

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



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VIA EMAIL ONLY (pnoonan@ddnctlaw.com)

Barbara Cass, RN, Bureau Chief
Healthcare Quality & Safety Branch
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410 Capitol Avenue, MS #12HSR
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Richard Kravitz, MD - Petition No. 2018-909

Enclosed please find the Memorandum of Decision issued by the **Connecticut Medical Examining Board** in the above-referenced matter.

Sincerely,

/s/ *Jeffrey A. Kardys*

Jeffrey A. Kardys
Administrative Hearings Specialist
Public Health Hearing Office

c: Daniel Shapiro, Deputy Associate Attorney General, Office of the Attorney General
Christian Andresen, Section Chief, Practitioner Licensing and Investigations, DPH
Lavita Sookram, RN, DPH Monitoring Unit



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**STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD**

Richard Kravitz, M.D.
License No. 024815

Petition No. 2018-909

MEMORANDUM OF DECISION

Procedural Background

On November 26, 2019, the Department of Public Health ("Department") issued a Statement of Charges ("Charges") to the Connecticut Medical Examining Board ("Board") against license number 024815 for Richard Kravitz, M.D. ("Respondent"). Board Exhibit ("Bd. Ex.") 1. The Charges allege that Respondent's license is subject to disciplinary action pursuant to §§ 19a-17 and 20-13c of the Connecticut General Statutes ("Conn. Gen. Stat." or "Statutes"). The Notice of Hearing and the Charges were sent to Respondent, in care of his attorney, Patrick Noonan, Esq., by electronic mail. Bd. Ex. 1. The Notice of Hearing scheduled the hearing in this matter for August 24, 2020 and September 8, 2020 before a panel of the Board, to include Robert Green, M.D., Raymond Andrews, Esq., and Peter Zeman, M.D. Bd. Ex. 1.

On July 31, 2020, the Department, via email to the Department's Administrative Hearings Specialist, filed a request that the hearing be continued to September 8, 2020 and that Dr. Zeman be recused from the panel; Respondent, through counsel, did not object.

On August 4, 2020, Respondent filed an Answer to the Charges. Resp. Ex. A. On August 17, 2020, the Board granted the Department's July 31, 2020 request. On August 18, 2020, a Notice of Change of Panel Composition notified the parties that Daniel Rissi, M.D. replaced Peter Zeman, M.D. on the panel.

On September 8, 2020, a hearing commenced before a duly authorized panel of the Board ("Panel") comprised of Robert Green, M.D., Daniel Rissi, M.D., and Raymond Andrews, Esq.

The Panel conducted the hearing in accordance with Chapter 54 of the Statutes, the Uniform Administrative Procedure Act, and § 19a-9-1 et seq. of the Regulations of Connecticut State Agencies ("Regulations"). Respondent was represented by Attorney Patrick M. Noonan; Attorney David Tilles represented the Department. Both parties were afforded the opportunity to

present witnesses and evidence, examine and cross-examine witnesses, and provide argument on all issues. The fact-finding conference for this matter was held on October 13, 2020.

All Panel members involved in this Memorandum of Decision (“Decision”) attest that they have heard the case or read the record in its entirety. The Board reviewed the Panel’s proposed final decision in accordance with the provisions of § 4-179 of the Statutes.

In rendering its decision, the Board considered whether Respondent poses a threat, in the practice of medicine, to the health and safety of any person. The Board’s decision is based entirely on the record and the specialized professional knowledge of the Panel in evaluating the evidence. *See* Conn. Gen. Stat. § 4-178; *Pet v. Department of Health Services*, 228 Conn. 651, 666 (1994). To the extent the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc., v. S & H Computer Systems, Inc.*, 605 F.Supp. 816 (Md. Tenn. 1985).

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Respondent of Hamden, Connecticut is, and has been at all times referenced in the Charges, the holder of Connecticut physician and surgeon license number 024815.
2. In paragraph 2 of the Charges, the Department alleges that Respondent practices psychiatry and that Respondent provided care to Patient 1 at various times between 2012 and 2018, including treatment for depression with various medications, including Lithium during all or most of the course of care. Respondent’s care for Patient 1 failed to meet the standard of care in one or more of the following ways:
 - a. he failed adequately to order laboratory checks of Patient 1’s Lithium levels;
 - b. after the chart note that is dated December 4, 2015, he did not document any record of this care for Patient 1.
3. In paragraph 3 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-13c(4).

Findings of Fact

1. Respondent is and has been at all times referenced in the Charges, the holder of Connecticut physician and surgeon license number 024815. Resp. Ex. A.
2. Respondent practices psychiatry. Resp. Ex. A; Stipulated Exhibits (“Stip. Exs.”) 3-6.

3. Respondent provided care to Patient 1 at various times between 2012 and 2018, including treatment for depression with various medications, including Lithium during all or most of the course of care. Transcript (“Tr.”) pp. 4-20; 22-39;¹ Resp. Ex. A; Stip. Exs. 1-6.
4. Respondent’s care for Patient 1 failed to meet the standard of care in that he failed to adequately order laboratory checks of Patient 1’s Lithium levels. Resp. Ex. A; Stip. Exs. 3, 4.
5. Respondent’s care for Patient 1 failed to meet the standard of care in that after the chart note that is dated December 4, 2015, he did not document any record of this care for Patient 1. Resp. Ex. A; Stip. Exs. 3, 4.

Discussion and Conclusions of Law

Section 20-13c of the Statutes provides, in pertinent part, that:

The board is authorized to restrict, suspend or revoke the license or limit the right to practice of a physician or take any other action in accordance with section 19a-17, for any of the following reasons: ... (4) illegal, incompetent or negligent conduct in the practice of medicine.... In each case, the board shall consider whether the physician poses a threat, in the practice of medicine, to the health and safety of any person. If the board finds that the physician poses a threat, the board shall include such finding in its final decision and act to suspend or revoke the license of said physician.

The Department bears the burden of proof by preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-40 (2013).

Regarding allegation 1 of the Charges, Respondent admits the allegation. Respondent admits that at all times referenced in the Charges, he is, and has been, the holder of Connecticut physician and surgeon license number 024815. Tr. p. 12; Resp. Ex. A.

Regarding allegation 2 of the Charges, Respondent admits that he practices psychiatry and that he provided care to Patient 1 at various times between 2012 and 2018, including treatment for depression with various medications, including Lithium during all or most of the course of care. Resp. Ex. A. Respondent further admits that his care for Patient 1 failed to meet the standard of care in one or more of the following ways: (a) he failed adequately to order laboratory checks of Patient 1’s Lithium levels; and (b) after the chart note that is dated December 4, 2015, he did not document any record of his care for Patient 1. Resp. Ex. A.

¹ Patient 1 and Respondent each testified in executive session.

Additionally, the Department's investigative report and Respondent's records for Patient 1 were jointly admitted into evidence by the parties and sufficiently establish that Respondent's care for Patient 1 failed to meet the standard of care when (a) he failed to adequately order laboratory checks of Patient 1's Lithium levels and (b) after the chart note that is dated December 4, 2015, Respondent did not document any record of his care for Patient 1. Stip. Ex. 3, 4. As part of the Department's investigation, Lisa Diamond, M.D., Psychiatrist Consultant, reviewed Respondent's records for Patient 1 and reported a complete lack of documentation for Respondent's meetings with Patient 1 from June through September 2015 and from December 2015 through December 2017 did not meet the standard of care. Additionally, the Respondent's lack of laboratory monitoring for Lithium levels for Patient 1 did not meet the standard of care. Stip. Ex. 3, pp. 13-15.

At hearing, Patient 1 credibly testified regarding the negative impact Respondent's treatment had on her health; additionally, a written impact statement prepared by Patient 1 was submitted as a joint exhibit. Tr. pp. 4-20; Stip. Ex. 2. Respondent admitted the Charges and stated in the answer that he acknowledges his responsibility in this matter; however, his testimony was evasive and showed a lack of understanding and remorse regarding his treatment of Patient 1. Resp. Ex. A; Tr. pp. 22-39.

With respect to allegation 3 of the Charges, the proven allegations constitute grounds for disciplinary action pursuant to Conn. Gen. Stat/ § 20-13c(4). Respondent's treatment of Patient 1, as admitted and sufficiently proven, establishes incompetent conduct in the practice of medicine.

Conclusion

In conclusion, the Department sustained its burden of proof with regards to the allegations in the Charges. Accordingly, the Board concludes that there is an adequate basis upon which to impose discipline on Respondent's license pursuant to §§ 19a-17 and 20-13c(4) of the Statutes, warranting the following Order.

Order

Based upon the record in this case, the above findings of fact and the conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §19a-17 and §20-13c, the Board

finds, with respect to license number 024815 held by Richard Kravitz, M.D., that the violations alleged, admitted, and proven in Petition No. 2018-909 warrant the disciplinary action imposed by this Order:

1. Respondent shall pay a civil penalty of ten thousand dollars (\$10,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check and shall be payable within thirty days of the effective date of this Decision.
2. Respondent's license shall be placed on probation, commencing on the effective date of this Decision, for a period of eighteen (18) months under the following terms and conditions:
 - a. Within the first six (6) months of the probationary period, Respondent shall attend and successfully complete coursework, pre-approved by the Department, relating to:
 - (i) prescription practices; (ii) recordkeeping; and (iii) medical ethics. Within thirty (30) days of the completion of such coursework, Respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such courses.
 - b. No later than thirty (30) days after the effective date of this Decision, Respondent shall submit to the Department for its pre-approval, the name of a physician appropriately licensed in Connecticut ("monitor") who, at the Respondent's expense, shall conduct:
 - (i) a monthly random review of twenty percent (20%) or twenty (20) of Respondent's patient records, whichever is greater, created or updated at Respondent's private practice during the probationary period, and
 - (ii) a monthly random review of twenty percent (20%) or twenty (20) of Respondent's patient records, whichever is greater, created or updated at Respondent's practice at the Veterans Affairs ("VA") Medical Center, and any other facility where Respondent practices psychiatry, during the probationary period. In the event Respondent has twenty (20) or fewer patients at his private practice, the VA, or any other facility where he practices psychiatry, the monitor shall review all of Respondent's records at that practice. Within fifteen (15) days of the Department's approval of such monitor, Respondent shall provide the monitor with a copy of the Decision and shall cause the

monitor to confirm receipt of this Decision to the Department within fifteen days after he/she has received the Decision.

- c. Respondent's monitor shall meet with Respondent not less than once every month for the entire probationary period.
 - d. The monitor shall have the right to monitor Respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the monitor. Respondent shall be responsible for providing written monitor reports directly to the Department, on a monthly basis, for the entire probationary period. Such monitor reports shall include documentation of dates and durations of meetings with Respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and a statement regarding whether Respondent is practicing with reasonable skill and safety.
3. All correspondence related to this Memorandum of Decision and payment of the civil penalty must be mailed to:

Lavita Sookram, Nurse Consultant
Department of Public Health
Division of Health Systems Regulations
410 Capitol Avenue, MS#12HSR
P.O. Box 340308
Hartford, CT 06134-0308

Ms. Sookram may also be contacted at the following e-mail address:
Lavita.Sookram@ct.gov.

4. Respondent shall comply with all state and federal statutes and regulations applicable to his license.
5. Respondent shall pay all costs necessary to comply with this Decision.
6. In the event Respondent is not employed as a physician for periods of thirty (30) consecutive days or longer, or is employed as a physician for less than twenty (20) hours per week, or is employed outside the State of Connecticut, Respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Decision.

7. Legal notice shall be sufficient if sent to Respondent's last known address of record reported to the Department.

Connecticut Medical Examining Board

Kathryn Emmett

Kathryn Emmett, Esq., Chairperson

June 15, 2021.