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On December 7, 2011, Edwin Chappabitty, Jr., MD, Lawton, Oklahoma, filed a Federal Tort Claims Act lawsuit for monetary damages in the United States Court for the Western District of Oklahoma alleging that officials of the United States Department of Health and Human, Indian Health Service, negligently failed to follow federal laws and regulations governing the conduct of investigations into alleged professional misconduct by physicians employed by the Indian Health Service. Dr. Chappabitty never expected to be accused of leveling racist statements to his patients on May 1, 2008 just four months from the end of his thirty year career in the federal service.

Chappabitty, Comanche/Ft. Sill Apache, retired from the IHS in August 2008 as a naval captain, having come to the service as an officer in the U.S. Public Health Service Commissioned Corps, a uniformed, non-military government agency under the purview of the U.S. Department of Health and Human Services.

It is ironic that his federal civil action would be filed on the same day that a surprise attack was committed on the United States at Pearl Harbor by Japan in 1941. His federal civil action

was filed as a consequence of a “surprise” order given to him to appear at the DHHS Indian Health Service, Oklahoma City Area Office, where he was forced under order of IHS Commission Corp Officers to answer questions about events he denied ever occurred. At the time of his April 2008 interrogation, he was close to retirement from federal service after serving almost 25 years as a physician with the Indian Health Service. Dr. Chappabitty’s federal civil action, **No. 5:11-cv-01443**, was randomly assigned to **U.S. District Court Judge David L. Russell**, a U.S. Navy Veteran.

In an earlier effort to settle his claims with the IHS, his attorney noted: “I emphasize the Agency’s dereliction of duty and negligence in protecting the procedural rights of a well-respected Comanche Indian physician and U.S. Army Veteran that will be proven at trial.” CAPT Chappabitty unquestionably dedicated his career to fulfilling the Mission of the IHS and caring for the health needs his own Indian People to his last day of honorable federal service.

After graduating from high school, Dr. Chappabitty went to a local junior college and then on to Oklahoma State University, from which he graduated with a B.S. in zoology in 1967. He served five years in the Army as a field artillery officer, with a decorated stint in Vietnam from 1969-1970. He went to Dartmouth College in 1972 for post-graduate work and then applied to several medical schools and chose the University of Colorado.

By 1980 Chappabitty had earned his M.D. His internship/residency at the University of New Mexico in Albuquerque introduced him to family practice, where he remained for the rest of his career. “I’ve always been in family practice, delivering babies, stitching people up.” In 1983 he accepted a commission in the Public Health Service Commissioned Corps as an IHS doctor. “I came back to Lawton, where I was born and raised and worked there for 25 years,” he says. “I enjoyed myself in the front line of medicine. I really enjoyed being a physician.”

During his April 14, 2008 interrogation by federal officials holding themselves out as special agents authorized to conduct investigations, he could not leave the questioning under threat of loss of his job. After his coerced interrogation, he received a letter of reprimand on June 19, 2008 without ever seeing the standard patient complaint form that begins an investigation process where the accused is given an opportunity to contest charges of professional misconduct like those lodged against him by his own patients.

Adding insult to injury, IHS officials illegally confiscated a personal patient log kept by Dr. Chappabitty that deprived him of his right to review his own personal observations of May 1, 2008 and refresh his memory on those events that supposedly occurred on that day. The personal patient log has not been returned.

Dr. Chappabitty alleged in his complaint: “During the forced interrogation, CAPT Chappabitty was denied the right to review the written accusations made by the [patients] against him that should have been placed in writing on a standard “Patient Complaint Form” that is routinely available from the Lawton Service Unit.” After repeated written demands and Freedom of Information Request, Chappabitty has never seen the patients’ allegations against him. He

filed a grievance on June 27, 2008 that was left unaddressed over the issuance of the letter of reprimand that remains in his file and unjustly blemishes a solid record of personal and professional dedication to executing the Mission of the Indian Health Service. In his complaint he alleged: "CAPT Chappabitty believes that he was "blacklisted" by Indian Health Service management because he worked diligently to accomplish the DHHS Mission of improving the health care of Indians all without becoming a member of the "good ole boys network" who he believes have achieved their rank by unscrupulous means and manipulation of Agency and Commission Corp regulations."

His attorney, Dennis G. Chappabitty, Elk Grove, CA, states that in his many years of law practice and handling of cases against the Indian Health Service he has never seen such an egregious departure from following federal law and regulations that would have given his client a fair opportunity to rebut the false charges and retire with an unblemished record: "My client was forced to endure a totally unjustified surprise attack on him on April 14, 2008 by federal officials holding themselves out as law enforcement officials who engaged in totally uncalled for and illegal coercive interrogation tactics without ever giving him a copy of a patient complaint form signed by his patients all while under threat of losing his job if he left the room or spoke to anyone about the so-called interrogation." His attorney stated: "We have declared war on the Indian Health Service on December 7, 2011."

Chappabitty filed his initial FTCA claim, within federally mandated time limits, in April 2010 after repeated attempts to obtain the written patient complaints, he filed his federal civil action after the Indian Health Service ignored his efforts to resolve the injustice through administrative means.

In a final effort to resolve the claim before filing it in the U.S. District Court, Dr. Chappabitty's attorney sent a Final Settlement Demand to Dr. Yvette Roubideaux, Director, Indian Health Service, on September 27, 2011: "His mistreatment at the end of his medical career is a sad indictment on the Agency's numerous structural deficiencies and existence of a "good ole boy" network that bodes ill for those American Indians who desire to enter the IHS and proudly serve their own People. The exposure IHS will receive from this case being filed will, no doubt, cause Indian health professionals to not want to enter the IHS. Tribal leaders and mainstream Americans will be appalled." The IHS did not respond.

Attorney for Dr. Chappabitty noted that he expects the defendant United States to rigorously defend against his client's complaint and hopes such an approach will bring much needed light on problems within IHS management that have destroyed the careers of many competent American Indian professionals who dedicated their lives toward helping to fulfill the IHS Mission.

The FTCA lawsuit is available upon request at [\*\*chaplaw@earthlink.net\*\*](mailto:chaplaw@earthlink.net).