

IN THE MATTER OF  
ROBERT MANNIS, Ph.D.

RESPONDENT

LICENSE NO.: 02233

\* BEFORE THE MARYLAND  
\* BOARD OF EXAMINERS  
\* OF PSYCHOLOGISTS  
\* CASE NO.: 2010-014

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

On or about July 11, 2011, the Maryland Board of Examiners of Psychologists (the "Board") charged **Robert Mannis, Ph.D. (the "Respondent")** (D.O.B. 06/29/1948), License Number 02233, under the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. (H.O.) §§ 18-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.)

Specifically, the Board charged the Respondent with the following provisions under § 18-313 of the Act:

Subject to the hearing provisions of §18-315 of this subtitle, the Board, on the affirmative vote of its majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of any licensee if the applicant or licensee:

(7) Violates the code of ethics adopted by the Board under §18-311 of this subtitle;

(17) Commits an act of unprofessional conduct in the practice of psychology;

**§ 18-311. Code of Ethics**

(a) The Board shall adopt a code of ethics for psychologists in this State. The code of ethics shall be designed to protect the public interest.

Pursuant to 18-311 of the Act, the Board further charged the Respondent with the following violations of the Code of Maryland Regulations ("COMAR") tit.10 § 36.05 – Code of Ethics and Professional Conduct.

08. Confidentiality and Client Records.

A. A psychologist shall:

(1) Maintain confidentiality regarding information obtained from a client in the course of the psychologist's work;

(4) Release mental health records or other confidential information only as permitted or required by law [.]

On September 23, 2011, the Respondent, his attorney, and the Administrative Prosecutor, appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of negotiations with the Office of the Attorney General and the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below. A quorum of the Board accepted the negotiated settlement on or about October 14, 2011.

**FINDINGS OF FACT**

The Board finds the following:

**I. Background**

1. At all times relevant to these charges, the Respondent was and is licensed to practice psychology in the State of Maryland.

2. The Respondent initially obtained his license to practice psychology on May 15, 1987. Respondent's current license will expire on March 31, 2013.

3. At all times relevant to these charges, the Respondent maintained an office for the practice of psychology with specialties in Adult/Adolescent Psychology and marriage counseling located at 235 W. Patrick Street, Frederick, Maryland 21701.

4. For approximately seventeen (17) years, the Respondent provided treatment to an adult male, ("Patient A"), who was fifty- nine (59) years old at the time of his death.

## **II. The Complaint**

5. On or about December 2, 2009, the Board received a complaint filed by Patient A's adult son ("the Complainant").

6. The Complainant alleged that the Respondent treated his deceased father, Patient A, for individual psychotherapy from 1992 until the time of Patient A's death on October 9, 2009.

7. On or about October 20, 2009, it is alleged that the Respondent called the Complainant's home and spoke with Complainant's wife to inquire as to the cause of Patient A's death. Allegedly, the Complainant was aware that his father had sought treatment from the Respondent in the past, but was unaware that the treatment was ongoing.

8. The Complaint alleged that neither the Complainant nor his wife had ever spoken with or met the Respondent prior to October 20, 2009.

9. During the telephone call, the Respondent asked if Patient A had committed suicide. In response, the Complainant's wife stated that Patient A had died from liver cancer. It is alleged that the Respondent disclosed sensitive, personal information about Patient A to the Complainant's wife.

10. It is further alleged that the Complainant and his wife were unaware of the specific nature of this sensitive, personal information until it was disclosed by the Respondent.

11. The Complainant alleged that six (6) weeks prior to his death, his father was diagnosed with liver cancer.

12. The Complainant further alleged that the Respondent's inquiry into his father's cause of death and his disclosure of information of a sensitive, personal nature, was a "shocking speculation", "inappropriately intrusive", and a "violation of confidential client-psychologist privilege."

13. The Complainant further alleged that the Respondent's actions have... "confounded a time of acute grief and evoked extreme mental anguish and injury for me and my entire family."

14. Following receipt and review of the Complaint, the Board initiated an investigation into the allegations against the Respondent. In furtherance of its investigation, the Board interviewed the Respondent, the Complainant and his wife. The results of the Board's investigation are set forth below.

### III. Board Investigation

#### A. Interview of the Complainant

15. On March 15, 2010, the Complainant was interviewed by Board staff, and stated<sup>1</sup> the following:

a. Patient A died six weeks after his diagnosis of liver cancer.

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<sup>1</sup> The substance of the interviews given by witnesses in this case have been abridged and paraphrased. These statements are not direct quotes from the transcript (s) of the witness interviews.

- b. The Complainant and his family were required to make the decision to discontinue life support.
- c. During the seventeen (17) year therapeutic relationship between the Respondent and Patient A, neither the Complainant nor his wife had ever communicated with the Respondent.
- d. On October 20, 2009, approximately two (2) weeks after his father's funeral, the Respondent called the Complainant's home phone and spoke to the Complainant's wife. The Respondent asked the Complainant's wife if Patient A had committed suicide. The Complainant's wife informed the Respondent that Patient A's cause of death had not been "suicide" and that the Complainant was at Patient A's bedside when he died.
- e. The Complainant's wife replied that he had died from liver cancer.
- f. The Respondent disclosed sensitive, personal information about Patient A..
- g. The Complainant's wife, also a healthcare professional, questioned the Respondent during the telephone call as to her concerns about the confidentiality provisions of HIPAA<sup>2</sup>. The Respondent stated that HIPAA was no longer a concern because Patient A was deceased.
- h. The Complainant was not present for the telephone call, but his wife contacted him immediately thereafter and relayed the conversation to him.
- i. The Respondent disclosed information about Patient A to the Complainant and his wife, that Patient A would not have wanted them to know and thus a "Patient privilege was broken" during their family's time of grief.
- j. The Complainant is certain that his father would not have wanted the Respondent to disclose the sensitive, personal information to his family or the public.
- k. In or around December 2009, the Respondent left a voicemail on the Complainant's answering machine, explaining that there had been a scientific research symposium dedicated to his father. In the program information, was a short biography. The Respondent asked for the Complainant's address so that he could forward the program information to him
- l. The Complainant and his wife did not return the call.

#### B. Interview of the Complainant's Wife

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<sup>2</sup> The Health Insurance Portability and Accountability Act, a 1996 federal statute, which includes stringent requirements for maintaining and protecting the confidentiality of health care information.

16. On October 7, 2010, Board staff interviewed the Complainant's wife. She stated the following:

- a. Following Client A's funeral, the Complainant's wife received a telephone call from the Respondent, requesting additional information as to her father-in-law's cause of death. The Respondent asked her whether Patient A had committed suicide.
- b. When she hesitated to respond, the Respondent assured her that there was no privilege or confidentiality concerns because Patient A was deceased.
- c. The Complainant's wife told the Respondent that Patient A had cancer and had died from related liver disease.
- d. The Respondent then disclosed sensitive, personal information about Patient A.
- e. Neither the Complainant nor his wife had knowledge of this sensitive, personal information, prior to the telephone call.
- f. Complainant's wife told the Complainant about the Respondent's disclosure. The Complainant was upset, furious and felt that the disclosure was inappropriate. It tarnished the memory that the Complainant had of his deceased father, Patient A.

C. Interview of the Respondent

17. On June 30, 2010, the Respondent, accompanied by legal counsel, was interviewed by Board staff in his office. He stated the following:

- a. The Respondent's last session with Patient A took place on August 11, 2009.
- b. The Respondent had no prior association with the Complainant or his wife.
- c. On October 20, 2009, the Respondent made a telephone call to the Complainant's home to offer his condolences following Patient A's death. The Respondent found the Complainant's telephone number in the phone book.
- d. The Complainant's wife answered the phone. The Respondent had never met the Complainant's wife, but asked..."are you [Complainant's wife]?"

and she replied "yes". The Respondent trusted that she was telling the truth and began to question her regarding Patient A.

- e. The Respondent asked the Complainant's wife whether Patient A's death was a suicide because he "could not think of any other reason why he would have died." The Complainant's wife replied that Patient A had died from liver cancer.
- f. The Respondent denied disclosing sensitive, personal information to the Respondent's family.
- g. The Respondent admitted that in hindsight, he should not have made the telephone call because he has "learned that that's a breach of confidentiality."
- h. The Respondent was aware of the sensitive, personal information about Patient A because the disclosure concerned a topic that he and Patient A had talked about extensively during treatment.
- i. At the time of Patient A's death, the Respondent had been treating Patient A once every two (2) to three (3) months. Earlier in the therapeutic relationship, the Respondent saw Patient A more frequently for therapy sessions.
- j. At a later date, the Respondent called the Complainant's house a second time to offer to send the Complainant a biography of Patient A from a conference that celebrated "[Patient A's] contributions to science."

18. The Board's investigation revealed that on August 11, 2009, the Respondent attended his last therapeutic session with Patient A and was scheduled to return for another session in late September-early October. Patient A was diagnosed with liver cancer shortly after his August appointment with the Respondent.

19. On October 9, 2009, Patient A passed away. The cause of death was advanced liver cancer.

20. The Board's investigation confirmed that the Respondent called the Complainant's house on October 20, 2009 and that the placing of the phone call was a breach of confidentiality.

21. The Board's investigation further confirmed that the Respondent asked the Complainant's wife if Patient A had committed suicide and that this suggestion by the Respondent was unprompted and not in the best interests of his deceased patient or his family.

22. The Respondent denies disclosing sensitive, personal information to Patient A's family, but admits that he breached confidentiality with respect to his treatment of Patient A.

23. The Board's investigation confirmed that the Respondent called Patient A's son's home on a second occasion in or around December 2009, to offer to send him a biography of his father's contributions to science and that the Respondent's offer was rejected.

24. The Respondent acted unprofessionally within the practice of psychology, breached the Code of Ethics and failed to maintain confidentiality when he contacted the Complainant and his wife; identified himself as Patient A's therapist; inquired whether the cause of death was suicide; disclosed sensitive, personal information about Patient A; and contacted the Complainant a second time.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated of H.O. § 18-313 (7) and (17); §18-311 and COMAR tit.10 §§ 36.05.08 A (1) and (4).

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 9<sup>th</sup> day of March 2012, by a majority of the Board considering this case:

**ORDERED** that the Respondent's license to practice Psychology shall be **REPRIMANDED**, and it is further

**ORDERED** that the Respondent be issued a fine of five thousand (\$5,000) dollars payable to the Board within one (1) year of the effective date of the Consent Order; and it is further

**ORDERED** that effective the date of this Consent Order, the Respondent shall be placed on **PROBATION** for a period of **TWO (2) YEARS** under the following terms and conditions:

1. The Respondent, within one (1) year of the effective date of the Consent Order, shall enroll in and successfully complete a Board-approved professional ethics tutorial. Such tutorial shall cover professional ethics and confidentiality of mental health information, to include, at a minimum, Maryland laws regarding confidentiality of mental health records and relevant HIPAA provisions;
2. Respondent shall authorize the Board to provide the tutor with the entire investigative file, including all investigative interviews and investigative reports, the Board's Disciplinary Charges and the Consent Order;
3. Respondent shall authorize the tutor to send reports to and communicate with any health professional providing professional supervision of Respondent;
4. Respondent shall ensure that the tutor submits to the Board an assessment at the completion of the educational tutorial, which includes a report of attendance, participation and completion of assignments, including a copy of any essay and other written assignment, which

Respondent is required to write;

5. The Respondent, at the Board's discretion, may also be subject to a peer/chart review by a designee of the Board. If such peer/chart review is recommended by the Board, the Respondent shall fully cooperate with the Board designee including but not limited to complying with any and all recommendations made by the peer reviewer during or subsequent to the completion of the peer/chart review.

**ORDERED** that any Continuing Education requirements required by this Consent Order shall not count toward fulfilling other continuing education requirements that the Respondent must fulfill in order to renew his license to practice psychology; and it is further

**ORDERED** that Respondent shall comply with the Maryland Psychologists Act and all laws, statutes and regulations pertaining to the practice of psychology; and it is further

**ORDERED** that if Respondent violates any of the terms and conditions of this probation and/or this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board or an Administrative Law Judge or after an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case under the Maryland Psychologists Act, including a reprimand, probation, suspension, revocation and/or a monetary fine, said violation being proved by a preponderance of the evidence; and it is further

**ORDERED** that no earlier than two (2) years following the effective date of this Consent Order, and provided that Respondent has complied with the Consent Order terms and conditions during Respondent's period of probation, Respondent may petition the Board to terminate the probation; and it is further

**ORDERED** that Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order is a public document pursuant to Md. State Gov't Code Ann. § 10-611 et seq.

3/9/12  
Date

  
Steven Sobleman, Ph.D.  
Chair, Board of Examiners of Psychologists

**CONSENT OF ROBERT MANNIS, Ph.D.**

I, Robert Mannis, Ph.D. acknowledge that I have had the opportunity to consult with my counsel, Richard Bloch, Esquire, before signing this document. By this Consent, I agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

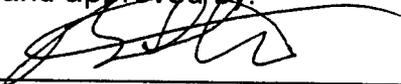
I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

2/24/12  
Date

Robert Mannis, Ph.D.  
Respondent

Read and approved by:

  
Richard Bloch, Esq., Attorney for the Respondent

**NOTARY**

STATE OF MARYLAND

CITY/COUNTY OF Frederick :

I HEREBY CERTIFY that on this 24<sup>th</sup> day of February, 2012, before me, a Notary Public of the foregoing State personally appeared Robert Mannis Ph.D. License Number 02233, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

  
Notary Public

My Commission Expires: 2/28/2015