

**FILED**

April 20, 2006

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

JUDITH HAGAN, C.N.M.

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a report from the Midwifery Committee of the Board detailing findings made by the Committee at the conclusion of the Committee's investigation of respondent Judith Hagan, C.N.M. Specifically, the Midwifery Committee's investigation focused upon respondent's care of patient A.B., a woman residing in the State of Pennsylvania, who respondent accepted as a client for a planned homebirth when A.B. was between 32 and 34 weeks pregnant. A.B. had no prenatal care prior to the time respondent accepted her as a client.

Upon review of available information, to include a written complaint submitted by A.B., a written response submitted by respondent and testimony offered by respondent when she appeared before the Midwifery Committee on June 20, 2005, the Board finds that respondent engaged in professional misconduct when she contracted to act as a midwife for A.B. and to attend A.B.'s planned home birth in the State of Pennsylvania, when respondent was not licensed to practice midwifery in the State of Pennsylvania, had entered no affiliations with any physicians licensed in the State of Pennsylvania, and had no arrangements for potential transfer of

**CERTIFIED TRUE COPY**

patient A.B. to any hospital in the State of Pennsylvania. While respondent ultimately terminated her agreement to act as a midwife for A.B. after a breech presentation was confirmed and after A.B. refused to follow recommendations made by respondent, respondent nonetheless did conduct one home visit in the State of Pennsylvania and had contracted to attend A.B.'s home birth had A.B. been a suitable candidate for a home birth.

The Board further finds that respondent initially failed to perform an adequate risk assessment before accepting A.B. as a candidate for a home birth (indeed, respondent failed to act in a manner consistent with her own practice protocols, which then provided that respondent would accept a client into the practice "without prenatal care after the 28<sup>th</sup> week as long as they go to the backup physician for evaluation and approval" -- A.B. did not have an evaluation by respondent's back-up physician prior to the time that respondent accepted A.B. as a client). Finally, the Board finds that, after discharging A.B. as a patient, respondent failed to release A.B.'s patient records in a timely fashion following her receipt of a request for the release of said records.

The Board having found that grounds for disciplinary action against respondent exist pursuant to N.J.S.A. 45:1-21 (e), and the parties desiring to amicably resolve this matter without further administrative proceedings, and the Board being satisfied that the resolution herein is adequately protective of the public interest and that good cause for the entry of this Order exists,

IT IS on this 12<sup>th</sup> day of ~~March~~ <sup>April</sup>, 2006

9/2006  
4/12/06

ORDERED and AGREED:

1. The license of respondent Judith Hagan, C.N.M., to practice midwifery in the State of New Jersey is hereby suspended for a period of six months, commencing May 1, 2006. The first one month of the suspension, specifically from May 1, 2006 through and including May 31, 2006, shall be served as a period of active suspension. The remaining five months of the suspension, specifically from June 1, 2006 through and including October 31, 2006, shall be stayed and served as a period of probation, contingent upon respondent's compliance with all additional terms and conditions set forth below.

2. Respondent is hereby assessed a civil penalty in the amount of \$3,000, which penalty shall be payable in full upon the entry of this Order.

3. Respondent is ordered to make restitution of \$900 in fees to patient A.B. Respondent shall provide the Board with proof that restitution of \$900 was made to A.B. within thirty days of the date of entry of this Order.

4. Respondent is ordered to attend a course in professional practice ethics, acceptable to the Board, not later than October 31, 2006. Respondent shall, upon completion of the course, ensure that documentation is provided to the Board demonstrating that respondent attended and successfully completed the required ethics course.

5. Respondent is ordered to attend a course in risk assessment, acceptable to the Board, not later than October 31, 2006. Respondent shall, upon completion of the course, ensure that

documentation is provided to the Board demonstrating that respondent attended and successfully completed the required course.

6. Respondent shall provide client records to the Board for review by the Midwifery Committee as detailed herein. Three months after resuming the practice of midwifery during the period of probation (on or about September 1, 2006), respondent shall provide the Committee with a list of all clients that she is then caring for or may have delivered since resuming the practice of midwifery following the one month period of active suspension, to include the date of delivery or expected due date for each client. The Committee shall then select five clients from said list, and respondent shall provide the Committee with copies of her records for the selected clients, which records shall then be reviewed by the Committee.

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: Sindy Paul, MD  
Sindy Paul, M.D.  
Board President

Consent is hereby given to the  
entry of this Order by the Board.

Judith Hagan  
Judith Hagan, C.N.M.