

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 DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
ANDREA M. RAINE, :
RESPONDENT: :

0004840

Division of Legal Services and Compliance
Case Numbers 14 RMA 007, 14 RMA 008, and 14 RMA 010

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

Andrea M. Raine
1312 W. Packard
Appleton, WI 54914

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

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

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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent Andrea M. Raine, DOB January 31, 1980, is licensed in the state of Wisconsin to practice midwifery, having license number 30-49, first issued on September 26, 2007 and current through June 30, 2018. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 1312 West Packard, Appleton, Wisconsin 54914.

2. At all times relevant to these proceedings, Respondent co-owned, operated and practiced as a licensed midwife at Appleton Community Midwives and Birth Center, currently known as Alba Birth Center (the birth center) located in Appleton, Wisconsin.

3. In 2014, the Department received complaints concerning care provided at the birth center with multiple allegations including the following:

- a. inadequate monitoring of mothers' vital signs before and during labor;
- b. failure to consult with physicians or certified nurse midwives as required by rule and/or failure to follow physician recommendations without adequate medical justification; and
- c. commencement of care for clients with unacceptable risk factors.

4. A formal complaint has not been filed and the allegations remain as yet unproven in a formal proceeding. Respondent denies any and all wrong-doing. Respondent has elected to resolve these matters by stipulation to avoid the expense of litigation.

5. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.986, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent Andrea M. Raine has violated Wis. Admin. Code § SPS 183.01.

3. Respondent Andrea M. Raine is subject to discipline pursuant to Wis. Stat. § 440.986(2)(e) and (h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Andrea M. Raine is REPRIMANDED.

3. The license to practice midwifery in the state of Wisconsin issued to Andrea M. Raine (license number 30-49) is LIMITED as follows:

Professional Mentor

- a. Within sixty (60) days from the date of this Order, Respondent shall engage the services of a professional mentor who is a licensed midwife, physician, physician assistant or certified nurse midwife in the state of Wisconsin and who has never been disciplined by any Wisconsin Board or the Department.

- b. Within ninety days (90) days from the date of this Order, Respondent shall submit to the Department Monitor, at the address below, a written request for approval of a proposed mentor. The request for approval shall be accompanied by the mentor's current curriculum vitae and a letter from the professional mentor confirming that he or she has read this Order and agrees to undertake the duties of a professional mentor as set out in this paragraph.
- c. Unless otherwise authorized by the Department Monitor, the professional mentor shall not have any personal or professional relationship with Respondent, past or present that could reasonably be expected to compromise the proposed mentor's ability to render fair and unbiased reports to the Department.
- d. The Department Monitor has the full and final authority to approve or reject a proposed mentor. This decision is based on an exercise of discretion and is not reviewable. The Department Monitor may, for good cause, approve or direct a change in the professional mentor at any time.
- e. Within twelve (12) months from the date of this Order, the professional mentor shall observe five (5) births during which Respondent serves as the primary midwife. At least two (2) of the observed births shall occur within six (6) months from the date of this Order.
- f. Respondent shall meet with the professional mentor for at least twelve (12) months from the date the Department Monitor approves the mentor. Every month, for a period of three (3) months, the professional mentor shall meet with Respondent and shall randomly select and review the charts of at least ten (10) clients that have presented to Respondent in the preceding month. After three (3) months, for an additional nine (9) months, the professional mentor shall meet with Respondent and shall randomly select and review the charts of at least five (5) clients that have presented to Respondent in the preceding month. The meeting and record review shall be for the purpose of determining whether or not Respondent: maintains adequate treatment records consistent with the standards of the midwifery profession; has accepted only clients for whom out-of-hospital births can be accomplished with reasonable safety; provides care meeting at least the standard of minimum competence; consults with or refers clients to physicians or certified nurse midwives as required by law or professional standards; and otherwise follows the terms of this Order.
- g. The professional mentor shall offer feedback and direction to Respondent as necessary for the purposes of assisting Respondent in improving the quality of care provided to clients and record-keeping. Respondent shall follow the appropriate guidance of the professional mentor. Whether or not guidance of the professional mentor is appropriate and whether or not

Respondent has complied with the guidance shall be in the sole discretion of the Department Monitor. These discretionary determinations are not reviewable.

- h. The professional mentor shall submit a written and thorough quarterly report identifying the number of charts reviewed in the previous quarter and identifying any concern with Respondent's practice, records and care of clients. It is Respondent's responsibility to ensure the quarterly reports are submitted when due.
- i. The professional mentor shall immediately report any unprofessional conduct or suspected violation of this Order to the Department Monitor.
- j. After the timely submission of four (4) consecutive satisfactory quarterly reports, and with a written recommendation from the professional mentor expressly supporting the request, Respondent may petition the Department for a modification or termination of any part of this limitation. Whether to modify the terms of this limitation is in the sole discretion of the Department Monitor and is not reviewable.
- k. Respondent is responsible for any and all costs associated with the services of the professional mentor.

Practice Limitations

4. The license to practice midwifery in the state of Wisconsin issued to Andrea M. Raine (license number 30-49) is further LIMITED as follows:

- a. Respondent shall not accept as clients any person with chronic hypertension or known to be carrying monochorionic/monoamniotic twins.
- b. Before accepting any client, Respondent shall continue to provide the prospective client with written itemized costs for services that are not covered in a fee package. Respondent shall maintain in the client's treatment record a form signed and dated by Respondent and the client indicating the client was provided an itemized cost for services outside any fee package. This limitation is permanent.

5. The license to practice midwifery in the state of Wisconsin issued to Andrea M. Raine (license number 30-49) is further LIMITED to require remedial education as follows:

- a. Within one hundred eighty (180) days from the date of this Order, Respondent shall successfully complete the educational activities identified this paragraph.
- b. Successful completion shall include taking and passing any examination offered with each course.

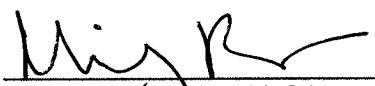
- c. The following programs, sponsored by the American Academy of Nurse-Midwives: “Documentation When the Going Gets Rough”; “Hypertensive Disorders in Pregnancy: What a Head Ache”; “Shared Decision-Making, Risk Assessment and Maternal Autonomy”; “Best Practices for Obstetric Triage and Evaluation”; “Don’t Go Breaking My Heart: Managing the Critical Connection Between PIH and Cardiovascular Risk”; Challenges and Controversies in Management of Second Stage Labor”; “Improving Maternal-Newborn Outcomes Among Women With Increased Psychosocial Risk”; “Ethical Dilemmas in Midwifery”; and “Professional Ethics in Midwifery Practice”, as described on the date of this Order at: <http://acnm.sclivelearningcenter.com/index.aspx?PID=4893>.
 - d. The following programs, sponsored by the National Association of Certified Professional Midwives: “Best Practices for Risk Management for CPM Practice” and “Improving Home to Hospital Transfer”, as described on the date of this Order at: <http://nacpm.org/cpm-practice-and-association-news-webinar-series/>.
 - e. Wisconsin Clinical Skills Workshop, September 20, 2016 and October 1, 2016, Appleton, Wisconsin, with instruction by Augustine Colebrook, on the following topics: advanced fetal monitoring; twins, breech and external versions; hemorrhage diagnosis and treatment; preventing tears, performing episiotomy and repairing lacerations including labial, clitoral hood and 3rd degree extensions; cervical assessment for abnormality and manual breaking of scar tissue in pregnancy or labor; post-dates diagnosis, non-pharmaceutical cervical ripening and labor induction; internal fetal head positioning and repositioning and cervical lip diagnosis and treatment.
 - f. Upon Respondent’s request and with a showing of good cause, the Department Monitor is authorized to approve other substantially equivalent education in lieu of the education specified above. The Department Monitor’s decision to deny any request for substituted education is an act of discretion and is not reviewable.
 - g. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education, or as otherwise agreed by the Department Monitor, to the Department Monitor at the address stated below.
6. Within one hundred eighty (180) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$6,718.82.
 7. Any requests, documents, reports, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Department in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely obtain a professional mentor, fails to comply with the mentor's recommendations, fails to timely submit quarterly reports, provides treatment to chronic hypertensive clients, provides treatment to clients with monochorionic/monoamniotic twins, fails to provide potential clients with a list of itemized costs for services prior to accepting the clients for care, fails to maintain proof in the client's file that the client received the itemized costs, fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 30-49) may, in the discretion of the Department or Monitor, be SUSPENDED, without further notice or hearing, until Respondent has obtained a professional mentor, complied with the mentor's recommendations, timely submitted quarterly reports, terminates care of any client with chronic hypertension, terminates care of any client with monochorionic/monoamniotic twins, maintains proof that clients have received itemized costs, complied with payment of costs and has submitted proof of successful completion of the ordered education.

9. This Order is effective on the date of its signing.

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by: 

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

7/28/16
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
ANDREA M. RAINE, :
RESPONDENT. : 0004840

Division of Legal Services and Compliance
Case Numbers 14 RMA 007, 14 RMA 008, and 14 RMA 010

Respondent Andrea M. Raine 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. Respondent is represented by Maria Schneider.

4. Respondent agrees to the adoption of the attached Final Decision and Order 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 or Respondent's attorney, 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 Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

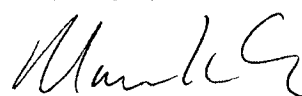
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.



Andrea M. Raine, Respondent
1312 W. Packard St.
Appleton, WI 54914
License no. 30-49

07/22/2016

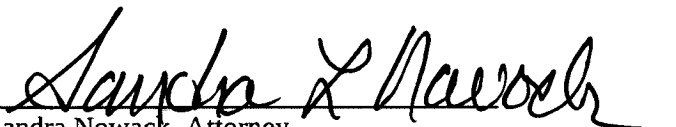
Date



Maria Schneider, Attorney for Respondent
Gutglass, Erickson, Bonville & Larson
735 N Water St., Ste. 1400
Milwaukee WI 53202-3821

7-22-16

Date



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sandra.nowack@wisconsin.gov

7/22/16

Date