license to practice osteopathic medicine and surgery in the state of Idaho for alleged violations of Idaho law. Specifically, the Idaho State Board of Medicine alleged that the Respondent prescribed controlled substances to patients located in Idaho without first obtaining the required registrations with the Idaho Board of Pharmacy and the United States Drug Enforcement Agency.

3. The Respondent admits that he issued prescriptions for controlled substances to patients located in Idaho through telemedicine.

CONCLUSIONS OF LAW

1. The West Virginia Board of Osteopathic Medicine is a board of examination and registration created for the purpose of regulating the practice of osteopathic medicine and surgery in the State of West Virginia. W. Va. Code §§ 30-14-1.

2. The West Virginia Board of Osteopathic Medicine has established rules outlining conduct, practices and acts which may render an individual unfit to practice or subject to disciplinary action by the Board. W. Va. C.S.R. § 24-1.

3. The West Virginia Board of Osteopathic Medicine may discipline a licensee who has been subject to disciplinary action by the licensing authority in any other state, territory jurisdiction or foreign nation. W. Va. C.S.R. § 24-1-18.1.g.


5. The West Virginia Board of Osteopathic Medicine is authorized to enter into consent decrees, to reprimand, to enter into probation orders, and to levy fines when a licensee
of the Board is found to have engaged in conduct, practices, or acts that the board has defined as unprofessional in its rules. W. Va. Code § 30-1-8(a).

6. The Respondent’s actions, as set forth above, are a basis for disciplinary action pursuant to: W. Va. C.S.R. §§ 24-1-18.1.g and 24-1-18.1.j.

7. A licensee of the Board may waive his rights to a formal statement of charges and a hearing before the Board if the licensee understands those rights and chooses to proceed without a hearing.

**RESPONDENT’S ACKNOWLEDGMENT OF RIGHTS**

I, Vinson DiSanto, have read this document and, by signing my name to it, I understand and acknowledge the following:

1. This is a legally binding document that affects my rights and privileges.

2. I have the right to consult a lawyer concerning the terms of this agreement and the legal rights and remedies that may otherwise be available to me.

3. I understand that I have a right to a hearing regarding any charges against me or any action taken against my license. The West Virginia Board of Osteopathic Medicine may not suspend, revoke or take any other disciplinary action regarding my license unless one of three conditions occur: 1) I give my consent to entry of an order restricting, suspending or revoking my license, or 2) the West Virginia Board of Osteopathic Medicine conducts a hearing before imposing any restriction, suspension or revocation, or 3) the Board finds that my continuation in practice constitutes an immediate danger to the public.

4. I understand that, instead of accepting this agreement, I may demand that the Board of Osteopathic Medicine prove the charges against me by presenting evidence in a hearing conducted under law. If I chose to have a hearing, I would not have the burden of proof. I could, however, present evidence in my own behalf and I would have the right to cross-
examine any witnesses who might testify against me. I also understand that I have the right to subpoena witnesses and records in order to compel their production at the hearing.

5. I acknowledge that this agreement is also a legally-binding order. If I accept this agreement, I admit to a violation of standards of professional conduct. I also acknowledge and admit that, if I violate any terms and conditions of this order, my violations may constitute an immediate danger to the public and that, for such reasons, the Board may suspend or revoke my license without a prior hearing.

6. I understand that this is a public document and that the Board is legally obligated to allow any person to review this Consent Order.

TERMS OF ORDER

1. The Board hereby REPRIMANDS Vinson DiSanto, D.O. for prescribing controlled substances via telemedicine to patients in a jurisdiction in which he does not have the proper registrations.

2. The Respondent shall pay a fine of two thousand five hundred dollars ($2,500.00) for violation of the rules of the Board.

3. If the Respondent engages in any act inconsistent with this Consent Order or inconsistent with accepted standards of professional conduct, the Board may rescind, terminate, modify or dissolve this Consent Order or, in its discretion, seek revocation of the Licensee’s license to practice osteopathic medicine.
ACKNOWLEDGMENT OF LICENSEE:

I have reviewed the provisions of this Consent Decree and Order. I agree to abide by the terms set out herein and to be bound by them.

Signed: Vinson DiSanto

Date: 6/12/18

ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:

By agreement of the West Virginia Board of Osteopathic Medicine, it is so ORDERED and entered this 5 day of July, 2018.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

by: ERNEST MILLER, D.O.
    President
    West Virginia Board of Osteopathic Medicine