

**BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE**

**WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE**

**Complainant,**

**v.**

**Complaint No. 2010-25**

**WILLIAM J. CASTO, D.O.,**

**Respondent.**

**CONSENT ORDER**

The West Virginia Board of Osteopathic Medicine (hereinafter referenced as the "Board") filed charges and instituted proceedings against WILLIAM J. CASTO, D.O., (hereinafter referenced as the "Respondent"), alleging that he had engaged in unprofessional conduct. After discussion, the Board and the Respondent have reached an agreement as to the appropriate findings and disposition of this matter, with due consideration for protection of the public interest.

The West Virginia Board of Osteopathic Medicine and WILLIAM J. CASTO, 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, WILLIAM J. CASTO, D.O., was a licensee of the Board, holding Board-issued license #1246 to practice osteopathic medicine and surgery in the State of West Virginia.

2. On June 22, 2012, the Respondent pled guilty to one violation of 21 U.S.C. § 846, conspiracy to acquire or obtain controlled substances by misrepresentation, fraud, forgery, deception and subterfuge.

3. In September 2012, the Respondent was sentenced to probation for a period of five years.

4. The Respondent did not renew his osteopathic medical license, which expired on June 30, 2012. He applied for reinstatement of his license in May 2013.

5. The Respondent surrendered his registration with the Drug Enforcement Administration to prescribe controlled substances.

#### **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 and the practice of osteopathic physicians in the State of West Virginia. *W. Va. Code* §§ 30-14-1 and 30-14A-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. 24 CSR 1.

3. 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).

4. By pleading guilty to a violation of federal drug control laws, the Respondent has violated the Board's rule, 24 CSR 1, §24-1-18.1.k.

5. A licensee of the Board may waive his or her 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, William J. Casto, D.O., 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 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** WILLIAM J. CASTO, D.O., for engaging in unprofessional conduct.

2. The Board hereby reinstates the Respondent's license to practice osteopathic medicine and surgery, subject to the following conditions:

(a) The Board will place Respondent's license to practice as an osteopathic physician on probation for a period of three years.

(b) Within the probationary period, Respondent shall annually attend an educational course on the prescribing of controlled substances, as approved by the Board. The Respondent must attend the first course within six months of the reinstatement of his license.

(c) The Respondent shall not prescribe controlled substances during his period of probation.

(d) The Respondent shall not violate, any criminal laws of the State of West Virginia, the United States, or of its States, possessions or Territories or be charged with any such violations.

3. The term of probation shall commence immediately upon the filing of this

Consent Agreement and Order.

4. The preceding terms and conditions apply, and shall remain in effect, throughout the duration of the period of probation, unless modified by order of the West Virginia Board of Osteopathic Medicine.

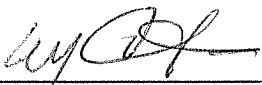
5. If the Respondent fails to comply with, or complete any of the terms stated herein, the West Virginia Board of Osteopathic Medicine may rescind or modify this order and take any other action, including revocation of the Respondent's license, which is authorized by law.

6. This probationary period does not expire automatically at the end of the period stated above. The Respondent must apply to the West Virginia Board of Osteopathic Medicine to lift the probationary restrictions and he must demonstrate to the Board that he has satisfactorily completed and complied with all of its terms.

7. If the Respondent engages in any act inconsistent with this Consent Order, 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.

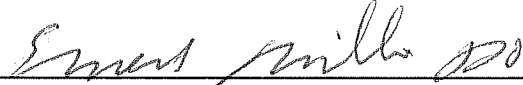
Signed:   
William J. Casto, D.O.

Date: 11/6/13

**ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:**

By agreement of the West Virginia Board of Osteopathic Medicine, it is so ORDERED  
and entered this 6 day of November, 2013.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

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