

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

KS State Board of Healing Arts

In the Matter of)	
Vinson Michael DiSanto, D.O.)	
)	Docket No.: 20-HA00039
Kansas License No. 05-41118)	
)	

JOURNAL ENTRY
GRANTING MOTION TO DISMISS PETITION AND
GRANTING MOTION TO DISMISS EMERGENCY SUSPENSION

On March 6, 2023, the above-captioned matter came before Dr. Robin Durrett, D.O., Presiding Officer, for a virtual electronic video hearing on the (1) Agreed Motion to Dismiss Emergency Order of Suspension and (2) Agreed Motion to Dismiss Petition. Todd Hiatt, Litigation Counsel, and Matthew Gaus, Deputy Litigation Counsel, appear to represent the position of the Disciplinary Panel of the Board. Dr. Vinson Michael DiSanto appears *pro se*.

On this 5th day of April 2023, the Kansas State Board of Healing Arts (Board) enters the following Journal Entry for the above-captioned case.

Findings of Fact

1. On or about August 23, 2022, Petitioner, Disciplinary Panel #34, filed two motions in this matter:
 - a. *Agreed Motion to Dismiss Petition* – requesting that the Petition in this matter be dismissed;

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- b. *Agreed Motion to Dismiss Emergency Order of Suspension* – requesting that:
 - (1) the emergency suspension of Dr. DiSanto’s Kansas D.O. license be lifted; and
 - (2) Dr. DiSanto’s Kansas D.O. license be restored to active status; and
- c. Dr. DiSanto agreed with and joined in the requests made by the two above filed motions.

2. On October 6, 2022, the Board issued an Order of Leave to Supplement Pleadings requesting additional information regarding the two motions.

3. On November 9, 2022, Petitioner, Disciplinary Panel #34, filed a Response to Order of Leave to Supplement Pleadings (“Response to Supplement”). The Response to Supplement provided information as follows:

- a. Dr. DiSanto is currently licensed to practice medicine and surgery in Kentucky subject to the restrictions/limitations of the 2020 Kentucky Order. Response to Supplement, pp. 2-4.
- b. The 2019 Kentucky Order was based in large part on a CPEP evaluation. *Id.* at pp. 2-3.
- c. The CPEP evaluation determined that Dr. DiSanto had: (1) significant educational needs in family medicine; (2) demonstrated inadequate clinical judgement and reasoning; and (3) poor documentation practices. *Id.* at p. 2.
- d. Dr. DiSanto objected to, and continues to object, to the validity of the CPEP

evaluation claiming ^{CONFIDENTIAL} at time of evaluation and the subject matter content covered an area he was not practicing in (family medicine) instead of the focusing on the area of endocrinology. *Id.*

e. Dr. DiSanto has not had a subsequent CPEP follow up evaluation. Dr. DiSanto has successfully completed the Physician Retraining and Reentry course from the University of California-San Diego School of Medicine (“UCSD Program”). The UCSD Program generally takes 5-7 month to complete and consists of 15 modules of initial assessment tests, followed by required in order successful completion of the curriculum in each of the 15 modules, followed by successfully completing the final exam over all 15 modules. After passing the final exam the physician must successfully complete the in person practical exam covering 6-8 patients with different case scenarios focusing on taking medical history, performing a medical exam, and diagnosing what issues are present, and the recommending a course of action. The UCSD Program totals 162-166 hours of continuing medical education (“CME”). *Id.* at pp. 4-8 and Exhibits 4- 6.

f. In addition to the UCSD Program, Dr. DiSanto has completed at least an additional 121 hours of CME as follows:

- (i) Intensive Course in Controlled Substance Prescribing (23 CME hours), Case Western Reserve University School of Medicine. *Id.* and Exhibit 8.

- (ii) PBI Medical Ethics and Professionalism Course (22 CME hours), University of California, Irvine School of Medicine. *Id.* and Exhibit 9.
 - (iii) KSTAR Pharmacology and Prescribing of Opioids & Other Controlled Medications Course (16.5 hours), Texas A&M University. *Id.* and Exhibit 10.
 - (iv) KSTAR Pharmacology Module, Texas A&M University. *Id.* and Exhibit 11.
 - (v) The Core Content Review of Family Medicine (60 hours CME), Connecticut Academy of Family Physicians. *Id.* and Exhibit 12.
- g. Dr. DiSanto has undergone monitored practice in Kentucky for over two years with the results reporting that Dr. DiSanto's practice is acceptable and within the standard of care. *Id.* at pp. 4 and 7.
- h. Dr. DiSanto has not had any complaints based on new facts since the 2019 Kentucky Order was filed. *Id.* at pp. 4 and 7.
- i. Dr. DiSanto has practiced in at least eight different jurisdictions during the period of his limitation in Kentucky (and his suspension in Kansas) without issue or concern. *Id.* at p 7.
- j. A number of state jurisdictions have released Dr. DiSanto from sanctions initially imposed as a result of the Kentucky Orders, and there has been no issue or

concern in those jurisdictions. The Disciplinary Panel states that little weight should be given to the status of Dr. DiSanto's license in jurisdictions other than Kentucky because Dr. DiSanto was subject to many different state reciprocal actions and sanctions based on the same set of underlying facts. The current status of sanctions ordered by these reciprocal actions range from an emergency suspension lifted and allegations dismissed in Arkansas to a suspension remaining in place in Ohio. *Id.* at p 7 and Exhibit 7.

k. The Disciplinary Panel concludes the above information including: (1) completion of over two years of monitored practice in Kentucky with the results reporting that Dr. DiSanto's practice is acceptable and within the standard of care; (2) successful completion of a full re-entry and retraining program; (3) successful completion of extensive remedial education courses; and (4) practicing without restriction in multiple other state jurisdictions demonstrate that Dr. DiSanto has addressed the deficiencies in clinical skills and knowledge identified in the initial CPEP evaluation and is currently safe to practice in Kansas. *Id.* at pp. 2-8 and Exhibit 7.

4. The Disciplinary Panel concludes at the time of filing there was evidence to support the averments made in the Kansas Petition, but the additional evidence subsequently obtained by the parties render moot many of the contentions and concerns raised in the Kansas Petition and the

Kansas Emergency Suspension of Dr. DiSanto. *Id.* at. pp. 7-8.

5. The Disciplinary Panel seeks to dismiss the Kansas Petition and Emergency Suspension because the available evidence is not sufficient to prove Dr. DiSanto lacks the requisite knowledge, skill, and judgement to practice safely and properly protect the public. *Id.* at pp. 5-9.

6. The Disciplinary Panel through the two current agreed upon motions request the Board to: (1) dismiss the Kansas Petition; (2) lift the emergency suspension of Dr. DiSanto's Kansas license; and (3) restore the Kansas D.O. license of Dr. DiSanto to active status. *Id.* at. pp. 7-8.

Order

Upon review of the Agreed Motion to Dismiss Petition, the Agreed Motion to Dismiss Emergency Order of Suspension, the applicable statutes and regulations, the filings and statements by counsel and Dr. DiSanto, and the above listed findings of fact, the Board agrees with the Disciplinary Panel that: (1) the record in this matter and the current available evidence is no longer sufficient to prove Dr. DiSanto lacks the requisite knowledge, skill, and judgement to practice safely and properly protect the public; and (2) both motions should be granted on the basis that at this time, the record contains no factual or legal basis to proceed further in the Kansas cases involving Dr. DiSanto.

IT IS, THEREFORE, ORDERED that Qualified Protective Order issued in this matter on January 3, 2020, continues in effect.

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IT IS FURTHER ORDERED that: (1) the Agreed Motion to Dismiss Petition is **GRANTED**; (2) the Kansas Petition is **DISMISSED** without prejudice; (3) the Agreed Motion to Dismiss Emergency Order of Suspension is **GRANTED**; (4) the emergency suspension of Dr. DiSanto's Kansas D.O. license is **TERMINATED**; and (5) the Kansas D.O. license of Dr. DiSanto is **RESTORED** to active status.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS

/s/ Warran Wiebe for _____
Robin Durrett, D.O.
Presiding Officer

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was served this 5th day of April 2023 by depositing the same in the United States Mail, first-class postage prepaid, and via email addressed to:

Vinson Michael DiSanto, D.O.

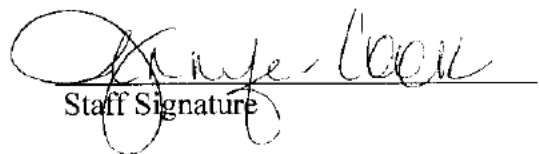
CONFIDENTIAL

Licensee

A copy was hand delivered to:

Todd Hiatt
Litigation Counsel
Matthew Gaus
Deputy Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
matthew.gaus@ks.gov

And the original was filed with the office of the Executive Director:


Staff Signature

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