

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF A PETITION FOR AN :  
ADMINISTRATIVE INJUNCTION INVOLVING :  
: ADMINISTRATIVE INJUNCTION  
SUSAN B. CARLSON, :  
RESPONDENT. :

0003856

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Division of Legal Services and Compliance Case No. 15 UNL 005

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

Susan B. Carlson  
10849 3<sup>rd</sup> Lane  
Athens, WI 54411

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. Respondent Susan B. Carlson is not and has never been licensed as a midwife in the state of Wisconsin.
2. Upon information and belief, Respondent's address is 10849 3<sup>rd</sup> Lane, Athens, Wisconsin 54411.
3. From November 21, 2013 to June 6, 2014, Respondent provided midwife services to Patient A.

4. On May 29, 2014, Respondent delivered Patient A's son.
5. Respondent did not inform Patient A that she was not licensed to practice midwifery.
6. Respondent held herself out as, portrayed herself as, and gave the impression that she is a midwife by using a business card in which the word "midwife" is beneath her name. The business card contains her address and contact information as well as the statement "[h]elping women give birth at home for over 25 years".
7. In a February 12, 2015, letter to the Department Respondent uses the title midwife beneath her name. Respondent admits to identifying herself as an "other midwife".

#### 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. Pursuant to Wis. Stat. § 440.9805(3), the "practice of midwifery" mean providing maternity care during antepartum, intrapartum, and postpartum periods.
3. Pursuant to Wis. Stat. § 440.982(1), no person may engage in the practice of midwifery unless the person is granted a license under this subchapter, is granted a temporary permit pursuant to a rule promulgated under s. 440.984(2m), or is licensed as a nurse-midwife under s. 441.15.
4. The conduct described in the Findings of Facts constitutes the unlicensed practice of midwifery, contrary to Wis. Stat. § 440.982(1).

#### ORDER

1. The attached stipulation is accepted.
2. Unless and until Respondent is properly licensed as a midwife by the Wisconsin Department of Safety and Professional Services, Respondent is enjoined and prohibited from the practice of midwifery in the state of Wisconsin and from holding herself out as one so authorized. 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).
3. Unless and until Respondent is properly licensed as a midwife by the Wisconsin Department of Safety and Professional Services, Respondent is enjoined and prohibited from directly or indirectly in any language, orally, in writing or printing, or by drawings, demonstrations, signs, pictures or other means holding herself out as authorized to perform or

attempt to perform midwifery services of any kind. 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 violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges, and penalties including a fine and imprisonment.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 26<sup>th</sup> day of March, 2015.

By:

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

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF

SUSAN B. CARLSON,  
RESPONDENT.

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STIPULATION

0003856

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Division of Legal Services and Compliance Case No. 15 UNL 005

Respondent Susan B. Carlson 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 Administration Injunction by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.

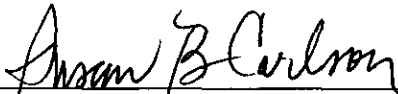
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

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.

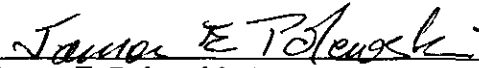
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.



Susan B. Carlson, Respondent  
10849 3<sup>rd</sup> Lane  
Athens, WI 54411

03-20-2015

Date



James E. Polewski, Attorney  
State Bar Number 1002963  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
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Madison, WI 53707-7190  
Tel. (608) 266-0358  
jim.polewski@wisconsin.gov

Feb 25, 2015

Date