BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO. R027792 ISSUED TO:

KEVIN MCMORROW

ORDER TERMINATING PROBATION

To practice registered professional nursing in the State of Maine

WHEREAS, on July 16, 2001, License No. R027792 issued to Kevin Mc Morrow was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on March 2, 2006, the Board of Nursing duly considered all evidence presented to it concerning Kevin Mc Morrow's compliance with the conditions of said probation; and

WHEREAS, the Board found that Kevin Mc Morrow has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on July 16, 2001 is hereby terminated.

DATED this 17th day of March 2006.

MAINE STATE BOARD OF NURSING

BY:  Myra A. Broadway, J.D., M.S., R.N.
    Executive Director

OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
http://www.maine.gov/boardofnursing/

PHONE: (207) 287-1133
FAX: (207) 287-1149
IN RE: KEVIN McMORROW  
of No. Belgrade, Maine  
License #R027792  

CONSENT AGREEMENT  
FOR REINSTATEMENT  
AND PROBATION

INTRODUCTION

This document is a Consent Agreement regarding Kevin McMorrows license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(B). The parties to this Consent Agreement are Kevin McMorrows, Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

FACTS

1. On April 28, 2000 Kevin McMorrows entered into a Consent Agreement for Voluntary Surrender of his license as a result of drug diversion and his admission that he removed Fentanyl from the drug waste containers in the operating room at MaineGeneral Medical Center, which compromised his recovery for substance abuse. These acts were violations of 32 M.R.S.A. § 2105-A(2)(B), (2)(E), (2)(F) and (2)(H).

2. On June 28, 2001 Mr. McMorrows appeared before the Board requesting the reinstatement of his license.

3. The Board finds that Mr. McMorrows is in an aftercare program. In addition, he has maintained sobriety for the duration of the Consent Agreement dated April 13, 2000.

4. The parties agree to enter into this Consent Agreement to reinstate Mr. McMorrows registered professional nursing license with the imposition of a term of probation with conditions.

REINSTATEMENT WITH CONDITIONS OF PROBATION

5. Kevin McMorrows license to practice registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Mr. McMorrows return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of two years, to be effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of the Consent Agreement, nursing
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employment is any employment during which Mr. Mc Morrow performs nursing services. Mr. Mc Morrow’s probationary license will be subject to the following conditions:

a. Kevin Mc Morrow will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a physician who is aware of Mr. Mc Morrow’s substance abuse history.

b. Kevin Mc Morrow will continue in his aftercare treatment program.

c. Kevin Mc Morrow will arrange for and ensure the submission of quarterly reports to the Board by his treatment provider.

d. Kevin Mc Morrow will immediately notify the Board in writing should he return to employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any change in employment or educational programs.

e. Kevin Mc Morrow will notify any and all of his nursing employers and notify faculty involved in any clinical studies of the terms of the Consent Agreement and shall provide them with a copy of it.

f. Kevin Mc Morrow will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer or clinical faculty.

g. Kevin Mc Morrow agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to his treatment for substance abuse which the Board deems necessary to evaluate Mr. Mc Morrow’s compliance with the Consent Agreement and his continued recovery. Mr. Mc Morrow shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in his care, counseling and employment as may be requested by the Board for the purpose of evaluating Mr. Mc Morrow’s compliance with the Consent Agreement and his continued recovery.

6. Kevin Mc Morrow agrees and understands that if any member of the Board or the Board’s Executive Director receives reasonably reliable information suggesting that Mr. Mc Morrow has not remained substance free in accordance with the Consent Agreement, Mr. Mc Morrow’s license will be immediately and automatically suspended pending
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further review by the Board. In the event any member of the Board or its Executive
Director receives such information, the information will be immediately forwarded to Mr.
Mc Morrow for a response. Mr. Mc Morrow agrees and understands that in such event,
his license shall remain suspended pending a hearing. The Board shall hold a hearing
within sixty (60) days of the automatic suspension unless both the Licensee and the
Board agree to hold the hearing later, or the Executive Director and/or the Department of
the Attorney General earlier determine that such information is without merit. If the
information received is proven to be inaccurate or incorrect, either through hearing or
determination by the Executive Director and/or the Department of the Attorney General,
Mr. Mc Morrow’s license will be immediately reinstated retroactive to the date of
suspension.

7. Kevin Mc Morrow agrees and understands that his license will remain on probationary
status and subject to the terms of this Agreement indefinitely beyond the two year
probationary period, until and unless the Board, at Mr. Mc Morrow’s written request,
votes to terminate Mr. Mc Morrow’s probation. When considering whether to terminate
the probation, the Board will consider the extent to which Mr. Mc Morrow has complied
with the provisions of the Agreement.

8. The Consent Agreement modifies and replaces the April 28, 2000 Consent Agreement
entered into by and between Mr. Mc Morrow, the Board and the Department of Attorney
General. Mr. Mc Morrow understands that this document is a Consent Agreement that
affects his rights to practice nursing in Maine. Mr. Mc Morrow understands that he does
not have to execute this Consent Agreement and that he has the right to consult with an
attorney before entering into the Consent Agreement.

9. Kevin Mc Morrow affirms that he executes this Consent Agreement of his own free will.

10. Modification of this Consent Agreement must be in writing and signed by all parties.

11. This Consent Agreement is not subject to review or appeal by the Licensee, but may be
enforced by an action in the Superior Court.
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12. This Consent Agreement becomes effective upon the date of the last necessary signature below.

    I, KEVIN MCMORROW HAVE READ AND UNDERSTAND
    THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING
    IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY
    THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT
    CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT
    OF ANY KIND.
    DATED: 7-9-01
    KEVIN McMORROW

FOR THE MAINE STATE
BOARD OF NURSING

DATED: July 9, 2001
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE DEPARTMENT
OF ATTORNEY GENERAL

DATED: July 16, 2001
JOHN H. RICHARDS
Assistant Attorney General