

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
James W. Davis,)
)
LPC License No. 1048– Expired.)
_____)

Case No. 23-PC-0112

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

SUMMARY PROCEEDING ORDER

Now on this 13 day of April, 2026, 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 Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*, and amendments thereto (the “PC Act”) and the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607 *et seq.* and amendments thereto (the “AC Act”).

2. Respondent James W. Davis (“Respondent”) is an individual with a last known mailing address of [REDACTED]

3. At all times relevant to the subject matter of this Summary Proceeding Order, Respondent held a license as a Licensed Professional Counselor (“LPC”); however, Respondent’s LPC license expired on January 1, 2023.

4. Respondent also previously held a license as a Licensed Clinical Addiction Counselor (“LCAC”) within the meaning of the AC Act. Respondent’s LCAC license expired on September 1, 2025.

5. The Board initiated a report of alleged violation (RAV) against Respondent related to the appearance that Respondent continued to engage in the practice of professional counseling after the expiration of his LPC license. In initiating the RAV, the Board’s investigation included information demonstrating that Respondent was identified as an LPC on his then agency’s website.

6. Respondent was provided with the RAV and provided an opportunity to respond. Respondent did not provide a response to the RAV until approximately thirteen (13) months after the requested response deadline. Through his response, Respondent relayed that he has been undergoing treatment for a health issue and asserted that he was not able to timely respond.

7. Through his response, Respondent claimed that he ceased providing services as an LPC as of January of 2022. Respondent identified a person who held licensure as a Licensed Clinical Professional Counselor (“LCPC”) who was providing direction to him up to and until his LPC license expired. Moreover, Respondent claimed that he was providing services as an LCAC, and not an LPC, after the expiration of his LPC license.

8. Through its investigation, the Board contacted the LCPC whom Respondent claimed was providing direction to him until he ceased practicing as an LPC. The person identified by Respondent relayed that she ceased providing direction to Respondent when she left his agency in August of 2021, five (5) months prior to Respondent’s represented cessation of practice.

9. Furthermore, the Board reviewed the reports and psychotherapy notes which the Board received in connection with a consent agreement and final order (CAO) entered into with another licensee, in Board case no. 21-AC-0127. Respondent was the approved therapist relating to therapy required under the CAO entered in 21-AC-0127. According to the reports received in connection with the CAO entered in 21-AC-0127, Respondent was signing letters and psychotherapy notes with his LPC designation up to and including April 11, 2023. Respondent did not include his LCAC credential in said letters or psychotherapy notes.

APPLICABLE LAW

10. The PC Act authorizes the Board to condition, limit, revoke or suspend a license as an LPC, 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. 65-5809(a)(1) – (11).

11. K.S.A. 65-5809(a)(5) and (9) provide 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:

(5) has violated a provision of the professional counselors licensure act or one or more rules and regulations of the board;

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

12. K.S.A. 65-5803 provides that “no person shall engage in the practice of professional counseling as a clinical professional counselor or represent that such person is a licensed clinical professional counselor without first having obtained a license as a clinical professional counselor under the professional counselors licensure act.”

13. K.S.A. 65-5802(e), (f) and (g) provide the following relevant definitions:

(e) "Licensed clinical professional counselor" means a person who engages in the independent practice of professional counseling including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and who is licensed under this act.

(f) "Licensed professional counselor" means a person who is licensed under this act and who engages in the practice of professional counseling only under the direction of a licensed clinical professional counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.

(g) "Practice of professional counseling" means assisting an individual or group for a fee, monetary or otherwise, through counseling, assessment, consultation and referral and includes the diagnosis and treatment of mental disorders as authorized under the professional counselors licensure act.

14. K.A.R. 102-3-12a(b)(9), (10), (53) and (54) provide that the following acts constitute unprofessional conduct:

(9) 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. Any 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;

(10) offering to perform or performing professional counseling, assessments, consultations, or referrals clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards;

.....
(53) practicing professional counseling or clinical professional counseling after one's license expires;

(54) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license;

15. 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

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

17. Respondent is subject to sanction pursuant to K.S.A. 65-5809(a)(5) for engaging in the clinical practice of professional counseling in violation of K.S.A. 65-5803, when Respondent was permitted to practice professional counseling only under direction pursuant to K.S.A. 65-5802(f) and (g). The person identified by Respondent ceased providing direction to Respondent approximately five (5) months prior to Respondent's represented cessation of the practice of professional counseling, and approximately twenty (20) months prior to the reports and psychotherapy notes identified herein.

18. Respondent is further subject to sanction pursuant to K.S.A. 65-5809(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-3-12a(b)(9) and (10) due to his failure to timely respond to the RAV within a reasonable period of time and for performing services as an LPC in a manner clearly inconsistent with his training, education or experience or with accepted professional standards, including practicing without being under direction as required by the LPC Act.

19. Respondent is further subject to sanction pursuant to K.S.A. 65-5809(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-3-12a(b)(53) and (54) for engaging in the practice of professional counseling after the expiration of his LPC license and using the LPC title without a license. However, said violations are reserved for further action by the Board in the event that Respondent seeks to reinstate his LPC or seeks other licensure from the Board.

ORDER

WHEREFORE, in consideration of the above findings of fact and conclusions of law, and pursuant to the authority granted by K.S.A. 65-5809(a) and K.S.A. 77-537, the Complaint Review Committee on behalf of the Board hereby finds and orders that Respondent is hereby PUBLICLY CENSURED for the above violations of the LPC Act.

In the event that Respondent seeks reinstatement of his LPC license or other licensure from the Board, the Board reserves the right to seek additional sanctions as authorized and provided for in K.S.A. 65-5809(a).

IT IS SO ORDERED.

Entered this 13 day April, 2026.



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 18th 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 18th 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 13 day of April, 2026, 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:

James W. Davis



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

Cindy D'Ercole

Staff,
Kansas Behavioral Sciences Regulatory Board