BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: Carey Marie Vigor, M.D. Physician's and Surgeon's Certificate No. G 43860 Respondent.	Case No. 800-2018-051335

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on January 3, 2023.

IT IS SO ORDERED December 2, 2022.

MEDICAL BOARD OF CALIFORNIA

Richard E. Thorp, M.D., Chair
Panel B

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against:

CAREY MARIE VIGOR, M.D.,

Physician's and Surgeon's Certificate No. G 43860

Respondent.

Agency Case No. 800-2018-051335

OAH No. 2022030069

PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on September 8, 2022, by videoconference.

Deputy Attorney General Harriet Newman represented complainant William Prasifka, Executive Director of the Medical Board of California.

Respondent Carey Marie Vigor, M.D., appeared representing herself.

The matter was submitted for decision on September 8, 2022.

FACTUAL FINDINGS

1. The Medical Board of California (California Board) issued Physician's and Surgeon's Certificate No. G 43860 to respondent Carey Marie Vigor, M.D., on November 24, 1980. This certificate expired on October 31, 2020; the evidence did not establish whether respondent renewed it. When it expired, and continuing through the time of the hearing, the certificate was suspended as described below in Finding 11.

2. Acting in his official capacity as Executive Director of the California Board, complainant William Prasifka issued an accusation against respondent in 2019. Respondent requested a hearing. Complainant issued a first amended accusation in February 2022.

3. Complainant alleges that in July 2018, the Medical Licensing Board of Indiana (Indiana Board) directed respondent to undergo an examination and assessment to determine whether she remained physically and psychiatrically competent to practice medicine. Complainant alleges further that the Indiana Board has suspended respondent's authority to practice medicine in Indiana until she completes an assessment in accordance with its order, but that respondent has never completed any such assessment. Complainant seeks an order revoking respondent's California certificate.

Education and Professional Experience

4. Respondent graduated from medical school in 1977. The evidence did not establish whether respondent completed a post-graduate residency.

5. Respondent has had a long and varied career in primary care medicine, occupational medicine, and psychiatry. In California, respondent practiced medicine at

an occupational medicine clinic. She also served as a psychiatric evaluator in workers' compensation matters. Respondent testified that her California medical practice was "world class."

6. In 2011, respondent received an Indiana medical license. She was a solo practitioner there for several years. The evidence did not establish precisely the nature of respondent's Indiana medical practice, except to show that respondent regularly prescribed controlled substances.

7. Respondent currently lives in Michigan, where she has held a medical license since 1978. She testified about several educational programs she recently has undertaken or completed, including a graduate degree in statistics and an undergraduate degree in Slavic Studies with an emphasis on the Polish language. The evidence did not establish whether respondent currently practices medicine in Michigan, or if so in what setting and with what patient population.

Indiana Disciplinary Action

8. On July 31, 2018, the Indiana Board entered an order requiring respondent, at her own expense, to "submit to a complete physical and psychiatric examination to be performed by a qualified licensed practitioner in the State of Indiana who is approved by the [Indiana] Board." The Indiana Board modified this order on August 28, 2018. Although a copy of the order as modified in writing was not in evidence, a transcript from the hearing described below in Finding 10 states that the modification eliminated any requirement that the evaluating practitioner be in Indiana. On October 18, 2018, the Indiana Board entered an order denying respondent's motion to modify the order further.

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9. On January 8, 2019, the Indiana Board entered an order suspending respondent's Indiana medical license, on the ground that she had failed to undergo examination as the Indiana Board's earlier orders had required.

10. On August 27, 2020, the Indiana Board conducted a further hearing regarding respondent's Indiana medical license. Following that hearing, on September 23, 2020, the Indiana Board entered an order confirming that respondent had not undergone any examination in accordance with its earlier orders. The Indiana Board found that respondent "represents a clear and immediate danger to the public health and safety if allowed to continue to practice medicine in the State of Indiana." For this reason, the Indiana Board ordered that respondent's Indiana medical license suspension should continue in effect until the Indiana Board has held a final hearing regarding respondent's Indiana medical practice that includes consideration of results from an examination in accordance with the Indiana Board's earlier orders.

Additional Evidence

11. On February 15, 2019, the California Board issued an order suspending respondent's California physician's and surgeon's certificate, on the basis of the Indiana Board's order described in Finding 9.

12. Respondent testified that the Indiana Board's orders described above in Findings 8 through 10 are unjust and unwarranted. In respondent's view, the orders result from a vendetta against her by an Indiana deputy attorney general, who has presented false allegations about respondent to the Indiana Board. Respondent believes that these false allegations originate not only with the Indiana deputy attorney general, but also with another physician who treated similar patients and with criminal substance abusers.

13. Respondent also testified that despite her belief that the Indiana Board's orders are unjust, she has made an "extraordinary effort" to obtain an examination satisfying the orders. Other evidence contradicted this testimony. Respondent has obtained referrals to one or more evaluators the Indiana Board approves, and has gone in person to at least one; but once there she declined to pay the fee or submit to any assessment.

14. Respondent refused to pay the fee when she went to an assessment provider the Indiana Board had approved because she had expected Medicare to cover the assessment. She learned only upon arrival that her cost would be about $5,000. Respondent believes that she could afford to spend under $500 for an assessment, but that $5,000 is a sum far beyond her means. In addition, for various reasons, respondent is willing to see an evaluator in Michigan, Indiana, or possibly Illinois, but is not willing to travel farther for this service.

15. Respondent wishes to continue holding her California physician's and surgeon's certificate because she contemplates returning to California, and possibly practicing medicine on a part-time or *locum tenens* basis.

Costs

16. Between January 1, 2022, and May 24, 2022, the California Board had incurred $1,568.75 in costs for legal services provided to complainant by the California Department of Justice in this matter. In addition, complainant estimated as of May 24, 2022, that the California Board would incur an additional $440.00 through the hearing date. Complainant's claim for reimbursement of these costs is supported by a declaration that complies with California Code of Regulations, title 1, section 1042,

subdivision (b)(2). No evidence contradicted the necessity for these costs, totaling $2,008.75; and they are reasonable.

LEGAL CONCLUSIONS

1. "[R]evocation, suspension, or other discipline, restriction, or limitation" against a medical license respondent holds in another state, on grounds that would have been cause for discipline in California, is cause for discipline against respondent's California physician's and surgeon's certificate. (Bus. & Prof. Code, § 2305.) The out of state disciplinary order itself is "conclusive evidence" of the facts the order states. (*Id.*, § 141, subd. (a).) Clear and convincing evidence must prove any additional facts supporting California discipline.

Discipline

2. The order described in Finding 10 suspends respondent's Indiana medical license. The matters stated in Findings 8 through 10 confirm that the Indiana Board suspended respondent's Indiana medical license because she had failed to undergo an examination, as the Indiana Board previously had ordered, to confirm her continuing fitness to practice medicine.

3. Failure to comply with an order directing mental or physical examination also is cause for discipline in California. (Bus. & Prof. Code, §§ 820, 821.) The matters stated in Findings 8 through 10 constitute cause for discipline in California against respondent.

4. In light of the matters stated in Findings 12 through 14, an order from the California Board directing respondent to undergo an assessment of her physical

and psychiatric fitness to practice medicine would be futile. Rather, public safety compels revocation of respondent's California physician's and surgeon's certificate.

Costs

5. A physician found to have committed a violation of the laws governing medical practice in California may be required to pay the California Board the reasonable costs of the investigation and enforcement of the case, but only as incurred on and after January 1, 2022. (Bus. & Prof. Code, § 125.3.) The matters stated in Finding 16 establish that these costs for this matter total $2,008.75.

6. In *Zuckerman v. State Bd. of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth the standards by which a licensing board or bureau must exercise its discretion to reduce or eliminate cost awards to ensure that the board or bureau does not deter licensees with potentially meritorious claims from exercising their administrative hearing rights. The court held that a licensing board requesting reimbursement for costs relating to a hearing must consider the licensee's "subjective good faith belief" in the merits of his or her position and whether the licensee has raised a "colorable challenge" to the proposed discipline. (*Id.*, at p. 45.) The board also must consider whether the licensee will be "financially able to make later payments." (*Ibid.*) Last, the board may not assess full costs of investigation and enforcement when it has conducted a "disproportionately large investigation." (*Ibid.*) All these matters have been considered. They do not justify any reduction in respondent's obligation to reimburse the California Board for its reasonable costs in this matter.

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ORDER

1. California Physician's and Surgeon's Certificate No. G 43860, issued to respondent Carey Marie Vigor, M.D., is revoked.

2. Respondent Carey Marie Vigor, M.D., must reimburse the Medical Board of California the amount of $2,008.75 for its enforcement costs. Respondent shall complete this reimbursement within 90 days after the effective date of this decision.

DATE: 09/26/2022

Juliet E. Cox

JULIET E. COX
Administrative Law Judge
Office of Administrative Hearings

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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: **CAREY MARIE VIGOR, M.D.** 24001 Greater Mack Avenue, Suite A St. Clair Shores, MI 48080 Physician's and Surgeon's Certificate No. G43860 Respondent.	Case No. 800-2018-051335 **FIRST AMENDED ACCUSATION**

The Complainant alleges:

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California, Department of Consumer Affairs, and brings this First Amended Accusation solely in his official capacity.

2. On November 24, 1980, Physician's and Surgeon's Certificate No. G43860 was issued by the Medical Board of California (Board) to Carey Marie Vigor, M.D. (Respondent). The certificate is renewed and current with an expiration date of October 31, 2022, but is SUSPENDED based on an Order issued by the Board on February 15, 2019 pursuant to Business and Professions Code section 2310(a).

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JURISDICTION

3. This First Amended Accusation is brought before the Medical Board of California under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.
>
> "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

D. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting

the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On July 12, 2018, the Medical Licensing Board of Indiana (Indiana Board) filed an Administrative Complaint against Respondent. The Administrative Complaint was based on allegations that Respondent displayed a pattern of irrational and unsupported beliefs, including that people were spying on her and her patients, and that she displayed a pattern of threatening and abusive behaviors towards patients and other professionals whom she believed were not doing what she instructed them to do. Respondent's erratic behavior was alleged to have resulted in multiple false allegations of abuse or threats by her patients, threatening or harassing a fellow doctor, and making a false and unsupported report of child abuse. The Administrative Complaint charged Respondent with unfitness to practice due to a physical or mental disability. A copy of the Administrative Complaint filed by the Indiana Board is attached as Exhibit A.

5. On July 31, 2018, the Indiana Board issued an Order Compelling Physical and Psychiatric Examination of Respondent. On August 28, 2018, the Indiana Board reiterated its Order in response to Respondent's request for modification of the Order, and at a September 17, 2018 hearing, Respondent was instructed by the Indiana Board to complete the evaluation as ordered or face summary suspension. On January 8, 2019, the Indiana Board issued a Summary Suspension Order, which contains a finding that Respondent's counsel advised that Respondent had not completed the ordered examination and did not intend to complete any examination in the future. The Indiana Board concluded that Respondent represented a clear and immediate danger to the public health and safety if allowed to continue to practice, and that she failed to comply with a Board order to submit to an examination. A copy of the Summary Suspension Order issued by the Indiana Board is attached as Exhibit B.

6. On September 23, 2020, the Indiana Board issued an Order Granting Motion to Continue and Extending Summary Suspension. The September 2020 Order followed an administrative hearing, and included a finding that Respondent had yet to comply with previous

Board orders requiring her to undergo examinations. The Indiana Board ordered that a final hearing on the matter would be continued indefinitely until Respondent complied with the orders for examination. The Summary Suspension was continued pending a final adjudication of the case. The September 2020 Order including a finding that Respondent represented a clear and immediate danger to the public health and safety if allowed to continue to practice medicine. A copy of the September 23, 2020 Order Granting Motion to Continue and Extending Summary Suspension is attached as Exhibit C.

7. Respondent's conduct and the actions of the Medical Licensing Board of Indiana, as set forth in paragraphs 4, 5 and 6, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G43860 issued to respondent Carey Marie Vigor, M.D.;

2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent to pay the Board the costs of the investigation and enforcement of this case, and, if placed on probation, to pay the costs of probation monitoring; and

4. Taking such other and further action as the Board deems necessary and proper.

DATED: FEB 09 2022

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

BEFORE THE MEDICAL LICENSING BOARD OF INDIANA
CAUSE NO. 2018 MLB 0025

IN THE MATTER OF THE:)
)
CAREY VIGOR, M.D.)
Respondent)
)
LICENSE NO: 01069925A)
ACTIVE)
)

FILED
JUL 12 2018
Indiana Professional Licensing Agency

ADMINISTRATIVE COMPLAINT

This complaint is brought against the medical license of Carey Vigor, M.D. ("Respondent"), by the State of Indiana, by counsel, Deputy Attorney General Jessica Krug, on behalf of the Office of the Attorney General (collectively "Petitioner") and pursuant to Indiana code § 25-1-7-7 Ind. Code § 25-1-5-3, Ind. Code art. 25-22.5, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3, and Ind. Code ch. 25-1-9, and in support alleges and states:

FACTS

1. Respondent is a licensed physician in the State of Indiana, holding Indiana license No. 01069925A having been granted that license by the Medical Licensing Board (Board) on or about July 11, 2011.

2. Respondent's address on file with the Professional Licensing Agency (PLA) is 8659 Meridian Square Drive, Indianapolis, IN 46240.

Patient A

3. Patient A filed a Consumer Complaint against Respondent alleging that Respondent was refusing to provide services based on her assertion that Patient A owed her money. Included in his complaint was also a statement that he did not feel safe while at

Respondent's office because she had told him several times that there were police in her building and that they were "after her" and were confronting and harassing her patients.

4. During the investigation of Patient A's complaints, Respondent sent multiple emails to Petitioner containing concerning statements, including:

a. "The maintenance men, who may be undercover cops, follow my female patients and my African American patients (all of whom are elderly) to the restroom and tell them that the restroom is out of order. I can get an affadavit [sic] from my patients on this issue. As a consequence, patients are instructed not to use the restrooms in the building and to bring in their urine samples from home;"

b. "All my Medicare patients in my Carmel office are African American and there is no doubt that they are being stalked in the building by men who work there;" and

c. "Contrary to the allegation that no one is stalking my patients in my building here is the first of many patient reports of such stalking and intimidation. The squeegee was six feet long and held over the patient's driver's head as close as three inches and for over ten minutes. This is the janitor who followed my other patients and told them the rest room was out of order and knocked on the rest room door repeatedly when my patients were inside. This is the janitor who blocked the entrance to my office with a ladder and refused to move it."

5. Respondent provided a copy of a portion of her medical record for Patient A. In it, Respondent has documented an entry on June 23, 2015 that states: "management put out of order sign on restroom today(?) but restroom is not out of order, warned pt that management asked other patients what they were using restroom so much for – he [Patient A] laughed + didn't believe me that restroom was not out of order but that mgt puts sign up only when I am in

office to discourage pts using it – also advised not to discuss [words scratched out of page] in hallways due to mgt snoopiness."

6. Respondent has also stated that she believes the management staff of the building where she rents an office is engaged in "illegal surveillance and stalking of my patients." She states that there are "front businesses" in the building and "three cameras with microphones in my hallway and they sit on the first floor and listen in on my patients in the waiting area."

7. Respondent seems to have a pervasive belief that she is being surveilled and spied on by various people.

Doctor 1

8. Doctor 1 filed a Consumer Complaint alleging that Respondent was making harassing and threatening statements to his office in regards to a dispute about a request for medical records.

9. On or about August 20, 2016, Respondent sent to Doctor 1 a signed Release of Information form for a mutual patient asking that Doctor 1 fax a copy of the patient's medical records to her office. Doctor 1's office has a policy to not fax records that are more than 50 pages in length. Respondent was notified of this policy and a copy of the medical chart was mailed to the Respondent the next day.

10. Dr. Vigor continued to call Doctor 1's office staff demanding that the patient's record be faxed to her. All attempts by Doctor 1's staff to communicate with Dr. Vigor were unsuccessful. Doctor 1 then communicated with the patient to let the patient know that he could come to the office anytime he would like and pick up another copy of his medical record. Dr. Vigor was also notified of this offer made to the patient.

11. On or about October 11, 2016, Respondent sent a fax to Doctor 1 and stated, "This the final request for these requests to be faxed. If the records are not received via fax as requested by the patient, we shall be filing a complaint with the state as well as HIPAA office in Chicago." Respondent seems to irrationally insist that the only acceptable method of providing the patient's chart is via fax.

Patient B

12. The father of Patient B (Father) filed a Consumer Complaint after Respondent was engaged to provide an evaluation of Patient B for Attention Deficit Disorder or a similar condition. Patient B began having trouble in school, falling grades, and difficulty concentrating in the Fall of 2017, the beginning of his freshman year in high school. Based on the advice of Patient B's school, Father sought testing for his child and was given a list of providers able to screen his son. Respondent was on that list provided by his insurance carrier and was located near the family.

13. Respondent had Patient B complete some testing at the end of December 2017, including an MMPI-2. Respondent's medical chart for Patient B contains no narrative notes regarding a patient interview or evaluation.

14. An MMPI-2 consists of over 500 true or false questions. These answers are then evaluated by a trained professional who checks the test answers for validity and then interprets the results of the answers.

15. Some of Patient B's test answers were shocking and concerning, including statements such as, "I am afraid of losing my mind," "No one knows it but I have tried to kill myself," and "Someone has control over my mind." On the basis of these test answers alone,

and without the benefit of a fully interpreted MMPI-2 report, Respondent became convinced that Patient B was acutely ill and suicidal.

16. On or about January 16, 2018, Dr. Vigor began calling and texting Father and Mother at 10:30 pm to tell them that she believed Patient B was "acutely ill" and needed an emergency evaluation. In one text to Father she writes, "please take your son for an emergency evaluation as I have recommended This is my third or fourth notice to do so Why are you delaying? Call Aetna for an emergency evaluation at IU hospital asap. I will notify CPS if you fail to do so today."

17. After what Respondent perceived as Father's refusal to have Patient B evaluated, Respondent filed a report of child abuse or neglect with the Indiana Department of Child Services. In a letter to DCS, Respondent states, among other things, that Mother and Father are "aggressive and viciously punitive and abusive parents." She further states that the basis of her information and belief that Patient B is suicidal, has had a secret suicide attempt, and is abused at the hands of his parents, is the "primary source data" from the MMPI testing.

18. Respondent also contacted Patient B's primary care physician making these same allegations regarding Patient B and his parents.

19. As a result of Respondent's unsupported and irrational allegations, DCS conducted a child welfare investigation. Patient B was taken out of class during school time to be interviewed by a DCS Family Casemanager in the presence of school officials. Ultimately, Respondent's accusations were not substantiated and DCS took no action.

20. MMPI-2 answers must be reviewed and interpreted by an individual trained in the interpreting of this specific test. Paramount in the interpretation is to determine if the answers given by the test taker are reliable and truthful. If a test taker's responses rate high on the

Variable Response Inconsistency (VRIN) rating and the F scale, this is an indication that the person answered the questions at random and the profile/test answers is invalid.

21. At some point in early 2018, Respondent sent Patient B's MMPI test answers to Caldwell Report (Caldwell), a company specializing in the reading and interpretation of MMPI-2 testing. Caldwell returned the Interpretation Report to Respondent on or about March 9, 2018.

22. The Caldwell Report characterized Patient B's answers as having a highly elevated score on the VRIN and an elevated score on the F scale. This was attributed to either an inability to read or understand the question or to a "substantial amount of random or arbitrary responding." The report concludes that "great caution" should be used in the use of these test results.

23. Respondent has displayed a pattern of irrational and unsupported beliefs, including that people are spying on her and her patients. Additionally, Respondent has displayed a pattern of threatening and abusive behaviors towards patients and other professionals who she believes are not doing what she has instructed them to do. Respondent's erratic behavior has resulted in multiple false allegations of abuse or threats by her patients, threatening or harassing a fellow doctor, and making a false and unsupported report of child abuse to DCS.

Violation I

24. Paragraphs 1-23 are hereby incorporated by reference herein.

25. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(C) in that Respondent has continued to practice although Respondent has become unfit to practice due to a physical or mental disability.

Violation II

26. Paragraphs 1-23 are hereby incorporated by reference herein.

27. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(A)(ii) in that Respondent has continued to practice although practitioner has become unfit to practice due to professional incompetence.

WHEREFORE, Petitioner demands an order against Respondent that:

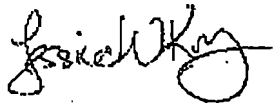
Imposes the appropriate disciplinary sanction;

Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,

Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Curtis T. Hill, Jr.
Indiana Attorney General
Attorney No. 13999-20

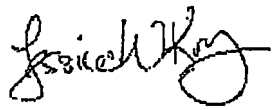


By: _____
Jessica W. Krug
Deputy Attorney General
Attorney No. 26222-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Administrative Complaint" has been served upon the Respondent at the address listed below, on this **12th** day of **July**, 2018:

Carey Vigor, MD
8659 Meridian Square Drive
Indianapolis, IN 46240



Jessica W. Krug
Deputy Attorney General
Attorney Number: 26222-49

Deputy Attorney General, Jessica W. Krug
Office of the Attorney General
302 W. Washington St.
Indianapolis, IN 46240
(317) 915-5311

EXHIBIT B

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO. 2018 MLB 0025

IN THE MATTER OF THE LICENSE OF:	)	FILED
	)	
CAREY VIGOR, M.D.	)	OCT 18 2018
	)	
LICENSE NO: 01069925A	)	Indiana Professional Licensing Agency

ORDER DENYING MOTION TO MODIFY ORDER COMPELLING PHYSICAL AND PSYCHIATRIC EXAMINATION OF RESPONDENT AND ORDER RESETTING MATTER FOR FINAL HEARING AND SUMMARY SUSPENSION HEARING

COMES NOW the Medical Licensing Board of Indiana ("Board"), and having considered Respondent's Motion to Modify Order Compelling Physical and Psychiatric Examination, and the oral argument of the parties on September 27, 2018, hereby **DENIES** Respondent's Motion, and **ISSUES** the following Order:

1. Respondent shall comply with the Board's August 28, 2018 Amended Order Compelling Physical and Psychiatric Examination.

2. The Board resets the final hearing on the Complaint filed in this Matter for **October 25, 2018 at 9:30 a.m.** in Room W064 of the Indiana Government Center South, 402 W. Washington Street, Indianapolis, Indiana 46204.

3. This hearing will address the issues contained in the Petitioner's Complaint and whether or not disciplinary sanctions should be imposed upon the Respondent's license. Additionally, if Respondent has failed to comply with the Board's August 28, 2018 Amended Order Compelling Physical and Psychiatric Examination by the time of the hearing, the Board will conduct a hearing on whether to summarily suspend the Respondent's license.

AMENDED CERTIFICATE OF SERVICE

I certify that a copy of this "Order" has been duly served upon:

Carey M. Vigor, MD
8659 Meridian Square Drive
Indianapolis, IN 46240
carey31626@msn.com
Service by U.S. Mail & Email

J. Richard Moore
Bleeke Dillon Crandall PC
8470 Allison Pointe Blvd., Ste. 420
Indianapolis, IN 46250
richard@bleekedilloncrandall.com
Service by U.S. Mail & Email

Jessica W. Krug
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Jessica.Krug@atg.in.gov
Service by Email

10-18-18
Date

Donna Moran
Donna Moran, Litigation Specialist

Medical Licensing Board of Indiana
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2060
Fax: 317-233-4236
Email: pla3@pla.in.gov

Explanation of Service Methods
Personal Service: by delivering a true copy of the aforesaid document(s) personally.
Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.
Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

BEFORE THE MEDICAL LICENSING BOARD OF INDIANA
CAUSE NO. 2018 MLB 0025

IN THE MATTER OF THE:	)
CAREY VIGOR, M.D. Respondent	)
LICENSE NO: 01069925A ACTIVE	)

PETITION FOR SUMMARY SUSPENSION

The State of Indiana, by Deputy Attorney General, Jessica W. Krug, moves the Indiana Medical Licensing Board ("Board") to suspend the Indiana physician license of Carey Vigor, M.D. ("Respondent") for ninety (90) days, and in support of its petition, Petitioner states the following:

1. Respondent is a Physician in the State of Indiana having been issued license number 01069925A on or about July 11, 2011.

2. Respondent's address on file with the Board is 8659 Meridian Square Drive, Indianapolis, IN 46240.

3. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Ind. Code 4-21.5-4 *et seq.* and Ind. Code 25-1-9-10.

4. On or about July 16, 2018, Petitioner filed its Motion for Order Compelling Physical and Psychiatric Examination of the Respondent. On or about July 31, 2018, the Board granted that motion.

5. On or about August 28, 2018, the Board again reiterated its Order requiring an examination of Respondent when it denied her Motion to Reconsider in its Amended Order of that same date. Further, this matter was set for hearing on September 27, 2018.

6. At that hearing on September 17, 2018, Respondent and her counsel were present in person. At that time, Respondent again requested a modification or reconsideration of the Board's Order requiring Respondent to complete a physical and psychiatric examination pursuant to I.C. § 25-1-9-7. On that same day, the Board denied Respondent's request and instructed her to complete the evaluation as ordered. Further, Respondent was advised that should she fail to comply with the Order of the Board, her license may be summarily suspended on October 25, 2018, pursuant to IC § 25-1-9-8 and -10.

7. Respondent's counsel has advised the State that Respondent has not completed the ordered examination and does not intend to complete any examination in the future.

WHEREFORE, the State of Indiana requests that this Board set a hearing on this petition for summary suspension and suspend Respondent's license for a period of ninety (90) days and for all other proper relief.

Respectfully submitted,

CURTIS T. HILL, JR.
Attorney General of Indiana
Attorney No.: 13999-20

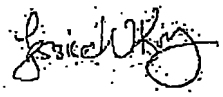
By: _____
Jessica W. Krug
Deputy Attorney General
Attorney No.: 26222-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Petition for Summary Suspension" has been served upon the individual listed below via first class mail, on this 22nd day of October, 2018.

Carey Vigor, MD
8659 Meridian Square Drive
Indianapolis, IN 46240

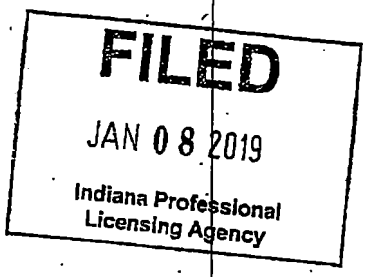
J. Richard Moore
Counsel for Respondent
Bleeke Dillon Crandall
8470 Allison Pointe Blvd, Suite 420
Indianapolis, IN 46250-4365



Jessica W. Krug
Deputy Attorney General
Attorney No.: 26222-49

EXHIBIT B

BEFORE THE MEDICAL LICENSING BOARD OF INDIANA
CAUSE NO. 2018 MLB 0025



IN THE MATTER OF THE LICENSE OF:	)
	)
CAREY VIGOR, M.D.	)
	)
LICENSE NO: 01069925A	)

SUMMARY SUSPENSION ORDER

The Medical Licensing Board of Indiana ("Board") held an administrative hearing on the 25th day of October, 2018, in Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider the Petition for Summary Suspension of the medical license of Carey Vigor, M.D. (Respondent), filed by the State of Indiana.

The State of Indiana (Petitioner) was represented by Deputy Attorney General, Jessica W. Krug. The Respondent was provided notice pursuant to statute and appeared by counsel, J. Richard Moore. Respondent, through his counsel, agreed to the Summary Suspension of Respondent's medical license until January 24, 2019.

The Board, after considering the agreement presented, and taking official notice of its file in this matter, by a vote of 5-0-0, issues the following:

1. Respondent is a Physician in the State of Indiana having been issued license number 01069925A on or about July 11, 2011.

2. Respondent's address on file with the Board is 24001 Greater Mack Avenue, Suite A, Saint Clair Shores, Michigan 48080.

3. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Ind. Code 4-21.5-4 *et seq.* and Ind. Code 25-1-9-7.

4. On or about July 16, 2018, Petitioner filed its Motion for Order Compelling Physical and Psychiatric Examination of the Respondent. On or about July 31, 2018, the Board granted that motion.

5. On or about August 28, 2018, the Board again reiterated its Order requiring an examination of Respondent when it denied her Motion to Reconsider in its Amended Order of that same date. Further, this matter was set for hearing on September 27, 2018.

6. At that hearing on September 17, 2018, Respondent and her counsel were present in person. At that time, Respondent again requested a modification or reconsideration of the Board's Order requiring Respondent to complete a physical and psychiatric examination pursuant to I.C. § 25-1-9-7. On that same day, the Board denied Respondent's request and instructed her to complete the evaluation as ordered. Further, Respondent was advised that should she fail to comply with the Order of the Board, her license may be summarily suspended on October 25, 2018, pursuant to IC § 25-1-9-8 &10.

7. Respondent's counsel has advised the State that Respondent has not completed the ordered examination and does not intend to complete any examination in the future.

8. Respondent, through counsel, has entered her agreement to the Summary Suspension of her license at this time.

ORDER

Pursuant to Ind. Code § 25-1-9-8 & 10 and based upon the above stated facts, the Board finds that the Respondent represents a clear and immediate danger to the public health and safety if allowed to continue to practice medicine in the State of Indiana, and that she has failed to comply with a Board order to submit to an examination.

IT IS THEREFORE ORDERED that the Respondent's license to practice as a physician in the State of Indiana, License No. 01069925A, is hereby **SUMMARILY SUSPENDED** until January 24, 2019.

SO ORDERED, this 8th day of January 2019; **this Order is effective as of October 25, 2018.**

MEDICAL LICENSING BOARD OF INDIANA

By: Maureen Bennett
for John Strobel, M.D., President
Medical Licensing Board of Indiana

CERTIFICATE OF SERVICE

I certify that a copy of this "Order" has been duly served upon:

Carey M. Vigor, MD
24001 Greater Mack Avenue, Suite A
Saint Clair Shores, MI 48080
Service by U.S. Mail

J. Richard Moore
8470 Allison Pointe Blvd. #420
Indianapolis, IN 46250
Service by U.S. Mail

Jessica W. Krug
8005 Castleway Drive
Indianapolis, Indiana 46250
Jessica.Krug@atg.in.gov
Service by Email

1-8-19
Date

Donna Moran
Donna Moran, Litigation Specialist

Medical Licensing Board of Indiana
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2060
Fax: 317-233-4236
Email: pla3@pla.in.gov

Explanation of Service Methods
Personal Service: by delivering a true copy of the aforesaid document(s) personally.
Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.
Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

EXHIBIT C

BEFORE THE MEDICAL
LICENSING BOARD OF INDIANA
CAUSE NO. 2018 MLB 0025

IN THE MATTER OF	)
THE LICENSE OF:	)
	)
CAREY VIGOR, M.D.	)
LICENSE NO: 01069925A,	)
Respondent	)

FILED
SEP 23 2020
Indiana Professional
Licensing Agency

ORDER GRANTING MOTION TO CONTINUE AND EXTENDING SUMMARY SUSPENSION

The Medical Licensing Board of Indiana ("Board") held an administrative hearing on the 27th day of August, 2020, via telephonic and video conferencing, to consider the State's Motion to Continue and Request for Sanctions, as well as the Final Hearing regarding discipline of the medical license of Carey Vigor, M.D. (Respondent).

The State of Indiana ("Petitioner") was represented by Deputy Attorney General, Jessica W. Krug. The Respondent was provided notice pursuant to statute and appeared in person via video feed and by counsel, Jeff McQuary.

After hearing arguments from both parties regarding the State's Request for Sanctions, the Board now DENIES that request.

Both the State and Counsel for Respondent agreed during the hearing that Respondent has yet to comply with the previous Orders of the Board ordering Respondent to undergo certain examinations. Both parties, as well as the Board, agreed that the most proper course of action is for the Final Hearing in this matter to be **CONTINUED** indefinitely until the Respondent has complied with the Board's orders for examination.

Additionally, both the State and counsel for Respondent acknowledged on the record that the parties had agreed to the continued Summary Suspension of Respondent's license until the

conclusion of a Final Hearing in this matter and the issuance of an Order from the Board on that hearing. While the parties had previously agreed to this Summary Suspension extension in September 2019, no order was issued by the Board. In order to clarify these proceedings, the Board again considers the continued Summary Suspension of Respondent's license at this hearing.

The Board, after considering the agreement presented, and taking official notice of its file in this matter, by a vote of 6-0-0, issues the following:

1. Respondent is a Physician in the State of Indiana having been issued license number 01069925A on or about July 11, 2011.

2. The Board's address on file with the Indiana Professional Licensing Agency is 24001 Greater Mack Avenue, Suite A, Saint Clair Shores, Michigan 48080.

3. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Ind. Code 4-21.5-4 *et seq.* and Ind. Code 25-1-9-10.

4. On or about July 16, 2018, Petitioner filed its Motion for Order Compelling Physical and Psychiatric Examination of the Respondent. On or about July 31, 2018, the Board granted that motion.

5. On or about August 28, 2018, the Board again reiterated its Order requiring an examination of Respondent when it denied her Motion to Reconsider in its Amended Order of that same date. Further, this matter was set for hearing on September 27, 2018.

6. At that hearing on September 17, 2018, Respondent and her counsel were present in person. At that time, Respondent again requested a modification or reconsideration of the Board's Order requiring Respondent to complete a physical and psychiatric examination pursuant to I.C. § 25-1-9-7. On that same day, the Board denied Respondent's request and instructed her to complete the evaluation as ordered. Further, Respondent was advised that should she fail to

comply with the Order of the Board, her license may be summarily suspended on October 25, 2018, pursuant to IC § 25-1-9-8 and -10.

7. Respondent's counsel has again advised the Board that Respondent has not completed the ordered examination.

8. Respondent, through counsel, has entered her agreement to the Summary Suspension of her license at this time, until a Final Hearing on this matter is concluded and an Order is issued by the Board.

ORDER

Pursuant to Ind. Code § 25-1-9-10 and based upon the above stated facts, the Board finds that the Respondent represents a clear and immediate danger to the public health and safety if allowed to continue to practice medicine in the State of Indiana.

IT IS THEREFORE ORDERED that the Final Hearing in this matter is **CONTINUED** until Respondent has fully complied with the ordered examinations and that Respondent's license to practice as a physician in the State of Indiana, License No. 01069925A, is hereby **SUMMARILY SUSPENDED** until a Final Hearing on this matter is concluded and an Order is issued by the Board.

SO ORDERED, this 23rd day of September 2020.

MEDICAL LICENSING BOARD OF INDIANA

By: *Michael A. Minglin, J.D.*
For John Strobel, M.D., President
Medical Licensing Board of Indiana

CERTIFICATE OF SERVICE

I certify that a copy of this "Order" has been duly served upon:

Carey M. Vigor, MD
24001 Greater Mack Avenue, Suite A
Saint Clair Shores, Michigan 48080

Jeff McQuary
608 East Market Street
Indianapolis, IN 46202

Jessica W. Krug
8005 Castleway Drive
Indianapolis, Indiana 46250
Jessica.Krug@atg.in.gov
Service by Email

9.23.20
Date

Litigation Specialist

Medical Licensing Board of Indiana
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2060
Fax: 317-233-4236
Email: pla3@pla.in.gov

Explanation of Service Methods
Personal Service: by delivering a true copy of the aforesaid document(s) personally.
Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.
Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.