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FEB 24 2017
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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
DONALD H. BELL, JR.,)
LCPC #2421)
Respondent)
_____)

Case No. 17-LC-040

Pursuant to KSA Ch. 77, KAPA

EMERGENCY PROCEEDING ORDER OF SUSPENSION

A. SUMMARY OF CASE

The Kansas Behavioral Sciences Regulatory Board [Board, BSRB] received information sufficient to cause a reasonably prudent person to believe that Respondent Donald Bell, Jr. currently represents a danger to the health, safety and welfare of the public based upon his serious professional misconduct related to a vulnerable counseling client. Respondent has been accused of and admitted exploiting his client physically for his own personal gratification. The client was subsequently hospitalized for a suicide attempt. This Emergency Proceeding Order, issued pursuant to the Kansas Administrative Procedure Act [KAPA], K.S.A. 77-536, suspends Respondent's Kansas Licensed Professional Counselor [LCPC] license for two years or until further Order of the Board.

B. FINDINGS OF FACT

1. Donald H. Bell, Jr., is currently, and at all times relevant has been, a Licensed Clinical Professional Counselor within the meaning of the Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto. He was born in 1954 but was first

licensed as a Professional Counselor in March of 2011 and as a Clinical Professional Counselor in September of 2015. This complaint was filed one year after he received his LCPC license.

2. On or about September 26, 2016, the Board received a written report of alleged violations from Respondent's former client Ms. M. She reported numerous incidents of inappropriate and unwelcome requests by Respondent. The complaint was sent with the assistance of hospital staff after Complainant was hospitalized following a suicide attempt.

3. Respondent did not deny that Ms. M. was a particularly vulnerable client or that he behaved in a professionally inappropriate manner with her during in-person appointments and through text messages with photographs. He admits he committed boundary violations with a client.

C. CONCLUSIONS OF LAW

4. The Complaint Review Committee of the Board has reviewed the information related to the above complaint and the relevant Kansas statutes and administrative regulations, including but not limited to K.S.A. 65-5809 (l) violation of any professional trust or confidence, (n) unprofessional conduct; and K.A.R. 102-3-12a (unprofessional conduct) (b) (8), (10), (25), (27) and (46).

5. The Board concludes that a preponderance of clear and convincing evidence establishes that the nature of Respondent's misconduct creates an immediate risk of harm to the public health, safety or welfare that can be prevented or avoided only through emergency proceedings.

6. Proceedings under the Kansas Professional Counselors Licensure Act are subject to the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.* K.S.A. 77-536 provides that the Board may employ emergency proceedings when a situation poses an immediate danger to the public health, safety or welfare. Based upon Respondent's misconduct and the strong

likelihood of harm to vulnerable clients, the safety of current and prospective mental health clients is at risk while he maintains an active and unrestricted license to practice Professional Counseling in Kansas.

7. The Board is authorized to take disciplinary action against licensed Professional Counselors, pursuant to K.S.A. 65-5809, including suspension or revocation of licensure.

8. The Board has jurisdiction over Respondent by virtue of his Kansas Licensed Clinical Professional Counselor license. The Board has been charged by the Legislature with the responsibility to protect the public health, safety and welfare assuring the current fitness to practice of its licensees who practice in the area of mental health treatment.

WHEREFORE, the Kansas Behavioral Sciences Regulatory Board hereby orders the following:

Respondent Donald H. Bell, Jr.'s Licensed Clinical Professional Counselor license shall be immediately suspended for two years, subject to further proceedings pursuant to the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.*, or further Order of the Board.

IT IS SO ORDERED on this 22nd day of February, 2017.



Terry Pfannenstiel, Ph.D., Chairperson,
Complaint Review Committee
Kansas Behavioral Sciences Regulatory Board

RELIEF FROM THIS EMERGENCY PROCEEDING ORDER

Pursuant to KSA 77-536, this Emergency Proceeding Order is effective when rendered. Notice has been provided to all persons who are required to comply with the order. To appeal this Emergency Proceeding Order, a Petition for Judicial Review must be filed within thirty days

pursuant to the terms of the Kansas Judicial Review Act, KSA 77-601, *et seq.*, with the Third
Judicial District Court, Shawnee County, Kansas and a copy of the Petition served upon:

Max Foster, Executive Director
Behavioral Sciences Regulatory Board
Eisenhower State Office Building, #420
Topeka, KS 66603

Marty M. Snyder, Esq.
Kansas Attorney General's Office
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612

CERTIFICATE OF SERVICE

This is to certify that on this 27 day of February, 2017, a true and correct copy of
the above and foregoing Emergency Proceeding Order of Suspension was deposited in the U.S.
mail, first class postage prepaid, addressed to:

[REDACTED]
[REDACTED]
[REDACTED]

and by email to: [REDACTED]

and a copy sent by building mail to:

Marty M. Snyder, Esq.
Assistant Attorney General

Cindy D'Ercole
For the Board