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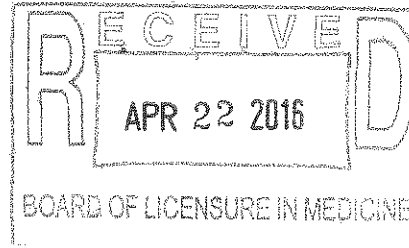
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April 20, 2016

Dennis Smith, Esq.
Executive Director
Maine Board of Licensure in Medicine
137 State House Station
Augusta, Maine 04333

RE: Kevin Kendall, M.D.

Dear Dennis:

Please find enclosed the signed Fourth Amendment to Consent Agreement for Discipline and Probationary Licensure regarding Kevin Kendall.

Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Duddy".

Michael A. Duddy

MAD/kaj
cc: Michael B. Miller, AAG
Kevin Kendall, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

| | | |
|------------------------|---|------------------------------|
| <u>In re:</u> |) | FOURTH AMENDMENT TO CONSENT |
| Kevin M. Kendall, M.D. |) | AGREEMENT FOR DISCIPLINE AND |
| Complaint No. CR12-162 |) | PROBATIONARY LICENSURE |

This document is the Fourth Amendment to Consent Agreement for Discipline and Probationary Licensure effective February 12, 2013, regarding disciplinary action and conditions imposed upon the license to practice medicine in the State of Maine held by Kevin M. Kendall, M.D (“Fourth Amendment”). The parties to this Fourth Amendment are: Kevin M. Kendall, M.D. (“Dr. Kendall”), the State of Maine Board of Licensure in Medicine (“the Board”), and the Department of the Attorney General (the “Attorney General”). This Third Amendment is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

BACKGROUND

1. On February 12, 2013, the parties entered into a Consent Agreement for Discipline and Probationary Licensure upon the license to practice medicine in the State of Maine held by Kevin M. Kendall, M.D (“the Consent Agreement”).
2. On July 30, 2013, the parties entered into a First Amendment to the Consent Agreement (“First Amendment”) amending paragraphs 16(f)(iii) and paragraph 16(f)(iv) regarding permissible work hours and times.
3. On March 27, 2014, the parties entered into a Second Amendment to the Consent Agreement (“Second Amendment”) again amending paragraphs 16(f)(iii) and paragraph 16(f)(iv) regarding permissible work hours and times.

4. On May 15, 2015, the parties entered into a Third Amendment to the Consent Agreement (“Third Amendment”) again amending paragraph 16(f)(iii) regarding permissible work hours and adding paragraph 16(f)(v) regarding practice at one facility.

5. By letter dated February 9, 2016, Dr. Kendall requested a change regarding the hour restrictions contained in the Third Amendment.

6. On March 8, 2016, the Board reviewed Dr. Kendall’s request and voted to offer Dr. Kendall this Fourth Amendment to the Consent Agreement. Absent acceptance of this Fourth Amendment to the Consent Agreement by Dr. Kendall by signing it and dating it in front of a notary and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before March 30, 2016, the Board shall take any further action it deems necessary as permitted by law.

AMENDMENT

7. Dr. Kendall, the Board, and the Department of the Attorney General hereby agree to amend the Consent Agreement dated February 12, 2013, as amended by the First Amendment dated July 30, 2013, as amended by Second Amendment dated March 27, 2014, as amended by the Third Amendment dated May 15, 2015, as follows:

By amending paragraph 16(f)(iii) to read as follows:

Maximum of forty-five (45) work hours per week. Dr. Kendall agrees that he will work no more than a total of forty-five (45) hours per week, including clinical, administrative, or any other type of work. Dr. Kendall shall work for no more than twelve (12) consecutive hours per shift. In addition, Dr. Kendall will not “take call” or be “on call.” After six (6) months of successful medical practice under this condition, Dr. Kendall may request that the

Board amend or delete these conditions. The Board has the sole discretion to grant or deny a request to amend or delete these conditions. Any action by the Board regarding such a request does not require a hearing and is not subject to appeal or judicial review.

8. Dr. Kendall acknowledges by his signature hereto that all other terms and conditions of the Consent Agreement effective February 12, 2013, as amended, remain in full force and effect.

9. Dr. Kendall acknowledges by his signature hereto that he has read this Fourth Amendment, that he has had an opportunity to consult with an attorney before executing this Fourth Amendment, that he executed this Fourth Amendment of his own free will and that he agrees to abide by all terms and conditions set forth herein.

I, KEVIN M. KENDALL, M.D., HAVE READ AND UNDERSTAND THE FOREGOING FOURTH AMENDMENT TO CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO FURTHER HEARINGS REGARDING THIS FOURTH AMENDMENT. I ALSO WAIVE THE RIGHT TO APPEAL TO THE COURT REGARDING THIS AMENDMENT. KNOWING THIS, I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS FOURTH AMENDMENT, TOGETHER WITH THE CONSENT AGREEMENT, CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER

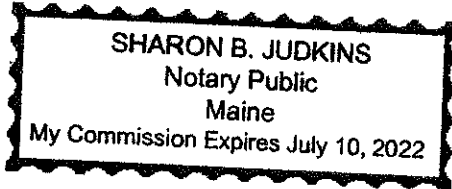
AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated: 4/15/16

Kevin M. Kendall
KEVIN M. KENDALL, M.D.

STATE OF MAINE
Kennebec, SS.

Before me this 15 day of April, 2016, personally appeared Kevin M. Kendall, M.D., who after first being duly sworn, signed the foregoing Fourth Amendment to Consent Agreement in my presence or affirmed that the signature above is his own.



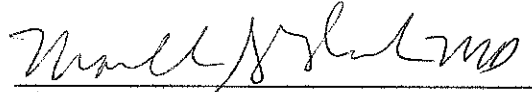
Sharon B. Judkins
Notary Public/Attorney at Law
My commission expires:

DATED: 4/20/2016

Michael A. Duddy
MICHAEL A. DUDDY, ESQ.
Attorney for Kevin M. Kendall, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE


DATED: 4/26/16



MAROULLA S. GLEATON, M.D.,
Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: April 26, 2016



MICHAEL MILLER
Assistant Attorney General

Effective Date: 4/26/16