

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 (license<sup>1</sup>) related to the conduct set forth in paragraph 2, identified as Docket No. REP-2013-002 (the Complaint).
2. The Board alleges that while employed during September and October 2012 as a respiratory therapist at Brigham and Women's Hospital in Boston, Massachusetts, the Licensee 1) did not complete scheduled preventive maintenance on respiratory life support equipment as required by manufacturers and 2) documented in the Biomedical Engineering Database that the scheduled preventive maintenance was completed.
3. The Licensee denies the allegations in paragraph 2, above. The Licensee acknowledges that his conduct, if proven at a hearing, would constitute failure to comply with the Board's Standards of Conduct at 261 CMR 4.04(5)(a) and Massachusetts General Laws (G.L.) Chapter 112, section 61 and G.L. ch. 112, section 23X(c), (f).
4. The Licensee agrees to **SURRENDER** his license indefinitely and refrain from practicing as a Respiratory Therapist in Massachusetts, commencing with the date on which the Board signs this Agreement (Effective Date).<sup>2</sup>
4. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of *disciplinary* action by the Board. The Board may forward a copy of this

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

<sup>2</sup> 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.

Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.

5. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the complaint.
6. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the complaints.
7. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. 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.

Maura Volovick 12/16/14  
Witness (sign and date)

Kenneth H. Volovick 12/16/14  
Kenneth H. Volovick  
Licensee (sign and date)

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Witness (print name)

Mary Phillips 12/19/14  
Mary Phillips  
Executive Director  
Board of Registration in Respiratory Care

December 19, 2014  
Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on 12/19/14 by Certified Mail No. 7017 0510 0001 0374 6861