

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE**

No. C08-127

**IN THE MATTER OF
DAVID DISANTO, M.D.**

ASSURANCE OF DISCONTINUANCE

The Board of Medical Licensure and Discipline (hereinafter referred to as the "Board") received notice from the Medicaid Fraud and Patient Abuse Division of the Department of Attorney General that the Respondent engaged in the practice of performing facet joint injections without fluoroscopy. This matter was referred to the United States Department of Justice for Review of billing practices.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a physician licensed and practicing medicine under the laws of the State of Rhode Island. He is a 1977 graduate of the University of Texas at Galveston Medical School and is board certified in Neurological Surgery. He has an active medical practice at 2464 Pawtucket Ave., East Providence, RI
2. The Respondent performs office based "facet joint injections" as part of his overall neurosurgical practice. The Respondent has been performing these injections without the benefit of fluoroscopic guidance as required by Rhode Island Medicare.

3. The Respondent has entered into a Settlement Agreement with the Department of Justice regarding these injections because they should have been billed as “trigger point injections” rather than facet joint injections.
4. The Respondent hereby entered an agreement with the Department of Health, Board of Medical Licensure and Discipline wherein he agrees to discontinue performing facet joint injections unless he is using proper fluoroscopic assistance during the procedure.

The parties agree as follows:

- (a) Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license number M.D. 5417;
- (b) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board;

Respondent hereby acknowledges and waives:

- (1) The right to appear personally or by counsel or both before the Board;
- (2) The right to produce witnesses and evidence in his behalf at a hearing;
- (3) The right to cross-examine witnesses;
- (4) The right to have subpoenas issued by the Board;
- (5) The right to further procedural steps except for those specifically contained herein;
- (6) Any and all rights of appeal of this Assurance of Discontinuance;
- (7) Any objection to the fact that this Assurance of Discontinuance will be presented to the Board for consideration and review;

(8) Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Assurance of Discontinuance;

(9) This Assurance of Discontinuance shall become part of the public record of this proceeding once it is accepted by the parties;

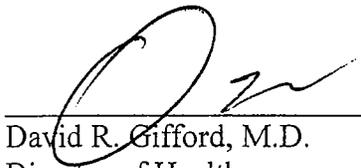
(10) Failure to comply with this Assurance of Discontinuance when signed and accepted, shall subject the Respondent to further disciplinary action.



David DeSanto, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held

on *April 8th*, 2008.



David R. Gifford, M.D.
Director of Health