

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2006-0607-011-017

vs.

David Gravelding, LPN, Lic. No. 025623
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter “the Board”) was presented by the Department of Public Health (hereinafter “the Department”) with a Statement of Charges and Motion for Summary Suspension dated June 22, 2006. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by David Gravelding (hereinafter “respondent”) which would subject respondent’s licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent’s continued nursing practice presented a clear and immediate danger to public health and safety. On July 19, 2006, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent’s licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated July 19, 2006, scheduling a hearing for August 16, 2006. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against him. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 1.

The hearing took place on August 16, 2006, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Transcript, pp. 2-3.

Respondent submitted an oral Answer to the Statement of Charges. Tr. pp. 10-11.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board’s specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. David Gravelding, L.P.N., of Richfield Springs, New York is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 025623. Tr. p. 10.
2. At all times, respondent was employed as a licensed practical nurse at Highland Health Care in Cheshire, Connecticut. Tr. p. 10.
3. From approximately January through April 2006, while working as a licensed practical nurse at Highland Health Care, respondent:
 - a. diverted Oxycodone;
 - b. used the diverted oxycodone while on duty at the facility;
 - c. tampered with oxycodone medication cards and replaced oxycodone tablets with Lexapro tablets;
 - d. failed to completely, properly and/or accurately document medical or hospital records; and/or,
 - e. falsified one or more Controlled Substance Receipt Records.Tr. pp. 10-11.
4. From approximately January through April 2006, respondent abused or utilized to excess oxycodone. Tr. pp. 10-11.
5. Respondent's abuse of oxycodone does, and/or may, affect his practice as a licensed practical nurse. Tr. p. 11.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

David Gravelding held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 1 of the Statement of Charges alleges that respondent of Richfield Springs, New York is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 02562.

Respondent admits this charge. Tr. p. 10.

PARAGRAPH 2 of the Statement of Charges alleges that at all times, respondent was employed as a licensed practical nurse at Highland Health Care in Cheshire, Connecticut.

Respondent admits this charge. Tr. p. 10.

PARAGRAPH 3 of the Statement of Charges alleges that from approximately January through April 2006, while working as a licensed practical nurse at Highland Health Care, respondent:

- a. diverted Oxycodone;
- b. used the diverted oxycodone while on duty at the facility;
- c. tampered with oxycodone medication cards and replaced oxycodone tablets with Lexapro tablets;
- d. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- e. falsified one or more Controlled Substance Receipt Records.

Respondent admits these charge. Tr. pp. 10-11.

PARAGRAPH 4 of the Statement of Charges alleges that from approximately January through April 2006, respondent abused or utilized to excess oxycodone.

Respondent admits this charge. Tr. p. 11.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of oxycodone does, and/or may, affect his practice as a licensed practical nurse.

Respondent admits this charge. Tr. p. 11.

The General Statutes of Connecticut §20-99 provides in relevant part:

- (a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .
- (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (6) fraud or material deception in the course of professional services or activities. . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2, through, and including, 5 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(2), (5), (6) and 19a-17.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §§19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

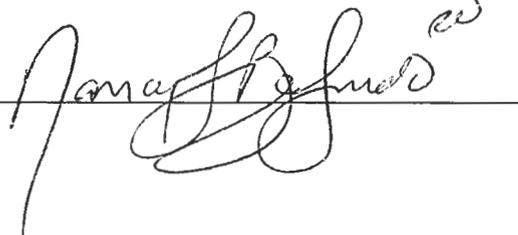
That for Paragraphs 2, through and including 6, of the Statement of Charges, respondent's licensed practical nurse license number 025623, is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, David Graveling, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 7th day of March 2007.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Thomas J. Blawie". There is a small "cc" mark above the signature.

CERTIFICATION

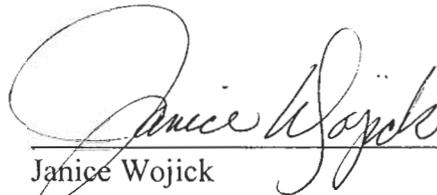
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 8th day of MARCH 2007, by certified mail, return receipt requested and first class mail, to:

David Graveling, LPN
112 Cherry Lane
Richfield Springs, NY 13439

Certified Mail RRR #9171082133393206029818

and by Inter-Departmental Mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Janice Wojick
Hearings Liaison
Department of Public Health
Public Health Hearing Office