

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

ANJA D. FARIN, L.P.M.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008340

Division of Legal Services and Compliance Case No. 21 RMA 005

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

Anja D. Farin, L.P.M.
Thiensville, WI 53092

Wisconsin Department of Safety and Professional Services
P.O. Box 8366
Madison, WI 53708-8366

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, 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 Anja D. Farin, L.P.M., (Year of Birth 1967) is licensed by the state of Wisconsin as a midwife, having license number 47-49, first issued on September 23, 2010, and current through June 30, 2024. Respondent's most recent address on file with the Department is in Thiensville, Wisconsin 53092.

Prior Discipline

2. On July 28, 2016, the Department issued Order No. 0004839 reprimanding Respondent and ordering her to (1) engage a mentor to observe five births and review client charts and (2) complete significant remedial education. Respondent's license was further limited to not

accept any new clients with chronic hypertension. The Order was based on allegations that Respondent inadequately monitored vital signs before and during labor, failed to consult with physicians or licensed nurse midwives and/or follow their recommendations without adequate justification, and commenced care for clients with unacceptable risk factors. Respondent denied any wrongdoing. On July 30, 2019, Respondent's license was returned to unrestricted status.

Current Case

Client A (Born September 1988)

3. At 4:45 pm on December 1, 2021, Client A's membranes ruptured. Client A, who had been under Respondent's care, was being attended to by a doula until 10:10 pm when the doula requested that Respondent take over. Respondent arrived at Client A's home at 11:30 pm and noted contractions appeared strong.

4. Respondent maintains that Client A asked her to avoid performing cervical exams during labor and began pushing on her own without a cervical assessment, and when Respondent did eventually examine Client A's cervix, assessment was difficult due to her pain and the baby's likely mispositioning. Respondent failed to note this in Client A's chart.

5. Instead, Respondent noted the following in Client A's chart on December 2, 2021:

(a) 12:00 am: "Labor 6cm."

(b) 2:36 am: "Labor 10cm + 2" and "Anja giving directions for pushing with fingers."

(c) 3:57 am: [Client A] "has been pushing effectively since about 0320. States that she is tired and frustrated. Contractions appear strong and long with perineum bulging and opening at the introitus noted."

(d) 4:19 am: "+2.5, moving to toilet."

(e) 6:00 am: "Discussed transfer of care with client d/t slow progress with pushing and labor pattern becoming dysfunctional. Client states that she wishes to transfer and is choosing to go to Sinai in Milwaukee because she prefers midwifery care in the hospital."

6. Respondent called the receiving hospital to alert them to Client A's arrival. Respondent failed to communicate Client A's refusal to be examined during labor and the difficulty in assessing her progress.

7. Respondent did not consult a licensed physician or nurse-midwife after Client A was in active labor for more than five hours and in active second stage labor more than two hours and failed to progress.

8. At 8:15 am on December 2, 2021, Client A was admitted to the hospital. Her vaginal examination showed she was only dilated 6 cm and she required Pitocin due to ineffective contractions. She eventually delivered a viable male infant at 8:25 pm.

Client B (Born February 1988)

9. On June 22, 2021, Client B presented to Respondent for her initial pre-natal visit. Client B reported no history of hypertension, but her blood pressure was noted to be 130/90. Respondent maintains that her elevated blood pressure was discussed but there is no note of that in Client B's chart.

10. At Client B's second pre-natal visit on July 20, 2021, her blood pressure had reduced to 110/72.

11. At Client B's fourth pre-natal visit on September 28, 2021, her blood pressure was noted to be 138/80 and she reported headaches. Respondent also noted that the baby was in breech position. Respondent maintains that she advised Client B that it was not community standard of care to do vaginal breech birth at home; however, Respondent failed to note this in the chart.

12. Respondent referred Client B to a certified nurse-midwife for evaluation of her fibroids, blood sugar, and blood pressure, and to determine risk assessment for community-based birth. Client B saw the certified nurse-midwife on October 11, 2021 and agreed to have preeclampsia labs taken. Respondent failed to chart any discussion or follow-up with the certified nurse-midwife about the results of the evaluation and labs, nor did she explore options for more thorough monitoring of possible hypertensive disorders.

13. On December 2, 2021, Client B texted Respondent to report that contractions had started the previous night around 9:00 pm. Respondent maintains that Client B discharged herself from care by refusing to adhere to the care plan but failed to note that in the chart. Nevertheless, Respondent agreed to meet Client B at her office to assess whether she was in labor.

14. Respondent could not find fetal heart tones with the Doppler and charted "transferring to Sinai right now for confirmation of fetal well-being." Respondent failed to do any further assessment of Client B such as taking vital signs or performing a vaginal examination and failed to do an emergency transfer of Client B by ambulance to the hospital.

15. Respondent maintains that, based on her history with ambulance transfer, she determined it would be faster to transport Client B by private vehicle, and that Client B declined Respondent's assistance with transfer. Respondent failed to note this in Client B's chart.

16. At 11:35 am on December 2, 2021, Client B was admitted to the hospital. No fetal heart tones were detected and fetal demise was confirmed. Client B tested positive for COVID-19 and was diagnosed with preeclampsia with severe features.

17. Respondent voluntarily submitted both Client A and B's cases to the Wisconsin Guild of Midwives' Incident Review Committee for review. While the Committee found that no rules were violated, it did note areas that needed improvement and made several recommendations

regarding recordkeeping, communication, utilizing higher level providers for consultation, and further exploration of hypertensive disorders in pregnancy.

18. In resolution of this matter, 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 as defined in Wis. Admin. Code § SPS 183.01(1)(b) 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 182.03(4)(b)2.h., a licensed midwife shall consult with a licensed physician or certified nurse-midwife with regard to any mother who presents with or develops the following risk factors: Failure to progress after 5 hours of active labor or following 2 hours of active second stage labor.

3. Based on the Findings of Fact, Respondent engaged in misconduct as defined in Wis. Admin. Code § SPS 183.01(1)(b) 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 182.03(5)(a)12., the following conditions shall require immediate physician notification and emergency transfer to a hospital: Clinically significant fetal heart rate patterns or other manifestation of fetal distress.

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

5. Based on the Findings of Fact, Respondent engaged in misconduct as defined in Wis. Admin. Code § SPS 183.01(1)(s) by engaging in a single act of gross negligence or in a pattern of negligence as a midwife, or in other conduct that evidences an inability to apply the principles or skills of midwifery.

6. 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's license to practice as a midwife in the state of Wisconsin (number 47-49) is **SUSPENDED** for thirty (30) days commencing on February 1, 2023. During the period of suspension, Respondent is prohibited from practicing as a midwife in the state of Wisconsin.

3. Respondent's license to practice as a midwife in the state of Wisconsin (number 47-49) is **LIMITED** as follows:

- (a) Within 120 days of the date of this Order, Respondent shall at her own expense, successfully complete the following education: six (6) hours on the topic of recordkeeping for midwives, six (6) hours on the topic of gestational hypertension, and three (3) hours on the topic of effective communications with clients and providers.
- (b) The education shall be offered by providers pre-approved by the Department's monitoring liaison and Respondent shall take and pass any exam offered for the course(s). 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) The Department or its designee may reject any course for which Respondent seeks approval or 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.
- (d) Respondent shall submit proof of successful completion of the education 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 Respondent's continuing education requirements for the current biennium, or any continuing education requirements that may be instituted by the Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- (f) This limitation shall be removed from Respondent's license after satisfying the Department or its designee that Respondent has successfully completed the ordered education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay the COSTS of this matter in the amount of \$1,249.00.

5. Request for pre-approval of courses, proof of course completion, or other documents required by this Order, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) 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://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 47-49), 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.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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

1/13/2023
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANJA D. FARIN, L.P.M.,
RESPONDENT.

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STIPULATION

ORDER 0008340

Division of Legal Services and Compliance Case No. 21 RMA 005

Respondent Anja D. Farin, 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 a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation 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

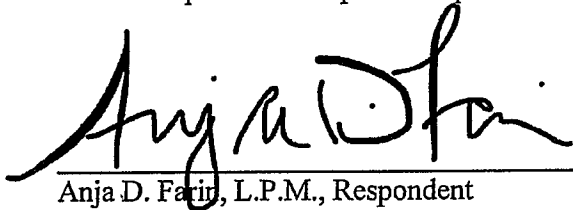
Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

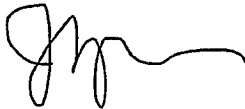
9. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.



Anja D. Farin, L.P.M., Respondent
Thiensville, WI 53092
License No. 47-49

12/09/2022

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

12/9/2022

Date