

**BEFORE THE
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI**

**MISSOURI STATE BOARD OF
REGISTRATION FOR THE HEALING ARTS,**)

Petitioner,)

v.)

MARTHA M. MANN, MD)

Respondent.)

Case Number: 2021-000741

ORDER

COMES NOW the Missouri State Board of Registration for the Healing Arts, and in the matter of the licensure application of Martha M. Mann, MD, hereby issues the following Order:

1. The Missouri State Board of Registration for the Healing Arts (“Board”) is an agency of the state of Missouri; created and established pursuant to section 334.120, RSMo¹ for the purpose of executing and enforcing the provisions of Chapters 334, RSMo.
2. Under Chapter 334, RSMo, the Board regulates the professional standards of physicians and surgeons. Among its duties, the Board evaluates the qualifications of licensure applicants and issues licenses in accordance with the statutes and regulations.

Background

3. Between June 2001 and June 2006, when Martha M. Mann, MD (“Respondent”) was a resident and fellow in the Department of Psychiatry and Neurobehavioral Science at the University of Virginia, she was once placed on probation (hereafter “Probation”) for leaving a notebook with patient information in a public area.
4. Respondent worked as a locum tenens physician at Montana State Hospital in Warm Springs, Montana, from January 14, 2015, to March 27, 2015.

Application

¹ All statutory references are to the Revised Statutes of Missouri Cumulative Supplement (2018), unless otherwise stated.

5. On or about September 17, 2020, Respondent submitted a physician and surgeon licensure application to the Board.
6. In her application, Respondent answered “No” to question #4 under section “N. PERSONAL HISTORY,” which asked

“Have you had any disciplinary or corrective action taken against you, or had your right to practice restricted, by any professional medical or osteopathic association or society, or by any licensed hospital or medical staff or a hospital *including being placed on probation while in a postgraduate training program?*” (emphasis added).
7. In section “P. APPLICANT’S OATH” of the licensure application, Respondent attached her notarized signature to the following statement:

“I hereby certify under oath that I am the person named in this application for a license to practice medicine in the State of Missouri; that all statements I have made herein are true and that I have personally read, reviewed and answered each of these questions; [...] that I am the [...] person named in the various documents and credentials furnished to the Board in connection with this application. [...] I have answered all questions truthfully and in compliance with the instructions provided [...].” (hereafter “the Oath”).
8. On or about October 8, 2020, the Board was notified by the medical director of Montana State Hospital they would not recommend Respondent for reappointment, because “[Respondent] signed on for services through 4/3/2015 and discontinued service early 3/27/2015.”
9. On December 2, 2020, Respondent sent the Board an email stating she left her locum tenens position at Montana State Hospital “2 weeks early due to a better position at a different facility in Maine.” This email was sent from Respondent’s email account. The sender was identified as “Dr. Martha Mann.”
10. On January 4, 2021, Respondent sent the Board an e-mail stating she was placed on the Probation by the University of Virginia because the “medical record [she] had taken home to check and annotate was either stolen or [...] lost.” This email was sent from Respondent’s email account. The sender was identified as “Martha Mann, M.D..”

Interview

11. During its April 22, 2021 meeting, the Board met with Respondent to discuss her application.

12. When the Board asked Respondent why she did not disclose the Probation in her initial application, Respondent stated it was her husband who answered “No” to licensure question #4 under section “N. PERSONAL HISTORY.”
13. Respondent further admitted she allowed, directed or enabled her husband to fill out her licensure application, which she reviewed.
14. Respondent did not accept the fact that she was placed on Probation because it occurred while she was on preplanned family leave; she disputed the reasons for the Probation, and she criticized the lack of due process leading up to the Probation.
15. Respondent nonetheless recognized the Probation occurred.
16. She was made aware of the Probation by the director of the General Psychiatry Residency Training Program, and her fellow residents, who consoled Respondent.
17. Contrary to her certification in the Oath, Respondent did not personally read, review and answer each of the questions on the application to ensure the accuracy and completeness of her answers.
18. Respondent’s failure to disclose the Probation constitutes use of misrepresentation in her licensure application.
19. The above is cause to deny Respondent’s licensure application, or in alternative, to issue Respondent a license subject to discipline pursuant to section 334.100.2(3), RSMo.
20. When questioned by the Board why her statements during the interview contradicted the e-mails she previously sent on December 2, 2020, and January 4, 2021, Respondent stated it was her husband who sent those e-mails.
21. Respondent admitted she allowed, directed or enabled her husband to communicate with Board staff during the application process as if he was Respondent.
22. By allowing, directing, or enabling her husband to send e-mails from her account and identify himself as “Martha Mann, M.D.” or “Dr. Martha Mann” in e-mail correspondence with Board staff, Respondent misrepresented the fact that she was not the one engaging in e-mail correspondence with the Board and this was done with intent of deceit.

23. Respondent used misrepresentation to secure her license, which is cause to deny Respondent's licensure application, or in alternative, to issue Respondent a license subject to discipline pursuant to section 334.100.2(3).²
24. When questioned by the Board about the Montana State Hospital's decision not to recommend her for reappointment, Respondent was not forthright and presented inconsistent accounts of the events surrounding her departure; specifically
- a) She initially denied knowing why the Hospital would not rehire her. Then she said, in a phone conversation initiated by her, the Hospital told her they would not give her a job again because she did not complete the patient records while working for the Hospital the first time.
 - b) She insisted she did not leave the job early because the Hospital would not grant her request to do so. Then she changed the statement to say she left the job early due to a family member's health condition deteriorating and there was a need to relocate to Maine.
 - c) Finally she stated the Hospital granted her request to leave early because she would never have left a job early if her request was not granted.
25. Respondent's inconsistent accounts of the events constitutes continued use of misrepresentation to secure a license, which is cause to deny Respondent's licensure application, or in alternative, to issue Respondent a license subject to discipline pursuant to section 334.100.2(3), RSMo.
26. Upon her own admission, Respondent did not complete the patient records before leaving the position at the Montana State Hospital.
27. Respondent's failure to complete the patient records put the continuity of patient care at risk and constitutes a violation of section 334.097, RSMo.
28. The above is cause to deny Respondent's licensure application, or in alternative, to issue Respondent a license subject to discipline pursuant to sections 334.100.2(4)(l) and 334.100.2(6) (for violating section 334.097.1, RSMo), RSMo.

² "Misrepresentation is generally defined as a falsehood or untruth made with the intent of deceit rather than inadvertent mistake." *Hernandez v. State Bd. of Registration for Healing Arts*, 936 S.W.2d 894, 899 n.3 (Mo.App. W.D. 1997)

29. In summary, the Board has the following concerns with Respondent's application:
- a) It contains errors, omissions and/or misrepresentations;
 - b) Respondent allowed, directed or enabled her husband to communicate with Board staff during the application process as if he was Respondent;
 - c) Respondent was evasive in her interview with the Board. There were discrepancies and inconsistencies in her statements; and
 - d) Respondent did not complete medical records before leaving a locum tenens position.
30. Pursuant to sections 334.100.1, 334.100.2(3), 334.100.2(4)(l) and 334.100.2(6) (for violating section 334.097.1, RSMo), RSMo, the above is cause to deny Respondent's licensure application, or in alternative, to issue Respondent a license subject to discipline.

STATUTORY BASIS

31. Cause exists to issue the license subject to discipline, pursuant to sections 334.100.1, 334.100.2(3), 334.100.2(4)(l) and 334.100.2(6) (for violating section 334.097.1, RSMo), RSMo, which state:

334.097.1. Physicians shall maintain an adequate and complete patient record for each patient and may maintain electronic records provided the record-keeping format is capable of being printed for review by the state board of registration for the healing arts. An adequate and complete patient record shall include documentation of the following information:

- (1) Identification of the patient, including name, birthdate, address and telephone number;
- (2) The date or dates the patient was seen;
- (3) The current status of the patient, including the reason for the visit;
- (4) Observation of pertinent physical findings;
- (5) Assessment and clinical impression of diagnosis;
- (6) Plan for care and treatment, or additional consultations or diagnostic testing, if necessary. If treatment includes medication, the physician shall include in the patient record the medication and dosage of any medication prescribed, dispensed or administered;
- (7) Any informed consent for office procedures.

334.100. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section....As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any

combination of causes stated in subsection 2 of this section....If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

334.100. 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;

32. Respondent's conduct, as established by the foregoing facts, falls within the intendments of sections 334.100.1, 334.100.2(3), 334.100.2(4)(l) and 334.100.2(6) (for violating section 334.097.1, RSMo), RSMo.

33. Cause exists for the Board to take disciplinary action against Respondent's license under sections 334.100.1, 334.100.2(3), 334.100.2(4)(l) and 334.100.2(6) (for violating section 334.097.1, RSMo), RSMo.

DECISION AND DISCIPLINARY ORDER

34. In lieu of denial, the Board exercises its discretion under section 334.100.1, RSMo and issues Respondent a physician and surgeon's license, number 2021032564, with a PUBLIC REPRIMAND.
35. The Board orders that Respondent shall successfully completed a board-approved professionalism course and a board-approved ethics course within one-hundred eighty (180) days from the effective date of this Order. The Board maintains a list of pre-approved courses on its website: <https://pr.mo.gov/boards/healingarts/CMECourses.pdf>. If Respondent wishes to take a course, other than those pre-approved courses, Respondent shall obtain the Board's approval to attend a specific course prior to attending that course. Respondent shall forward proof of the successful completion of the courses to the Board within thirty (30) days of such completion.
36. If Respondent is licensed in other jurisdictions, she shall forward written notice of this disciplinary action to the medical or osteopathic licensing authorities of those jurisdictions within thirty (30) days of the effective date of this Order. Respondent shall submit a copy of the written notice to the Board contemporaneously with sending it to the relevant licensing authority. If Respondent is not licensed in other jurisdictions, she shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this Order.
37. Respondent shall, within thirty (30) days of the effective date of this Order, forward written notice of this disciplinary action to all employers, hospitals, nursing homes, out-patient centers, clinics, and any other facility where Respondent practices or has privileges. Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Respondent does not have an employer, staff privileges or practice at any facility, she shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this Order.
38. Respondent shall, within thirty (30) days of the effective date of this Order, forward written notice of this disciplinary action to any allied health care professionals supervised by Respondent. Respondent

shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Respondent does not supervise any allied health professionals, she shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this Order.

39. For purposes of this Order and unless otherwise specified herein, all reports, documentation, evaluations, notices, or other materials Respondent is required to submit to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Enforcement, P.O. Box 4, Jefferson City, Missouri 65102.
40. The Board will maintain this Order as an open record as required by Chapters 324, 334, and 610, RSMo, and this action will be reported to the National Practitioner Data Bank ("NPDB") and the Federation of State Medical Boards ("FSMB").
41. If Respondent wishes to appeal the Board's decision, she may do so by filing an appeal with the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, MO 65102, within thirty (30) days of the effective date of this Order,

WHEREFORE, it is hereby ordered that upon the effective date of this Order, Respondent shall be issued a license with a PUBLIC REPRIMAND pursuant to the terms of discipline described above.

SO ORDERED, EFFECTIVE THIS 13th DAY OF AUGUST, 2021.



James Leggett, Executive Director
Missouri State Board of Registration for the Healing Arts