

NORTH CAROLINA  
CABARRUS COUNTY

NORTH CAROLINA BOARD  
OF  
CHIROPRACTIC EXAMINERS

In the Matter of:

BARRY L. LAVIGNE, DC,  
Respondent.

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**FINAL AGENCY DECISION**

THIS MATTER coming on to be heard before the Board of Chiropractic Examiners at its regular meeting held on July 28, 2007, in Greensboro. The respondent was present, and after having been reminded of his right to counsel, stated that he wished to represent himself and was ready to proceed. After giving due consideration to the evidence presented and the arguments of the agency staff and the respondent, the Board makes the following:

Findings of Fact

1. The respondent, Dr. Barry L. Lavigne, is a chiropractic physician licensed by the Board who currently resides and practices in Cleveland County, North Carolina.
2. On April 30, 2007, the Board issued an *ex parte* emergency order summarily suspending Dr. Lavigne's license based on its finding that due to untreated bipolar disorder, Dr. Lavigne presented a danger to the public health, safety and welfare.
3. As instructed in the emergency suspension order, Board Secretary Dr. Dennis Hall issued a disciplinary complaint on June 1, 2007 alleging that because of mental infirmity, Dr. Lavigne was and continues to be in violation of N.C.G.S. 90-154(b)(17).
4. Dr. Hall personally served Dr. Lavigne with the emergency suspension order and disciplinary complaint on June 1, 2007. Notice of this hearing was served upon Dr. Lavigne by certified mail on July 14, 2007.
5. Dr. Lavigne has a history of recurring episodes of mental illness. In March 2006, he was involuntarily committed to Broughton Psychiatric Hospital for thirty-four days and was diagnosed as moderately bipolar, with some psychotic features. Dr. Lavigne was placed on drug therapy consisting of Depakote ER and Prolixin. He responded to treatment and was eventually allowed to sign his own release.
6. From April 2006 through January 2007, Dr. Lavigne stayed on his prescribed medication and was clinically stable. He was seen by his attending nurse practitioner on July 13, 2006, and by his treating psychiatrist, Joseph Godfrey, MD, on October 3, 2006, December 5, 2006. And January 31, 2007. The clinical notes for each of these visits indicate that Dr. Lavigne's medication regimen was currently effective.
7. On March 29, 2007, Dr. Lavigne telephoned Dr. Dennis Hall, Secretary of the Board, and stated to Dr. Hall that he no longer needed medication for mental clarity. He also announced that he had "learned the answers to healing" and wanted to share his discoveries with other chiropractors by giving a speech at the upcoming North Carolina Chiropractic Association convention.

8. On April 4, 2007, Dr. Lavigne kept an appointment with Dr. Godfrey. During the course of the office visit, he announced that he had stopped taking Prolixin. He stated that his health was "better than excellent" and that he had developed some insights into the "missing links" in health care and could now cure "just about anything." He admitted that he no longer took Depakote in the prescribed dosage. He also stated that he had been using alcohol, marijuana and tobacco to lose weight. Dr. Godfrey noted:

The patient's medication regimen [is] essentially non-existent. I can get him medicated enough to make some sense so he doesn't end up getting committed. I did not confront his apparent delusions.

9. At the hearing, Dr. Lavigne affirmed that he had used marijuana for easing the symptoms of gout. He also repeated the claim that he had developed insights into health care which he wished to share with his fellow chiropractors. He stated that he had stopped taking Depakote in March 2007 because he could not afford the prescription but had recently resumed taking it.

10. Dr. Lavigne also stated that while he does not currently maintain an office, he occasionally renders chiropractic treatment to acquaintances and invites financial contributions.

BASED ON THE FOREGOING Findings of Fact, the Board enters the following:

Conclusions of Law

1. The Board of Chiropractic Examiners is duly constituted and has jurisdiction of subject matter and of the person of the respondent.
2. N.C.G.S. 90-154(b)(17) provides that mental infirmity of such severity as to impair the ability to practice safely is grounds for disciplinary action by the Board of Examiners.
3. A chiropractic physician who suffers from bipolar disorder is not necessarily unfit to practice, provided he remains on prescribed medication at the appropriate dosage levels and is monitored regularly by a mental health professional.
4. Dr. Lavigne's bipolar disorder is currently a mental infirmity of such severity as to impair his ability to practice safely. Therefore, he is in violation of N.C.G.S. 90-154(b)(17).

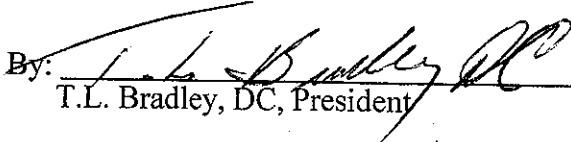
WHEREFORE, IT IS HEREBY ORDERED THAT:

1. The license of Dr. Barry L. Lavigne to practice chiropractic in North Carolina is suspended indefinitely;
2. Dr. Lavigne shall remain under the active care of Dr. Joseph Godfrey, or another medical provider approved by the Board, for at least one year following the date of this Decision;
3. Dr. Lavigne shall cause his medical provider to submit monthly reports concerning his progress under care for the next twelve months;
4. During the next twelve months, Dr. Lavigne shall submit to random drug tests as directed by the Secretary.

5. After one year of continuous care, if Dr. Lavigne's medical provider issues a written opinion to the Board that Dr. Lavigne has made satisfactory progress, is fit to return to practice, and poses no danger to the public, Dr. Lavigne may apply to the Board for reinstatement of his chiropractic license under such terms and conditions as the Board deems appropriate.
6. This Final Agency Decision shall be reported to the national chiropractic data banks and to the licentiate body via summary in the Board's newsletter.

THIS IS the 28<sup>th</sup> day of August, 2007.

NORTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS

By:   
T.L. Bradley, DC, President