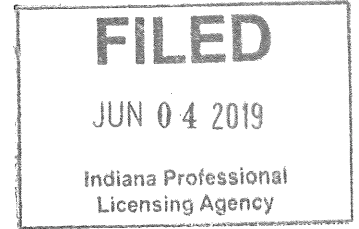


BEFORE THE INDIANA BOARD OF
NURSING
CAUSE NUMBER: 2019 NB 0166

IN THE MATTER OF THE
UNLICENSED PRACTICE OF:

JULIE ANN LENTZ

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MOTION FOR ORDER TO CEASE AND DESIST

The State of Indiana (“Petitioner”), by the Office of the Attorney General, by Deputy Attorney General Timothy M. Weber, pursuant to Ind. Code § 25-1-7-14 files this motion requesting the Indiana Board of Nursing (“Board”) to order Julie Ann Lentz (“Respondent”) to Cease and Desist her practice of midwifery without the required license. In support of this motion, the Petitioner alleges and states as follows:

1. Pursuant to Ind. Code § 25-1-7-14, the Office of the Indiana Attorney General is empowered to bring a motion seeking an order to cease and desist the practice of a regulated occupation before the Board.
2. The Board is charged with the responsibility of regulating the practice of nursing in the State of Indiana pursuant to Ind. Code § 25-23.
3. The Board is empowered to hold hearings under Ind. Code § 4-21.5 and Ind. Code § 25-23-1-7.
4. Respondent does not hold, nor has she ever held, a certified nurse midwife (“CNM”) license issued pursuant to Ind. Code § 25-23-1-13.1.
5. Respondent does not hold, nor has she ever held, a direct entry midwife (“DEM”) license issued pursuant to Ind. Code § 25-23.4-3-1.
6. Upon information and belief, Respondent receives mail at 111 W Taylor Street, Apt 16c, Chesterton, Indiana 46304.

7. On or about February 15, 2018, Respondent attended the birth of a child in Starke County, Indiana. Respondent was listed as the attendant on the child's birth certificate.

8. On or about April 12, 2018, Respondent attended the birth of a child in Porter County, Indiana. Respondent was listed as the attendant on the child's birth certificate.

9. As of January 15, 2019, Respondent advertises that she provides Midwifery Care on her website¹ and on Facebook.²

10. Respondent's company is called Sacred Lotus Midwifery Services ("Sacred Lotus").

11. Respondent's advertising differentiates between her Midwifery Care and Doula Services.

12. Respondent advertises that she offers personalized prenatal, birthing, and postnatal care.

13. Respondent charges for patients for the care that she provides.

14. Respondent and Rachel Van Sickle purport to operate as midwives by using a "private membership association ('PMA')." The document that purports to create this association states, in part, the following:

a. "The benefits of membership include access to all information available to the PMA concerning the maintenance and improvement of health and the environment, some of which are in the purview of 'ancient' or 'common knowledge,' some of which are alternative or emerging technologies that may not yet be approved or cleared by the United States Food and Drug Administration or any similar local, county or state agency (collectively referred to herein as the

¹ <https://julielentz03.wixsite.com/websitesacredlotus>

² https://www.facebook.com/pg/SacredLotusMidwife/about/?ref=page_internal

FDA) *and some that a government authority may claim that requires a 'licensed person' to administer.*" [emphasis added]

b. "Predicated on the above and in order to protect each members' privacy and the unconstitutional and unwarranted application of public law to the PMA, each member consents to take upon themselves the responsibility for their own health (and the health of those dependent upon them) and in so doing consents to do due diligence regarding anything offered to them by the PMA or any PMA member and to make fully informed decision on health and healthcare matters that the member, individually or collectively, think[s] best for living a health[y] life and *preventing, diagnosing and treating any form of discomfort, pain, deformity, disability, disease, illness or wound in or to any member's body, mind or spirit in order to attain or restore and maintain optimum physical, mental and spiritual awareness.*" [emphasis added]

c. "The purpose of the PMA is to provide the means whereby the members can privately gain access to and lawfully obtain by lease, rent, purchase or get the free use of any device, product, procedure or service that may not yet be approved or cleared by the FDA for distribution to the regulated public or *that may be illegal for use by the public and to be able to privately perform and engage in the use of such devices, procedures and services among, by and on ourselves or with each other using any and all treatment modalities and therapies without government approval, clearance, permission or regulation.*" [emphasis added]

d. "All PMA members hereby revoke and rescind any consent to and will not call upon, depend on or rely upon any governmental authority for a determination

of the efficacy, safety or legality of any device, medicine, product, procedure or treatment suggested, offered or provided by any other PMA member.”

e. “The PMA shall operate by and through Directors, the founders, Rachael Van Sickle, and [Respondent] shall serve as the first Directors.”

15. Respondent requires each patient to sign an “Informed Consent” document. In relevant part, the document states:

a. “I understand that [Respondent] practices with a PMA, Private Membership Association, called Dar a Luz. This means that the midwife and all clients are private members and not a part of the public sector. I agree to become a member of the association before initiating any prenatal or birth care, and I agree to fully read through the Private Membership Association Agreement and bring any questions or concerns to [Respondent].”

b. “I/We understand that Sacred Lotus carries the following emergency equipment, supplies, and medication with them during a home birth:

Fetoscope and hand-held Doppler

A Doppler is an ultrasound device which allows one to hear the fetal heart beat as early as 10 weeks gestation as well as during labor without moving the mother. I feel the safety of ultrasound is unproven and therefore do not wish to use it routinely in my practice. Doppler ultrasound is 35 times stronger than diagnostic (real time imaging) ultrasound.

Listening to fetal heart with a Doppler is significantly different than listening with a regular fetoscope and many

subtleties are lost in the translation of the heartbeat to sound waves filtered through a machine. I strongly feel that our intuitive sense of the baby is enhanced by using a regular fetoscope.

Bag & Mask (neonatal resuscitation device)

This device, also known as an ambu bag, is used to administer room air oxygen via positive pressure to the very depressed newborn. This is used to inflate the depressed infant's lungs and to push out any remaining liquid through the alveolus. However, if the mother prefers, she can easily perform mouth to mouth with her baby, with the midwives (sic) instruction, and it is often seen to be very effective for the mother to give just a few gentle births (sic) to her baby's mouth.

Herbal Medicine, Homeopathy, and Essential oils

Because of their unproven safety and effectiveness, as well as the off-label use of many medications for pain, augmentation, or heavy bleeding, I do not rely on them. Instead, I draw from the wise traditions in herbal and homeopathic medicine. We carry a variety of herbal tinctures and homeopathic remedies that can be used for any number of issues or concerns.

Pulse Oximeter

This medical device is used to check the baby's oxygen saturation and is mainly used at about 24 hours old to rule out any major abnormalities with the baby's heart. It is also occasionally used after birth if there is concern that the baby is having trouble breathing.

Blood pressure cuff & stethoscopes

Urine Dip Sticks

Supplies to safely cut the umbilical cord"

16. According to 848 IAC 3-1-2, the practice of CNM is defined as "the practice of nursing and the extension of that practice, including well-woman gynecological healthcare, family planning, and care to the normal and expanding family throughout pregnancy, labor, delivery, and post-delivery."

17. Ind. Code § 25-23.4-1-9 states:

"Practice of midwifery" means services delivered by a certified direct entry midwife, including, for compensation, to advise, attend, or assist a woman during pregnancy, labor, natural childbirth, or the postpartum period. The term includes the following:

- (1) Providing the mother with individualized prenatal care.
- (2) Identifying and referring women who require obstetrical attention.
- (3) Providing the mother with continuous direct participation and assistance during labor and delivery.
- (4) Administering medications as provided in IC 25-23.4-4-5.
- (5) Providing the mother with postpartum support.
- (6) Providing normal newborn care.

18. Ind. Code § 16-37-2-1 states:

As used in this chapter, "person in attendance at birth" means one (1) of the following:

- (1) A licensed attending physician.
- (2) A [DEM] or a [CNM]. [*emphasis added*]
- (3) Another individual who:
 - (A) holds a license of the type designated by the governing board of a hospital, after consultation with the hospital's medical staff, to attend births at the hospital; and
 - (B) is in attendance at the birth.

19. Pursuant to Ind. Code § 16-37-2-19, a person who recklessly violates or fails to comply with Ind. Code § 16-37-2-1 commits a Class B misdemeanor.

20. Ind. Code § 25-23-1-13.1, in relevant part, states:

- (a) An applicant who desires to practice CNM shall present to the board the applicant's license as a registered nurse and a diploma earned by the applicant from a school of midwifery approved or licensed by the board or licensing agency for midwives that is located in any state.
- (b) The applicant shall submit to an examination in CNM prescribed or administered by the board. If the application and qualifications are approved by the board, the applicant is entitled to receive a license that allows the applicant to practice midwifery as a certified nurse midwife.

21. Ind. Code § 25-23.4-3-7 states:

- (a) This section does not apply to an individual who has a license under Ind. Code § 25-23-1-13.1 to practice midwifery as a CNM.
- (b) After July 1, 2018, an individual who knowingly or intentionally practices midwifery without a certificate required under this article commits a Level 6 felony.

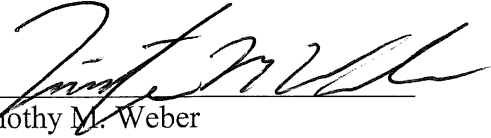
22. Respondent has engaged in activities for which a license is required under either Ind. Code § 25-23-1-13.1 or Ind. Code § 25-23.4-3-1 in that she acted as and advertises herself as a midwife.

WHEREFORE, Petitioner respectfully requests an order against Respondent that:

1. Directs Respondent to immediately cease and desist advertising the provision of midwifery services;
2. Directs Respondent to immediately cease and desist providing services that require a license to practice midwifery; and
3. Provides any other relief that the Board deems just and proper.

Respectfully submitted,

CURTIS T. HILL, JR.
Attorney General of Indiana
Attorney Number: 13999-20

By: 
Timothy M. Weber
Deputy Attorney General
Attorney Number: 31559-49

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2019, a copy of this Motion for Order to Cease and Desist was served upon the below-listed parties via First Class U.S. Mail, postage prepaid.

Julie Ann Lentz
111 W Taylor Street, Apt 16c
Chesterton, IN 46304



Timothy M. Weber
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Atty. No.: 31559-49

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