

**BEFORE THE REVIEW COMMITTEE
OF THE AMERICAN MIDWIFERY CERTIFICATION BOARD**

In the Disciplinary Matter of:

Jeanette Breen, CNM
Respondent

Decision

The State of New York Department of Health (NYDOH) took action against Jeanette Breen, CNM on November 27, 2023. As a Licensed Midwife, Ms. Breen was authorized to submit vaccination information to the state, which is required for providers administering vaccines to juveniles. Between July 2020 and December 2022, she submitted false information reporting that she had provided 12,449 vaccines to not fewer than 1,452 individuals, mostly school age children. Care for children outside of pregnancy and gynecologic needs is not within the New York defined scope of practice. These were all purported to be the state mandated school entry vaccinations. No vaccines had in fact been administered; she instead provided homeopathic pellets identified as Real Immunity Homeoprophylaxis. She also falsely reported administering a TDaP booster to 407 individuals. She stipulated that these facts were not in question and agreed to a monetary fine (\$150,000 within 10 days and \$150,000 within 30 days if other requirements as outlined in the NYDOH Stipulation and Order were unmet). She was further required not to participate in any attempt by an individual to misrepresent vaccination status or challenge administrative actions taken against individuals for evading vaccinations. Finally, she was not to administer any vaccine required to be reported to the state. Additionally, in 2017, she had falsely stated that a pregnant individual should be exempt from influenza vaccine required for her employment when there was no medical contraindication.

On August 19, 2024, the Respondent filed an application with the New York State Education Department (CAL. NO. 34351) to surrender her midwifery license, which was granted September 10, 2024. The Application to Surrender License noted that "licensee did not contest the charge of providing pediatric patients with treatment and care that was not related to maternity or gynecological treatment and care."

On October 16, 2024, while AMCB was performing an online license verification through the New York State Department Office of the Profession's online verification system, it was noted on Respondent's midwifery license a history of previous Regents Action on May 19, 2014 for failing to maintain accurate patient records. Respondent did not contest the charges and subsequently her midwifery license was placed on probation for 2 years.

In accordance with AMCB procedures, Dr. Linda Hunter, President, reviewed the documents from the NYDOH and the New York State Education Department Office of Professional Discipline Board. In a certified letter dated September 30, 2024, the AMCB notified Respondent that a Discipline Review Committee had been appointed. The formation of this committee was in response to the NYDOH action and the Consent Order which suggested possible violations of the AMCB's Discipline Policy:

A.6 Gross or repeated negligence or malpractice in professional work.

A.7 Limitation or sanction by federal, state or private licensing board, administrative agency, association or health care organization related to public health or safety or midwifery practice.

A.9 Engaging in conduct which is inconsistent with professional standards, including but not limited to (i) any practice that creates unnecessary danger to a patient's life, health or safety; and (ii) any practice that is contrary to the ethical conduct appropriate to the profession that results in termination or suspension from practice. Actual injury to a patient or the public need not be shown under this provision.

The AMCB notice requested that the Respondent submit a written answer to these charges within 30 days of receipt of the letter. AMCB received a response to the notice of disciplinary proceeding from Respondent on October 23, 2024. The Respondent provided a limited response, stating that she had acquired new counsel to assist her and requested a 30-day extension, which was granted. On December 4, 2024 AMCB received her response which stated in part: "I don't believe the charges outlined represent any violation of the AMCB Disciplinary Policy. The Midwifery Model of Care sets the framework to affirm midwives (sic) role in giving women respect, autonomy and self determination in their decision making through the process of informed choice."

Findings

The Review Committee finds the following facts:

1. AMCB (previously known as ACC) was formed in 1991 by the American College of Nurse-Midwives as an independent entity to carry on the existing program of ACNM for certifying the competency of individuals as entry-level nurse-midwives.
2. AMCB has assumed responsibility for discipline of ACNM/ACC/AMCB certificants through the Disciplinary Policy, the most recent version of which AMCB adopted in November 2018.
3. Respondent was initially certified by AMCB (formerly ACC) on 10/13/1984 and is currently certified through 12/31/2026 (certification #3368).
4. The State of New York took Department of Health took action against Respondent for deliberate falsification of state vaccination records and provision of care outside the state defined scope of practice. The Respondent did not contest the Application for Consent Order and signed the document on November 14, 2023.
5. Respondent surrendered her state license to practice midwifery on September 10, 2024. The summary noted that licensee did not contest the charge of providing pediatric patients with treatment and care outside of her scope of practice.

Discussion

In this matter, we were called upon to decide whether and what discipline is warranted against the Respondent, Jeanette Breen, CNM, regarding the NY Department of Health Stipulation and Order and NYSED Board of Midwifery Application to Surrender License.

There is evidence, by the Respondent's own admission in NYDOH Stipulation and Order and by the signed Application to Surrender License that she was responsible for professional misconduct and practicing the profession of midwifery beyond its authorized scope by "providing pediatric patients with treatment and care that was not related to maternity or gynecological treatment of care". The sanction itself satisfies the violation of Disc. A7. Her behavior in providing care with the intent to evade state requirements for school vaccination, documenting the administration of vaccines which she neither purchased nor administered, and falsifying state vaccination records is a clear example of professional misconduct (Disc. A6) which led to her surrender of her license (Disc. 9)

In addition to reviewing the above-referenced documents, the committee also reviewed the AMCB Disciplinary Policy, ACNM Standards for the Practice of Midwifery, ACNM Code of Ethics, and ACNM Philosophy of Care. The Standards for the Practice of Midwifery specifically note that a midwife "complies with all regulatory standards for the documentation and transmission of health records" (Standard V) which Respondent has clearly violated.

The Code of Ethics states that "Midwives in all aspects of their professional practice will 8. Protect women, their families and colleagues from harmful, unethical, and incompetent practices by taking appropriate action that may include reporting as mandated by law." Again, this was clearly violated by her falsification of state vaccination records.

In summary, it was the Discipline Committee's unanimous decision that the Respondent violated AMCB's Discipline Policy (2018). Specifically, there was evidence of gross or repeated negligence or malpractice in professional work (A6), limitation or sanction by federal, state, or private licensing board, administrative agency, association or health care organization related to public health or safety of midwifery practice (A7), and engaging in conduct which is inconsistent with professional standards, including but not limited to (i) any practice that creates unnecessary danger to a patient's life, health or safety; and (ii) any practice that is contrary to the ethical conduct appropriate to the profession that results in termination or suspension from practice. Actual injury to a patient or the public need not be shown under this provision (A9). Materials that were available indicate substandard care and do not provide evidence that would otherwise refute the NYDOH Stipulation and Order dated November 27, 2023 or the Application to Surrender License and subsequent Vote and Order dated September 10, 2024.

Therefore, the Disciplinary Review Committee recommends AMCB sanction the certificant by **revoking the certification** of Jeanette Breen.

REVIEW COMMITTEE

Jan M. Kriebs, CNM, MSN, FACNM Chair
Carol E. Hayes, CNM, MN, MPH, FACNM
Kimberly Jones-Beatty, CNM, DNP

Effective Date: 12-30-2024