

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
Larry L. Smith,) Case No. 25-CS-0161
LSCSW License No. 4190 and)
LCAC License No. 222,)
)
Respondent.)
Pursuant to (K.S.A. 77-505)

CONSENT AGREEMENT AND FINAL ORDER

Now, on this 10 day of September, 2025, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board") by agreement of Larry L. Smith, LSCSW and LCAC ("Respondent"), for the purposes of resolving the above-captioned matter.

1. The Board is represented herein by its counsel, Timothy D. Resner of Frieden & Forbes, LLP, 1414 S.W. Ashworth Place, Suite 201, Topeka, Kansas 66604. Respondent appears *pro se*.

2. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of the Kansas Social Workers Licensure Act, K.S.A. 65-6301 *et seq.*, and amendments thereto (the "SW Act") and the Addiction Counselor Act, K.S.A. 65-6607 *et seq.*, and amendments thereto (the "AC Act"). Pursuant to applicable provisions of the SW Act and the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* ("KAPA"), whenever it is established that the applicant and/or Respondent has committed any of the acts described in K.S.A. 65-6311(a), the Board may refuse to issue, renew or reinstate a license, and/or revoke, suspend, censure, condition, and/or limit a Respondent and/or assess a fine against the applicant and/or Respondent in an amount not in excess of \$1,000.00 per violation. Likewise, Pursuant to applicable provisions of the AC Act and KAPA, whenever it is established that the applicant and/or Respondent has committed any of the acts described in K.S.A. 65-6615(a), the Board may refuse to issue, renew or reinstate a license, and/or revoke, suspend, censure, condition, and/or limit a Respondent and/or assess a fine against the applicant and/or Respondent in an amount not in excess of \$1,000.00 per violation.

3. The Board's Complaint Review Committee has received certain information, has investigated and has determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of the SW Act, AC Act and/or the Board's Regulations that would justify, pursuant to the provisions of K.S.A. 65-6311(a) and K.S.A. 65-6615(a), the imposition of disciplinary action against his license and the assessment of a civil fine against Respondent in an amount not to exceed \$1,000.00 per violation.

4. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board's Complaint Review Committee makes the following findings of fact, conclusions of law and approves of the disposition set forth herein.

I. FINDINGS OF FACT

5. At all times relevant hereto, Respondent has been licensed as a Licensed Specialist Clinical Social Worker (LSCSW) within the meaning of the SW Act and Licensed Clinical Addiction Counselor (LCAC) within the meaning of the AC Act.

6. On or about January 31, 2025, the Board received a report of alleged violation ("RAV") from a probation officer of Respondent's minor client C.B. alleging that minor client C.B. and his mother (the "mother") had moved into Respondent's residence. The mother moved in with Respondent while minor client C.B. was in detention, and after being released from detention and remaining on probation, minor client C.B. moved in with Respondent as well. The RAV further alleged that Respondent has been providing minor client C.B. with court-ordered therapy while living in Respondent's residence, and that mother had also been a client of Respondents. Finally, the RAV alleged that mother provides home health services to Respondent.

7. On March 17, 2025, Respondent provided a response to the RAV admitting that mother had been his patient for several years, and that she moved into his basement due to an abusive relationship and Respondent was not charging her rent for living in his basement. Respondent also admitted that he was providing therapy to minor client C.B. while minor client C.B. was also living in Respondent's basement, provided that minor client C.B. only lived in Respondent's basement for a "short period of time after he finished school."

8. Respondent denied that the relationships at issue constituted dual relationships.

9. Through follow up investigation, it was determined that mother moved in with Respondent in October of 2024 and minor client C.B. around Christmas of 2024. Minor client C.B. last received therapy from Respondent on February 23, 2025; however, he was "staying" in Respondent's basement as recent as March 17, 2025. Mother last received therapy from Respondent on December 29, 2024.

II. APPLICABLE LAW

10. The SW Act authorizes the Board to condition, limit, revoke or suspend a license as an LSCSW, 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. 65-6311(a)(1) – (11). Likewise, the AC Act authorizes the Board to condition, limit, revoke or suspend a license as an LCAC, 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)

11. K.S.A. 65-6311(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 adopted by the board;

12. K.A.R. 102-2-7(j), (aa) and (tt) provide that the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

.....

(j) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work;

.....

(aa) exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, supervisee, or student for the financial gain, personal gratification, or advantage of oneself or a third party;

.....

(tt) engaging in a dual relationship with a client, supervisee, or student;

13. K.A.R. 102-2-1a(j) defines "dual relationship" as:

(j) . . . a professional relationship with a client, student, or supervisee in which the objectivity of the licensee is impaired or compromised because of any of the following present or previous relationships:

- (1) Familial;
- (2) sexual;
- (3) social;
- (4) emotional;
- (5) financial;
- (6) supervisory; or
- (7) administrative

14. K.A.R. 102-2-1a(ee) defines "undue influence" as:

(ee) "Undue influence" means the misuse of one's professional position of confidence, trust, or authority or the taking advantage of the vulnerability, weakness, infirmity, or distress of a client, supervisee, or student for either of the following purposes:

- (1) To improperly influence or change the actions or decisions of a client, supervisee, or student; or

(2) to exploit a client, supervisee, or student for the financial gain, personal gratification, or advantage of the social worker or a third party.

15. 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 adopted by the board;

16. K.A.R. 102-7-11(j), (aa) and (tt) provide that the following acts by a licensee or an applicant for an addiction counselor license shall constitute unprofessional conduct:

(i) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;

....

(v) engaging in a harmful dual relationship or exercising undue influence;

17. K.A.R. 102-7-1(j) defines "harmful dual relationship" as:

(j) "Harmful dual relationship" means a professional relationship between a licensee and a client, student, supervisee, or any person who has had a significant relationship with either a current client or a person who has been a client within the past 24 months if that relationship is known to the licensee, in which the objectivity or competency of the licensee is impaired or compromised because of any of the following types of present or previous relationships:

- (1) Familial;
- (2) social;
- (3) emotional;
- (4) financial;
- (5) supervisory; or
- (6) administrative.

III. CONCLUSIONS OF LAW

18. Based on the facts stipulated to herein, Respondent is subject to sanction pursuant to K.S.A. 65-6311(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-2-7(j), (aa) and (tt), and K.S.A. 65-6615(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-7-11(j) and (v) relating to Respondent's provision of therapy to minor client C.B. and his mother during a period of time that they were living rent-free in his basement, including during a period of time that minor client C.B. was on probation.

IV. AGREEMENT

19. Respondent and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings at this time.

WHEREFORE, Respondent agrees and consents to, and the Board further orders, the following terms and conditions:

a. Respondent shall practice only under individual supervision by an independent clinical-level supervisor when employed or otherwise practicing and using any license issued by the Board, for a period of one (1) year beginning on the date a supervisor is approved in writing by the Board. The supervisor must be approved in advance in writing by the Board. There shall be no dual relationship with the supervisor. Respondent shall have weekly one (1) hour meetings with his supervisor, which may be virtual meetings. The focus of the supervision shall include, but not be limited to, dual relationships, boundaries and professional standards of practice. Only time while Respondent is employed or otherwise practicing as a licensee of the Board will count towards the one (1) year requirement.

b. Respondent shall submit to the Board's investigator the name of his proposed supervisor within thirty (30) days of the effective date of this Consent Agreement and Final Order.

c. Respondent shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorizes the supervisor to provide written monthly reports to the Board's Investigator for the term of supervision. There shall be a minimum of twelve (12) monthly reports submitted to the Board's Investigator during this supervision timeframe.

d. Respondent shall provide a copy of this Consent Agreement and Final Order to his supervisor and to any employer during the term of supervision.

e. Respondent shall not provide supervision or direction to any licensee of the Board beginning on the effective date of this Consent Agreement and Final Order until completion of the required period of supervision. Respondent shall make appropriate referrals for any current supervisees or directees within ninety (90) days of the effective date of this Consent Agreement and Final Order.

f. Respondent shall notify the Board within ten (10) days of any changes in personal or professional status that would inhibit compliance with any condition of this Consent Agreement and Final Order.

g. Respondent shall be responsible for any and all costs and expenses incurred in satisfying the terms of this Consent Agreement and Final Order.

h. Respondent shall submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.

V. ADDITIONAL STIPULATIONS

20. Respondent agrees that all information in the possession of the Board's Complaint Review Committee, its staff, its investigators and its attorney regarding the matters which led to this disciplinary action, the investigation and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board's Complaint Review Committee as part of the presentation and consideration of the proposal of settlement in the form of this Consent Agreement and Final Order, with or without the presence of the Respondent or his attorney. In the event that this Consent Agreement and Final Order is not accepted and approved by the Board's Complaint Review Committee, Respondent waives any objection to such Board members' consideration of this Consent Agreement and Final Order or the information mentioned in the preceding sentence and further waives the disqualification of any Board member, including any right to seek the disqualification of any Board member, based on such Board member's consideration of said document and information.

21. The stipulations and orders contained herein shall not become binding until this Consent Agreement and Final Order is approved and entered by the Complaint Review Committee. Respondent acknowledges that the approval of the Board's Counsel shall not constitute the approval of the Board or bind the Board to approve this Consent Agreement and Final Order.

22. Respondent agrees that this Consent Agreement and Final Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it. Respondent further agrees that the Act referenced in paragraph 2 above is constitutional on its face and as applied in this case.

23. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

24. Respondent acknowledges that he has the following rights:

- (a) To have formal notice of charges served upon him;
- (b) To file a response to the charges;
- (c) To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and
- (d) To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 et seq. and the Kansas Judicial Review Act, K.S.A. 77-601 et seq.

Respondent freely waives these rights and acknowledges that such waiver is made voluntarily and in consideration of avoiding an administrative hearing and the Board's agreement to limit the disciplinary action taken against him in accordance with the terms and conditions provided for herein. Respondent also waives all of his rights to seek reconsideration, administrative review and/or judicial review of this Consent Agreement and Final Order or to otherwise challenge or contest this Consent Agreement and Final Order in any direct or collateral administrative or judicial proceedings.

25. Respondent acknowledges that he enters into this Consent Agreement and Final Order freely and voluntarily after consultation or a reasonable opportunity for consultation with counsel of his choosing. Respondent further acknowledges that his representatives have read this Consent Agreement and Final Order in its entirety, that they understand its legal consequences and that they agree that none of its terms or conditions is unconscionable, arbitrary, capricious or unreasonable.

26. Time is of the essence to this Consent Agreement and Final Order. Respondent acknowledges and agrees that any violation of this Consent Agreement and Final Order shall constitute a violation of a lawful Board order pursuant to K.S.A. 65-6311(a)(11) and K.S.A. 65-6615(a)(11) and grounds for further disciplinary action against him. The pendency of any disciplinary action arising out of any alleged violation of this Consent Agreement and Final Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Consent Agreement and Final Order.

27. This Consent Agreement and Final Order constitutes the entire and final agreement of the parties. In the event any provision of this Consent Agreement and Final Order is determined to be invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Consent Agreement and Final Order shall be given full force and effect.

28. Upon execution by all parties and entry as an order by the Board, this Consent Agreement and Final Order shall be a public record in the custody of the Board.

29. This Consent Agreement and Final Order shall become effective on the day it is approved by the signature of the Complaint Review Committee's Chairperson or designee below.

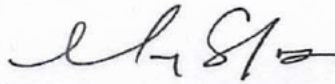
30. Respondent acknowledges that he has been advised by the Board that after the Consent Agreement and Final Order becomes effective Respondent has the right within 15 days after service of this Consent Agreement and Final Order to file a petition for reconsideration with the Board and the right within 30 days after service of the Consent Agreement and Final Order

to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 et seq., which must be served on the Kansas Behavioral Sciences Regulatory Board by serving David Fye, its Executive Director, at 700 SW Harrison, Suite 420, Topeka, KS 66603-3240. However, Respondent expressly waives these rights.

31. In accordance with K.S.A. 77-531(a)(3), Respondent consents to service of this Consent Agreement and Final Order via electronic mail, addressed to Respondent at:

WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.



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

AGREED AND CONSENTED TO BY:

Larry Smith

8-22-25

Larry L. Smith, LCSW and LCAC
Respondent

Date

*In the Matter of Larry L. Smith, Case No. 25-CS-0161
Consent Agreement and Final Order, page 9*

CERTIFICATE OF SERVICE

This is to certify that on this 40 day of September, 2025, a true and correct copy of the above and foregoing Consent Agreement and Final Order was served upon the following via electronic mail only, addressed to:

Larry L. Smith
[REDACTED]
[REDACTED]
[REDACTED]

And by e-mail to:

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



Staff,
Kansas Behavioral Sciences Regulatory Board