

Jane E. Weiler, KS S. Ct. #25276  
Assistant Attorney General  
120 SW 10th Ave., Second Floor  
Topeka, KS 66612  
(785) 296-2215

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In The Matter Of )  
 )  
DAVID BROWN, LAC ) Case No. 20-AC-0097  
License #100 )  
 )  
Respondent )  
 )  
\_\_\_\_\_) )  
Pursuant to K.S.A. 77-536

**SUMMARY PROCEEDING ORDER**

NOW, on this 8 day of September, 2020, 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. David Brown ("Respondent") was at all times relevant, a Licensed Addiction Counselor ("LAC"), having been issued LAC License No. 100 within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. On or about January 21, 2020, the Board received a complaint concerning Licensee's unprofessional conduct, alleging Licensee may have violated certain statutes and/or regulations governing the practice of an LAC in Kansas.

3. In April 2014, Respondent was employed at Avenues to Recovery, INC. ("Avenues"), in Olathe, KS.

4. During this time, family members entered into an agreement with Avenues for an intervention for another family member.

5. Respondent participated in this intervention with this family while employed at Avenues.

6. Respondent admitted in his submission to the Board that this intervention was outside the normal services offered at Avenues.

#### **APPLICABLE LAW**

7. 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.

8. Pursuant to K.S.A. 65-6608(c): "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to

K.S.A. 2017 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

9. 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 have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board. Specifically, K.A.R. 102-7-11(i): offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards.

#### **CONCLUSIONS OF LAW**

10. Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(i), in that Respondent performed services inconsistent with the accepted professional standards when he provided an intervention to a client when that was a service outside of the scope of normal services.

#### **ORDER**

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by 65-6615(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LAC license of Respondent David Brown should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Addiction Counselor Licensure Act.

IT IS SO ORDERED ON THIS 7<sup>th</sup> DAY OF September, 2020.

  
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:

Max Foster, 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 8 day of September, 2020, 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:

David Brown, LAC



and by email to: [jane.weiler@ag.ks.gov](mailto:jane.weiler@ag.ks.gov)

Jane E. Weiler, Esq.  
Assistant Attorney General  
*Disciplinary Counsel for the Board*

Cindy D'Ercole  
For the Board