

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
William C. Oakley, LP)
LP License No. 2234)
)
Licensee)
Pursuant to (K.S.A. 77-537)

Case No. 23-LP-0079

Summary Proceeding Order

Now, on this 25 day of May, 2023, 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. On July 28, 2014, the Board issued Licensee an original Licensed Psychology license ("LP") No. 2234. Licensee is currently, and was at all times relevant, an LP within the meaning of the laws relating to regulation of Licensed Psychologists, K.S.A. 74-5301 et seq.
2. Licensee's LP license expired on June 30, 2022. On November 10, 2022, Licensee discovered that his license was expired and informed his employer's clinical director.
3. On Friday, November 11, 2022, a state holiday, Licensee sent a message to the Board requesting his license be reinstated. Licensee's license was reinstated by Board staff on Monday, November 14, 2022.
4. From July 1, 2022, until November 13, 2022, Licensee provided professional services to clients and represented himself as a Licensed Psychologist, though his license was expired.
5. After learning that his license was expired, Licensee continued providing professional services to clients for two additional days. In a message to investigators for the Board, Licensee stated during the time period he was providing professional services after learning his license was expired, he claimed he was practicing under the license of his employer's clinical director and stated that he informed clients that his license was expired.

Licensee states that he knowingly performed services after his license was expired to ensure continuity of care.

APPLICABLE LAW

6. Pursuant K.S.A. 74-5302(a): "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of behavior adjustment, group relations and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to, counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment or emotional problems in the areas of work, family, school and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes and skills; the teaching of such subject matter; and the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those licensed under the Kansas healing arts act. The practice of psychology includes 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. If a licensed psychologist cannot make an independent diagnosis of a mental disorder, such psychologist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

7. K.S.A. 74-5324. Grounds for suspension, limitation, condition, revocation or refusal to issue or renew license; procedure; licensure of applicant with felony conviction; requirements.

(a) 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 a license:

(5). Has violated a provision of the licensure of psychologists act of the state of Kansas or one or more rules and regulations of the board.

8. K.A.R. 102-1-8. Renewal and Reinstatement.

(a). To be considered for license renewal pursuant to K.S.A. 74-5319 and amendments thereto, each licensed psychologist shall submit the following to the board:

(1) The completed renewal form provided by the board;

(2) the renewal fee required by K.S.A. 74-5319 and amendments thereto, as set forth in K.A.R. 102-1-13(a)(3); and

(3) evidence satisfactory to the board that the psychologist has completed the required number of continuing education hours as specified in K.A.R. 102-1-15.

9. K.S.A. 74-5318 Biennial mailing of renewal application; continuing education; penalty for failure to timely renew; notice of change of address.

(a) An application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. As part of such continuing education, a licensed psychologist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(d) Any psychologist who has failed to renew a license and continues to represent oneself as a psychologist after July 1 shall be in violation of the licensure of psychologists act of the state of Kansas. The board may suspend or revoke such psychologist's license under the provisions of K.S.A. 74-5324, and amendments thereto.

CONCLUSIONS OF LAW

WHEREFORE, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Licensee violated K.S.A. 74-5324(a)(5), as defined in K.A.R. 102-1-8(a), and K.S.A. 74-5318(a) and (d), in that Licensee failed to renew his license in the necessary timeframe, yet provided professional services as a licensed psychologist for several months after his license had expired, and further provided professional services as a licensed psychologist after discovering that his license had expired.

ORDER

NOW THEREFORE, the Board orders that:

10. Licensee's will notify affected insurance providers and clients of the timeframe his license was expired, providing documentation of these notifications to the Board's investigator within forty-five (45) days of the effective date of this Summary Proceeding Order.

11. Licensee shall pay a fine of \$1,000.00 within thirty (30) days of the effective date of this Summary Proceeding Order to the Board's investigator.

12. Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Final Order.

13. Licensee 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 Final Order.

IT IS SO ORDERED ON THIS 25 DAY OF May, 2023.

A handwritten signature in black ink, appearing to be 'L. S. G.', written over a horizontal line.

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 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 fifteen (15) calendar days of the date listed in the Certificate of Service below. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date shown in Certificate of Service below and includes weekends and legal holidays. If the 15th day falls on a Saturday, Sunday, or legal holiday, then the 15-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.

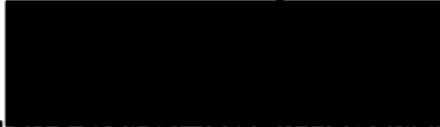
The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

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

CERTIFICATE OF SERVICE

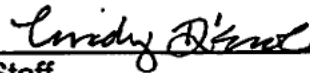
This is to certify that on this 25 day of May 2023, a true and correct copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

William C. Oakley



And by e-mail to: Jeremy.Dorsey@ks.gov

Jeremy Dorsey
Disciplinary Counsel for the Board of the Behavioral Sciences Regulatory Board
503 S. Kansas Ave.
Topeka, KS 66603
785-296-5543



Staff,
Kansas Behavioral Sciences Regulatory Board