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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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 8th 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, 2nd 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 23rd day of October 2008, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

Yasyn Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686