

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED BV
APR 13 2018
KS State Board of Healing Arts

In the Matter of)
)
Vinson DiSanto, D.O.)
)
Kansas License No. Pending)

Docket No. 18-HA00048

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Reese Hays, Litigation Counsel ("Respondent"), and Vinson DiSanto, D.O., ("Applicant"), *pro se*, move the Board for approval of a Consent Order affecting Applicant's license to practice osteopathic medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Applicant's last known mailing address to the Board is: [REDACTED] McKinney, TX 75071.
2. Applicant filed an application for an active license to practice osteopathic medicine and surgery in the State of Kansas on July 3, 2017. Such application was deemed complete and filed with the Board on April 9, 2018, 2018.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of osteopathic medicine and surgery, K.S.A. 65-2801 *et seq.* and K.S.A. 65-2869.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case.

Consent Order
Vinson DiSanto, D.O.

6. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Applicant voluntarily and knowingly waives his right to a hearing. Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. The Board has received information and investigated the same, and has reason to believe that Applicant has been the subject of Disciplinary Board Action in violation of K.S.A. 65-2836(s), as well as a malpractice payout which is a violation of K.S.A 65-2836(w). In 2010, the Kentucky Osteopathic Board to Disciplinary Action based on: a school loan being placed in default between 1993 and 1996 that imposed Medicare/Medicaid sanction; Applicant being dismissed from medical school, but was allowed to return and finish; and a ██████████ malpractice payout in 2016. This led to reciprocal action in ten (10) states.

10. Applicant acknowledges that if formal hearing proceedings were conducted and Applicant presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Applicant/Licensee has violated the Kansas Healing Arts Act with respect to the above allegations.

Applicant further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

11. Applicant violated K.S.A. 65-2836(s) in that he was the subject of disciplinary action by multiple Boards.

12. Applicant violated K.S.A. 65-2836(w) as he was the subject of a malpractice suit which led to a [REDACTED] payout.

13. Pursuant to K.S.A.65-2836, the Board may deny, suspend, limit, refuse to renew, place on probation, reprimand or revoke Applicant's license and pursuant to K.S.A 65-2863(a), the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

14. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

15. All pending investigation materials in the KSBHA Investigative Case Number 18-00410 regarding Applicant were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 33. Disciplinary Panel No. 33 authorized and direct Board counsel to seek settlement of this matter with the provisions contained in the Consent Order.

16. Applicant further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Applicant has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Applicant license to practice as an osteopathic physician in the State of Kansas. Applicant hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Applicant has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Applicant retains the right to confront and examine all witnesses, present evidence, testify

on her own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

17. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

18. Applicant hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

19. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

20. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

21. Applicant agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Applicant is not present. Applicant further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

22. Applicant by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

23. Applicant acknowledges that he has read this Consent Order and fully understands the contents.

24. Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.

25. All correspondence or communication between Applicant and the Board relating to the Consent Order shall be addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
KSBHA_ComplianceCoordinator@ks.gov

26. Applicant shall obey all federal, state and local laws and rules governing the practice of osteopathic medicine and surgery in the State of Kansas that may be in place at the time of

execution of the Consent Order or may become effective subsequent to the execution of this document.

27. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

28. This Consent Order constitutes public, disciplinary action.

29. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

30. Applicant understands that a Temporary License shall be issued based upon Applicant's signing this Consent Order, paying the temporary license fee, and abiding by the terms of this Consent Order. Applicant further understands that the Temporary License is only effective until a hearing is held by the Board on Ratification of this Consent Order and that if the Board fails to ratify this Consent Order, the Temporary License shall immediately expire at the conclusion of such hearing. If the Board ratifies this Consent Order, Applicant shall be issued a permanent active license under the terms of this Consent Order.

31. In lieu of conducting a formal proceeding, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of medicine and surgery in the State of Kansas:

PUBLIC CENSURE

32. Applicant is publicly censured for violating the Kansas Healing Arts Act.

FINE

33. Applicant is hereby ordered to pay a **CIVIL FINE** pursuant to K.S.A. 65-916(c) in the amount of \$500.00. The total amount of \$500.00 shall be paid, in full, to the Board on or before August 15, 2018.

34. In the event that the Board does not receive a payment due and owing, the total amount of the levied **CIVIL FINE** still due and owing shall become immediately due and payable in full upon written notice by the Board to the Applicant/Licensee stating that payment has not been received.

35. Applicant shall make all payments in the form of a cashier's check or money order payable to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

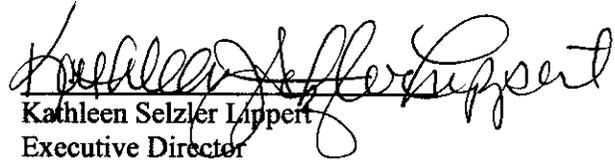
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS FURTHER ORDERED that upon meeting all technical requirements for licensure, Applicant/Licensee shall be granted a license, pursuant to the conditions above.

IT IS SO ORDERED on this 13 day of April, 2018.

Consent Order
Vinson DiSanto, D.O.

**FOR THE KANSAS STATE BOARD OF
HEALING ARTS:**


Kathleen Selzler Lippert
Executive Director

4/13/18
Date



Vinson DiSanto, D.O.
Applicant

4/2/18
Date

PREPARED AND APPROVED BY:



Reese Hays, #22700
Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson Ave, Lower Level Ste A
Topeka, Kansas 66612
785-296-0961
reese.hays@ks.gov

Consent Order
Vinson DiSanto, D.O.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 13th day of April, 2018, to the following:

Vinson DiSanto, D.O.
Applicant

McKinney, TX 75071

And the original was hand-filed with:

Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Reese Hays
Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Licensing Administrator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



A handwritten signature in black ink, appearing to read 'Reese Hays', is written over a horizontal line.