

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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**IN THE MATTER OF:
BENJAMIN ROBERT CHIPMAN, M.D.
(CERTIFICATE NO. 09208R)**

DECISION

94-A-007

Benjamin Robert Chipman, M.D., comes before the Louisiana State Board of Medical Examiners ("Board"), charged with three violations of the Medical Practice Act, all arising out of his alleged chemical dependency.

First, it is charged that his alleged chemical dependency has compromised his capacity to practice medicine with reasonable skill and safety to patients, in violation of R.S. 37:1285(A)(25).

Second, it is charged that he has, for an extended period of time, suffered from the habitual and recurring abuse of controlled substances which affect the central nervous system and which are capable of inducing physiological or psychological dependence, in violation of R.S. 37:1285(A)(5).

Third, it is charged that he issued prescriptions in order to obtain controlled substances to support his dependency and addiction, in violation of R.S. 37:1285(A)(6).

This matter was heard before the entire Board consisting of Drs. Mary Lou Applewhite, F.P. Bordelon, Jr., Ike Muslow, Elmo J. Laborde, Richard M. Nunnally, Keith C. Ferdinand and Bernard L. Kaplan, with Dr. Kaplan, President, presiding. Also present were Judge Frederick S. Ellis, Independent Counsel for the Board; Philip O. Bergeron, Attorney at Law, representing the complainant. Dr. Chipman was present but unrepresented by counsel.

FINDINGS OF FACTS

The record reveals, and the Board finds as fact, that Dr. Chipman graduated from Johns Hopkins University School of Medicine, and completed a residency in internal medicine at Sinai Hospital. He was board certified in Internal Medicine in 1972, and recertified in 1987.

(Chipman, July 1994)

In 1981, he left the practice of medicine to care for his parents. His father died in 1985 and his mother in 1988.

In 1989, he suffered a myocardial infarction and subsequently underwent by-pass surgery.

According to Dr. Chipman's statement, he began using Serax for migraine headaches in the early 1970's, and, from the mid 70's on used it on occasion "to ameliorate feelings of intense nervousness and to alleviate stuttering."

From May 1977 until January 1988, he used "lorazepam 2 mg not more than twice a day on average, to ameliorate the significant, unrelieved stress" under which he was living.

After his mother died, he continued the use of lorazepam because of feelings of depression, remorse and recrimination. After his myocardial infarction in March 1989, he found that the lorazepam helped to control attacks of angina pectoris from which he periodically suffered.

After his by-pass surgery in October 1989, his angina symptoms persisted, and he continued to take lorazepam, 2-4 mg every six hours, as prescribed for him by his psychiatrist in Baltimore. When he came to Louisiana in 1992, he reduced his dosage to 2 mg per day.

Apparently, Dr. Chipman had trouble carrying the required caseload during his residency in Lafayette. In October 1992, he was interviewed by Charles Pearson, M.D, and Sidney J. Dupuy, III, M.D., who learned of his long history and use of lorazepam. Apparently, Dr. Chipman told them he had been writing his own prescriptions for the drug. He also told them that, after his heart attack, he was taking four to six ounces of alcohol, in addition to the lorazepam in order to sleep. He also related an episode in which he had attempted to stop the drug, but had felt quivery inside. Dr. Dupuy, in his testimony before the Board, considered this to be a withdrawal symptom. On cross-examination, he stated that the quivery feeling could also be a symptom of anxiety.

Dr. Chipman also related an episode during which he had sent a prescription for the drug to his sister in Baltimore, but that she was unable to get out of her house to have it filled because of severe weather. Dr. Chipman then attempted to drive to Baltimore to get the prescription filled, but was prevented from getting there by the same severe weather, which involved him in three one-car accidents, and necessitated his returning to Lafayette by bus.

Based on all of the above circumstances, Dr. Dupuy felt that Dr. Chipman had a chemical dependency problem, and recommended inpatient treatment for him. Dr. Dupuy felt that Dr. Chipman's "preoccupation with drug taking is immense and that alone would interfere with his ability to give adequate care to patients".

Dr. Chipman did not go into inpatient treatment, but, in May 1993, began outpatient chemical dependency treatment in the Freedom Recovery Group Therapy program. Since that time, Dr. Chipman stated that he has remained free of drug use.

Dr. Chipman continues to deny that he is or has been addicted to any substance, and does not wish to attend AA meetings, which he feels do him no good.

Dr. Dupuy stated in a letter of December 16, 1993, that the Physicians Health Committee in Lafayette was of the opinion that Dr. Chipman "has no understanding of his illness nor does he have any insight as to its causes and consequences". The committee felt that Dr. Chipman was still in denial in regard to the chemicals that he used, and was rationalizing their use. They recommended that he seek inpatient treatment. At the time of the letter, Dr. Dupuy had not seen Dr. Chipman for two or three months.

Robert L. Dupont, M.D., a psychiatrist, examined Dr. Chipman on March 3, 1994, talked to Dr. Chipman's sister by phone, and attempted to talk to Dr. Dupuy, who did not return his calls. The history which he related in his opinion letter seems to be consistent with the facts set forth above, although not so detailed. His opinion was that Dr. Chipman's use of controlled substances, and his self-prescribing, did not fit the pattern of addicted people, especially addicted physicians, because he did not prescribe high doses over long periods of time. He noted that Dr. Chipman did not escalate the dose of lorazepam, and that the doses he used of all the drugs were entirely compatible with his problems with depression and anxiety.

Dr. Chipman testified that he tried to get into inpatient treatment with COPAC when it was first suggested by Dr. Dupuy, but that he could not afford it. He entered the outpatient program in May 1993, and completed it on schedule and is now in the aftercare program. He has not taken any drug since he started the program, and testified that the program has helped relieve his anxiety and his stuttering. He states that he has had no withdrawal symptoms whatsoever since discontinuing drugs. He does not believe that he is now or has ever been addicted to drugs or alcohol.

He stated that he attempted to drive to Baltimore to fill his prescription because he was afraid of the recurrence of angina pectoris, and needed it, and because he thought he would have difficulty getting the prescription filled in Lafayette.

He denied any inappropriate behavior, and stated that there had been no complaints as to the quality of his patient care. He stated that he resigned from the residency program because of his inability to carry the same caseload as the other residents.

He stated that he was not told that attendance at AA meetings was required. He went to one meeting and was not impressed. He told Dr. Dupuy at their last meeting, in August 1993, that he felt AA was of no benefit to him.

He is now being treated by David Rees, M.D., who has diagnosed him with generalized anxiety disorder and panic disorder.

CONCLUSIONS OF LAW

Since there is no testimony in the record of any substandard treatment of patients by Dr. Chipman, the Board finds him not guilty of Count No. One. In the light of Dr. Dupont's opinion, and the fact that Dr. Chipman has discontinued the use of controlled substances without incident, the Board finds that the complainant has failed to prove Count No. Two by clear and convincing evidence, and, accordingly, Dr. Chipman is found not guilty of that charge.

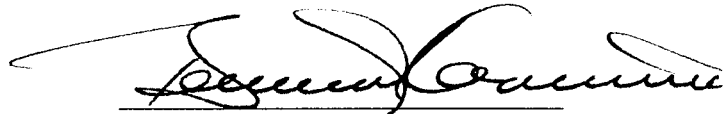
As to the third charge, Dr. Chipman is accused of issuing prescriptions to obtain controlled substances to support his dependency and addiction. While it is clear that Dr. Chipman was prescribing controlled substances for himself, a practice which is deplored by the Board, it is equally clear that he was not supporting any dependency or addiction. We, therefore, find him not guilty of Count No. Three.

DECISION

The complaint against Benjamin Robert Chipman, M.D. is, therefore, dismissed.

AT ALEXANDRIA, LOUISIANA, this 11 day of July, 1994.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

A handwritten signature in black ink, appearing to read "Bernard L. Kaplan", written over a horizontal line.

**Bernard L. Kaplan, M.D.
President**