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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In The Matter Of )  
)  
JAMES P. MCMILLIAN, )  
LCPC #2487 )  
)  
Respondent/Licensee )  
\_\_\_\_\_ )

Case No. 21-LC-0107

Pursuant to K.S.A. 77-536

**SUMMARY PROCEEDING ORDER OF STATUTORY REVOCATION**

NOW, on this 28 day of July, 2021, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (“Board”).

**FINDINGS OF FACT**

1. James P. McMillian (“Respondent”) was at all times relevant, a Licensed Clinical Professional Counselor (“LCPC”) within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.
2. On or about May 18, 2021, the Board received a complaint concerning Respondent's unprofessional conduct, alleging Respondent may have violated certain statutes and/or regulations governing the practice of an LCPC in Kansas.
3. This complaint stated, “On April 16, 2021, James McMillian’s employment with the Church of the Resurrection was terminated based on Mr. McMillian’s confirmation that a search warrant served at his home on April 14, 2021, related to allegations that were criminal and

“exploitive” in nature. Nor further information about the nature of the allegations is known to the church.” Additionally, the complainant told Board staff that a computer belonging to the church had been seized.

4. On or about May 21, 2021, the Board sent to Respondent notice of an investigation related to the aforementioned complaint. This notice was sent to Respondent’s last known address that he had provided to the Board.

5. On or about May 26, 2021, Respondent emailed to the Board an inquiry and stated, “How do I go about withdrawing/forefitting [sic] my LCPC license? Is there a form I need to fill out?”

6. On or about May 27, 2021, Board staff replied to Respondent’s email, “You may provide a written statement that you wish to “forfeit” or surrender your license, however, it will be taken into consideration that there is a pending investigation regarding unprofessional conduct that was sent to you on May 21, 2021.”

7. On or about May 28, 2021, Respondent sent to the Board a letter stating, “Please surrender my LCPC license 2487 effective immediately.”

8. On or about June 1, 2021, a copy of the notice of an investigation was sent via email to Respondent. This notice requested that Respondent provide to the Board information related to the complaint. Respondent did not provide any further response to the Board related to this investigation.

#### **APPLICABLE LAW**

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 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.

10. Pursuant to K.S.A. 65-5802(h): "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.

11. Pursuant to K.S.A. 74-7508(e): In all matters pending before the Behavioral Sciences Regulatory Board, the Board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.


#### **CONCLUSIONS OF LAW**

12. Respondent surrendered his license to practice as a clinical professional counselor in the State of Kansas while he was under investigation related to him termination for possible unprofessional conduct. The Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board has reviewed all information related to this investigation, and on behalf of the Board and finds Respondent's license shall be revoked pursuant to K.S.A. 74-7508(e) for his voluntary surrender of his LCPC license during an investigation for unprofessional conduct.

**SANCTION**

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 74-7508(c) and the Kansas Administrative Procedure Act K.S.A. 77-537, the Complaint Review Committee on behalf of the Board finds that the Kansas Clinical Professional Counselor license of Licensee James P. McMillian is hereby **REVOKED** for her violations of the Kansas Professional Counselors Licensure Act.

IT IS SO ORDERED ON THIS 27<sup>th</sup> DAY OF July, 2021.

  
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 B. 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.

*In the Matter of James P. McMillian, Case No. 21-LC-0107*

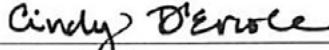
**CERTIFICATE OF SERVICE**

This is to certify that on this 28 day of July, 2021, a true and correct copy of the above and foregoing Summary Proceeding Order of Statutory Revocation was deposited in the U.S. mail, first class postage prepaid, addressed to:

James P. McMillian, LCPC  


and a copy delivered via email to: [jane.weiler@ag.ks.gov](mailto:jane.weiler@ag.ks.gov)

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

  
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For the Board