

BEFORE THE BEHAVIORIAL SCIENCES REGULATORY BOARD
712 Kansas Avenue
Topeka, Kansas 66603-3817
(913) 296-3240

In the Matter)
)
 of) Case No. 481
)
 Paul S. Francis, Ph.D.)
 Licensed Psychologist)
 _____)

CONSENT AGREEMENT AND ORDER

Now on this 20 day of September, 1994, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board, by agreement of Paul S. Francis, licensed psychologist. (licensee) and the Kansas Behavioral Sciences Regulatory Board (board) for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Paul S. Francis is a licensed psychologist within the meaning of the Kansas regulation of psychologists act, K.S.A. 74-5301 et seq., and amendments thereto.

2. On or about June 11, 1993, the board received a report of information concerning licensee's conduct alleging licensee may have violated the following: K.S.A. 74-5324(e), negligence in the performance of duties; K.S.A. 74-5323, breach of confidential relations; K.S.A. 74-5324(d), unprofessional conduct, as defined by K.A.R. 102-1-10(b)(2), (6), (9) and (11).

3. The board conducted an investigation concerning licensess's alleged violation of the above-referenced statutes and regulations.

4. During the investigation, licensee was informed of the reported information, was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the board determined that reasonable grounds exist to believe that licensee engaged in unprofessional conduct in violation of K.S.A. 74-5324(d) as further defined in K.A.R. 102-1-10 (b)(2), practicing psychology in an incompetent manner, and engaged in negligence in the performance of duties in violation of K.S.A. 74-5324(e).

HOWEVER, licensee and the board mutually desire to enter into this Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE licensee hereby consents and agrees to the following terms and conditions:

A. Licensee waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas administrative procedure act in relation to Case No. 481.

B. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to Case No. 481.

C. Licensee agrees and admits that the following:
Licensee was treating the children of P who were then

separated from P, their biological mother. P had abandoned the children after biological father had died of a drug overdose and they were in the care of their paternal grandmother who initiated treatment of the children with licensee. When P returned to the scene and attempted to regain custody of her children, during one short period of time, licensee began to treat P and the children together. P paid for these sessions as the grandmother would not. During this period of time P was a direct recipient of psychological services and thus a client of licensee. These reintegration sessions failed and the P discontinued the sessions. Licensee then continued to treat the children and grandmother continued to pay for the sessions. A custody battle ensued between grandmother and P. Although licensee claims he was only representing the needs of the children, he was clearly in an advocacy relationship with the grandmother. Licensee did not fully inform P of this role nor how this could play out with his providing information to the court which could be seen as being damaging to P's chances to regain custody of her children.

D. Licensee consents to the following condition on his continued licensed practice as a psychologist in the state of Kansas for a term of one year from the date this Consent Agreement and Order is approved by the board: Licensee shall submit a scholarly paper on the topic of "Informed Consent," tracing the basic principle or principles involved, history

and development of the principle, how the principle is regulated ethically on a national level and legally in Kansas.

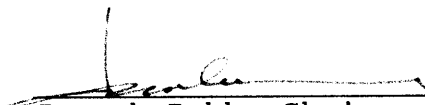
F. Licensee consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the Kansas Behavioral Sciences Regulatory Board, this Consent Agreement and Order becomes a final order of the board.

WHEREFORE the board agrees that so long as licensee complies with the above condition that the board will not initiate further disciplinary action against licensee in relation to violation of K.S.A. 74-5324(d), unprofessional conduct, as further defined in K.A.R. 102-1-10 (b)(2), practicing psychology in an incompetent manner, or violation of K.S.A. 74-5324(e), negligence in the performance of duties.

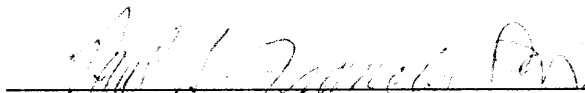
WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board.

IT IS SO ORDERED.

Dated this 20 day of September, 1994.


~~Joseph Robb, Chairman~~ John Sittomlish, Vice-Chairman
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:


Paul S. Francis, Ph.D.
Licensed Psychologist

9-18-94
(date)