

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

LINDA M. BENTZ, L.P.M.,
RESPONDENT.

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:

FINAL DECISION AND ORDER

ORDER 0008925

Division of Legal Services and Compliance Case Nos. 21 RMA 004 and 22 RMA 001

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

Linda M. Bentz, L.P.M.
Janesville, WI 53548

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

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

The parties agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, 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 Linda M. Bentz, L.P.M., (Year of Birth 1971) is licensed by the state of Wisconsin as a midwife, having license number 58-49, first issued on August 19, 2015 and current through June 30, 2024. Respondent's most recent address on file with the Department is in Janesville, Wisconsin 53548.

2. At all times relevant to these proceedings, Respondent practiced midwifery from her own business in Janesville, Wisconsin.

21 RMA 004

3. On May 27, 2021, Patient A (born 1980) presented to Respondent for prenatal care. Respondent did not chart any discussion in the initial consultation about Patient A's desire for an unassisted birth or its risks, or the difference between an unassisted birth and community-based midwifery care.

4. On July 27, 2021, Patient A signed Respondent's homebirth agreement and disclosure form. Respondent failed to utilize the Department's consent form, as required by Wis. Admin. Code § SPS 182.02(1), or disclose to Patient A in writing her experience and training, whether she had malpractice liability insurance coverage, a protocol for medical emergencies particular to Patient A, a protocol for and disclosure of risks associated with vaginal birth after a C-section, the number of babies delivered and the number of clients transferred to a hospital since she commenced practice, and a statement that she does not have the equipment, drugs or personnel available to perform neonatal resuscitations.

5. Between May 27 and November 23, 2021, Respondent saw Patient A for nine prenatal visits, which she documented in handwritten notes. Over the course of those visits, Respondent and Patient A disagreed about the birth plan and Respondent's role in that plan.

6. At the last prenatal visit on November 23, 2021, Patient A's due date, Patient A told Respondent that she wanted to deliver the baby without Respondent monitoring closely. Respondent explained the risks of birth complications that needed to be monitored for and asked Patient A to accept responsibility for that monitoring. Patient A did not confirm that she accepted responsibility.

7. On November 24, 2021, Respondent dismissed Patient A from her practice, referring her to a nurse-midwife unit at a hospital in Madison, Wisconsin. Prior to dismissing Patient A, Respondent consulted with a certified nurse-midwife who concurred with Respondent's dismissal due to Patient A's rejection of her practice guidelines and breakdown of the midwife-patient relationship.

22 RMA 001

8. On September 7, 2022, the Department received a complaint from a registered nurse in Illinois alleging that Respondent performed a homebirth in Illinois without proper licensure.

9. Between April and September 2022, Respondent provided midwifery services to Patient B (born in 1994) from her office in Janesville, Wisconsin.

10. On September 7, 2022, Respondent travelled to Oregon, Illinois, to attend to Patient B while she was in labor. During the birth, the baby experienced severe shoulder dystocia and was born without a heartrate. Respondent called 9-1-1 and proceeded to try to resuscitate the baby until the EMTs arrived. Respondent was able to resuscitate the baby with assistance from emergency medical personnel and the baby was transported by ambulance to the hospital. Patient B was transported ten minutes later. The baby remained in the NICU for eight days and was discharged home.

11. Respondent failed to document Patient B's informed consent for routine tests and procedures during her prenatal care.

12. Respondent failed to utilize the Department's consent form, as required by Wis. Admin. Code § SPS 182.02(1), or disclose to Patient B in writing her experience and training, whether she had malpractice liability insurance coverage, a protocol for medical emergencies particular to Patient B, a protocol for and disclosure of risks associated with vaginal birth after a C-section, the number of babies delivered and the number of clients transferred to a hospital since she commenced practice, and a statement that she does not have the equipment, drugs or personnel available to perform neonatal resuscitations.

13. At the time of the birth, traditional, non-nurse midwifery was illegal in Illinois, a felony punishable with up to a \$10,000 fine or three years in prison. Only licensed nurse-midwives were legally able to perform midwifery services in Illinois. Respondent was not a licensed nurse-midwife in Illinois at the time of the birth.

14. On October 1, 2022, three weeks after the birth, Illinois enacted the Licensed Certified Professional Midwife Practice Act (Public Law 102-0683) allowing non-nurse midwives to be licensed in Illinois for the first time in over 30 years.

15. Since these incidents, Respondent has completed a course on neonatal resuscitation and has begun utilizing electronic medical records, including incorporating a birth summary page.

16. In resolution of these matters, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin 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. Based on the Findings of Fact, Respondent engaged in misconduct by violating, or aiding and abetting a violation, of any law or rule substantially related to practice as a midwife, pursuant to Wis. Admin. Code § SPS 183.01(1)(b).

3. Based on the Findings of Fact, Respondent engaged in misconduct by failing to maintain adequate records relating to services provided a client in the course of a professional relationship, pursuant to Wis. Admin. Code § SPS 183.01(1)(r).

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 440.986(2)(h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice as a midwife in the state of Wisconsin (number 58-49) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete the following education:
 - i. Three (3) hours on the topic of recordkeeping for midwives.
 - ii. Three (3) hours on the topic of informed consent.
 - iii. Three (3) hours on the topic of effective communications for midwives.
 - iv. The November 2023 birth emergency skills training in which Respondent has enrolled.
- b. For the education referenced in subparagraphs i-iii above, Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Department or its designee prior to the commencement of the course(s).
- c. Respondent shall take and pass any exams required for the courses.
- d. Respondent shall submit proof of successful completion of the education in subparagraphs i-iv above in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- e. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- f. The Department monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- g. This limitation shall be removed from Respondent's license after satisfying the Department or its designee that Respondent has successfully completed all the ordered education.

4. Respondent is responsible for all costs associated with compliance with this Order.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of these matters in the amount of \$1,625.00.

6. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

7. In the event Respondent violates any term of this Order, Respondent's license (number 58-49), or Respondent's right to renew her license, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer
Aloysius Rohmeyer, Chief Counsel
On Behalf of the Department

12/22/2023
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LINDA M. BENTZ, L.P.M.,
RESPONDENT.

STIPULATION
ORDER 0008925

Division of Legal Services and Compliance Case Nos. 21 RMA 004 and 22 RMA 001

Respondent Linda M. Bentz, L.P.M., 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 two pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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 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, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

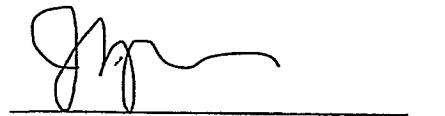
7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Department adopt this Stipulation, the Department's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. 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.


Linda M. Bentz, L.P.M., Respondent
Janesville, WI 53548
License No. 58-49

10/3/23
Date


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

10/16/2023
Date