



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

JOHN ELIAS BALDACCI
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: PENNY L. MORGAN)
 of South Berwick, Maine)
 License #R053171)
)
) CONSENT AGREEMENT
) FOR
) PROBATION

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Penny L. Morgan’s (“Ms. Morgan” or “Licensee”) license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Ms. Morgan, the Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine; they enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5), (A-1) (4) and 10 M.R.S.A. § 8003(5) (B). On August 18, 2010, the Board met with Ms. Morgan in an informal conference. The parties reached this Agreement on the basis of 1) a Board Notice of Complaint dated January 25, 2010, with information from Wentworth-Douglass Hospital (“Wentworth”) in Dover, NH dated January 22, 2010; 2) a Preliminary Agreement for Practice Restrictions (“NH Preliminary Agreement”) executed by Ms. Morgan and the State of New Hampshire Board of Nursing (“NH Board”); and 3) Ms. Morgan’s response to the Board Notice dated February 5, 2010 [Exhibit A].

FACTS

1. Penny L. Morgan has been a registered professional nurse licensed to practice in Maine since December 2006. Because she was working under the Compact privilege of her Maine license in New Hampshire when the incidents at Wentworth occurred, the Maine Board is provided jurisdiction to take disciplinary action against Ms. Morgan’s nursing license.
2. Penny L. Morgan admits that she diverted opiates from Wentworth for her own personal use, which is more specifically described in Exhibit A.
3. Penny L. Morgan is currently a participant in the Medical Professionals Health Program (“MPHP”) and as of September 2010, remains compliant and in good standing. Following treatment at a recovery program in New Hampshire, she sees a therapist weekly and attends AA two to three times a week. She states she has maintained her sobriety since February 2010.
4. Penny L. Morgan wishes to resolve this matter by entering into this Agreement and thereby waives her right to a hearing before the Board.

AGREEMENT

5. Penny L. Morgan understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her license to practice nursing in the State of Maine. The grounds for discipline for violations are under 32 M.R.S.A. § 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. 32 M.R.S.A. § 2105-A (2) (A). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Ms. Morgan by diverting scheduled drugs for her own personal use. (See also Rule Chapter 4. Section 1.A.)
 - b. 32 M.R.S.A. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4. Section 1.A.2)



PRINTED ON RECYCLED PAPER

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

PHONE: (207) 287-1133

FAX: (207) 287-1149

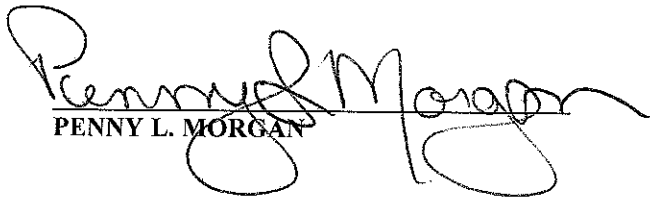
- c. 32 M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Morgan engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6)
 - d. 32 M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6)
 - e. Rule Chapter 4, Section 3. *Unprofessional Conduct: Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*
 - Chapter 4, Section 3(K). Ms. Morgan inaccurately recorded, falsified or altered a health care provider record.
 - Chapter 4, Section 3(P). Ms. Morgan diverted drugs from patients and a health care provider.
 - Chapter 4, Section 3(Q). Ms. Morgan possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
6. Penny L. Morgan's license as a registered professional nurse is placed on probation with conditions for a term of five years. The period of probation will commence upon her return to nursing practice and will be in effect only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Morgan performs nursing services. Her probationary license will be subject to the following conditions:
- a. Penny L. Morgan shall fully comply with the conditions of this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. She shall inform the Board in writing within 15 days of any address change.
 - b. Penny L. Morgan will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a health care treatment provider who is aware of her substance abuse history.
 - c. Penny L. Morgan will continue to successfully participate in the Maine Professionals Health Program and in her aftercare treatment program(s) to such an extent and for as long as her treatment provider(s) recommend.
 - d. Penny L. Morgan will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) and such reports shall continue until her probation is terminated. If Ms. Morgan's treatment is terminated during her probation, she shall notify the Board and provide written documentation.
 - e. Penny L. Morgan will notify the Board in writing within five business days after she obtains any nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Ms. Morgan's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five (5) business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
 - f. Penny L. Morgan will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
 - g. Penny L. Morgan will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, which is to include clinical competency, adherence to policies and procedures, and medication administration and documentation.

- h. Penny L. Morgan's employment is restricted during the period of probation to structured settings with on-site supervision by a registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse or within the correctional system.
- i. Penny L. Morgan agrees and understands that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate her compliance with the Agreement and her continued recovery. She shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board.
7. Penny L. Morgan agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Morgan has complied with the provisions of this Agreement.
8. Penny L. Morgan understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance-free in accordance with this Agreement, her license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, it will be immediately forwarded to Ms. Morgan for response. Ms. Morgan understands and agrees that in such an event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 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 Office 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 Office of the Attorney General, Ms. Morgan's license will be immediately reinstated retroactive to the date of suspension.
9. If Ms. Morgan violates any other condition of her probation, the Board will give written notice to her regarding her failure to comply. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
10. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Morgan's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Morgan understands that this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice will be limited to the State of Maine as it pertains to the Compact. If Ms. Morgan wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state; the Board will then make a determination.
11. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
12. Penny L. Morgan understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.

13. Penny L. Morgan affirms that she executes this Agreement of her own free will.
14. Modification of this Agreement must in writing and signed by all parties.
15. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
16. This Agreement becomes effective upon the date of the last necessary signature below.

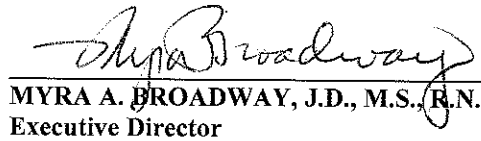
I, PENNY L. MORGAN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 12/22/10


PENNY L. MORGAN

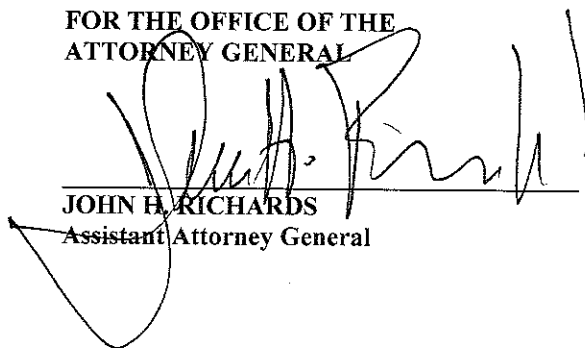
FOR THE MAINE STATE
BOARD OF NURSING

DATED: Jan 18, 2011


MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE
ATTORNEY GENERAL

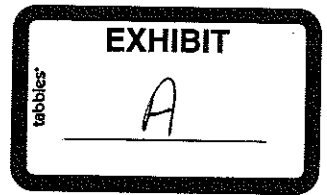
DATED: 1/20/11


JOHN H. RICHARDS
Assistant Attorney General



Wentworth-Douglass Hospital

THE SEACOAST'S LEADING MEDICAL CENTER



January 22, 2010

Maine State Board of Nursing
161 Capitol Street
158 SHS
Augusta, ME 04333-0158

Attention: Myra Broadway

Subject: Report of Suspected Diversion of Controlled Substances

Dear Ms. Broadway:

This letter is to report the diversion of controlled substances at Wentworth-Douglass Hospital by Penny L. Morgan, RN, staff nurse. The suspected diversion was discovered by David Merriman, RPh, MA, Director of Pharmacy during the course of investigating a narcotic discrepancy in the automated dispensing cabinet (ADC) on 2 South, a medical-surgical unit. Discrepancies occurred over a period of time of a little more than one month from December 2009 through mid January 2010. With the assistance of Rebecca Sherburne, RN, Clinical Coordinator of 2 South, once data was obtained from ADC transactions it was compared with work schedules, patient census and patient assignments. The removal of controlled substance by the nurse did not coincide with either patients assigned to her or medication administration frequency based on physician orders. The absence of administration documentation for medication removed from the ADC was consistent with other evidence for diversion. The nurse was interviewed by Christi Green, Recruitment and Retention Manager (HR representative) and Ms. Morgan subsequently confessed to diverting controlled substances for personal use. The individual was immediately placed on a "Family Medical Leave of Absence" and offered assistance for addiction through the Employee Assistance Program.

Ms. Morgan has been an employee in good standing at Wentworth-Douglass Hospital since June 2, 2008 and as far as we are aware, this is her first offense.

Penny L. Morgan, RN
License # R053171
Address: PO Box 550
Eliot, ME 03903
Telephone # 207-384- 4478

RECEIVED

JAN 25 2010

MAINE STATE
BOARD OF NURSING

If you have further questions, please do not hesitate to call me.

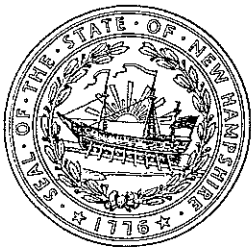
Sincerely,

Sheila Woolley, RN, BSN, MPH
CNOVP Patient Care Services

cc: Margaret Walker, RN; NH Board of Nursing
21 Fruit Street; Suite 16, Concord, NH 03301-2431
789 Central Avenue

Dover, New Hampshire 03820

Telephone 603-742-5252



**STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BOARD OF NURSING**

21 S FRUIT ST STE. 16
CONCORD NH 03301-2431

Webpage: <http://www.state.nh.us/nursing>

TDD Access: Relay NH 1-800-735-2964

Nursing 603-271-2323

Nurse Asst. 603-271-6282

May 21, 2010

Myra Broadway JD MS RN
Executive Director
Maine State Board of Nursing
158 State House Station
Augusta ME 04333

RE: Penny L. Morgan, RN
Maine Compact license

Dear Ms. Broadway:

Enclosed is a copy of the a Preliminary Agreement for Practice Restrictions, signed by Ms. Morgan on April 16, 2010 and accepted by the NH Board of Nursing on May 20, 2010.

If you have any questions, please call the Board office at (603) 271-2323.

Sincerely:

Margaret J. Walker
Margaret J. Walker Ed.D., RN
Executive Director

MJW/sg
enclosure

RECEIVED

MAY 26 2010

**MAINE STATE
BOARD OF NURSING**

COPY

FAXED
APR 19 2010
By _____

State of New Hampshire
Board of Nursing
Concord, New Hampshire

In the Matter of:
Penny L. Morgan, RN
ME License No. R053171
(Adjudicatory Proceedings)

Docket No. _____

PRELIMINARY AGREEMENT FOR PRACTICE RESTRICTIONS

Penny L. Morgan, RN, currently holds license #R053171 from the State of Maine. Ms. Morgan presently lives in Maine and was practicing in New Hampshire at Wentworth-Douglass Hospital beginning on or around June 2, 2008. The New Hampshire Board of Nursing received a letter from Sheila Woolley, RN, BSN, MPH of Wentworth-Douglass Hospital alleging that Ms. Morgan diverted controlled substances for personal use.

Ms. Morgan enters into a Preliminary Agreement with the NH Board as follows:

1. Recognizing that professional misconduct allegations are now pending against me before the Maine Board of Nursing ("Board"), I, Penny L. Morgan, RN, hereby voluntarily agree to abide by certain practice restrictions related to my practice of nursing in the State of New Hampshire.

2. I recognize that I have entered an agreement with the New Hampshire Board of Nursing whereby I voluntarily agree not to practice nursing in New Hampshire.

3. I agree to adopt these practice restrictions in New Hampshire and agree that this restriction shall remain in place until such time as the Maine Board of Nursing issues administratively final orders resolving the allegations of professional misconduct currently pending before the State of Maine Board of Nursing. See RSA 326-B:38, XIV.

4. I admit to no violations of RSA 326-B:37, II any other laws, statutes or regulations.

*In the Matter of Penny L. Morgan, RN
NH Board of Nursing
Preliminary Agreement for Practice Restrictions*

5. I understand that the NH Board may choose to await an administratively final order from the State of Maine Board of Nursing Board before acting on the pending allegation of misconduct. I hereby specifically waive any statute of limitations or laches defense, which might then be available as to these misconduct allegations.

6. I further understand that this document shall become a permanent part of my file, and will be maintained by the New Hampshire Board of Nursing as a public document.

7. I voluntarily enter into this agreement with the New Hampshire Board of Nursing and state that no promises or representations have been made to me other than those terms and conditions expressly stated herein.

FOR RESPONDENT

Date: 4/16/10

Penny L. Morgan RN
Penny L. Morgan, RN
Respondent

FOR THE BOARD

This Preliminary Agreement is hereby accepted in accordance with the binding terms and conditions set forth above.

Date: 5-21-10

Margaret Walker
(Signature)

Margaret Walker
Name
Authorized Representative of the
New Hampshire Board of Nursing

FAXED
APR 19 2010
By _____

February 5, 2010

Penny L Morgan
P.O. Box 550
Eliot, ME 03903

State of Maine
Board of Nursing
158 State House Station
Augusta, ME 04333-0158

Re: Response to Complaint

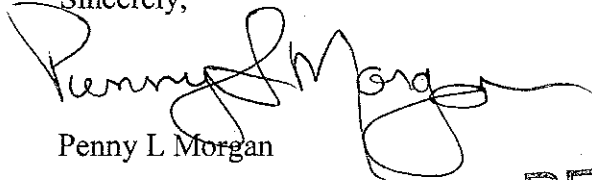
Dear Ms. Broadway,

This letter is in response to a complaint filed by Wentworth Douglas Hospital dated January 22, 2010. I was having some difficulties in my life and I began using opiates. I was taking opiates from the pyxis at the hospital. This occurred over several months. I was only obtaining opiates at work. I tried on several occasions to stop. I would have several days off and think I would be able to return to work without temptation, however, that did not happen. I realized it was a problem at the same time my employer realized there was a problem.

I am currently at Webster Place, a recovery center in Franklin, NH. I am working on understanding this is a disease and I will have to manage this for the rest of my life. I will continue my recovery after completion of this program by seeing a therapists, going to AA meetings and working on the 12 steps of AA.

Please feel free to call with questions or if you need further information.

Sincerely,


Penny L Morgan

RECEIVED

MAR 22 2010

MAINE STATE
BOARD OF NURSING

RECEIVED

MAR - 8 2010

MAINE STATE
BOARD OF NURSING



"GROWING INTO RECOVERY"

WEBSTER PLACE RECOVERY CENTER

PO Box 9
27 Holy Cross Road
Franklin, NH 03235
e-mail - info@websterplace.org
Phone (603) 934-2020
Fax (603) 934-9815

Date

RE: Penny Morgan

To whom it may concern,

Please be advised that the above named individual has completed a stay at Webster Place Recovery Center effective 2/16/10. Registration occurred on 1/18/10.

Webster Place Recovery Center is a private non-profit organization committed to a quality, cost effective residential recovery environment. We help residents seek recovery from alcohol and/or other drug abuse dependence.

Our 40 bed facility provides guidance and mentoring through the twelve steps and twelve traditions of Alcoholics Anonymous. Residents complete individual step work with the help of staff, mentors, and volunteers. Residents also help with daily chores, maintain the facilities, and reconnect with the land through a small-scale farming project. A 30 day minimum stay is required. Individuals work with staff to develop a solid recovery plan in their home area after discharge. They are encouraged to connect with members of the recovery community in their home town, and continue to attend AA meetings on a regular basis. We suggest 90 AA meetings in 90 days.

We are a non-profit facility. We receive no money from the state or the federal government. Insurance does not pay for recovery, so residents privately pay for their own stay.

Should you have any questions or concerns on this matter, please do not hesitate to contact me.

Sincerely,

Colleen O'Neill
Administration

RECEIVED

MAR - 8 2010

MAINE STATE
BOARD OF NURSING