



# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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	:	No. 2019-I- 003
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In The Matter Of	:	
	:	CONSENT ORDER
SALLY ELIZABETH ACOSTA, MDW	:	
(License No. MDW.200006),	:	
Respondent	:	
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that Sally Elizabeth Acosta, MDW ("Ms. Acosta"), a midwife licensed by the Board to engage of the practice of midwifery in the State of Louisiana, as evidenced by Certificate No. MDW.200006, had been in violation of the Board's rules<sup>1</sup> relative to the practice of midwifery and the appropriate standard of care in attending three home births for one expectant mother and a birth for another expectant mother without undertaking the appropriate evaluation of the expectant mothers, not arranging for the appropriate testing, and failing to maintain proper documentation

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined reasonable cause existed such that a formal Administrative Complaint could be filed against Ms. Acosta, charging her with violations of the Louisiana Midwife Practitioners Act, La. Rev. Stat. §§37:3240 et. seq. ("the Act"), pursuant to La. Rev. Stat. §§37:3251(2) and (6)<sup>2</sup>.

<sup>1</sup> La. Admin Code 46:XLV §5301 et. seq., as provided for at the time of the pregnancies and deliveries in question.

<sup>2</sup> La. Rev. Stat. § 37:3251 provides "the board may refuse to issue, suspend for a definite period, or revoke a permit or license for any of the following causes... (2) exhibiting incompetence as determined by local midwifery standards; ... (6) Violating any of the standards of practice set forth in R.S. 37:3244."

La. Rev. Stat. §37:3244 provides, in part:

B. The licensed midwife may provide care to 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.

Ms. Acosta now acknowledges the substantial accuracy of the foregoing information and that proof of such information could 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(2) and (6), respectively, and further, that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension, revocation, or imposition of such other terms, conditions, or restrictions on her license to practice midwifery in the state of Louisiana as the Board may determine appropriate.

Recognizing her right to have notice of any allegation or charge asserted against her, to administrative adjudication of such allegations or charges pursuant to La. Rev. Stat. §§49:951 et. seq. and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Ms. Acosta, nonetheless, hereby waives her right to formal charges and formal adjudication, and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. By her subscription hereto, Ms. Acosta acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Practice Act, La. Rev. Stat. §§49:951 et. seq. or otherwise may be afforded to her by law to contest her agreement to or the force and effect of the Board's investigation or this document in any court. Ms. Acosta, furthermore, hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent 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. Acosta expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against her or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order. Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by consent. 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 Sally Elizabeth Acosta, MDW., to engage in the practice of midwifery in the state of Louisiana, as evidenced by Certificate No. MDW.200006, is hereby, on the effective date of this Order, remains INACTIVE, and is placed on INDEFINITE SUSPENSION.

**IT IS FURTHER ORDERED** that the reinstatement of Ms. Acosta's license to practice midwifery in the state of Louisiana shall be subject to her strict compliance with the following terms and conditions:

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La. Rev. Stat. § 37:3251 provides "the board may refuse to issue, suspend for a definite period, or revoke a permit or license for any of the following causes... (4) exhibiting incompetence as determined by local midwifery standards.

1. **Suspension of Practice/Reinstatement.** Ms. Acosta shall not practice midwifery in any form in the state of Louisiana until and unless the Board issues and serves on her a written order reinstating her license to practice midwifery. Ms. Acosta shall not petition or otherwise request reinstatement of her license to practice midwifery in this state until the passage of one (1) year from the effective date of this order.

2. **Personal Appearance before the Board.** Ms. Acosta shall contact and arrange to personally appear before the Board or its designee, at its next meeting following any request for reinstatement of her license to permit the Board to consider her compliance with the terms, conditions and restrictions of this Order, and to advise the Board or its designee of her intentions with respect to her future practice of midwifery.

3. **Additional Terms.** In addition to such other terms as are placed upon her license by this order, Ms. Acosta hereby consents to and agrees with the imposition of any additional terms, conditions or restrictions, as well as the length or nature thereof that the Board, in its sole discretion, may then deem necessary or appropriate to impose upon the reinstatement of her Louisiana midwifery license.

**IT IS FURTHER ORDERED** that upon Ms. Acosta's compliance with and satisfaction of the terms and conditions hereinabove set forth, her license to practice midwifery in the state of Louisiana may be reinstated by the Board **ON PROBATION** for a period of one (1) year from the date of reinstatement (the "probationary term"); *provided, however*, that such reinstatement of Ms. Acosta's license and her continuing exercise of rights and privileges thereunder shall be conditioned upon her continuing acceptance of and strict compliance with the following terms, conditions:

1. **Supervision of Practice/Practice Monitor.** Upon the reinstatement of her license and during the pendency of probation, Ms. Acosta shall have her practice supervised in person by a Practice Monitor until she has completed five (5) deliveries in a competent manner as determined by her Practice Monitor. Upon completion of five (5) deliveries in a competent manner as determined by the Practice Monitor, Ms. Acosta may petition the Board to terminate this requirement, which request the Board in its sole discretion may grant or deny. In the event the Board denies such a request, the practice monitoring will continue at the Board's discretion. Ms. Acosta shall identify a Practice Monitor who is responsible for supervising her practice. The Practice Monitor shall be pre-approved by the Board, and shall be a licensed midwife, licensed nurse midwife or physician. The Practice Monitor shall provide a written report in a format approved by the Board concerning the quality of care provided by Ms. Acosta after each delivery. Ms. Acosta shall bear all costs associated with the practice monitor program. After the initial five (5) deliveries monitored in person by a Practice Monitor, Ms. Acosta shall submit to the Board a written summary of each client or patient served for the remainder of the probationary period. The Board's Probation/Compliance Officer will request records from three (3) clients or patients listed on the reports for the probationary period and have the records evaluated for quality of care and compliance with Board rules.

- 2. Prohibited Supervision.** During the pendency of the suspension of her license and during any subsequent probationary period, Ms. Acosta shall not be eligible to serve as a supervisor to an apprentice midwife, or senior apprentice midwife.
- 3. Cooperation with the Board's Probation and Compliance Officer.** Upon the reinstatement of her license and during the pendency of probation, Ms. Acosta shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer and she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Order. Ms. Acosta is required to report, in person, to her probation officer within thirty (30) days of receipt of notification of this Order and at such other times as may be directed. Ms. Acosta is required immediately to complete all forms, fully and carefully, when received, and to present these to her probation officer at the first meeting or as directed. Ms. Acosta shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in her current home and professional addresses and telephone numbers, and shall allow such access to her office, business, practice or home, and to patient medical records as may be necessary to her supervision.
- 4. Continuing Education Units.** Upon the reinstatement of her license and during the pendency of probation, Ms. Acosta shall obtain not less than thirty (30) credit hours for the probationary period through attendance at and participation in continuing education credit (CEU) programs approved by the Board, per La. Admin Code 46:XLV §2361. On or before the anniversary date of the effective date of any subsequent Order reinstating her license, Ms. Acosta shall cause to be submitted to the Board written certification of the CEU programs and credits completed during the preceding twelve (12) months.
- 5. Probation Monitoring Fee.** Upon the reinstatement of her license and during the pendency of probation, Ms. Acosta shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days after the completion of the term of suspension.
- 6. Notification of Order.** Prior to beginning or returning to work as a licensed midwife, Ms. Acosta shall provide a copy of this Order to each hospital, clinic, facility, physician, or other employer or prospective employer and any client and/or patient at which or for whom she provides, or intends to provide midwifery services in this state.
- 7. Self-Reporting of Violations.** Upon the reinstatement of her license and during the pendency of probation, Ms. Acosta shall immediately self-report in writing to the probation officer any violation of or failure to adhere to the terms, conditions or restrictions of this Order. Furthermore, Ms. Acosta shall immediately self-report in writing any personal action or inaction which constitutes a violation of the Act.

8. **Self-Reporting of Other Investigations.** Upon the reinstatement of her license and during the pendency of probation, Ms. Acosta shall immediately self-report in writing to the probation officer any and all investigations, inquiries; charges, convictions, or disciplinary actions of her taken by any local, state or Federal agency, or any institution or facility.


9. **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** Upon the reinstatement of her license and at least sixty (60) days prior to the conclusion of the probationary period imposed herein, Ms. Acosta shall contact the Board and arrange for a personal appearance before the Board, or a committee that may be designated by the Board, at its meeting preceding the expiration of the probationary period ordered herein. As a precondition for termination of probation, probationer shall provide the Board with an executed affidavit certifying that she has complied with each of the terms of probation imposed upon her by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Ms. Acosta's compliance with the requirements of this provision.

**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 Sally Elizabeth Acosta, MDW shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Acosta'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. §37:3240, et. seq.

**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 21<sup>st</sup> day November, 2022.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY:   
Lester W. Johnson, MD  
President

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ACKNOWLEDGMENT AND CONSENT ON THE FOLLOWING PAGE

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STATE OF Louisiana

COUNTY/PARISH OF St Tammany

**ACKNOWLEDGMENT  
AND CONSENT**

I, SALLY ELIZABETH ACOSTA, MDW, hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 20<sup>th</sup> day of October, 2022.

[Signature]  
SALLY ELIZABETH ACOSTA, MDW

WITNESSES:

[Signature]  
Signature

Wendy Bennett  
Signature

Brittany O'Quinn  
Typed Name

Wendy Garrett  
Typed Name

190 Greenbriar blvd ste 101  
Address

190 Greenbriar blvd ste 102  
Address

Covington La 70433  
City/State/Zip Code

Covington La 70433  
City/State/Zip Code

Sworn to and subscribed before me this 20<sup>th</sup> day of October, 2022, in the presence of the two stated witnesses.

[Signature]  
Notary Public

Doris Wild  
Notary Public ID #153911  
Parish Of St Tammany  
My Commission is For Life

Printed Name/Notary or Bar Number

