



00305

State of Missouri

Mel Carnahan, Governor

Administrative Hearing Commission

Truman State Office Building
301 West High Street P.O. Box 1557
Jefferson City, Missouri 65102
Telephone 314/751-2422
Facsimile 314/751-5018

September 22, 1995

Ms. Mildred Robertson
Executive Director
State Committee of Psychologists
P.O. Box 153
Jefferson City, MO 65102

RE: STATE COMMITTEE OF PSYCHOLOGISTS, Petitioner vs. FRANCIS J. MANLEY,
Ph.D., Respondent, No. 95-002091 PS

Dear Ms. Robertson:

Pursuant to Section 621.110, RSMo 1994, please find enclosed the record of the proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See Section 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to Section 536.130, RSMo 1994, to the reviewing court.

Sincerely,

Jo Annette Jacobs
Legal Counsel

JAJ/ljs

Enclosure

cc: Penney R. Rector
Larry K. Marske

Before the
Administrative Hearing Commission
State of Missouri



STATE COMMITTEE
OF PSYCHOLOGIST,

Petitioner,

vs.

FRANCIS J. MANLEY, Ph.D.,

Respondent.

Case No. 95-002091 PS

CERTIFICATION

COMES NOW Jo Annette Jacobs, Legal Counsel, Administrative Hearing Commission,
and certifies to this Agency that the following list of items composes the record of proceedings
before the Administrative Hearing Commission in the above-named cause:

1. Copy of Complaint, filed September 8, 1995.
2. Copy of Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, filed September 8, 1995.
3. Copy of Consent Order, issued September 22, 1995.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jo Annette Jacobs".

Jo Annette Jacobs
Legal Counsel

Enclosures



MISSOURI

DEPARTMENT OF ECONOMIC DEVELOPMENT

Mel Carnahan
Governor

Division of Professional Registration
Randall J. Singer, Director

Joseph L. Driskill
Director

STATE COMMITTEE OF PSYCHOLOGISTS
3605 Missouri Boulevard
P.O. Box 1335
Jefferson City, MO 65102-1335
573-751-0099
573-526-3489 FAX
800-735-2966 TDD

Pamela Groose
Executive Director

September 23, 1997

Francis J. Manley, Ph.D.
8301 State Line Road, Suite 112
Kansas City, MO 64114

Dear Dr. Manley:

This is to advise you that effective September 22, 1997 your period of probation with the Missouri State Committee of Psychologists has been completed.

If you need additional information from our office please contact us or if we can be of any assistance to you in the future do not hesitate to contact us.

Good luck to you.

Sincerely,

Pamela Groose
Executive Director

/pg



BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE COMMITTEE OF PSYCHOLOGISTS,)	
3605 Missouri Boulevard)	
Jefferson City, MO 65102)	
)	
Petitioner,)	
)	
v.)	No.
)	
FRANCIS J. MANLEY, Ph.D.)	
7611 Stateline Road, Suite 320)	
Kansas City, MO 64114)	
)	
Respondent.)	

JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE ADMINISTRATIVE HEARING COMMISSION AND
STATE COMMITTEE OF PSYCHOLOGISTS AND CONSENT ORDER
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo 1994, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Committee of Psychologist under § 621.135, RSMo 1994, and jointly stipulate to the facts and consent to the imposition of disciplinary action against the psychologists license of Respondent for violations of statutes set forth

below.

Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the State Committee of Psychologists in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the complaint served upon him by the Administrative Hearing Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the Respondent by operation of law, the Respondent, Francis J. Manley, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

Based upon the foregoing, the Petitioner and the Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Committee of Psychologists (the "Committee") is an agency of the state of Missouri created and established pursuant to § 337.050, RSMo 1994, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.
2. Francis J. Manley, Ph.D., Respondent, is licensed by the Committee as a psychologist, License No. PY00305. The Respondent's Missouri license is current and active.
3. On February 6, 1995, Respondent entered a plea of guilty to the offense of failing to report child abuse in accordance with the child abuse reporting laws, a Class A Misdemeanor, in the Circuit Court of Jackson County, Missouri, at Kansas City.
4. On February 7, 1995, the Court entered its Guilty Plea/Judgment ordering that imposition of Respondent's sentence be suspended, that he be placed on probation for a period of one (1) year and that he complete fifty (50) hours of community service.
5. The February 7, 1995, judgment resulted from Respondent's failure to report child sexual abuse by a client whom Respondent began counseling in January 1993.

II

JOINT PROPOSED CONCLUSIONS OF LAW

6. 4 CSR 235-5.030 (7) (C) (5) of the Ethical Rules of Conduct mandates "[t]he psychologist shall be familiar with any relevant law concerning the reporting of abuse of children and vulnerable adults and shall comply with the law."

7. Respondent's conduct as set forth herein and as demonstrated by the January 7, 1993 judgment violates 4 CSR 235.5030 (7) (C) (5).

8. Cause exists for discipline against Respondent's psychology license for violation of §337.035.2 (2), (5), (13) and (15), RSMo, Supp. 1992 which provides:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

...

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, . . .

...

(5) . . . misconduct, . . . in the performance of the functions or duties of any profession licensed or regulated by this chapter;

...

(13) Violation of any professional trust or confidence;

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

III

DISCIPLINARY ORDER

In light of the foregoing stipulation of facts, Respondent and the Committee hereby consent and agree to the following disciplinary action to be imposed against License No. PY00305 effective the date the Administrative Hearing Commission enters its order.

1. By agreement of the parties, License No. PY00305 of Francis J. Manley, Ph.D., is placed on probation for a period of two (2) years under the following terms and conditions:

- A. Respondent must complete professional education courses on the topics of diagnosis treatment and sexual disorders approved by the State Committee of Psychologists. Such course must be taken in a department of psychology from a regionally accredited university for graduate credit of no less than three (3) semester hours or 45 CEU credits. The Respondent must obtain a grade of B or higher in the course. Reading courses, correspondence courses or independent study courses are unacceptable.
- B. During the probationary period, Respondent's must inform Respondent's employers, and all hospitals institutions, and managed health care organizations with which Respondent is affiliated, that Respondent's work

as a professional psychologist is under probation by the State Committee Of Psychologists.

- C. Respondent may not serve as a supervisor for any psychological trainee, psychological intern, psychological resident, psychological assistant, or any person undergoing supervision during the course of obtaining licensure as a psychologist, professional counselor, or social worker.
 - D. Respondent must keep the State Committee of Psychologists apprised at all times, in writing, of Respondent's current home and work addresses and telephone numbers.
 - E. Respondent is required to pay to the State Committee of Psychologists, in a timely fashion, all requisite fees required by law to renew and keep current Respondent's psychology license in Missouri.
 - F. Respondent is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated by the State Committee of Psychologists and state and federal criminal laws.
 - G. Respondent must provide periodic reports of Respondent's compliance with this agreement every three (3) months.
 - H. At Respondent's expense, Respondent must agree to meet with the State Committee of Psychologists at reasonable intervals designated by the Committee.
2. Upon the expiration of the disciplinary period, the Respondent's license as

