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FILED

JANUARY 3, 2011

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
OAL Docket: #BDS 07761-2010N

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE :
OF :
MARTHA ANNE ROTH, C.N.M. :
LICENSE NO. ME30400 :
TO PRACTICE MIDWIFERY IN THE :
STATE OF NEW JERSEY :
:

Civil Action

CONSENT ORDER OF
SUSPENSION

This matter was opened to the State Board of Medical Examiners (the "Board"), Liaison Committee on Midwifery (the "Committee") upon receipt of information that Martha Anne Roth, C.N.M. (the "Respondent") had attended a planned home delivery of a VBAC patient, defined as an increased risk patient, and failed to comply with certain Board regulations and requirements for Certified Nurse Midwives. Respondent appeared on December 21, 2009 before the Committee with her counsel, Wahrenberger &

1) Respondent Martha Anne Roth's license to practice midwifery is suspended for five years effective retroactively to May 10, 2010 for violations of N.J.A.C. 13:35-2A.6(b); N.J.A.C. 13:35-2A.6(e); N.J.A.C.13:35-2A.9(a).

2) After a period of two years of active suspension with Respondent having refrained from practicing midwifery in any jurisdiction during those two years, the term of suspension shall be stayed and Respondent placed on probation. In the event that Respondent practices midwifery in another jurisdiction during the period of active suspension of her New Jersey license, the period of active suspension shall be three years.

3) Respondent shall complete a Board approved ethics course at her own expense and demonstrate successful completion to the Board on or before she applies for probation. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservation. Respondent shall additionally be responsible to ensure that the course provider submits written confirmation to the Board that Respondent attended and successfully completed said course;

(4) Respondent shall complete a Board approved mini-residency type course emphasizing high risk obstetrics;

Pietro by JoAnn Pietro, Esq. The Attorney General filed an Order to Show Cause and a Verified Administrative Complaint on May 5, 2010. Respondent, Martha Anne Roth, C.N.M., voluntarily temporarily surrendered her license to practice midwifery in the State of New Jersey effective May 12, 2010.

The Complaint alleges Respondent failed to file a Notice of Affiliated Physician; practiced without establishing clinical guidelines with an Affiliated Physician; failed to have an antepartum care agreement for an increased risk patient with an Affiliated Physician; failed to establish and document a management plan for an increased risk patient with an Affiliated Physician; participated in a planned home delivery of an increased risk patient; and failed to maintain proper documentation in her patient record. Respondent filed an Answer and subsequently on September 23, 2010, filed an Amended Answer which admitted some of the allegations, denied other allegations and provided mitigating circumstances.

The Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown, the parties have agreed to the following,

IT IS, therefore, on this 30TH day of DECEMBER, 2010,
ORDERED THAT:

(5) Respondent shall be permitted to return to practice only after an in-person appearance before the Committee to the Board and a demonstration of completion of required course work, mini-residency and good standing in all jurisdictions in which she has a midwifery license;

(6) Upon a restoration of her license to practice midwifery, Respondent will be on probation for the balance of the five year term of suspension under the supervision of a Board approved New Jersey licensed midwife who shall file with the Board quarterly reports. The reports will attest that Respondent has complied with New Jersey regulations and practice standards and will advise of any deviations. In addition, the report will provide a written evaluation of the Respondent's New Jersey midwifery practice. All costs associated with the supervision and reports shall be the Respondent's sole responsibility;

(7) Upon her reinstatement to midwifery practice, Respondent will comply with all applicable; and

(8) Respondent shall pay costs of \$5,000 by certified check or money order, payable to the State of New Jersey, and sent to William Roeder, Executive Director, Board of Medical Examiners, Executive Director, P.O. Box 183, Trenton, NJ 08625-0183. Respondent will pay \$1,000 at the time the Consent Order is entered and \$200 per month until the remaining \$4,000 is paid.

If payment is not received in accordance with this paragraph, a Certificate of Debt shall be filed in the amount of \$5,000.

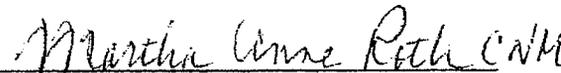
(9) Respondent shall comply with the "Directives Applicable to Any Medical Board Licensee who is Suspended, Revoked, or whose Surrender of Licensure has been Accepted" which is attached hereto as Exhibit A and incorporated by reference.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____


Paul T. Jordan, M.D.
President

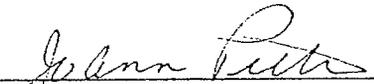
I have read and understand
the above Order and I agree
to abide by its terms.


Martha Anne Roth, C.N.M.

Dated: December, 20, 2010

Consented to as to form:

Wahrenberger & Pietro
Attorneys for Respondent


By: JoAnn Pietro, Esq.

Dated: 12/22/10

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of