

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**MARY A. WOODARD, M.D., RESPONDENT**

**File No. 02-08-507**

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**SETTLEMENT AGREEMENT**

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COMES NOW the Iowa Board of Medicine (Board), and Mary A. Woodard, M.D., (Respondent), and on November 12, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4)(2007), enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa medical license # 35834 on September 20, 2004.
2. Respondent's Iowa medical license expired due to nonrenewal on June 1, 2008.
3. Respondent sent a letter on June 10, 2008, advising the Board that she retired from the practice of medicine effective January 31, 2008, and that she was retiring her Iowa medical license.
4. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

## STATEMENT OF THE MATTERS ASSERTED

5. Respondent formerly practiced gynecology in Mt. Pleasant, Iowa.
6. On January 31, 2008, Respondent closed her practice in Mt. Pleasant, Iowa.
7. On March 28, 2008, Respondent advised the Iowa Physician Health Program that she stopped practicing medicine and moved out of the country.
8. On October 23, 2008, the Board filed formal disciplinary charges against Respondent for violating the terms and conditions of an IPHP Physician Health Contract when she failed to meet with her IPHP-approved psychiatrist and therapist, failed to file necessary reports with the IPHP and failed to inform the IPHP of her practice plans.
9. Respondent has advised the Board that she has moved out of the country and she does not plan to return to the practice of medicine at this time.

## SETTLEMENT AGREEMENT

10. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating her IPHP Physician Health Contract. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of her Iowa medical license.
11. **CIVIL PENALTY:** Respondent shall pay a civil penalty in the amount of **\$1,000**. The civil penalty shall be paid within twenty (20) days of this Order and shall be made payable to the Treasurer of Iowa and mailed to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

12. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five years**, which will go into effect if she reinstates her Iowa medical license, subject to the following terms and conditions:

A. **Board Monitoring Program:** Respondent shall contact Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-3654, to establish a monitoring program. Respondent shall fully comply with all requirements of the monitoring program.

B. **Mental Health Counseling:** Respondent shall submit for Board approval the name and CV of a counselor to provide ongoing mental health counseling.

(1) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

(2) Respondent shall continue with counseling until discharged by the Board-approved counselor and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with the Board-approved counselor as frequently as recommended by the counselor and approved by the Board. All costs for the counseling shall be Respondent's responsibility.

- C. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes Respondent in the practice of medicine to serve as worksite monitor. The Board shall share a copy of all Board orders in this matter with the worksite monitor. The worksite monitor shall provide a written statement indicating that the monitor agrees to act as the worksite monitor under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of any mental health impairment or a violation of this Order. The monitor shall agree to submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- D. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to her compliance with the terms of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of the Order.
- E. **Board Appearances:** Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).
- F. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report from Respondent required by this Order. The monitoring fee

shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The Monitoring Fee shall be considered repayment receipts as defined in Iowa Code section 8.2.C.

**G. Compliance with the Terms of Probation:** Respondent's Iowa medical license is inactive and she is not currently practicing medicine. Respondent shall not be required to comply with the terms and conditions of probation established in this order until and unless she reinstates her Iowa medical license.

13. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

14. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

15. This Order constitutes the resolution of a contested case proceeding.

16. Respondent voluntarily submits this Order to the Board for consideration.

17. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Settlement Agreement.

18. This Order is subject to approval by the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

19. The Board's approval of this Order shall constitute a **Final Order** of the Board.

Mary Anna Woodard, MD  
Mary A. Woodard, M.D., Respondent

Subscribed and sworn to before me on \_\_\_\_\_, 2009.

Notary Public, State of \_\_\_\_\_.

This Order is approved by the Board on November 12, 2009.

Siroos S. Shirazi  
Siroos S. Shirazi, M.D., Chairman  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**MARY A. WOODARD, M.D., RESPONDENT**

**File No. 02-08-507**

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**STATEMENT OF CHARGES**

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COMES NOW the Iowa Board of Medicine on October 23, 2008, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2)(2007). Respondent was issued Iowa medical license no. 35834 on September 20, 2004. Respondent's Iowa medical license went inactive due to non-renewal on April 1, 2008.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on March 11, 2009, before the Board. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board office at 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 24.2(5)(d) to file an Answer. In that Answer, you should state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Theresa O'Connell Weeg, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Theresa O'Connell Weeg at 515-281-6858.

## **B. LEGAL AUTHORITY AND JURISDICTION**

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

8. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C and 653 IAC 25.

9. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 25.20.

## **C. SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

10. Respondent is charged pursuant to 653 IAC 23.1(12) for violating a health contract that she entered into with the Iowa Physician Health Program (IPHP).

### **COUNT II**

11. Respondent is charged under Iowa Code section 148.6(2)(h) and 653 IAC 23.1(8) with suffering from a health condition which impairs her ability to practice medicine and surgery with reasonable skill and safety.

## **STATEMENT OF THE MATTERS ASSERTED**

12. Respondent is an Iowa-licensed physician who formerly practiced obstetrics in Mt. Pleasant, Iowa.

13. On February 16, 2007, Respondent entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) for mental health monitoring after she was diagnosed with a mental health condition. Respondent agreed to fully comply with the requirements of the IPHP Physician Health Contract.

14. On March 28, 2008, Respondent informed the IPHP that she had stopped practicing medicine on January 31, 2008, and that she planned to move out of the country.

15. Recently, the IPHP voted to refer Respondent to the Board after concluding that Respondent violated the terms of her Physician Health Contract. The IPHP concluded that Respondent repeatedly failed to:

- A. Meet with her monitoring psychiatrist and ensure that the psychiatrist filed required written reports with the IPHP;
- B. Meet with her therapist and ensure that the therapist filed required written reports with the IPHP;
- C. File required written quarterly monitoring reports with the IPHP; and
- D. Regularly communicate the status of her medical practice and her future practice plans with the IPHP.

#### **E. SETTLEMENT**

16. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

## F. PROBABLE CAUSE FINDING

17. On this 23<sup>rd</sup> day of October 2008, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Yashn Lee, M.D., Chairperson  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686