

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

CYNTHIA L. CAILLAGH,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0004926

Division of Legal Services and Compliance Case Number 16 RMA 001

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

Cynthia L. Caillagh
11029 Quaker Valley Road
Cazenovia, WI 53924

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 Cynthia L. Caillagh, DOB September 9, 1953, is licensed in the state of Wisconsin to practice midwifery, having license number 150-49, first issued on May 24, 2013, and current through June 30, 2018. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 11029 Quaker Valley Road, Cazenovia, Wisconsin 53924.

2. At all times relevant to this matter Respondent was self-employed as a licensed midwife working in Wisconsin.

3. On August 11, 2015, Client A commenced midwifery care with Respondent. This was Client A's first pregnancy.

4. On September 4, 2015, when Client A was at 24 weeks gestation, at Respondent's recommendation, Client A underwent a diagnostic ultrasound.

5. The ultrasound revealed that Client A was carrying twins.

6. During Client A's pregnancy Respondent did not consult with a physician or certified nurse practitioner concerning Client A's pregnancy with twins.

7. On December 27, 2015, the following occurred:

- a. at 12:43 p.m., Baby A was born in Client A's home, with Respondent attending;
- b. as of 11:18 p.m., Baby B had not been born;
- c. at 11:18, Client A exhibited some bleeding; and
- d. at 11:18, due to the bleeding, Respondent appropriately referred Client A to an area hospital.

8. Although Respondent did not consult with a physician or certified nurse-midwife as required by rule, Respondent had a general agreement with a local physician that Respondent would call the physician only when a pregnancy that involved circumstances outside of Respondent's comfort level, based on her training and experience. The physician was confident of Respondent's competence. Respondent believed this standing general agreement met the requirements of the standards of practice for licensed midwives in Wisconsin. Respondent provided care to her clients under Respondent's license to practice midwifery and not as a delegate of the licensed physician.

9. While denying wrong-doing, Respondent consents to entry of the following Conclusions of Law and Order. Respondent does so to avoid the costs and uncertainties of litigation.

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. Wisconsin Admin. Code § SPS 182.03(4)(b)1.v. requires a licensed midwife to consult with a licensed physician or certified nurse-midwife with regard to any mother who presents with or develops the following risk factors or presents with or develops other risk factors that in the judgment of the licensed midwife warrant consultation: antepartum, multiple gestation.

3. Respondent Cynthia L. Caillagh has violated Wis. Admin. Code § SPS 182.03(4)(b)1.v.

4. Respondent Cynthia L. Caillagh, by violating Wis. Admin. Code § SPS 182.03(4)(b)1.v, has violated Wis. Admin. Code § SPS 183.01(1)(b).

5. Respondent Cynthia L. Caillagh is subject to discipline pursuant to Wis. Stat. § 440.986(2)(e) and (h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Cynthia L. Caillagh is REPRIMANDED.

3. Within one hundred eighty (180) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,140.00.

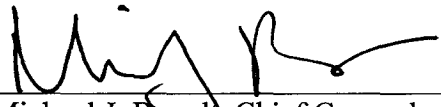
4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

5. 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 submit payment of costs as ordered Respondent's license (no. 150-49) may, in the discretion of the Department or Monitor, be SUSPENDED, without further notice or hearing, until Respondent has paid costs as ordered.

6. 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

9/13/16

Date


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.

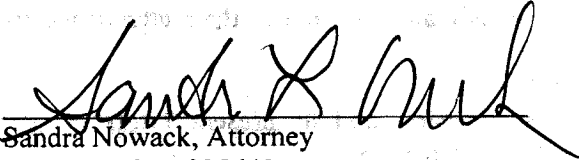
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that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


Cynthia L. Caillagh, Respondent
14029 Quaker Valley Road
Cazenovia, WI 53924
License no. 150-49

9-8-16
Date


Sandra Nowack, Attorney
State Bar No. 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
Fax (608) 266-2264
sandra.nowack@wisconsin.gov

9/8/16
Date