

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MARY PAT ROSMAN, D.O., RESPONDENT

FILE NOS. 03-2017-0414 & 03-2017-0265

AMENDED ORDER

COMES NOW the Iowa Board of Medicine (Board) and on October 21, 2021, and enters this Amended Order.

1. **Iowa Medical License:** Respondent was issued Iowa medical license DO-02054 on July 24, 1984. Respondent's Iowa medical license is active, but on probation, and will next expire on July 1, 2022.

2. **Jurisdiction:** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148, and 272C.

STATEMENT OF MATTERS ASSERTED

3. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced family medicine in Sibley, Iowa.

4. **Statement of Charges:** On December 20, 2019, the Board filed a Statement of Charges alleging Respondent violated the laws and rules governing the practice of medicine in Iowa when she improperly managed medical records while practicing medicine in Sibley, Iowa.

5. **Settlement Agreement:** On March 26, 2020, Respondent entered into a Settlement Agreement with the Board and the Board issued Respondent a Citation and Warning, placed Respondent on probation for a period of five years subject to Board monitoring. The Board also prohibited Respondent from prescribing administering or dispensing controlled substances for the treatment of chronic pain under her Iowa medical license until and unless she demonstrates to the Board that she is competent to provide such care with reasonable skill and safety and receives written approval from the Board. Prior to seeking reinstatement of her ability to prescribe, administer or dispense controlled substances for the treatment of chronic pain, Respondent was required to successfully complete a Board-approved chronic pain management program. The Board also permanently prohibited Respondent from engaging in the practice of telemedicine and from engaging in the diagnosis and treatment of Lyme disease or treating patients she previously treated or Lyme disease until and unless she demonstrates to the Board that she is competent to provide such care with reasonable skill and safety and she receives prior written approval from the Board. Finally, the Board limited Respondent's practice location to locations approved by the Board. Respondent shall not practice medicine in any other location unless she receives prior written approval of the Board.

6. **Amendment:** On October 21, 2021, the Board voted terminate the provision prohibiting Respondent from prescribing administering or dispensing controlled substances for the treatment of chronic pain under her Iowa medical license. All other provisions contained in the March 26, 2020, Settlement Agreement remain in effect.

THEREFORE IT IS HEREBY ORDERED: that the provision prohibiting Respondent from prescribing administering or dispensing controlled substances for the treatment of chronic pain under her Iowa medical license is terminated. All other provisions contained in the March 26, 2020, Settlement Agreement remain in effect.

This Amended Order is issued by the Board on October 21, 2021.



Warren E. Gall, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MARY PAT ROSMAN, D.O., RESPONDENT

FILE NOS. 03-2017-0414 & 03-2017-0265

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board) and Mary Pat Rosman, D.O. (Respondent), on March 26, 2020, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Settlement Agreement and Final Order (“Order”) to resolve this matter.

1. **Iowa Medical License:** Respondent was issued Iowa medical license DO-02054 on July 24, 1984. Respondent’s Iowa medical license is active, but on probation, and will next expire on July 1, 2020.

2. **Jurisdiction:** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148, and 272C.

STATEMENT OF MATTERS ASSERTED

3. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced family medicine in Sibley, Iowa.

4. **Statement of Charges:** On December 20, 2019, the Board filed a Statement of Charges alleging Respondent violated the laws and rules governing the practice of medicine in Iowa when she improperly managed medical records while practicing medicine in Sibley, Iowa.

5. **Respondent's Answer:** Respondent filed an Answer to the Statement of Charges denying the allegations and continues to deny any breach of standard of care. Respondent was terminated from Avera Medical Group without cause. The Board, to date, has not received additional information from Avera regarding the allegations outside of the documentation already contained in the investigative file.

SETTLEMENT AGREEMENT

6. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to properly manage medical records in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of her Iowa medical license.

7. **FIVE YEARS PROBATION:** Respondent shall remain on probation for up to an additional **five (5) years** from the date of this Order, with a review held at the end of **three (3) years** to determine if continued probation is needed. Probation will end in three (3) years at the discretion of the Board upon a finding that Respondent has fully satisfied the terms and conditions. The following terms and conditions shall apply to Respondent's probation:

A. **Monitoring Program:** Respondent shall contact Andrew Rupiper, Interim

Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, Iowa, 50309-4686 at 515-281-5499 or by email at andrew.rupiper@iowa.gov to establish a monitoring program. Respondent shall fully comply with all requirements of the program.

- B. Audits:** Respondent shall fully comply with Board approved audits of her medical recordkeeping, including controlled substance prescribing, during the period of this Order.
- C. CPEP Recommendations:** Respondent received recommendations by CPEP through an April 2016 Education Plan. To the extent that Respondent can establish through documentation that she has completed any of the following requirements, she will be given credit for her completion of those courses and shall not be required to repeat any of those requirements. However, Respondent agrees to comply with all remaining recommendations and complete Paragraph 4 below regardless of whether Respondent has previously completed that requirement. The entire list of recommendations are as follows:
- 1) **Individualized Education Intervention:** Participate in a structured, individualized education intervention to address the identified areas of need.
 - 2) **Experienced Educational Preceptor:** Establish a relationship with an experienced educational preceptor in family medicine.
 - 3) **Continuing Medical Education and Self-Study:** Engage in continuing medical education courses and self-study which include, but are not limited to, the topics indicated in the areas of demonstrated need.
 - 4) **Documentation:** Complete and pass the Personalized Implementation

Program (PIP) of the CPEP Medical Record Keeping Course and receive coaching from a Preceptor.

5) **Communication:** Complete a course or coaching from a communication professional that includes SP encounters and immediate coaching and feedback.

6) **Clinical Reassessment:** Complete a clinical reassessment at CPEP at the conclusion of the individualized education intervention.

D. Practice Monitoring Plan: Respondent shall fully comply with the Board-approved practice monitoring plan agreed upon by Respondent and the Board.

1) Respondent shall submit the name and CV of an Iowa-licensed, board-certified, family physician, to serve as her practice monitor.

2) The Board shall provide the practice monitor a copy of this order, the practice monitoring plan, and all other relevant Board material in this matter.

3) The practice monitor shall provide a written statement indicating that the practice monitor has read and understands all material provided by the Board and agrees to serve as the practice monitor under the terms of the practice monitoring plan. The practice monitor shall meet with Respondent regularly, review selected patients records, ensure that Respondent provides appropriate care and treatment to patients and engage in a quality improvement process that addresses the areas of need identified by CPEP.

4) The practice monitor shall contact the Board immediately if there is evidence that Respondent has provided substandard care to patients.

5) The practice monitor shall agree to submit written quarterly reports to

the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this order.

6) The practice monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of Iowa Administrative Code rule 653—24.2(5)(e)(3).

E. Worksite Monitoring Program: Within **thirty (30) days** of receiving a job offer from an approved practice location, Respondent shall establish a worksite monitoring program with the Board.

1) Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine.

2) The Board shall provide a copy of all Board orders relating to this matter and all CPEP reports to the worksite monitor.

3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order.

4) The worksite monitor shall agree to inform the Board immediately if there is evidence of disruptive behavior or a violation of this Order.

5) The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of Iowa Administrative Code rule 653—24.2(5)(e)(3).

6) The worksite monitor shall submit quarterly reports to the Board not

later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

F. **Quarterly Reports:** Respondent agrees to file sworn quarterly reports attesting to her compliance with the terms and conditions of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.

G. **Board Appearances:** Respondent agrees to appear before the Board annually or upon request during the period of probation. 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 Iowa Administrative Code rule 653—24.2(5)(e)(3).

8. **Prohibition - Chronic Pain Management:** Respondent is prohibited from prescribing administering or dispensing controlled substances for the treatment of chronic pain under her Iowa medical license until and unless she demonstrates to the Board that she is competent to provide such care with reasonable skill and safety and receives written approval from the Board. Pursuant to 653 IAC 13.2(1), "*Chronic pain* means persistent or episodic pain of a duration or intensity that adversely affects the functioning or well-being of a patient when (1) no relief or cure for the cause of pain is possible; (2) no relief or cure for the cause of pain has been found; or (3) relief or cure for the cause of pain through other medical procedures would adversely affect the well-being of the patient. If pain persists beyond the anticipated healing period of a few weeks, patients should be thoroughly evaluated for the presence of chronic pain." This prohibition does not prohibit Respondent from prescribing, administering or dispensing controlled substances for the treatment of acute pain. This prohibition does not prohibit Respondent from prescribing controlled substances as an employee of the Iowa Department of Corrections if all prescriptions for

controlled substances are monitored by at least one other Iowa licensed physician. Prior to seeking reinstatement of her ability to prescribe, administer or dispense controlled substances for the treatment of chronic pain, Respondent shall successfully complete a Board-approved chronic pain management program.

9. **Prohibition – Practice of Telemedicine:** Respondent is permanently prohibited from engaging in the practice of telemedicine as described in Iowa Administrative Code rule 653-13.11, standards of practice – telemedicine.

10. **Prohibition – Treatment of Lyme Disease:** Respondent is prohibited from engaging in the diagnosis and treatment of Lyme disease or treating patients she previously treated or Lyme disease until and unless she demonstrates to the Board that she is competent to provide such care with reasonable skill and safety and she receives prior written approval from the Board.

11. **Board Approved Practice Location:** Respondent shall provide the Board a list of all of the locations where she practices medicine prior to the Board's approval of this Order. Respondent shall only practice medicine at locations approved by the Board. Respondent shall not practice medicine in any other location unless she receives prior written approval of the Board. The Board has the ability to consider any closed or ongoing complaints in approving practice location. However, because this Order constitutes a resolution of the current complaint, the Board may not refuse a practice location based on the reasoning that this complaint is still "ongoing." The Board will not unreasonably withhold approval of a practice location without just cause. In the event the Board denies a practice location, the Board will provide a written response detailing the reasons for denial as well as guidance, if any is appropriate, on how to get future practice locations approved.


12. This Order constitutes the resolution of a contested case proceeding.
13. Respondent voluntarily submits this Settlement Agreement and Final Order to the Board for consideration.
14. Respondent agrees that the State's counsel may present this Settlement Agreement and Final Order to the Board for consideration.
15. Respondent shall submit a written statement to the Board which demonstrates that she has shared a copy of this Settlement Agreement and Final Order with all medical licensing boards where Respondent holds a license, whether active or not, within thirty (30) days of the date of this order.
16. Respondent does not admit the allegations contained in the Statement of Charges but enters into this Settlement Agreement and Final Order for the purpose of resolving this matter to avoid the burden, expense, delay, and uncertainties of a contested case hearing.
17. Respondent understands that by entering into this Settlement Agreement and Final Order, she has a right to legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.
18. This Order replaces the Statement of Charges and Settlement Agreement dated February 5, 2016, and any other Orders issued prior to this date. This Order contains the controlling terms of Respondent's current relationship with the Board and will continue to do so until probation has completed or a new Order is issued by the Board explicitly overruling this Order.
19. Respondent understands that the Board is required by Federal law to report this

Order to the National Practitioner Data Bank.

20. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code chapters 17A, 22, and 272C.

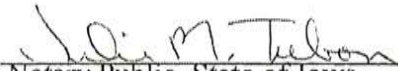
21. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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

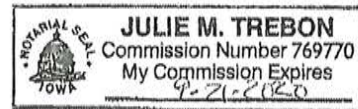


Mary Pat Rosman, D.O., Respondent

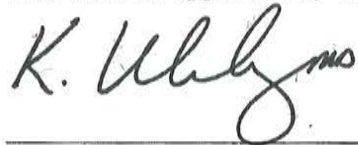
Subscribed and sworn to before me on March 24, 2020.



Notary Public, State of Iowa.



This Order is approved by the Board on March 26, 2020.



Kyle G. Ulveling, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MARY P. ROSMAN, D.O., RESPONDENT

FILE NOS. 03-2017-414 & 03-2017-265

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on December 20, 2019, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license number DO-02054 on July 24, 1984. Respondent's Iowa medical license is active, but on probation, and will next expire on July 1, 2020.

A. TIME, PLACE, AND NATURE OF HEARING

1. Hearing. A contested case hearing shall be held on March 5, 2020, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in a conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by Iowa Administrative Code rule 653—25.10 to file an Answer. In that Answer, you should also 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. Prehearing Conference. A prehearing conference shall be held by telephone on February 5, 2020, at 10:00 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Joseph Fraioli, J.D., Director of Legal Affairs, Iowa Board of Medicine, at 515-281-3614 or joseph.fraioli@Iowa.gov with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at Iowa Administrative Code rule 653—25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at Iowa Administrative Code chapter 653—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 Iowa Administrative Code rule 653—25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. 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: Anagha Dixit, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor,

Hoover State Office Building, Des Moines, Iowa 50319.

7. 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 may contact Joseph Fraioli, J.D., Director of Legal Affairs, at 515-281-3614 or joseph.fraioli@Iowa.gov, or Assistant Attorney General Anagha Dixit at 515-281-5478 or anagha.dixit@ag.iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

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

9. 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 Iowa Administrative Code rule 653—25.25.

10. 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 Iowa Administrative Code rule 653—25.20.

C. APPLICABLE LAW AND RULES

COUNT I

11. **Improper Management of Medical Records:** Respondent is charged with the improper management of medical records pursuant to Iowa Code sections 147.55(9) and

148.6(2)(i), and Iowa Administrative Code rule 653—23.1(36). Improper management of medical records includes, but is not limited to, failure to maintain timely, accurate, and complete medical records.

STATEMENT OF THE MATTERS ASSERTED

12. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced family medicine in Sibley, Iowa.

13. **Inadequate Medical Record Keeping:** The Board alleges that while practicing medicine in Sibley, Iowa, Respondent improperly managed medical records. Specifically:

- 1) Respondent failed to maintain appropriate medical records.
- 2) Many of Respondent's medical records are incomplete.
- 3) Respondent failed to complete her medical records in a timely manner.
- 4) Respondent failed to maintain her medical records in an organized and secure manner.

E. SETTLEMENT

14. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code rule 653—12.25. If you are interested in pursuing settlement of this matter, please contact Joseph Fraioli, J.D., Director of Legal Affairs, at 515-281-3614 or joseph.fraioli@Iowa.gov.

F. PROBABLE CAUSE FINDING

15. On December 20, 2019, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Kyle G. Ulveling, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

December 20, 2019

Date