

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
))
Daniel Acosta, M.D.,) **CONSENT ORDER**
))
Respondent.)

This matter is before the North Carolina Medical Board ("Board") on information and belief that Daniel Acosta, M.D. ("Dr. Acosta"), committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) by failing to conform to the accepted and prevailing standards of medical practice.

Whereas the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes; and

Whereas Dr. Acosta is a physician licensed by the Board on or about May 17, 2001, license number 200100499; and

Whereas, during the times relevant herein, Dr. Acosta was engaged in the practice of psychiatry in Greenville, North Carolina; and

Whereas, in August 2010, the Board received information that Dr. Acosta had dispensed the drug carbamazepine to Patient A as a means of weaning Patient A off of Xanax; and

Whereas it was reported that Dr. Acosta had dispensed the medication in a prescription container with a label that had someone else's name and a date that showed that the prescription was outdated; and

Whereas the Board opened an investigation regarding Dr. Acosta and when asked about the incident, Dr. Acosta acknowledged that the medication given to Patient A had been left in his office by another patient; and

Whereas, during the Board's investigation, the Board's investigator found numerous samples of controlled substance medications that had not been inventoried, were partially empty, left over, outdated, and expired prescription medications in Dr. Acosta's office; and

Whereas, as part of its investigation, the Board obtained the medical records for Patient A for review; and

Whereas Patient A's medical record revealed that Patient A was prescribed Xanax by a former psychiatrist and that Dr. Acosta continued Patient A on the medication after he took over Patient A's care; and

Whereas Patient A requested Dr. Acosta's assistance in discontinuing the use of Xanax; and

Whereas it was at that time that Dr. Acosta gave Patient A a bottle containing an outdated carbamazepine medication; and

Whereas Patient A took the bottle to her pharmacist who suggested Patient A talk to Dr. Acosta; and

Whereas Patient A stopped taking Xanax on her own after which she began experiencing withdrawal symptoms and went to the hospital where she was admitted to the hospital by another psychiatrist for three days; and

Whereas, as a result of concerns by the Board about Dr. Acosta's care for Patient A, the Board submitted the Medical records for Patient A and five (5) other patients ("Patients B through F") to a reviewing expert; and

Whereas the reviewing expert's opined that Dr. Acosta's diagnosis, treatment and documentation of Patient's A through F failed to conform to the standards of acceptable and prevailing medical practice; and

Whereas Dr. Acosta's conduct, as described above, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Acosta's license to practice medicine issued by the Board; and

Whereas Dr. Acosta would like to resolve this matter without the need for more formal proceedings; and

Now, therefore, with Dr. Acosta's consent, it is ORDERED that:

1. Dr. Acosta is hereby formally REPRIMANDED.
2. Within six (6) months of the date of this Consent Order, Dr. Acosta shall attend a medical record keeping course. Dr. Acosta shall request approval from the Board's Medical Director for the course prior to attending the course. Additionally, Dr. Acosta shall submit proof of completion of the required course within thirty (30) days of completing the course to the Compliance Department of the Board.
3. Within six (6) months of the date of this Consent Order, Dr. Acosta shall attend a continuing medical education ("CME") course on prescribing medications. Dr. Acosta shall request approval from the Board's Medical Director for the course prior to attending the course. Additionally, Dr. Acosta shall submit proof of completion of the required course within thirty (30) days of completing the course to the Compliance Department of the Board.

4. Dr. Acosta shall notify the Board in writing of any change in his residence or practice address within ten (10) days of the change.

5. Dr. Acosta shall obey all laws. Likewise, Dr. Acosta shall obey all rules or regulations involving the practice of medicine.

6. Dr. Acosta shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

7. If Dr. Acosta fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, revoke, suspend, or limit his license or to deny any application he might then have pending or might make in the future for a license.

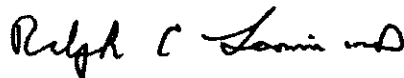
8. Dr. Acosta hereby waives any requirement under any law or rule that this Consent Order be served on him.

9. This Consent Order shall take effect immediately upon its execution by both Dr. Acosta and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

10. Upon execution by Dr. Acosta and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses, as required and permitted by law.

By Order of the North Carolina Medical Board this the 13th
day of March, 2012.

NORTH CAROLINA MEDICAL BOARD



By: _____

Ralph C. Loomis, M.D.
President

Consented to this the 8 day of March, 2012.



Daniel Acosta, M.D.


State of North Carolina

County of Pitt

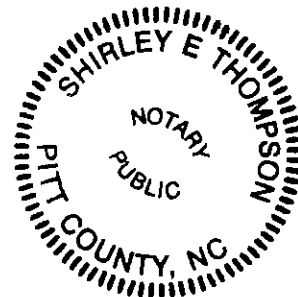
I, Shirley E. Thompson, a Notary Public for the above named State and County, do hereby certify that Daniel Acosta, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

this the 8th day of March, 2012.



Notary Public



(SEAL)

My Commission expires: 7/8/2012