

TEXAS DEPARTMENT OF STATE HEALTH SERVICES
HEALTH FACILITY LICENSING AND COMPLIANCE
ENFORCEMENT ACTIONS

BIRTHING CENTERS
November 2000 – Current Date

Name	Guadalupe Birth Center
License Number	7241
Location	Brownsville, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>Failure to transfer a patient to a physician for emergency medical care when a critical period developed after childbirth.</p> <p>Failure to refer or transfer a patient who developed postpartum complications, within 20 minutes of the identified risk.</p> <p>Failure to adopt, implement, enforce and maintain a clinical records system to assure that care and services provided are completely and accurately documented.</p> <p>Failure to have equipment available for the sterilization of instruments, equipment and supplies.</p> <p>Failure to have written infection control policy/procedures addressing assembly, wrapping, storage, distribution and quality control of sterile items and equipment.</p>
Disciplinary Action	License Revocation
Final Enforcement Action Date	04/09/02 NOTE: Action on Appeal 05/15/02

Name	Birth Center "Conchita"
License Number	None
Location	Brownsville, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>Failure of a license applicant to meet the requirements for licensure as a birth center, when a documented midwife delivered newborn children at a unlicensed birth center, Birth Center "Conchita", and filed state documents (birth certificates), which contained false and incorrect information, in violation of the Texas Midwifery Act.</p>
Disciplinary Action	Denial of Application for a Birth Center License
Final Enforcement Action Date	09/17/03

Name	Santa Maria Maternity Clinic
License Number	7240
Location	Hidalgo, Texas

Nature of Violation	<p>Allegations relating to:</p> <p>Failure to ensure continuing compliance with the Act and Rules during the previous 12 months licensing period, in order for an annual license to be renewed.</p> <p>Failure to allow Department entry to conduct an announced resurvey and review of documented services provided to one or more clients.</p> <p>Failure to be open for the Department to conduct an unannounced complaint investigation of allegations and review of documented services provided to one or more clients.</p> <p>Failure to be open for the Department to conduct an announced resurvey and review of documented services provided to one or more clients.</p> <p>Failure of the Owner/Administrator/Midwife to ensure birth certificates were being filed with the local registrar, in accordance with state law.</p>
Disciplinary Action	Denial of License Renewal
Final Enforcement Action Date	03/17/04

Name	Martinez Maternity Clinic Center
License Number	007226
Location	Brownsville, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>Failure to have a safe and sanitary environment equipped and maintained to protect the health and safety of clients and staff.</p> <p>Failure to comply with the physical and environmental requirements for a birthing center.</p> <p>Failure to handle and store drugs and biologicals in a safe and effective manner.</p> <p>Failure to ensure that the birth attendant was trained in the use of emergency equipment, to wit: the facility's oxygen tank.</p> <p>Failure to produce, to the Department, evidence that the quality assurance (QA) program had been reviewed annually and that QA review had occurred at least quarterly.</p>
Disciplinary Action	Administrative Penalty \$2,950.00
Final Enforcement Action Date	02/18/05

Name	Santa Elena Maternity Clinic
License Number	7185
Location	Mission, Texas
Nature of Violation	Allegations relating to:

	<p>25 TAC § 137.39, related to documented midwife requirements to follow a center's policies/procedures.</p> <p>25 TAC § 137.39, related to having health professional licensed in the U.S. to review ultrasonography reports.</p> <p>25 TAC § 137.40, related to recognizing a change in a client's condition from a low-risk pregnancy during the antepartum period.</p> <p>25 TAC § 137.52, related to having a written quality assurance program that included all health and safety aspects of client care for both mothers and infants.</p> <p>25 TAC § 137.53, related to ensuring accuracy of client records.</p> <p>25 TAC § 137.53, related to disclosure statement and informed consent signed by client.</p>
Disciplinary Action	Administrative Penalty \$2,000.00
Final Enforcement Action Date	04/18/05

Name	Bay Area Birth Center
License Number	008338
Location	Pasadena, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>25 TAC § 244.003(a) and 25 TAC § 137.1(c), establishing and operating a birthing center without a Department-approved license.</p>
Disciplinary Action	Administrative Penalty \$3,500.00
Final Enforcement Action Date	08/16/05

Name	Nueva Esperanza Maternity Center
License Number	007255
Location	Pharr, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>25 TAC §137.31(a), failure to develop a written policy related to CPR;</p> <p>25 TAC §137.32(b)(1) and (2), failure of the administrator to be responsible for implementing and supervising the operational and clinical policies;</p> <p>25 TAC §137.32(b)(1) and (2), failure of the administrator to be responsible for implementing and supervising the operational and clinical policies;</p> <p>25 TAC § 137.33(2), (4) and (5), failure to implement and enforce written policies governing all personnel;</p>

	<p>25 TAC § 137.34(c)(2), failure to have required documentation for contract personnel;</p> <p>25 TAC § 137.36(2), failure to provide clients with liquid nourishment;</p> <p>25 TAC § 137.36(3), failure to have a safe and sanitary environment equipped and maintained to protect the health and safety of clients and staff;</p> <p>25 TAC § 137.41(1), failure to have an emergency call system for use when there is a critical period;</p> <p>25 TAC § 137.41(2)(A)-(E), failure to have emergency equipment and medications;</p> <p>137.44(a) and (b), failure to provide parenting and postpartum counseling to clients;</p> <p>25 TAC § 137.48(b), failure of the birth attendant to be trained in the use of emergency equipment;</p> <p>25 TAC § 137.48(d), failure to ensure that other birth attendants were physically present in the center when ever a client is in the center;</p> <p>25 TAC § 137.50(d), failure to provide a client with written discharge instructions;</p> <p>25 TAC § 137.51, failure to develop, implement and enforce written policies to provide follow-up postnatal and postpartum care to the infant and mother;</p> <p>25 TAC § 137.51(a)(2) and (3), failure to annually review the center's quality assurance program.</p>
Disciplinary Action	24 Months Probated Suspension
Final Enforcement Action Date	11/22/06

Name	Austin Area Birthing Center Inc.
License Number	007196
Location	Austin, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>25 TAC § 137.37(b)(1) and (2), failure to ensure that all staff complied with universal/standard precautions, and failure to establish procedures for monitoring compliance with universal/standard precautions;</p> <p>25 TAC § 137.47(a) and (b), failure to secure drugs and biologicals from unauthorized use and failure to ensure that all drugs and biologicals available for patient use were within utilization dates; and</p>

	25 TAC § 133.52(a)(2), failure to ensure that it had reviewed and/or updated and/or revised it's quality assurance program on an annual basis.
Disciplinary Action	Administrative Penalty \$1,625.00
Final Enforcement Action Date	10/24/07

This page last reviewed and updated on October 30, 2007