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11 **BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against,  
14  
15 **MARGARET MARY HAGGERTY, M.D.  
1474 YORKSHIRE LOOP  
TRACY, CA 95376  
16 Physician's and Surgeon's License No. G  
85149**

17  
18 Respondent.

Case No. 800-2015-014155

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

19  
20 **FINDINGS OF FACT**

21 1. On or about November 28, 2016, Complainant Kimberly Kirchmeyer, in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs, filed Accusation No. 800-2015-014155 against Margaret Mary Haggerty, M.D.  
24 (Respondent) before the Medical Board of California. A true and correct copy of Accusation No.  
25 800-2015-014155 is attached as Exhibit A to the separate accompanying "Default Decision  
26 Evidence Packet."

27 2. On or about April 23, 1999, the Medical Board of California (Board) issued  
28 Physician's and Surgeon's License No. G 85149 to Respondent. The Physician's and Surgeon's

1 License was in full force and effect during some of the times relevant to the allegations brought  
2 herein and expired on October 31, 2016. On or about February 9, 2017, following a noticed  
3 hearing on the Board's petition to suspend Physician's and Surgeon's License No. G 85149,  
4 under Government Code section 11529, the License was suspended and remains so until a  
5 Decision is rendered on Accusation No. 800-2015-014155, or the matter is otherwise resolved.  
6 (Default Decision Evidence Packet, Exhibit B, Certificate of Licensure.)

7 3. On or about November 28, 2016, Richard Acosta, an employee of the Medical Board  
8 of California, served the following documents by Certified Mail: a copy of Accusation No. 800-  
9 2015-014155; a Notice of Defense; a Statement to Respondent; and a copy of Government Code  
10 sections 11507.6, and 11507.7, (related documents), to Respondent's address of record with the  
11 Board, which was and is 1474 Yorkshire Loop, Tracy, California, 95376. A copy of the  
12 Accusation, the related documents, and Declaration of Service, with certified mail receipt number  
13 7012-3460-0000-2386-6280, are attached as Exhibit C, to the Default Decision and Evidence  
14 Packet.

15 4. Service of the Accusation was effective as a matter of law under the provisions of  
16 Government Code section 11505, subdivision (c).

17 5. On or about December 23, 2016, the certified mail receipt number 7012-3460-0000-  
18 2386-6280 was returned to the Board, showing that the aforementioned documents were received  
19 by Respondent on or about December 10, 2016. (Default Decision Evidence Packet, Exhibit D,  
20 Certified Mail Receipt.)

21 6. Government Code section 11506 states, in pertinent part:

22 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
23 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
24 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
25 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

26 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
27 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 800-  
28

1 2015-014155. (Default Decision Evidence Packet, Exhibit E, Declaration of Megan O'Carroll,  
2 May 5, 2017.)

3 8. On or about December 19, 2016, a courtesy notice of default was served upon  
4 Respondent at her address of record. (Default Decision Evidence Packet, Exhibit F, Courtesy  
5 Notice of Default.) Respondent made no response. (Ex. E, O'Carroll Decl.)

6 9. California Government Code section 11520 states, in pertinent part:

7 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
8 agency may take action based upon the respondent's express admissions or upon other evidence  
9 and affidavits may be used as evidence without any notice to respondent."

### 10 JURISDICTION

11 10. California Business and Professions Code Section 820 of the Code states:

12 "Whenever it appears that any person holding a license, certificate or permit under this  
13 division or under any initiative act referred to in this division may be unable to practice his or her  
14 profession safely because the licentiate's ability to practice is impaired due to mental illness, or  
15 physical illness affecting competency, the licensing agency may order the licentiate to be  
16 examined by one or more physicians and surgeons or psychologists designated by the agency.  
17 The report of the examiners shall be made available to the licentiate and may be received as direct  
18 evidence in proceedings conducted pursuant to Section 822."

19 11. California Business and Professions Code section 822 states

20 "If a licensing agency determines that its licentiate's ability to practice his or her  
21 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
22 competency, the licensing agency may take action by any one of the following methods:

23 "(a) Revoking the licentiate's certificate or license.

24 "(b) Suspending the licentiate's right to practice.

25 "(c) Placing the licentiate on probation.

26 "(d) Taking such other action in relation to the licentiate as the licensing agency in its  
27 discretion deems proper.

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1 "The licensing section shall not reinstate a revoked or suspended certificate or license until  
2 it has received competent evidence of the absence or control of the condition which caused its  
3 action and until it is satisfied that with due regard for the public health and safety the person's  
4 right to practice his or her profession may be safely reinstated."

5 12. California Business and Professions Code section 118, subdivision (b), of the Code  
6 provides that the expiration of a license shall not deprive the Board/Registrar/Director of  
7 jurisdiction to proceed with a disciplinary action during the period within which the license may  
8 be renewed, restored, reissued or reinstated.

9 13. On or about July 29, 2016, the Medical Board of California ordered Respondent to  
10 undergo a mental and physical examination pursuant to Business and Professions Code section  
11 820. Pursuant to this Order, Respondent was examined by Ann Gerhardt, M.D. (Dr. Gerhardt), a  
12 Board-certified internist, and Bruce Victor, M.D. (Dr. Victor), a Board certified psychiatrist.  
13 Both physicians determined that Respondent suffers from a mental or medical condition that  
14 impairs her ability to safely practice medicine. (Default Decision Evidence Packet, Exhibit G,  
15 Declaration of Dr. Gerhardt; Exhibit H, Declaration of Dr. Victor.)

16 14. Pursuant to its authority under Government Code section 11520, the Board finds  
17 Respondent is in default. The Board will take action without further hearing and, based on  
18 Respondent's express admissions by way of default and the evidence before it, contained in  
19 exhibits A, B, C, D, E, F, G, and H, and Factual Findings I through 13, finds that the allegations  
20 in Accusation No. 800-2015-014155 are true.

#### 21 DETERMINATION OF ISSUES

22 1. Based on the foregoing findings of fact, Respondent Margaret Mary Haggerty, M.D.  
23 has subjected her Physician's and Surgeon's License No. G 85149 to revocation.

24 2. A copy of the Accusation and the related documents and Declaration of Service are  
25 attached.

26 3. The agency has jurisdiction to adjudicate this case by default.

27 4. The Medical Board of California is authorized to revoke Respondent's Physician's  
28 and Surgeon's License based upon the cause for action alleged in the Accusation, that she suffers

1 from a physical or mental illness affecting competency, pursuant to California Business and  
2 Professions Code section 822.

3 ORDER

4 IT IS SO ORDERED that Physician's and Surgeon's License No. G 85149, heretofore  
5 issued to Respondent Margaret Mary Haggerty, M.D., is revoked.

6 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
7 written motion requesting that the Decision be vacated and stating the grounds relied on within  
8 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
9 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

10 This Decision shall become effective on July 13, 2017.

11 It is so ORDERED June 13, 2017

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14 FOR THE MEDICAL BOARD OF CALIFORNIA  
15 DEPARTMENT OF CONSUMER AFFAIRS  
16 KIMBERLY KIRCHMEYER  
17 EXECUTIVE DIRECTOR

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7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO  
BY: *[Signature]* ANALYST

10 BEFORE THE  
11 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:	Case No. 800-2015-014155
14 Margaret Mary Haggerty, M.D. 1474 Yorkshire Loop 15 Tracy, CA 95376	ACCUSATION
16 Physician's and Surgeon's License No. G 85149, 17 Respondent.	

19 Complainant alleges:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about April 23, 1999, the Medical Board issued Physician's and Surgeon's  
25 License No. G 85149 to Margaret Mary Haggerty, M.D. (Respondent). The Physician's and  
26 Surgeon's License expired on October 31, 2016, and has not been renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5 4. Section 820 of the Code states:

6 "Whenever it appears that any person holding a license, certificate or permit under this  
7 division or under any initiative act referred to in this division may be unable to practice his or her  
8 profession safely because the licentiate's ability to practice is impaired due to mental illness, or  
9 physical illness affecting competency, the licensing agency may order the licentiate to be  
10 examined by one or more physicians and surgeons or psychologists designated by the agency.  
11 The report of the examiners shall be made available to the licentiate and may be received as direct  
12 evidence in proceedings conducted pursuant to Section 822."

13 5. Section 822 of the Code states:

14 "If a licensing agency determines that its licentiate's ability to practice his or her  
15 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
16 competency, the licensing agency may take action by any one of the following methods:

17 "(a) Revoking the licentiate's certificate or license.

18 "(b) Suspending the licentiate's right to practice.

19 "(c) Placing the licentiate on probation.

20 "(d) Taking such other action in relation to the licentiate as the licensing agency in its  
21 discretion deems proper.

22 "The licensing section shall not reinstate a revoked or suspended certificate or license until  
23 it has received competent evidence of the absence or control of the condition which caused its  
24 action and until it is satisfied that with due regard for the public health and safety the person's  
25 right to practice his or her profession may be safely reinstated."

26 6. Section 118, subdivision (b), of the Code provides that the expiration of a license  
27 shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action  
28 during the period within which the license may be renewed, restored, reissued or reinstated.

1 CAUSE FOR ACTION

2 (Mental or Physical Illness/Business and Professions Code Section 820)

3 7. Respondent Margaret Mary Haggerty, M.D. is subject to action under section 822 in  
4 that she suffers from mental and physical illness that affects her competency to practice medicine.

5 The circumstances are as follows:

6 8. On or about May 27, 2015, Respondent's primary care physician filed a complaint  
7 with the Board, explaining that he observed possible signs of mental and physical impairment in  
8 Respondent and felt obliged to inform the Board.

9 9. On or about July 29, 2016, the Medical Board of California ordered Respondent to  
10 undergo a mental and physical examination pursuant to Business and Professions Code section  
11 820. On or about August 11, 2016, Ann Gerhardt, M.D. (Dr. Gerhardt), a Board-certified  
12 internist, conducted a physical examination of Respondent. On or about August 18, 2016, Bruce  
13 Victor, M.D. (Dr. Victor), a Board certified psychiatrist, conducted a psychiatric evaluation of  
14 Respondent. Based on their examinations and testing they conducted, Dr. Gerhardt and Dr.  
15 Victor diagnosed Respondent with extreme hypothyroidism, malnutrition, and anorexia nervosa,  
16 among other conditions. Both physicians noted that Respondent is disregarding medical evidence  
17 concerning her conditions and refusing to accept medical treatment. The experts concluded that  
18 Respondent is experiencing physical symptoms as well as neurocognitive impairment. These  
19 experts agree that Respondent presently suffers from mental and physical disorders which  
20 substantially impair her ability to safely practice medicine and that the public is in danger if the  
21 Respondent is permitted to continue to practice medicine.

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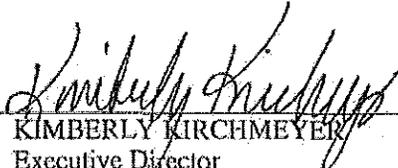
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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Medical Board of California issue a decision:

- 4 1. Revoking or suspending Physician's and Surgeon's License No. G 85149, issued to  
5 Respondent Margaret Mary Haggerty, M.D.;
- 6 2. Revoking, suspending or denying approval of Margaret Mary Haggerty, M.D.'s  
7 authority to supervise physician assistants, pursuant to section 3527 of the Code;
- 8 3. Ordering Margaret Mary Haggerty, M.D., if placed on probation, to pay the Board the  
9 costs of probation monitoring;
- 10 4. Taking such action as authorized by section 822 of the Code as the Medical Board, in  
11 its discretion, deems necessary and proper; and
- 12 5. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: November 28, 2016

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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