

# Louisiana State Board of Medical Examiners

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**IN THE MATTER OF**

**KATHLEEN SARTORI ACREE, MW**  
*(Certificate No. MW0391)*  
*Respondent*

**No. 10-1-895**

**CONSENT ORDER**

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following a routine site visit performed by Board staff who interviewed Kathleen Sartori Acree ("Ms. Acree"), a midwife licensed to perform midwifery in the State of Louisiana, as evidenced by Certificate No. MW0391. Ms. Acree disclosed that her duties to her employer for work in the clinic were established pursuant to certain practice guidelines. The Board is of the opinion that the responsibilities assigned to Ms. Acree fall outside the scope of services that a licensed midwife is permitted to perform. Irrespective of whether the Department of Health and Hospitals provided Ms. Acree with billing authority to allow her employer to charge for such services, or that the services were performed at the direction of her employers, or that the services were provided "incident to" her employer's services, Ms. Acree is personally responsible for knowing that such services are not within the scope of practice of midwifery. Further Ms. Acree is obligated to know the limitations to the practice of midwifery as authorized by her license.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined that reasonable cause existed such that a formal Administrative Complaint could be filed against Ms. Acree, charging her with violations of the Midwife Practitioners Act, La. Rev. Stat. §§37:3240 through 3257, (the "Act"), pursuant to La. Rev. Stat. §37:3251(6).<sup>1</sup>

As evidenced by her subscription to this Order, Ms. Acree acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against her for violation of the Act, La. Rev. Stat. §37:3251(6), constituting sufficient cause for the revocation, suspension or such other action

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<sup>1</sup> The Board may refuse to issue, suspend for a definitive period, or revoke a permit or license for any of the following causes: (6) [v]iolating any of the standards of practice set forth in R.S. 37:3244...

against her license to practice midwifery in the state of Louisiana as the Board may determine appropriate.

Recognizing her right to notice and administrative adjudication of any charges that may be asserted against her in these proceedings, at which time Ms. Acree would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §49:955-965, Ms. Acree, nonetheless, hereby waives her right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Ms. Acree acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which may be afforded to her by any other law to contest or appeal her agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By her subscription hereto, Ms. Acree also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Ms. Acree expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against her or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3251, and La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that the license of Kathleen Sartori Acree to practice midwifery in the state of Louisiana, as evidenced by Certificate No. MW0391, is hereby **SUSPENDED** for not less than three (3) years from the effective date of this Order; *provided, however*, that such license and Ms. Acree's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to her acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) **Reinstatement of License.** Ms. Acree's license shall remain suspended until such time as the Board issues an order reinstating her license to practice midwifery. In no event shall Ms. Acree seek the reinstatement of her license prior to three years from the effective date of this Order and until such time as she has complied with paragraphs (2) and (3) below. Additionally, Ms. Acree hereby consents to, agrees with, and acquiesces in the imposition of any additional terms, conditions or restrictions, including, but not limited to reinstating her license on probation, Board approval of Ms. Acree's practice setting, and the provision of reports by approved individuals attesting to Ms. Acree's strict compliance to the scope a midwifery practice and the Board rules regarding same, or other such terms and conditions that the Board, in its sole discretion, may then deem necessary or appropriate to impose upon her Louisiana license should she at any

time in the future decide to return to the practice of midwifery. Such additional terms, conditions or restrictions will be impacted by various factors, including, but not limited to, the length of absence from the practice of midwifery and the nature of the clinical setting or practice for which Ms. Acree proposes to return.

**(2) Attendance at Approved Seminar/Course on Professionalism and Medical Ethics.** Within one hundred eighty days (180) of issuance of this order Ms. Acree shall provide written confirmation that she has attended and successfully completed one or more courses of study, acceptable to and pre-approved in writing by the Board, in the area of professionalism and medical ethics. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) and shall be acceptable to and pre-approved in writing by the Board or its designee.

**(3) Personal Appearance before the Board.** Ms. Acree shall personally appear before the Board or its designee to permit the Board to consider her intentions with respect to the continued practice of midwifery.

**(4) Payment of Fine.** Within ninety (90) days of the effective date of this Order Ms. Acree shall pay to the Board a fine in the amount of Five Hundred and no/100 (\$500.00) Dollars.

**(5) Effect of Violation/Sanction.** By her subscription hereto, Ms. Acree acknowledges that her receipt of written notification that the Board has received apparently reliable information which indicates her failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing her with any right to which she may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or which otherwise may be afforded to her by law, constitute her irrevocable consent to the immediate extension to the suspension of her license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

**IT IS FURTHER ORDERED** that for all such time as Ms. Acree maintains a license to practice midwifery, she shall not perform, or hold herself out as capable of performing, any services that fall outside the practicing of midwifery, which is more particularly defined by La. R.S. §37:3244 as the care of low risk patients determined by physician evaluation and examination to be essentially normal for pregnancy and childbirth. Such care includes prenatal supervision and counseling; preparation for childbirth; and supervision and care during labor and delivery and care of the mother and the newborn in the immediate postpartum period if progress meets criteria generally accepted as normal as defined by the Board.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Ms. Acree shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Acree's license to practice midwifery in the State of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3251.

**IT IS FURTHER ORDERED** that this Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 13<sup>th</sup> day February, 2012.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By: \_\_\_\_\_

  
MELVIN G. BOURGEOIS, M.D.

*President*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
PARISH OF LAFAYETTE

I, KATHLEEN SARTORI ACREE, MW, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 3<sup>rd</sup> day of February, 2012.

Kathleen S. Acree MW  
KATHLEEN SARTORI ACREE, MW

**WITNESSES:**

John R. Speyrer  
Signature

John R. Speyrer  
Typed Name

P.O. Box 250  
Address

Washington, LA 70589  
City/State/Zip Code

Sherri H. Daigle, MSW, LMP  
Signature

Sherri H. Daigle,  
Typed Name

9323 Gail Dr.  
Address

Baton Rouge, La 70809  
City/State/Zip Code

Sworn to and subscribed before me this \_\_\_\_ day of February, 2012, in the presence of the two stated witnesses.

Mrs. Mildred E. Sellers  
Notary Public (Signature)

Mrs. Mildred E. Sellers  
Printed Name & Notary or Bar Number