



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
Office of General Counsel
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September 3, 2013

BY CERTIFIED MAIL NO. 7012 3460 0001 7331 1258

Kenneth Volovick
redacted

RE: In the Matter of Kenneth H. Volovick, RT License No. 1600
Board of Registration in Respiratory Care, Docket No. REP-2013-002

Dear Mr. Volovick:

The Board of Registration in Respiratory Care (Board) has now signed the Consent Agreement for Voluntary Surrender of your license to practice as a respiratory therapist and your right to renew your license (Agreement). A copy of the fully signed Agreement is enclosed for your records. Please note carefully that the effective date of the Agreement is September 3, 2013, as is stated on the signature page of the Agreement.

Sincerely,


Nancy Dolberg
Prosecuting Counsel

Enclosures

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
RESPIRATORY CARE

In the Matter of
KENNETH H. VOLOVICK
RT License No. 1600
LICENSE EXP. 5/31/14

Docket No. REP-2013-002

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Respiratory Care (Board) and Kenneth H. Volovick (Licensee), a Respiratory Therapist (RT) licensed by the Board, License No. 1600, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that a complaint has been filed with the Board against his Massachusetts Respiratory Therapist license (license¹) related to the conduct set forth in paragraph 2, identified as Docket No. REP-2013-002 (the Complaint).
2. The Licensee acknowledges that the Complaint alleges that during or about late September/early October 2012, while he was employed as a respiratory therapist at Birgham and Women's Hospital in Boston, Massachusetts, he documented in the Biomedical Engineering Database that he had completed preventative maintenance on respiratory life support equipment as scheduled, when he had not.
3. The Licensee agrees to SURRENDER his license and refrain from practicing as a Respiratory Therapist in Massachusetts, commencing with the date on which the Board signs this Agreement (Effective Date)² until such time as the Board takes final action on the Complaint.
4. The Board and the Licensee agree that execution of this Agreement constitutes a *non-disciplinary* action and that his Massachusetts Respiratory Therapist license status shall appear on the Board's web page as "Restrictions by Agreement/Order." If the Board receives credible information that the Licensee has failed to comply with this Agreement, or if the Board receives a "Subsequent Complaint,"³ the Board will immediately

¹ The term "license" applies to both a current license and the right to renew an expired license.

² The Licensee understands that practice as a Respiratory Therapist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a Respiratory Therapist, or a paid or voluntary position requiring that the applicant hold a current Respiratory Therapist license. The Licensee further understands that if he accepts a voluntary or paid position as a Respiratory Therapist, or engages in any practice of respiratory therapy after the Effective Date and before the Board formally reinstates his license, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution.

³ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date of this Agreement which (1) alleges that the Licensee engaged in conduct that violates Board regulations or statutes, and (2) is substantiated

RESPIRATORY KV

SUSPEND the Licensee's Massachusetts ~~nursing~~ license, a disciplinary action, and provide him with written notice of such suspension.

- 5. The Licensee acknowledges that he has been represented by legal counsel in connection with the Complaint and this Agreement. NO REPRESENTATION KV
- 6. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
- 7. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

Martha Volovick 8/29/13 Kenneth H. Volovick 9/29/13
 Witness (sign and date) Licensee (sign and date)

MARtha Volovick Ichelle Herbu 9/3/13
 Witness (print name) Assistant Executive Director
 Board of Registration in Respiratory Therapy KV

SEPTEMBER 3, 2013
 Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on 9/3/2013 by Certified Mail No. _____

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by evidence as determined following the complaint investigation, during which the Licensee will have an opportunity to respond.