

Jane E. Weiler, KS S. Ct. #25276  
Assistant Attorney General  
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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In The Matter Of )  
)  
**JAMES W. DAVIS,** )  
**LCAC #362** )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 22-CA-0078**

Pursuant to K.S.A. 77-536

**SUMMARY PROCEEDING ORDER**

NOW, on this 9 day of May, 2022, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board").

**FINDINGS OF FACT**

The Board finds that the following facts have been established by a preponderance of the evidence:

1. James W. Davis ("Respondent") was at all times relevant, a Licensed Clinical Addictions Counselor ("LCAC") within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and having been issued LCAC license number 362 on August 29, 2011, which expires on August 31, 2023.

2. On or about December 16, 2021, the Board received a Report of Alleged Violation that alleged Respondent may have been in violation of the Kansas Addictions Counselor Licensure Act. A subsequent investigation determined the following facts.

3. Respondent conducted a court ordered evaluation for Client.

4. At another time, Respondent was at the local airport. Client showed up to the airport during this same time.

5. Respondent allowed Client to sit in his airplane, and he taxied Client around the runway in his airplane.

#### **APPLICABLE LAW**

6. Pursuant to K.S.A. 77-537(a) of the Kansas Administrative Procedure Act (“KAPA”), a state agency may use summary proceedings, subject to a party’s request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

7. Pursuant to K.S.A. 65-6608(e): “Licensed clinical addiction counselor” means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

8. Pursuant to K.S.A. 65-6615(a)(5): The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license has violated a provision of the addiction counselor licensure act or one or more

of the rules and regulations of the board. Specifically, K.A.R. 102-7-11(v): engaging in a harmful dual relationship or exercising undue influence.

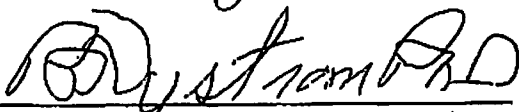
**CONCLUSIONS OF LAW**

9. Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(v), in that Respondent engaged in a dual relationship with his client when he allowed Client to sit in his airplane, and he taxied Client around the runway in his airplane.

**ORDER**

10. WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6408(a) and the Kansas Administrative Procedure Act K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Licensed Clinical Addictions Counselor of Licensee James W. Davis is hereby **PUBLICALLY CENSORED** for his violations of the Kansas Addiction Counselors Licensure Act.

IT IS SO ORDERED ON THIS 4<sup>th</sup> DAY OF May, 2022

  
Chairperson, Complaint Review Committee  
On behalf of the Behavioral Sciences  
Regulatory Board

**NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER**

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison St., Suite 420  
Topeka, KS 66603-3929

This written request must be filed within fifteen (15) calendar days from the date indicated in the below Certificate of Service. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date indicated in the Certificate of Service and includes weekends and legal holidays. If the 15<sup>th</sup> day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

**CERTIFICATE OF SERVICE**

This is to certify that on this 9 day of May, 2022, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

James W. Davis, LCAC



and a copy delivered via interoffice mail to:

Jane E. Weiler, Esq.  
Assistant Attorney General  
120 SW 10th Ave., 2nd Floor  
Topeka, KS 66612  
*Disciplinary Counsel for the Board*

Cindy D'Enole  
For the Board