

## 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  
MATTIE STUTZMAN, :  
RESPONDENT. :

**0005203**

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Division of Legal Services and Compliance Case No. 16 UNL 096 (RMA)

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

Mattie Stutzman  
E20435 Oak Ridge Road  
Augusta, WI 54722

Wisconsin Department of Safety and Professional Services  
P.O. Box 8366  
Madison, WI 53708-8366

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 Mattie Stutzman is not and has never been licensed by the State of Wisconsin as a midwife.
2. For a period of years, Respondent has provided unlicensed midwifery services to women in Wisconsin.

3. Respondent was unaware that licensure was required in the circumstances in which she practiced.

### 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. § 440.982(1), no person may engage in the practice of midwifery in the state of Wisconsin unless they are licensed as a midwife, granted a temporary permit pursuant to Wis. Stat. § 440.984(2m) and Wis. Admin. Code § SPS 181.01(4), or licensed as a nurse-midwife under Wis. Stat. § 441.15.

3. Pursuant to Wis. Stat. § 440.9805(3), the practice of midwifery means providing maternity care during the antepartum, intrapartum, and postpartum periods.

4. Pursuant to Wis. Stat. § 440.21(2), the Wisconsin Department of Safety and Professional Services is authorized to issue a special order enjoining Respondent from the continued unlicensed practice of midwifery and from use of the title, “licensed midwife.”

5. The conduct described in the Findings of Fact constitutes the unlicensed practice of midwifery, contrary to Wis. Stat. § 440.982(1).

### ORDER

1. The attached stipulation is accepted.

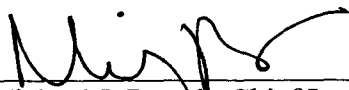
2. Unless and until Respondent is properly licensed as a midwife by the Wisconsin Department of Safety & Professional Services, Respondent is enjoined and prohibited from the practice of midwifery in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 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 & Professional Services, Respondent is enjoined and prohibited from the holding herself out as authorized to practice midwifery in the state of Wisconsin. 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.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 9<sup>th</sup> day of March, 2017.

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 A PETITION FOR AN  
ADMINISTRATIVE INJUNCTION  
INVOLVING

MATTIE STUTZMAN,  
RESPONDENT.

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STIPULATION

0005203

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Division of Legal Services and Compliance Case No. 16 UNL 096 (RMA)

Respondent Mattie Stutzman 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 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 for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this 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 the Department adopt this Stipulation and issue the attached Administrative Injunction.

Mattie Stutzman  
Mattie Stutzman, Respondent  
E20435 Oak Ridge Road  
Augusta, WI 54722

3-2-2017  
Date

Sandra L. Nowack  
Sandra L. Nowack, Prosecuting 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  
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[sandra.nowack@wisconsin.gov](mailto:sandra.nowack@wisconsin.gov)

3/6/17  
Date