

**KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

Eisenhower State Office Building  
700 SW Harrison Street, Suite 420  
Topeka, Kansas 66603-3240

In the Matter of )  
 )  
Jason D. Donlon, )  
LAC License No. 040, )  
 )  
Licensee/Respondent )

Case No. 24-AC-0026

Pursuant to (K.S.A. 77-537)

**Summary Proceeding Order**

Now on this 23 day of September, 2024, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (the "Board"). After reviewing its administrative records and otherwise being duly advised in the premises, the Board makes the following findings of fact, conclusions of law, and orders.

**FINDINGS OF FACT**

1. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto (the "Act").
2. Respondent Jason D. Donlon ("Respondent") is an individual with a last known mailing address of [REDACTED]
3. Respondent has been licensed as a Licensed Addictions Counselor (LCAC) within the meaning of the Act.
4. On or about August 23, 2023, the Board received a report of alleged violation ("RAV") against Respondent from his former employer, a treatment facility in Kansas, alleging that Respondent quit his employment on August 21, 2023 without notice and did not provide appropriate notice to his employer or make appropriate arrangements for continuing care or referrals for his clients. Respondent was scheduled to facilitate a group approximately one (1) hour after he left his employment, which resulted in Respondent abandoning the clients within the group.
5. The Board sent the RAV to Respondent on September 5, 2023 and November 14, 2023, and requested a response to the complaint. Respondent did not respond to the Board's request for a response.

## **APPLICABLE LAW**

6. The Act authorizes the Board to condition, limit, revoke or suspend a license as an addictions counselor, and/or publicly or privately censure a licensee or impose a fine not to exceed \$1,000 per violation upon a finding that a licensee violates any provision of K.S.A. 65-6615(a)(1) – (11);

7. K.S.A. 65-6615(a)(9) provides in relevant part that the board may condition, limit, revoke or suspend a license, publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee:

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations of the Board;

8. K.A.R. 102-7-11 provides in relevant part, that the following acts constitute unprofessional conduct:

(h) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

9. 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 the 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 standard 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.

## **CONCLUSIONS OF LAW**

10. The use of summary proceedings pursuant to KAPA is appropriate in this case.

11. Respondent is in violation of K.S.A. 65-6615(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-7-11(h). Respondent failed to timely respond to two (2) Board requests for a response to the complaint in this matter.

12. All other potential violations of the Act implicated by the RAV are not addressed by this Summary Proceeding Order and are reserved for further consideration by the Board at a later point in time.

## **ORDER**

WHEREFORE, in consideration of the above findings of fact and conclusions of law, and pursuant to the authority granted by K.S.A. 65-6515(a) and K.S.A. 77-537, the Complaint Review Committee on behalf of the Board hereby finds and orders that:

- A. Respondent's LAC License No. 040 should be and is hereby **SUSPENDED** effective as of the date this Summary Proceeding Order becomes a final order of the Board, until further order of the Board;
- B. Respondent may petition the Board for reinstatement of his LAC license pursuant to K.A.R. 102-7-7a. In connection with the request for reinstatement, the Board may consider any materials, information, evaluation or examination reports, or other documentation that the Board may request that will enable the Board to satisfactorily evaluate and determine whether or not the license should be reinstated, including without limitation the following factors:
  - (A) the extent to which the individual presently merits the public trust;
  - (B) the individual's demonstrated consciousness of the wrongful conduct that resulted in the license suspension;
  - (C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license suspension;
  - (D) the nature and seriousness of the original misconduct;
  - (E) the individual's conduct subsequent to the license suspension;
  - (F) the time elapsed since the license suspension; and
  - (G) the individual's present competence in professional counseling or addiction counseling knowledge and skills
- C. In the event the Board approves the reinstatement of Respondent's LAC license(s), the Board reserves the right to impose such other conditions or limitations as the Board in its discretion may deem necessary to protect the public interest.

D. Except as otherwise provided herein, Respondent shall submit to the Board's investigator at its offices at 700 SW Harrison, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Summary Proceeding Order.

**IT IS SO ORDERED.**

Entered this 23 day September, 2024.



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Mary Jones, Chairperson  
Kansas Behavioral Sciences Regulatory Board  
Complaint Review Committee

## **NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER**

Pursuant to K.S.A. 77-537 and 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

This written request must be filed within eighteen (18) calendar days of the date listed in the Certificate of Service below (15 calendar days plus 3 calendar days for mail service). Pursuant to K.S.A. 77-503(c), the 18-day period begins the day after the date shown in Certificate of Service below and includes weekends and legal holidays. If the 18<sup>th</sup> day falls on a Saturday, Sunday, or legal holiday, then the 18-day period runs until 5:00 p.m. on the next day that 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.

The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison, Suite 420  
Topeka, Kansas 66603

## **NOTICE OF ADMINISTRATIVE RELIEF**

In the event that you do not timely request a hearing, the above Order will become a final order the day following the 18<sup>th</sup> day referenced above (i.e., 19 calendar days following the date listed in the Certificate of Service below). Pursuant to K.S.A 77-529, a party may file with the Board a petition for reconsideration within 15 days from the date the Summary Proceeding Order becomes a final order. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

Pursuant to K.S.A. 77-528, a party may file, if applicable, a petition for stay of effectiveness of the order prior to the expiration of the time in which to file a petition for judicial review. The filing of a petition for a stay of effectiveness is not a prerequisite for seeking judicial review.

## **NOTICE OF JUDICIAL RELIEF**

If a petition for reconsideration is not filed pursuant to K.S.A. 77-613, a party may file within 30 days from the date the Summary Proceeding Order becomes a final order a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

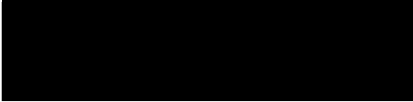
The designee who may receive service of a petition for reconsideration, a petition for stay, or a petition for judicial review on behalf of the Board is:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
Eisenhower State Office Building  
700 SW Harrison, Suite 420  
Topeka, Kansas 66603-3240

**CERTIFICATE OF SERVICE**

This is to certify that on this 23 day of September, 2024, a true and correct copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Jason D. Donlon



And by e-mail to:

Timothy D. Resner  
Frieden & Forbes, LLP  
1414 SW Ashworth Place, Suite 201  
Topeka, KS 66604  
[tresner@fflawllp.com](mailto:tresner@fflawllp.com)  
*Counsel for the Board of the Behavioral Sciences Regulatory Board*

A handwritten signature in cursive script that reads "Linda Dénole".

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Staff,  
Kansas Behavioral Sciences Regulatory Board