

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

Nadine Evadne Graven, M.D.

Physician's & Surgeon's  
Certificate No G79068

Respondent

Case No. 800-2017-032287

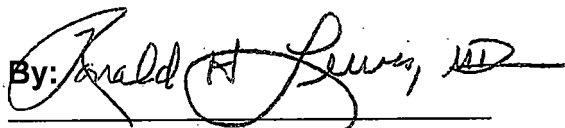
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 16, 2020.

IT IS SO ORDERED August 17, 2020.

MEDICAL BOARD OF CALIFORNIA

By: 

Ronald H. Lewis, M.D., Chair  
Panel A

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
Deputy Attorney General  
4 State Bar No. 160141  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-032287

13 **NADINE EVADNE GRAVEN, M.D.**  
14 **603 Seagaze Dr., #520**  
**Oceanside, CA 92054-3005**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate No. G**  
16 **79068**

17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical  
23 Board of California (Board). She brought this action solely in her official capacity and is  
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by Alice  
25 W. Wong, Deputy Attorney General.

26 2. Respondent Nadine Evadne Graven, M.D. (Respondent) is represented in this  
27 proceeding by attorney Barry C. Marsh, whose address is: 12901 Saratoga Avenue  
28 Saratoga, CA 95070-9988.



1 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
3 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest  
4 those charges.

5 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
6 discipline and she agrees to be bound by the Board's terms as set forth in the Disciplinary Order  
7 below.

8 **CONTINGENCY**

9 12. This stipulation shall be subject to approval by the Board. Respondent understands  
10 and agrees that counsel for Complainant and the staff of the Medical Board of California may  
11 communicate directly with the Board regarding this stipulation and settlement, without notice to  
12 or participation by Respondent or her counsel. By signing the stipulation, Respondent  
13 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation  
14 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
15 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
16 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
17 and the Board shall not be disqualified from further action by having considered this matter.

18 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
20 signatures thereto, shall have the same force and effect as the originals.

21 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
22 the Board may, without further notice or formal proceeding, issue and enter the following  
23 Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 **A. PUBLIC REPRIMAND**

26 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 79068 issued  
27 to Respondent Nadine Evadne Graven, M.D. is hereby publicly reprimanded pursuant to  
28 California Business and Professions Code § 2227(a)(4). This Public Reprimand is issued in

1 connection with the allegations relating to Respondent's care and treatment of Patient A, as set  
2 forth in Accusation No. 800-2017-032287.

3 **B. EDUCATION COURSE**

4 Within 120 calendar days of the effective date of this Decision, Respondent shall enroll in  
5 18 hours of education course(s) in fetal heart tracing, approved in advance by the Board or its  
6 designee. Respondent shall provide the approved course provider with any information and  
7 documents that the approved course provider may deem pertinent. Respondent shall participate  
8 in and successfully complete the classroom component of the course not later than nine (9)  
9 months after Respondent's initial enrollment. Respondent shall successfully complete any other  
10 component of the course within one (1) year of enrollment. The fetal heart tracing course shall be  
11 at Respondent's expense and shall be in addition to the Continuing Medical Education (CME)  
12 requirements for renewal of licensure.

13 A fetal heart tracing course taken after the acts that gave rise to the charges in the  
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
15 or its designee, be accepted towards the fulfillment of this condition if the course would have  
16 been approved by the Board or its designee had the course been taken after the effective date of  
17 this Decision.

18 Respondent shall submit a certification of successful completion to the Board or its  
19 designee not later than 15 calendar days after successfully completing the 18 hours of fetal heart  
20 tracing course(s), or not later than 15 calendar days after the effective date of the Decision,  
21 whichever is later.

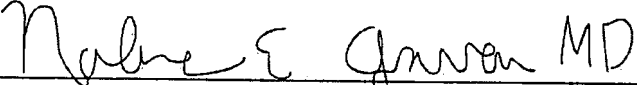
22 Respondent understands that failure to submit and/or complete the 18 hours of fetal heart  
23 tracing course(s), as set forth above, would constitute unprofessional conduct and grounds for  
24 further disciplinary action. If Respondent fails to enroll, participate in, or successfully complete  
25 the fetal heart tracing course(s) within the designated time period, Respondent shall receive a  
26 notification from the Board or its designee to cease the practice of medicine within three (3)  
27 calendar days after being so notified.

28 In consideration for her agreement to complete the fetal heart tracing course(s), as set forth

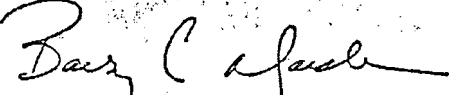
1 above, Respondent shall be publicly reprimanded as set forth in the public letter of reprimand, as  
2 set forth above in Paragraph 14(A).

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney, Barry C. Marsh. I understand the stipulation and the effect it will  
6 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
8 Decision and Order of the Medical Board of California.

9  
10 DATED: 05/14/2020   
11 NADINE EVADNE GRAVEN, M.D.  
12 *Respondent*

13 I have read and fully discussed with Respondent Nadine Evadne Graven, M.D. the terms  
14 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
15 Order. I approve its form and content.

16 DATED: 5/15/2020   
17 BARRY C. MARSH  
18 *Attorney for Respondent*

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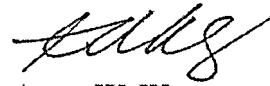
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 6/1/2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
MARY CAIN-SIMON  
Supervising Deputy Attorney General

  
ALICE W. WONG  
Deputy Attorney General  
*Attorneys for Complainant*

SF2018201614

**Exhibit A**

**Accusation No. 800-2017-032287**



1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
Deputy Attorney General  
4 State Bar No. 160141  
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*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Dec. 11 20 18  
BY S. W. SIMON ANALYST

8 BEFORE THE  
9 MEDICAL BOARD OF CALIFORNIA  
10 DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 800-2017-032287

13 **Nadine Evadne Graven, M.D.**  
14 **476 E Campbell Avenue**  
**Campbell, CA 95008**

**ACCUSATION**

15 **Physician's and Surgeon's Certificate**  
16 **No. G 79068,**

17 Respondent.

18  
19 Complainant alleges:

20  
21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
24 Affairs (Board).

25 2. On or about June 8, 1994, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number G 79068 to Nadine Evadne Graven, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on December 31, 2019, unless renewed.



1           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
2 violation of, or conspiring to violate any provision of this chapter.

3           “(b) Gross negligence.

4           “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
5 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
6 the applicable standard of care shall constitute repeated negligent acts.

7           “(1) An initial negligent diagnosis followed by an act or omission medically appropriate for  
8 that negligent diagnosis of the patient shall constitute a single negligent act.

9           “(2) When the standard of care requires a change in the diagnosis, act, or omission that  
10 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
11 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the  
12 applicable standard of care, each departure constitutes a separate and distinct breach of the  
13 standard of care.

14           “(d) Incompetence.

15           “(e) The commission of any act involving dishonesty or corruption which is substantially  
16 related to the qualifications, functions, or duties of a physician and surgeon.

17           “(f) Any action or conduct which would have warranted the denial of a certificate.

18           “(g) The practice of medicine from this state into another state or country without meeting  
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not  
20 apply to this subdivision. This subdivision shall become operative upon the implementation of the  
21 proposed registration program described in Section 2052.5.

22           “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
23 participate in an interview by the board. This subdivision shall only apply to a certificate holder  
24 who is the subject of an investigation by the board.”

25  
26 ///

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28 ///



1 indicative of Category III. Respondent ordered Nitroglycerin<sup>8</sup> to help improve the fetal heart rate.  
2 Between 2:10 p.m. and 2:20 p.m., there were late decelerations with more bradycardias,  
3 indicative of Category III strips. A fetal scalp electrode<sup>9</sup> was placed at this time. More  
4 decelerations and long bradycardias continued between 2:30 p.m. and 3:00 p.m.

5 11. There was a large terminal bradycardia recorded on the fetal monitoring strip at 3:00  
6 p.m. Respondent made the decision to transfer Patient A to the operating room for emergency  
7 cesarean section at 3:10 p.m. In the operating room, the fetal heart rate monitor showed a  
8 terminal bradycardia at 3:14 p.m. Respondent delivered a 9 lb. 7 oz. baby<sup>10</sup> at 3:21 p.m. The  
9 baby was very depressed with low Apgar scores<sup>11</sup> of 1, 0, 2 and 3.

#### 10 FIRST CAUSE FOR DISCIPLINE

##### 11 **(Unprofessional Conduct: Gross Negligence and/or Repeated Negligent Acts)**

12 12. Respondent is subject to disciplinary action under section 2234(b) and/or 2234(c) of  
13 the Code in that Respondent's overall conduct, acts, and omissions, with regard to Patient A  
14 constitute gross negligence and/or repeated negligent acts, as described above including, but not  
15 limited to, the following:

- 16 A. Respondent failed to recognize the fetus was in severe distress requiring emergency  
17 intervention shortly after Respondent's arrival at the hospital.
- 18 B. Respondent failed to deliver the baby in a timely fashion after she arrived at the hospital  
19 to undertake the care of Patient A.
- 20 C. Respondent failed to identify the fetus as large for gestational age.

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24 <sup>8</sup> Nitroglycerin is administered intravenously to relax the uterus.

25 <sup>9</sup> Fetal scalp electrode is a spiral wire placed directly on the fetal scalp to check the fetal heart rate.

26 <sup>10</sup> The term "fetal macrosomia" is used to describe a newborn with a birth weight of more than 8  
lbs, 13 ounces (4,000 grams). Fetal macrosomia may complicate vaginal delivery.

27 <sup>11</sup> Apgar score is a measure of the physical condition of a newborn infant obtained by adding  
28 points (2, 1, or 0) for heart rate, respiratory effort, muscle tone, response to stimulation, and skin  
coloration. A score of ten represents the best possible condition.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 79068, issued to Respondent;
2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED:

~~December 11, 2018~~

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2018201614