

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION INVOLVING :
: ADMINISTRATIVE INJUNCTION
HEATHER BAKER, :
RESPONDENT. : **0003098**

Division of Legal Services and Compliance Case No. 13 UNL 038 (RMA)

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Heather Baker
1502 Merrill St.
De Pere, WI 54115

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Upon information and belief, Respondent Heather Baker's address for purposes of service is 1502 Merrill Street, De Pere, Wisconsin 54115.
2. Respondent Heather Baker is not and has never been licensed as a midwife or as a nurse-midwife in the State of Wisconsin, nor has she ever been granted a temporary permit to do so.

3. On or about between October 2012 and January 27, 2014, on various websites Respondent held herself out as one permitted to practice as a midwife in Wisconsin. During the same time period, she assisted one or more women in pregnancy and childbirth.

4. At the Department's request, Respondent removed internet references to her as a midwife. She was unable to remove the reference to her as a midwife on a site at "standardclinic.com" because the contact information for the site's manager was disabled.

5. Respondent agrees that she will not practice midwifery in the state of Wisconsin, nor hold herself out as one so authorized, with or without financial remuneration, unless and until she is licensed pursuant to Wis. Stat. § 440.982.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Wisconsin Stat. § 440.9805(3), defines the practice of midwifery to mean "providing maternity care during the antepartum, intrapartum, and postpartum periods."

3. The conduct described above constitutes the unlicensed practice of midwifery, contrary to Wis. Stat. § 440.982.

ORDER

1. The attached stipulation is accepted.

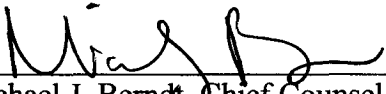
2. Unless and until Respondent is properly licensed by the Wisconsin Department of Safety and Professional Services to practice midwifery, Respondent is enjoined and prohibited from the practice of midwifery in the state of Wisconsin, and from holding herself out as a licensed midwife.

3. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

4. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the allegations to any appropriate prosecutorial unit for review for possible legal consequences, including the forfeiture set out in paragraph 3 of this Order.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 10th day of March 2014.

By: 

Michael J. Berndt, Chief Counsel
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION INVOLVING :
: STIPULATION
HEATHER BAKER, :
RESPONDENT. : **0003098**

Division of Legal Services and Compliance Case No. 13 UNL 038 (RMA)

Respondent Heather Baker and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Administrative Injunction by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.

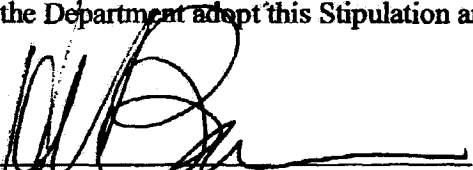
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

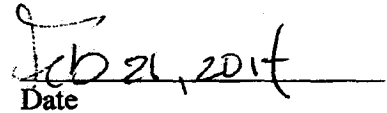
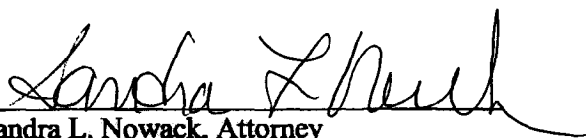
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

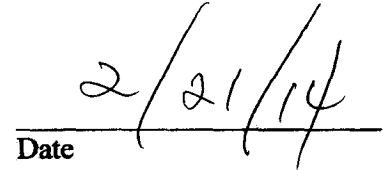
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.



Heather Baker, Respondent
1502 Merrill St.
De Pere, WI 54115


Date

Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov


Date