

**BEFORE THE BOARD OF MIDWIFERY**

**STATE OF IDAHO**

In the Matter of the License of:

SARAH M. ANDREWS,  
f/k/a Sarah M. Dunn,  
License No. MID-33,

Respondent.

Case Nos. MID-2022-1  
MID-2022-2

**FINAL ORDER**

Pursuant to the Idaho Board of Midwifery's ("Board") authority to regulate the practice of midwifery in Idaho, and in accordance with the Voluntary Surrender of License agreement Sarah M. Andrews ("Respondent") signed on December 15, 2023, the Board hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

**FINDINGS OF FACT & CONCLUSIONS OF LAW**

1. The Board is empowered by Idaho Code § 54-5504 to administer and enforce the Idaho Midwifery Act (hereinafter "Act"), codified at Title 54, Chapter 55, of the Idaho Code. Pursuant to that authority, the Board may discipline any licensee who violates the laws and rules governing the practice of midwifery in the State of Idaho. *See* I.C. §§ 54-5504; 54-5510; and IDAPA 24.26.01.450.

2. On December 15, 2010, Respondent obtained her license to practice midwifery in the State of Idaho. At all times relevant to this Final Order, Respondent owned and operate Ancient Paths Birth & Wellness in Coeur d'Alene, Idaho.

3. In obtaining her midwifery license, Respondent subjected herself to the Board's jurisdiction; the provisions of Title 54, Chapter 55, Idaho Code; and the Board's promulgated rules and regulations.

**FINAL ORDER - 1.**

4. On October 28, 2021, the Board imposed disciplinary action against Respondent for violating the laws and rules governing the practice of midwifery in Case No. MID-2019-2.

5. On December 15, 2023, Respondent executed a Voluntary Surrender of License agreement wherein she surrendered her license to practice midwifery in the State of Idaho, thereby relinquishing any potential right of renewal and reinstatement of her license. Respondent surrendered her license in lieu of disciplinary proceedings.

6. In surrendering her license, Respondent acknowledged the Board's authority to enter findings of fact, conclusions of law, and an order imposing disciplinary action against her. Furthermore, Respondent waived her right to challenge any such order.

7. The following is a summary of Respondent's prior violations and discipline associated with Case No. MID-2019-2, as well as her violations associated with this disciplinary matter, Case Nos. MID-2022-1 and MID-2022-2.

#### **PRIOR VIOLATIONS & DISCIPLINE**

8. On October 28, 2021, Respondent entered into a Stipulation and Consent Order with the Board in Case No. MID-2019-2 wherein she admitted to engaging in the following violations of the laws and rules<sup>1</sup> governing the practice of midwifery in Idaho:

- a. Count I: Respondent provided midwifery services to a mother pregnant with triplets in violation of Idaho Code § 54-5510(6); Rule 450.01(h); Rule 356.02(a)(ii); and NACPM Standard Two.
- b. Count II: Respondent allowed an unlicensed student to practice midwifery without supervision in violation of Idaho Code §§ 54-5510(6); 54-5506(4); Rule 450.01; Rule 450.01(h); and NACPM Standard Two.
- c. Count III: Respondent failed to maintain accurate and complete records for a client in violation of Idaho Code § 54-5510(6); Rule 450.01(h); NACPM Standard Five.

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<sup>1</sup> All Board rules cited in the stipulated disciplinary order in Case No. MID-2019-2 refer to the version that went into effect on March 28, 2010.

- d. Count IV: Respondent failed to transfer or timely transfer requested client records to other providers in violation of Idaho Code § 54-5510(6); Rule 450.01; Rule 450.01(h); and NACPM Scope and Practice Standard Five.
- e. Count V: Respondent provided midwifery services to clients seeking vaginal births after a Cesarean-Section without maintaining required documentation recommending the involvement of a physician during the pregnancy in violation of Idaho Code § 54-5510(6); Rule 450.01(h); and Rule 356.04.
- f. Count VI: Respondent provided midwifery services to a client with a pre-pregnancy body mass index over thirty-five (35) without maintaining required documentation recommending the involvement of a physician during her pregnancy in violation of Idaho Code § 54-5510(6); Rule 450.01; Rule 450.01(h); and Rule 356.04.m.
- g. Count VII: Respondent failed to maintain a signed record demonstrating that she provided required informed consent documentation to at least one (1) client in violation of Idaho Code §§ 54-5511(2); 54-5510(6); Rule 325.02; and Rule 450.01(h).
- h. Count VIII: Respondent failed to comply with the Board's informed consent or corresponding record-keeping requirements in violation of Idaho Code §§ 54-5511(1); 54-5511(2); 54-5510(6); Rule 325.01; Rule 325.02; and Rule 450.01(h).

9. The Board ordered Respondent to pay a \$3,000.00 civil fine and \$15,500.00 in investigative costs and attorney fees. The Board also required Respondent to, among other things, submit her informed consent forms to the Board for approval, draft and submit written practice guidelines related to her midwifery practice, complete specified continuing education courses, obtain a documentation consultant to review her charts and client records, and serve two-years' probation.

#### **COUNT I**

##### **Failing to Comply with Newborn Screening Requirements**

- 10. All facts set forth herein are incorporated into Count I.
- 11. Idaho law mandates that midwives conduct specific tests and procedures, known as "newborn screening," on newborns they deliver outside of a hospital to screen for serious but

treatable disorders. I.C. §§ 39-909 and 39-903; *see also* IDAPA 16.02.12 *et seq.* These mandated screenings include: (1) collecting and submitting a blood sample for metabolic screening; (2) conducting critical congenital heart disease (“CCHD”) testing using a pulse oximeter; and (3) administering an approved germicide or prophylactic agent in the newborn’s eyes to prevent ophthalmia neonatorum.

12. From 2017 through March of 2021, Respondent repeatedly failed to comply with Idaho’s newborn screening requirements. For the majority of the newborns she delivered, Respondent failed to collect and submit blood samples for metabolic screening; perform CCHD screening; and instill an approved prophylactic agent into the eyes of newborns immediately after birth. In the few instances when Respondent did collect blood samples for screening, she failed to follow proper protocols and timely submit them for testing.

13. Additionally, Respondent failed to maintain a record of all blood samples collected for screening or develop, document, and implement protocols for collection and submission of blood specimens as required by law.

14. The allegations set forth in Count I constitute a violation of the following laws, rules, and practice standards governing the practice of midwifery in the State of Idaho:

- a. I.C. §§ 54-5510(6) (violation of Board’s rules and standards of conduct); Rule 356.01 (2010 and 2020) (midwife must adhere to NACPM Practice Standards); Rule 450.01.h. (2010) (unprofessional conduct, violation of NACPM Practice Standards).
- b. NACPM Standard 1 (midwives must not impose their value system on the woman); Standard 2 (midwifery actions are prioritized to optimize well-being and minimize risk); Standard 2 (midwives must base their choices and interventions on empirical and/or research evidence, verifying that the probable benefits outweigh the risks).

**COUNT II**  
**Inaccurate and Incomplete Records and Birth Certificate Certifications**

15. All facts set forth herein are incorporated into Count II.

16. Idaho law requires midwives to fill out and sign a birth certificate for each infant they deliver outside of the hospital, “certify to the facts of birth,” and then file the certificate with the local registrar within fifteen days of birth. I.C. § 39-255(b)(1).

17. From March 2019 through March 2021, Respondent prepared, signed, and filed birth certificates for thirty infants she delivered outside of the hospital. Respondent submitted inaccurate or incomplete information in many of these birth certificates, and the information she provided often did not coincide with her client records. For example:

- a. Respondent certified that she collected a blood sample for metabolic screening for eleven of the thirty infants, however, Idaho’s Bureau of Clinical and Preventative Services only has record of Respondent submitting samples for one infant during the time at issue
- b. Respondent’s client records and the birth certificates she submitted to the State did not accurately state whether each infant had a blood sample collected and submitted for testing.
- c. Respondent did not maintain any records as to whether any of her thirty clients declined newborn screening based on religious exemptions as required by Idaho Code § 39-912. In fact, Respondent submitted at least three birth certificates stating that her clients refused metabolic screening based on religious objections even though each of these clients informed Respondent that they intended to have the screening performed by their pediatrician.
- d. Respondent submitted nearly all of the birth certificates long past the fifteen-day statutory deadline.

18. The allegations set forth in Count II constitute a violation of the following laws, rules, and practice standards governing the practice of midwifery in the State of Idaho:

- a. I.C. §§ 54-5510(6) (violation of Board’s rules and standards of conduct); 54-5510(3) (willfully filing false or incomplete reports or records); Rule 356.01 (2010 and 2020) (midwife must adhere to NACPM Practice

Standards); Rule 450.01.h. (2010) and Rule 450.01.c. (2020) (unprofessional conduct, violation of NACPM Practice Standards).

- b. NACPM Standard 5 (midwives must collect and record the woman's and baby's health data, problems, decisions, and plans); Standard 5 (midwives must keep records for each woman as well as review and update such records at each professional contact); Standard 5 (midwives clearly document their objective findings, decisions, and professional actions); Standard 5 (midwives must document the woman's decisions regarding choices for care, including informed consent or refusal of care); Standard 5 (midwives must file legal documents appropriately).

### **COUNT III Unlicensed Practice of Midwifery**

19. All facts set forth herein are incorporated into Count III.
20. From February 3, 2020 through March 24, 2020, Respondent's midwifery license was expired.
21. While her license was expired, Respondent continued to practice midwifery and delivered two infants at her birth center. Respondent also published three social media posts on her birth center's Facebook page wherein she offered to perform midwifery services, stated she was licensed, and indicated that she was actively providing midwifery services for clients.
22. The allegations set forth in Count III constitute a violation of the following laws, rules, and practice standards governing the practice of midwifery in the State of Idaho: I.C. §§ 54-5506(3) (unlawful to hold oneself out as a midwife without a license); 54-5506(4) (unlawful to practice midwifery without a license); Rule 450.01.h. (2010) and Rule 450.01.c. (2020) (unprofessional conduct).

### **COUNT IV Caring for Client with Hypertension without Physician Involvement**

23. All facts set forth herein are incorporated into Count IV.

24. Idaho law prohibits midwives from providing care to clients with hypertension unless they are under a physician's care. Additionally, the midwife must obtain the client's signed acknowledgement that the client has received written notice of this requirement.

25. On or around January 18, 2019, Respondent began providing midwifery care to S.M., who had been prescribed and was taking blood pressure medication for hypertension. Respondent continued caring for S.M. through September 6, 2019.

26. While providing care to S.M., Respondent failed to ensure that she was under the treatment of supervision of a physician for her hypertension. Additionally, Respondent failed to provide S.M. with written notice informing her that she was required to be treated by a physician.

27. The allegations set forth in Count IV constitute a violation of the following laws, rules, and practice standards governing the practice of midwifery in the State of Idaho: Idaho Code §§ 54-5511(3), 54-5505(1)(e)(ii), and Rule 356.03 (2010) (prohibiting midwives from providing care to a client with hypertension without the involvement of a physician).

#### **COUNT V**

##### **Caring for VBAC Client without Advising her to See a Physician**

28. All facts set forth herein are incorporated into Count V.

29. Idaho law prohibits midwives from providing care to a client who had a previous cesarean section without first recommending in writing that the client consult with a physician during the pregnancy. Additionally, the midwife must obtain the client's signed acknowledgement that she has received the written notice.

30. On or around March 25, 2019, Respondent began providing midwifery care to N.H. In filling out her intake paperwork, N.H. disclosed that she had a C-section on October 19, 2017.

31. Respondent provided midwifery care to N.H. from March 25, 2019 through July 15, 2019 before N.H. transferred care to a different provider.

32. Throughout the caregiving relationship, Respondent failed to advise N.H. to consult with a physician.

33. The allegations set forth in Count V constitute a violation of the following laws, rules, and practice standards governing the practice of midwifery in the State of Idaho: Idaho Code §§ 54-5511(3), 54-5505(1)(e)(iii), and Rule 356.04 (2010) (prohibiting midwives from providing care to a client with a previous cesarean section without recommending the involvement of a physician).

**COUNT VI**  
**Failing to Accompany a Client to the Hospital**

34. All facts set forth herein are incorporated into Count VI.

35. On or around June 29, 2020, Respondent began providing midwifery care to J.L. Respondent's initial paperwork stated that she would provide full prenatal care throughout the pregnancy, including "emotional support throughout pregnancy."

36. On October 7, 2020 at approximately 12:49 p.m., J.L. arrived at Respondent's birth center in active labor.

37. On October 8, 2020, at approximately 6:53 a.m., J.L. informed Respondent that she wanted to be transferred to the hospital and get an epidural. Respondent began making arrangements for the transfer, however, she informed J.L. that she did not intend to accompany her to the hospital.

38. J.L. began pleading with Respondent to accompany her to the hospital, however, Respondent refused to do so. Respondent stated that she did not wish to spend any more time around J.L.'s husband.

39. Shortly thereafter, J.L. was transported to the hospital while Respondent remained at her birth center.



40. The allegations set forth in Count VI constitute a violation of the following laws, rules, and practice standards governing the practice of midwifery in the State of Idaho:

- a. I.C. §§ 54-5510(6) (violation of Board's rules and standards of conduct); Rule 356.01 (2010 and 2020) (midwife must adhere to NACPM Practice Standards); Rule 450.01.c. (2020) (unprofessional conduct, violation of NACPM Practice Standards).
- c. NACPM Standard 1 (midwifery actions are prioritized to optimize well-being and minimize risk, with attention to the individual needs of each woman and baby); Standard 2 (midwives must provide continuous care to protect the integrity of the woman's experience and the birth and to bring a broad range of skills and services into each woman's care); Standard 2 (midwives must continue to provide supportive care when care is transferred to another provider); Standard 3 (midwives must remain with the woman until the transfer of care is complete).

#### **COUNT VII**

##### **Failing to Cooperate with Board Investigation**

41. All facts set forth herein are incorporated into Count VII.

42. During its investigation into Respondent, the Division of Occupational and Professional Licenses repeatedly asked Respondent for specified client records. Respondent, however, consistently refused or failed to provide them even after she was served with a subpoena for the records.

43. For example, on May 24, 2022, the Division emailed Respondent and asked her to produce complete records for ten specified clients and all records pertaining to births she attended between February 1, 2020 and April 1, 2020. The Division subsequently learned that Respondent delivered six infants between February 1, 2020, and April 1, 2020, including two infants when her licensed was expired from February 3, 2020 through March 24, 2020. Thus, in total, Respondent was required to produce records for sixteen clients.

44. On June 1, 2022, when Respondent had not responded, the Division mailed Respondent a letter reiterating its request for records. Respondent responded and stated she would produce the requested documents in a week.

45. On June 15, 2022, the Division emailed Respondent about the status of the records. Respondent responded and stated she would produce them by June 22, 2022.

46. On June 27, 2022, the Division emailed Respondent and again asked about the status of the requested records. Respondent responded and asked that the Division re-send its initial request for the records, and the Division promptly did so.

47. On June 28, 2022, the Division served Respondent with a subpoena ordering her to produce all of the requested records by July 12, 2022.

48. On July 12, 2022, Respondent produced some of the records, however, she failed to produce seven of the requested client records, including all records related to the six deliveries she performed between February 1, 2020, and April 1, 2020. Of the nine records Respondent did produce, all of them were incomplete and missing important information, including informed consent forms, emergency transport information, signed waivers, medical history, etc.

49. On July 13, 2022, the Division requested that Respondent provide three of the missing six client records. Respondent, however, did not respond.

50. On July 19, 2022, the Division again requested the three client records, which Respondent produced the next day.

51. Respondent failed to comply with the subpoena as she never produced four requested client records, including her records for the two deliveries she performed while her license was expired.

52. The allegations set forth in Count VII constitute a violation of the following laws, rules, and practice standards governing the practice of midwifery in the State of Idaho: I.C. §§ 54-5510(6) (violation of Board's rules and standards of conduct); Rule 356.01 (2020) (midwife must adhere to NACPM Practice Standards); Rule 450.01.c. (2020) (unprofessional conduct, violation of NACPM Practice Standards); and NACPM Standard 5 (midwives must make records and other relevant information accessible and available at all times as required by law).

### **COUNT VIII**

#### **Failing to Comply with Informed Consent Requirements**

53. All facts set forth herein are incorporated into Count VIII.

54. On or around January 18, 2019, Respondent began providing midwifery care to S.M. On September 6, 2019, Respondent delivered the client's infant at her birth center.

55. Respondent did not obtain or document informed consent from S.M.

56. The allegations set forth in Count VIII constitute a violation of the following laws, rules, and practice standards governing the practice of midwifery in the State of Idaho:

- a. I.C. §§ 54-5510(6) (violation of Board's rules and standards of conduct); 54-5511(1) and Rule 325.01 (2010) (stating that a midwife must obtain a signed informed consent agreement from each client prior to initiating care); Rule 356.01 (2010) (midwife must adhere to NACPM Practice Standards); Rule 450.01.h. (2010) (unprofessional conduct, violation of NACPM Practice Standards).
- b. NACPM Standard 5 (midwives must keep records for each woman); Standard 5 (midwives must document the woman's decisions regarding choices for care, including informed consent or refusal of care).

### **CONCLUSIONS OF LAW**

57. Respondent's acts as described herein and specified below constitute grounds for discipline against Respondent's license to practice midwifery in the State of Idaho, specifically:

- a. The allegations set forth in Count I constitute a violation of Idaho Code § 54-5510(6); Rule 356.01 (2010 and 2020); Rule 450.01.h. (2010); NACPM Standards 1 and 2.
- b. The allegations set forth in Count II constitute a violation Idaho Code §§ 54-5510(6); 54-5510(3); Rule 356.01 (2010 and 2020); Rule 450.01.h. (2010); Rule 450.01.c. (2020); and NACPM Standard 5.
- c. The allegations set forth in Count III constitute a violation Idaho Code § 54-5506(3)-(4); Rule 450.01.h. (2010); and Rule 450.01.c. (2020).
- d. The allegations set forth in Count IV constitute a violation of Idaho Code §§ 54-5511(3); 54-5505(1)(e)(ii); and Rule 356.03 (2010).
- e. The allegations set forth in Count V constitute a violation of Idaho Code §§ 54-5511(3); 54-5505(1)(e)(iii); and Rule 356.04 (2010).
- f. The allegations set forth in Count VI constitute a violation of Idaho Code § 54-5510(6); Rule 356.01 (2010); Rule 450.01.c. (2020); and NACPM Standards 1, 2, and 3.
- g. The allegations set forth in Count VII constitute a violation of Idaho Code § 54-5510(6); Rule 356.01 (2020); Rule 450.01.c. (2020); and NACPM Standard 5.
- h. The allegations set forth in Count VIII constitute a violation of Idaho Code § 54-5510(6); 54-5511(1); Rule 325.01 (2010); Rule 356.01 (2010); Rule 450.01.h. (2010); and NACPM Standard 5.

## ORDER

This matter is before the Board pursuant to the Voluntary Surrender of License agreement Respondent executed on December 15, 2023, wherein she surrendered her license to practice midwifery in the State of Idaho, including any potential right of renewal and reinstatement. In surrendering her license, Respondent acknowledged the Board's authority to enter findings of fact, conclusions of law, and an order imposing disciplinary action against her. She also waived her right to challenge any such order issued by the Board in this matter.

Now, therefore, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered as follows:

1. Respondent surrenders her license to practice midwifery in the State of Idaho, including any potential right of renewal and reinstatement, and may not contest this relinquishment in any subsequent proceeding.
2. Respondent shall be prohibited from applying for licensure for at least two (2) years following the date of entry of this Order. If Respondent applies for licensure in the future, Respondent must use the same application forms and provide the same information and items as would be required of a first-time applicant. Additionally, in submitting a license application, Respondent must also present to the Board a full written disclosure of the details surrounding the factual events addressed in this Order, as well as proof of having paid the fine, costs, and attorney fees set forth herein.
3. In the event the Board grants Respondent a license in the future, the Board may impose restrictions upon Respondent's ability to practice midwifery.

4. Respondent shall pay \$9,300.00 in costs and attorney fees incurred by the Board in the investigation and prosecution of this matter within one (1) year of the date of this Order. I.C. §§ 67-2604(1) and (4); 12-117(5); and IDAPA 04.11.01.741. Respondent shall these costs and attorney fees directly to the Board as follows:
- a. Payments made via check or money order shall be mailed to the following address: P.O. Box 83720, Boise, ID 83720-0063.
  - b. Payments may be made in person at the Division of Occupational and Professional Licenses at the following address: 11341 W. Chinden Blvd., Building 4, Boise, ID 83714.
  - c. Payments made via credit card or debit card shall be made online at [dopl.idaho.gov](http://dopl.idaho.gov) Click on the "Professions & Occupations" tab in the upper left corner of the page and select the appropriate Board from the drop-down menu. Under the "Additional Board Information" section, click on the "Discipline" tab, which contains a link for disciplinary action payment. Debit and credit card payments will not be accepted over the telephone.
5. This is the final order of the Board.

Dated this \_\_\_\_\_ day of 01/22/2024, 2024.

IDAHO BOARD OF MIDWIFERY

By   
Elizabeth Hartman (Jan 22, 2024 14:34 MST)  
Board Chair

### **NOTICE OF DUE PROCESS RIGHTS**

NOTE: THIS NOTICE IS PROVIDED SOLELY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days: (a) of the service date of this final order; (b) of an order denying petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of January, 2024, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Sarah M. Andrews



*Respondent*

- U.S. Mail
- Certified Mail, Return Receipt Requested
- Fax Transmission

Eric F. Nelson  
Naylor & Hales, P.C.  
950 W. Bannock St., Ste. 610  
Boise, ID 83702  
*Board Prosecutor*

- U.S. Mail
- Hand Delivered
- Email: eric@naylorhales.com
- Fax Transmission: 208-383-9516



Staff  
Division of Occupational and Professional Licenses