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NEW JERSEY STATE BOARD
OF PSYCHOLOGICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS
DOCKET NO.

In the Matter of the Suspension)
or Revocation of License of)
LAWRENCE D. SPIEGEL, Ed.D.)
Licensed to Practice Psychology)
in the State of New Jersey)
Administrative Action
ORDER OF TEMPORARY
SUSPENSION

This matter was opened to the New Jersey State Board of Psychological Examiners on the application for a temporary suspension of respondent's license to practice psychology brought by Attorney General Deborah T. Poritz by Joan D. Gelber, Deputy Attorney General. An Order to Show Cause was signed by Jeffrey H. Tindall, Ph.D., Chair of the Board, on February 7, 1994 by which a hearing was scheduled for 9:30 a.m., February 28, 1994. The verified complaint contained six counts. Count I alleged that the respondent engaged in numerous acts of gross and repeated negligence, malpractice and/or incompetence; professional misconduct; and a failure to maintain the ongoing requirement of good moral character, as well as violations of Board regulations concerning professional conduct, in connection with psychological services rendered to male minor L.B. and female minor S.B.¹ Count II alleged that respondent has been a habitual and/or

¹On motion from the Attorney General and without objection from respondent, it is directed that all reference to the identity of patients in any of the public documents in this matter utilize initials only. Before such materials are publicly disseminated references to identity must be redacted.

intemperate user of alcoholic intoxicants, narcotics and stimulants, such conduct constituting violations of Board regulations concerning professional practice as well as professional misconduct and a failure of good moral character. Count III alleged misconduct in connection with respondent's involvement with handguns and other weapons. Counts IV, V and VI, which the Attorney General specifically did not rely upon for purposes of the temporary suspension application allege various grounds for administrative disciplinary sanctions in connection with prior criminal convictions; failure to comply with accepted standards of practice for the provision of expert reports; and a failure to notify the Board of a change of address as required by regulation.

At its regular monthly meeting on February 28, 1994, the Board conducted a hearing on the Attorney General's application for temporary suspension of licensure, with Kenneth G. Roy, Ed.D., presiding. Respondent was represented by John L. Antonas, Esq. Deputy Attorney General Joan D. Gelber presented the matter for the State. Preliminarily, respondent made a motion for additional time to properly prepare a defense in this matter. Mr. Antonas contended that the Board did not have the authority to hear the matter on this date by virtue of N.J.S.A. 45:14B-24 which provides that the Board shall not revoke or suspend a license until after a hearing of the charges and at least 20 days prior written notice to the accused of the charges against him. Respondent was served personally with all of the moving documents

plus supplemental documentation on February 10, 1994. Accordingly, only 18 days elapsed from service to date of hearing. However, the Board denied the motion by a determination that a temporary suspension application is controlled by N.J.S.A. 45:1-22, the enabling legislation for such emergent applications which by their very nature allege an impending threat of harm and must be heard on an expedited basis. The Board found that the amount of notice provided to the respondent was more than sufficient and to require 20 days notice on an emergent application surely would render useless the temporary suspension mechanism provided at N.J.S.A. 45:1-22.

The focus of the hearing was on the allegations set forth in the first count of the verified complaint. Said count sets forth facts and circumstances in regard to professional psychological services rendered by the respondent to the B. family including male L.B. (age 16), female S.B. (age 14) and Mrs. B., the children's mother. Counseling commenced in March 1993. Early in April 1993 Dr. Spiegel offered to take the children "camping" alone with him for two weekends, and Mrs. B. consented. In fact, the children were taken to respondent's motor home in Parsippany where they slept in an adjoining mini-camper.

During the first weekend S.B. and L.B. both spent Friday and Saturday night with the respondent. On the second weekend Dr. Spiegel brought the female minor S.B. alone to his motor home on Thursday night (causing her to miss school on Friday), and L.B. joined them on Friday night. The complaint alleges that on the

Thursday night of the second weekend Dr. Spiegel changed his clothes while S.B. remained in the same room.

Incidents alleged to have occurred during either or both of these "camping" weekends include the following:

- Respondent required female minor S.B. to sit on the bed between his legs while they were watching T.V.
- Respondent gave female minor S.B. a "wine cooler".
- Respondent used profane language generally and made vulgar remarks about the genitalia of Oriental women while he and the children were having supper at a restaurant.
- Respondent gave male minor L.B. alcoholic beverages to drink.
- Respondent displayed several handguns to L.B., including a gun he told the boy was a .38 caliber handgun.
- Subsequent to the second weekend, respondent telephoned female minor S.B. more than once, and on one occasion placed an unknown female on the phone who addressed S.B. by name and told her what a nice man the respondent was.

Both attorneys presented oral argument concerning the temporary suspension application, and Dr. Spiegel then testified on his own behalf under oath. The following documents were moved into evidence at said proceeding:

P-1 Letter from Dr. Spiegel to the Union County Probation Department regarding the B. family dated May 19, 1993.

P-2 Transcript of inquiry held before the Board on September 13, 1993 for S.B.

P-3 Memorandum of Sgt. Kevin P. Loughman, Morris County Office of the Prosecutor, dated June 1, 1993 summarizing May 10, 1993 interview with S.B. with notarized signature of S.B. dated September 13, 1993.

P-4 Transcript of inquiry held before the Board on September 13, 1993 for L.B.

P-5 Memorandum of Sgt. Loughman dated June 4, 1993, concerning May 10, 1993 interview of L.B. with confirming affidavit signed by L.B. on July 27, 1993.

P-6 Respondent's patient record for the B. family.

P-7 Transcript of inquiry held before the Board on August 9, 1993 for Lawrence D. Spiegel, Ed.D.

P-8 Expert report of Frank J. Dyer, Ph.D. dated November 2, 1993 and attached vita.

P-9 Superseding Indictment No. 84-03-0207-I dated December 9, 1993 and associated documents.

P-10 Judgment of Conviction filed January 25, 1985, on Indictment No. 84-05-0354.

P-11 Fort Lee Department of Police file concerning arrest of Dr. Spiegel on February 10, 1991.

P-12 Certified letter of Fort Lee Deputy Court Administrator dated February 18, 1994, concerning disposition of charges.

P-13 Certified copy of complaint captioned Spiegel v. Spiegel filed in Morris County Superior Court on December 4, 1992.

P-14 Divorce complaint captioned Spiegel v. Spiegel filed in Morris County Superior Court on July 15, 1992.

P-15 Certification of J.S. in support of cross-motion on divorce complaint.

P-16 Affidavit of J.L. dated November 19, 1993.

P-17 Medical records for Dr. Spiegel from Alvin Friedland, M.D.

P-18 Motion to Vacate Default filed by Dr. Spiegel in Stetson v. Spiegel in Morris County Superior Court on November 22, 1993.

P-19 Certification of Joseph J. Corrado dated January 31, 1994 (DEA investigator).

P-20 Enforcement Bureau Pharmacy Profile of prescriptions in name of Larry Spiegel.

P-21 Affidavit in support of temporary suspension application by Susan Evans, Enforcement Bureau Investigator.

P-22 Patient records for Dr. Spiegel from Gary S. Safier, D.O.

R-1 Certification of Dr. Spiegel dated February 27, 1994 with attached exhibits A through D.

R-2 Certification of Gary Safier, D.O. dated February 24, 1994.

R-3 Certification of J.D., a former patient of Dr. Spiegel, dated February 25, 1994.

R-4 Certification of Stanley G. Frumkin, D.D.S. dated February 27, 1994.

R-5 Transcript of inquiry held before the Board on September 13, 1993 for M.B.

Counsel for respondent objected to several of the documents submitted to the Board by the Attorney General. First, there was an objection to the expert report by Dr. Frank Dyer on the basis that he was not qualified for the purposes of rendering this opinion because his expertise appeared to be in educational psychology and that he had not interviewed the relevant parties. The Board decided to accept Dr. Dyer's report finding that Dr. Dyer was an expert and was qualified to render the opinion. The Board reviewed Dr. Dyer's vita and also considered the fact that he has testified before this Board in the past. Next, counsel

objected to the admission of the documents concerning the Indictment and Judgment of Conviction in 1985 on the basis that the record had been formally expunged. However, the Board accepted those documents into evidence on the basis that New Jersey case law has held that licensing boards are not law enforcement agencies and are beyond the reach of an Order expunging all information concerning a licensee's arrest and conviction.

Counsel also objected to the admission of the divorce complaint (Spiegel v. Spiegel) on the basis that the complaint was withdrawn and a No Fault judgment was entered in the matter. The Board acknowledged that the documents were of limited probative value but determined to accept and review them and accord whatever weight, if any, may be appropriate. Finally, counsel for respondent objected to the records of Dr. Friedland and Dr. Safier on the basis of the privilege between a patient and physician. The Board determined that these records were obtained by the Board during the course of its investigation by way of duly issued subpoenas and that the Board's authority to investigate allegations concerning the health and safety of the public outweighed the interest Dr. Spiegel had in the privacy of these records. However, the Board determined that for purposes of the temporary suspension application only, those records would be held confidentially and not disclosed to any inquiring member of the public.

Dr. Spiegel testified under oath on his own behalf. He

admitted that during the period of approximately 1990 to 1992 he used cocaine. However, he stated that in 1992 he sought treatment from Dr. Friedland and Dr. Safier in connection with his cocaine use. Dr. Spiegel testified that the alleged handguns which he possessed were starter pistols and that it was one of these starter pistols which he showed to the minor L.B. He stated that he uses these starter pistols in connection with attack dog training and that since L.B. showed a strong interest in guns, he thought it would be better to display and explain the use of the guns to the young man rather than arouse his curiosity.

Dr. Spiegel did not indicate during the course of his testimony that he had any second thoughts about the wisdom of taking minor children to his trailer home for a weekend alone with him. He apparently found nothing untoward in such activity. In fact, he felt that he was doing something above and beyond the call of duty by providing children with a weekend away from a bad home life.

Dr. Spiegel denied that he asked S.B. to sit between his legs. Although he testified at the investigative inquiry on August 9, 1993, that S.B. "plopped" in his lap, he testified on this date that S.B. put a pillow on his lap when he was sitting on the couch and then put her head on the pillow. He indicated that rapport with the children "included some physical contact" but that this physical contact was therapeutic in nature. Dr. Spiegel denied utilizing profane language and stated

that it was the children, rather than him, who utilized these words. He instructed them not to use those words and sometimes stated the words back to them reflecting the inappropriateness of the language. Dr. Spiegel admitted that he had Jack Daniels bourbon in the trailer, but stated he did not drink alcohol in the children's presence. He denied giving alcohol to the children, although he advised the Board during the investigative inquiry that he gave L.B. a product called Near Beer, apparently a non-alcoholic drink.

In regard to the allegations concerning the genitalia of Oriental women, Dr. Spiegel stated that this comment was made by L.B. and not by him. Respondent freely admitted that he has been taking prescription drugs, including pain killing narcotics, since 1983. He states that he is suffering from Temporomandibular Joint Disorder which is being treated by a dentist with pain killers; and high blood pressure, neck problems and depression which conditions are being treated by Dr. Friedland, a psychiatrist, and Dr. Safier, a general practitioner/internist. Dr. Spiegel maintained that the prescription medications, including narcotics, were medically indicated and properly prescribed by the named doctors. He admitted that the pain killer medications were addictive. He stated that at the present time he is only receiving prescription medication from Dr. Safier.

After closing arguments the Board moved into Executive Session for deliberations and returned to the public record on

the same day and rendered a verbal decision which is memorialized in the within Order.

The Board reviewed the entire record before it including the application of the Attorney General with its supporting documents, the documentary evidence submitted during the course of the summary proceeding on this date, the testimony of the respondent, and the arguments of counsel. Pursuant to N.J.S.A. 45:1-22 this Board may temporarily suspend a license pending plenary hearing on the administrative complaint if the Attorney General's application alleging a violation of the Board's statute or regulations palpably demonstrates a clear and imminent danger to the public health, safety and welfare.

Count I of the complaint alleges that in March 1993 Dr. Spiegel commenced psychological services with a male minor, L.B. (age 16) and a female minor, S.B. (age 14). Less than one month later, Dr. Spiegel offered on two separate weekends in April 1993 to take the children away alone with him for the weekend without their mother. Dr. Spiegel took the children to his motor home where he resides alone. The children slept in an adjoining mini-camper.

During the course of these weekends the children reported the following occurred:

1. Dr. Spiegel used profane language, sometimes referred to S.B. as a "bitch", and generally used degrading language about women.
2. Dr. Spiegel talked to the children in an especially degrading manner in regard to the genitalia of Oriental women.

3. Dr. Spiegel changed his clothing in the same room with S.B. He told her to turn around while he did so.

4. Dr. Spiegel either invited or permitted S.B. to sit on his lap or between his legs with a pillow while they were watching T.V.

5. Dr. Spiegel showed a gun or guns, operable or inoperable, to L.B. and discussed the use of the guns.

6. Dr. Spiegel gave the children alcoholic beverages to drink on occasion.

7. Dr. Spiegel permitted a telephone conversation between S.B. and another female friend or patient who was at his home subsequent to these weekends.

The Board finds the children highly credible and accepts for the purposes of this hearing the facts as detailed. L.B. and S.B. were interviewed separately by the Office of the Prosecutor in early June 1993 and by a committee of this Board in September 1993. Their statements do not conflict in any significant fact and are highly corroborative of one another. Dr. Spiegel, on the other hand, admits some of the incidents which took place during the course of the weekend, denies some of the incidents, and in some cases attempts to shift the conduct to L.B., the minor boy.

The children were placed in psychological counseling because L.B. had significant juvenile problems involving possession of a knife, starting a fire, school problems, and staying out late at night. L.B.'s statements about his own experiences during these weekends as well as about his sister's allegations are believable. L.B. did not think he was reporting anything bad about Dr. Spiegel. In his mind this was all acceptable behavior.

He believed his sister and her report of what occurred when he was not present, and he did believe that she would feel uncomfortable with Dr. Spiegel based on what he observed during the weekends.

The Board also reviewed the expert report of Dr. Frank Dyer, a New Jersey licensed psychologist. He reviewed the record and provided an opinion about Dr. Spiegel's conduct with these children. Dr. Dyer found that taking the children home for the weekend and the conduct occurring during these weekends deviated from acceptable standards and constituted an egregious blurring of professional boundaries. The Board also utilized its own expertise.

Accordingly, the Board concludes that Dr. Spiegel's conduct with these children palpably demonstrates a clear and imminent danger to the health and safety of the public. Not only do these events deviate substantially from any acceptable parameters for psychological treatment or counseling, but they obviously demonstrate a complete failure in the exercise of judgment as a professional psychologist in relationship to minor children patients. These are children who present with significant emotional and family problems, who are vulnerable, and who are not empowered to separate themselves from a professional engaging in conduct which they do not understand, but in the words of S.B., made her feel uncomfortable and unable to resist.

There was no therapeutic justification for these weekend occasions and still less for any of the conduct that occurred

during their course. It was flagrantly unprofessional and therapeutically harmful to these children. Dr. Spiegel does not appear to have any understanding of the boundaries in a professional to patient relationship. He did not see anything untoward in these weekends, and by his own testimony, these were not isolated incidents but something he does on occasion when he has the opportunity. In fact, he provided the Board with an affidavit from a former female patient indicating that she permits her young daughter, also a former patient, to go away alone with Dr. Spiegel on weekends. It is clear that this is a continuing pattern of conduct.

This Board cannot carry out its mandate to assure the public of the truthworthiness of its licensees and at the same time permit Dr. Spiegel to continue in current practice under the circumstances before us today. The Board need go no further than the allegations in Count I for purposes of today's hearing and has determined to transfer the complaint for plenary hearing as soon as possible at the Office of Administrative Law. Count I is sufficient for the Board's conclusion that Dr. Spiegel obviously presents a threatening and imminent danger to the psychological health and welfare of his patients. His conduct is egregious in every respect and cannot be permitted to continue by this Board. In considering the totality of the evidence before us, the Board must conclude that the Attorney General has demonstrated a course of conduct which, if permitted to continue, would pose a clear and imminent threat to those whose health has been entrusted to

the respondent.

ACCORDINGLY, IT IS ON THIS 7th DAY OF MARCH, 1994,

ORDERED:

1. Respondent's license to practice psychology in the State of New Jersey shall be and hereby is temporarily suspended pending plenary hearing on the administrative complaint.

2. Respondent shall deliver to the Board office a written list of current clients and scheduled appointments no later than March 7, 1994. Respondent shall transfer all current clients to other licensed practitioners by March 15, 1994, and deliver to the Board office a final disposition in writing of all patients currently in treatment no later than March 7, 1994. All meetings with clients for the purpose of effectuating their transfer to other practitioners shall take place at the Morristown office of the respondent at 76 Abbett Avenue. All such sessions shall be audiotaped, and these tapes shall be delivered to the Board on March 16, 1994.

3. Respondent shall cease and desist immediately taking any patients to his motor homes.

4. This matter shall be transferred to the Office of Administrative Law as a contested case with a request that the plenary hearing be scheduled as soon as possible.

STATE BOARD OF PSYCHOLOGICAL EXAMINERS

By: Jeffrey H. Tindall, Ph.D., Chair
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