

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

In the Matter of )  
 ) Administrative Action  
 MICHAEL J. HUREWITZ, Ph.D. )  
 ) REINSTATEMENT ORDER  
 Licensed to Practice )  
 Psychology in the State )  
 of New Jersey )  
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This matter was opened to the New Jersey State Board of Psychological Examiners ("Board") upon the filing of an application for reinstatement of licensure by John Paul Dizzia, Esq., counsel for Michael J. Hurewitz, Ph.D. The application was supported by documents attesting to the rehabilitation of Dr. Hurewitz with respect to his drug addiction including, but not limited to, reports from David J. Gallina, M.D.; Richard J. Waldron, Ph.D.; Frank J. Dyer, Ph.D.; and information from the Physicians' Health Program of the Medical Society of New Jersey ("PHP") concerning Dr. Hurewitz's monitoring program. Dr. Hurewitz personally appeared before the Board on October 20, 1997 together with counsel in order to request reinstatement of his license to practice psychology. Dr. Hurewitz's license to practice psychology had been surrendered by a prior Board Interim Order of Temporary Surrender of License entered on March 10, 1995.

The Board thoroughly reviewed the entire record before it and after diligent deliberations determined to enter a Reinstatement Order as follows:

IT IS, THEREFORE, ON THIS <sup>7<sup>th</sup></sup> 10 DAY OF NOVEMBER, 1997,  
HEREBY ORDERED THAT:

1. The license of Michael J. Hurewitz, Ph.D. (respondent) to practice psychology in the State of New Jersey shall be reinstated effective upon written approval by the Board of a supervisor for Dr. Hurewitz and payment of the license renewal and reinstatement fees. Such reinstatement shall be expressly contingent upon continuing compliance with all terms and conditions contained in the within Order.

2. Respondent shall practice psychology only under the supervision of a New Jersey licensed psychologist approved by the Board. Respondent may submit names of proposed supervisors (with copies of their curriculum vitae), and respondent shall not commence the practice of psychology until he has received written approval from the Board of one of the proposed supervisors. The Board shall not approve Dr. Waldron, respondent's current treating therapist. In the event respondent is unable to obtain a supervisor, he may request that the Board make recommendations for an approved supervisor.

Respondent shall be limited in his practice of psychology to no more than ten patient hours per week. He shall be required to obtain one hour of supervision for every five patients hours or any fraction thereof. Said supervision shall continue for a period of two years. During the period of supervision respondent shall not accept or receive the referral of patients from Dr. Waldron or from John Conway.

During the first six months of supervision, respondent shall cause the approved supervisor to submit monthly reports to the Board commencing the first day of the month following the written approval of the supervisor by the Board. The supervisor's reports shall provide an informed evaluation of respondent's patient treatment and professional practice and shall include information concerning the source of referral for respondent's patients. After the expiration of the first six months of the two year supervision period, the supervisor shall provide quarterly reports to the Board concerning the supervision of respondent's practice.

In the event respondent wishes to obtain any other employment in the practice of psychology in place of or in addition to the ten patient hours per week approved herein, he shall make express application to the Board in writing for approval prior to commencing any such employment.

3. The Board may, in its discretion, require that respondent submit a work sample concerning one of his patients after one year of supervision has taken place. In addition, the Board may require respondent to appear before the Board for an oral interview concerning the work sample.

4. Respondent shall continue enrollment in the PHP and shall comply with a monitoring program supervised by PHP which shall include, at a minimum, the conditions set forth herein.

5. Respondent shall have his urine monitored under the supervision of the PHP on a random, unannounced basis, twice

weekly. The urine monitoring shall be conducted with direct witnessing of the taking of the samples either from a volunteer or drug clinic staff as arranged and designated by the PHP. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests shall be performed by gas chromatography/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The PHP shall be responsible to assure that all urine samples are handled by a laboratory competent to provide these services.

All tests shall be provided in the first instance directly to the PHP, and any positive result shall be reported immediately by the PHP to Paul C. Brush, Executive Director of the Board, or his designee in the event he is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

Any failure of the respondent to submit or provide a urine sample within 24 hours of a request shall be deemed to be equivalent to a confirmed positive urine test. In the event the respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Rev. Reading or Dr. David Canavan of the PHP. Neither the volunteer nor drug

clinic staff shall be authorized to consent to waive a urine test. In addition, respondent shall provide the PHP with written substantiation of his inability to appear within two days after permission is granted to waive a test, e.g., a physician's report attesting that the respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. The PHP shall advise the Board of every instance where a request has been made to waive a urine test together with the Program's determination in each such case.

In the event respondent will be out of state for any reason, the PHP shall be so advised, and arrangements shall be made for a urine test prior to the resumption of psychological practice upon return to the state.

Respondent shall be required to place a telephone call to Paul C. Brush, Director of the Board (or his designee), on the Monday of any week when respondent has not been called by or has not in fact provided to the PHP one urine sample during the immediately preceding seven days. Further, respondent shall advise Paul C. Brush immediately in the event respondent is notified by the PHP that a urine test will not be made for a period of seven days or longer for any reason whatsoever including, but not limited to, vacations, office closures or illness.

The Board may, in its sole discretion, modify the frequency of testing or method of reporting during the monitoring period.

6. Respondent shall attend AA support groups three times weekly. Respondent shall provide evidence of attendance at such groups directly to the PHP on a form or in a manner as required by the Program. The PHP shall advise the Board immediately in the event it receives information that respondent has discontinued attendance at any of the support groups.

7. Respondent shall be responsible to cause the PHP to provide quarterly reports to the Board in regard to its monitoring of respondent's program as outlined herein including, but not limited to, the urine testing and the attendance at support groups. The program shall attach to its quarterly reports any and all appropriate reports and/or documentation concerning any of the monitoring aspects of the within program.

8. Respondent shall attend individual psychological therapy with Richard Waldron, Ph.D. once weekly. Respondent shall cause Dr. Waldron to provide quarterly reports directly to the Board with respect to his attendance and progress in therapy.

9. Respondent shall not possess any controlled dangerous substance except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. Respondent shall cause any physician or dentist who prescribed medication which is a controlled dangerous substance to provide a written report to the Board together with patient records

indicating the need for such medication. Such report shall be provided to the Board no later than seven days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

10. Respondent shall provide appropriate releases to any and all parties who have information concerning respondent's drug dependency within the last two years and/or who are participating in the monitoring program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner.

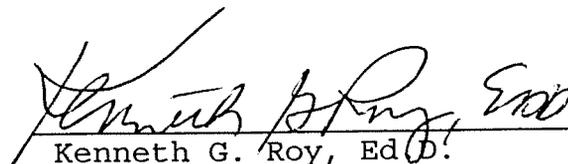
11. All costs associated with the supervision and the monitoring program as outlined in this Order shall be paid directly by the respondent.

12. Respondent shall be assessed the costs to the state incurred in connection with the investigation and prosecution of this matter in the total amount of \$4,759. Said costs shall be submitted to the Board by certified check or money order made payable in the proper amount no later than the first day of the month following the entry date of this Order. In the alternative, respondent may elect to pay the costs on an installment basis over a period of one year by submitting a certified check or money order on a monthly basis in the amount of \$396.58. Each monthly payment shall be due no later than the first day of the month, and any failure to make a timely payment shall cause the entire remaining balance to become immediately due and payable.

13. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner whatsoever, including, but not limited to, a verbal report of a confirmed positive urine or any other evidence that respondent has used an addictive substance, a hearing shall be held on short notice before the Board or before its representative authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue. Any confirmed positive urine test shall be presumed valid, and respondent shall bear the burden of demonstrating its invalidity.

14. Respondent may apply for modification of the terms and conditions of the within Order no sooner than one year from the entry date herein.

15. The within Order shall supersede the Interim Order entered by the Board on March 10, 1995 to the extent that the terms of this Order are inconsistent with the prior Order.

  
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Kenneth G. Roy, Ed.D.  
Chair  
State Board of Psychological Examiners