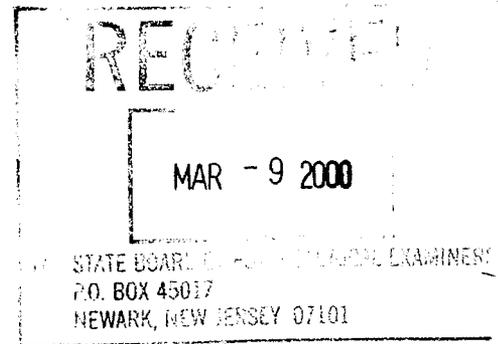


CERTIFIED TO BE
A TRUE COPY

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101



By: Kathy Rohr
Deputy Attorney General
Tel: (201) 648-4735

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON March 13, 2000

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

IN THE MATTER OF THE SUSPENSION)
OR REVOCATION OF THE LICENSE OF)
HERBERT J. TANNENBAUM, Ph.D.)
TO PRACTICE PSYCHOLOGY IN THE)
STATE OF NEW JERSEY)
_____)

Administrative Action
CONSENT ORDER

This matter was opened to the New Jersey State Board of Psychological Examiners ("Board") upon receipt of a complaint from Mr. & Mrs. S. concerning sexual misconduct by Herbert J. Tannenbaum, Ph.D. The Board reviewed the record of the investigation in this matter including information acquired at an investigative inquiry attended by Dr. Tannenbaum and his counsel, John Paul Dizzia, Esq., on February 1, 1999. It appears that on or about January 20, 1996, Dr. Tannenbaum began seeing Mr. & Mrs. S. in couples therapy which continued for approximately eighteen sessions until in or about June 1996. At that time Mr. S. determined to terminate couples therapy, and Mrs. S. continued in individual therapy with Dr. Tannenbaum for another eighteen

sessions until on or about November 19, 1996. Dr. Tannenbaum admits that he engaged in a sexual relationship with Mrs. S. commencing in or about July 1996 and continuing until approximately July 1997. The Board finds that the described conduct constitutes the engagement in gross malpractice, repeated acts of malpractice, and professional misconduct within the meaning of N.J.S.A. 45:1-21(c), (d), and (e) respectively. The Board further finds the aforesaid conduct to be a direct violation of the Board's regulation concerning sexual conduct at N.J.A.C. 13:42-10.9(a) which expressly prohibits the participation in a sexual relationship or engagement in sexual intimacies with a current psychotherapy client or a former client to whom psychotherapy was rendered within the immediately preceding twenty-four months.

In mitigation of the above described conduct, Dr. Tannenbaum has acknowledged and confirmed to the Board his sexual relationship with Mrs. S. Dr. Tannenbaum advises the Board that he has responded to this wrongful conduct by retaining a licensed psychologist to provide supervision of his professional practice and by engaging in ongoing individual therapy as well as marital therapy.

The respondent being desirous of resolving this matter without resort to formal proceedings, and the Board having determined that the following provisions are adequately protective of the public interest and welfare, and for good cause shown,

IT IS ON THIS 6th DAY OF ~~JANUARY~~ MARCH, 2000,

HEREBY ORDERED AND AGREED THAT:

1. The license of respondent Herbert J. Tannenbaum, Ph.D., to practice psychology in the State of New Jersey is hereby suspended for a period of three (3) years. The first twelve (12) months of the suspension shall be active and the remaining two (2) years of the suspension shall be stayed and served as a period of probation. The effective date of the active period of suspension shall be March 4, 2000. During the period of time in which respondent's license is actively suspended, he shall comply in every regard with the "Directive Regarding Future Activities of Board Licensee Who Has Been Suspended/Revoked and Use of the Professional Premises," a copy of which is attached to this Order and made a part hereof as if set forth in its entirety.

2. Upon commencement of the active period of suspension, respondent shall submit to the Board, in writing, a list of all private patients (identified by initials only) and an indication of the transfer or referral or other disposition for each private patient.

3. Respondent shall be assessed the costs to the State in this matter in the amount of \$2,535.16. The total costs shall be due and payable no later than thirty (30) days following the entry date of the within Order and shall be submitted to the Board by certified check or money order made payable to the State of New Jersey.

4. Respondent shall be assessed a civil penalty in the amount of \$10,000.00. The aforesaid penalty shall be submitted to the Board by certified check or money order made payable to the

State of New Jersey no later than thirty (30) days from the entry date of the within Order.

5. No later than December 31, 2000 (two months prior to the termination of the active period of suspension) and before engaging in any professional practice, Dr. Tannenbaum shall submit to a comprehensive psychological evaluation with a Board approved psychologist. The respondent may submit to the Board names of proposed psychologists to perform this evaluation (with copies of their curriculum vitae) for the Board's approval. The respondent shall certify to the Board that he has no professional or other relationship with the proposed psychologist. In the event the respondent is unable to obtain a psychologist to perform the evaluation, he may request that the Board appoint a psychologist for this purpose. The referral for the evaluation shall be made by the Board, and Dr. Tannenbaum shall be responsible for the costs of the evaluation and the written report to be submitted to the Board. If the evaluation recommends any rehabilitative activity such as therapy or limitation on practice beyond that provided for herein, Dr. Tannenbaum shall engage in such recommended activity and comply with such limitations as approved by the Board. All costs associated with any requirements imposed by the Board for the resumption of active practice of licensure shall be borne by Dr. Tannenbaum.

6. The respondent's authority to practice psychology during the two (2) years of probation following the twelve (12)

month period of active suspension shall be expressly contingent upon strict compliance with the following terms and conditions:

(a) Respondent shall practice psychology only under the supervision of a New Jersey licensed psychologist approved by the Board. The respondent shall submit to the Board 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. In the event the respondent is unable to obtain a supervisor, he may request that the Board make recommendations for an approved supervisor. Respondent shall be required to obtain one (1) hour of supervision for every ten (10) patient hours or any fraction thereof. Said supervision shall continue for the entire period of probation. The respondent shall cause his approved supervisor to submit monthly reports to the Board during the first six (6) months of supervision commencing the first day of the month following the written approval of the supervisor by the Board. The supervisor's report shall provide an informed evaluation of the respondent's patient treatment and professional practice. After the expiration of the first six (6) months of the supervised period, the supervisor shall provide quarterly reports to the Board concerning the supervision of respondent's professional practices.

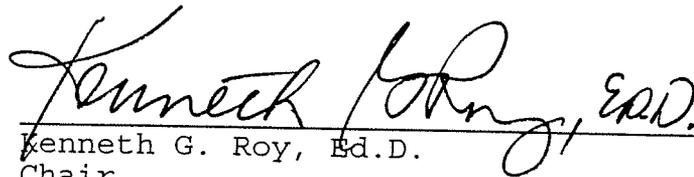
(b) Dr. Tannenbaum shall continue in individual therapy during the period of probation. Dr. Tannenbaum shall cause the therapist to submit to the Board quarterly reports providing the dates of attendance in therapy and a statement that Dr. Tannenbaum is satisfactorily participating in the therapy process. In the event the therapist recommends the termination of therapy, a report to that effect shall be submitted to the Board, and Dr. Tannenbaum shall not terminate therapy until written approval has been received from the Board.

7. Dr. Tannenbaum shall make restitution of all payments for therapy, made by Mr. and/or Mrs. S. or on their behalf for any and all therapy sessions attended by Mr. and/or Mrs. S. commencing July 1996 and thereafter. Dr. Tannenbaum shall satisfy this provision by providing to the Board a certification, no later than the first day of the month following the entry date of the within Order, stating that he has made reimbursement in a specified amount or that he has provided a written waiver for any outstanding balance for the designated period for any amounts due and owing by or on behalf of Mr. and/or Mrs. S.

8. 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, a hearing shall be held on reasonable notice, consistent with due

process of law, 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 and any defense or mitigation. If sustained, such violation may cause the activation of the remaining period or probation or other appropriate remedy.

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



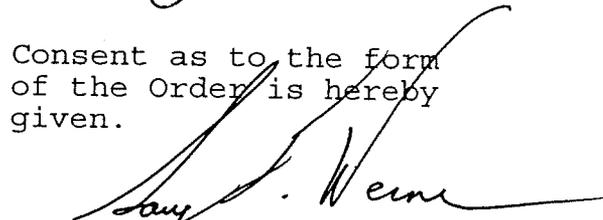
Kenneth G. Roy, Ed.D.
Chair
State Board of Psychological Examiners

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Herbert J. Tannenbaum, Ph.D.

Consent as to the form of the Order is hereby given.



Gary F. Werner, Esq.
Counsel for Dr. Tannenbaum

SUPPLEMENTAL AGREEMENT
TO CONSENT ORDER

WHEREAS, the New Jersey State Board of Psychological Examiners (the "Board") and **Herbert J. Tannenbaum, Ph.D.** ("Dr. Tannenbaum") hereby by mutual agreement desire to supplement the Consent Order dated March 6, 2000,

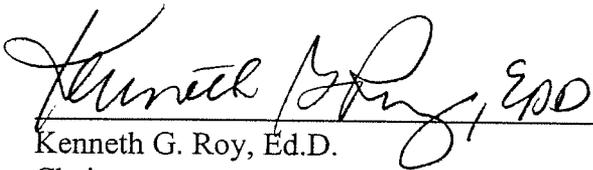
IT IS on this 6^m day of March 2000

HEREBY ORDERED AND AGREED THAT:

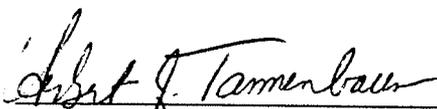
- (1) Paragraph 1 shall be amended to provide that the effective date of the active period of suspension shall commence on March 4, 2000;
- (2) Paragraph 4 shall be amended to provide that the civil penalty in the amount of \$10,000 shall be made payable to the "State of New Jersey" in two equal \$5,000 payments. The first \$5,000 payment to be paid no later than thirty (30) days from the entry of the within Order, and the second \$5,000 payment to be paid no later than one hundred twenty (120) days from the entry of the within Order;
- (3) Paragraph 9 shall be amended to permit Dr. Tannenbaum to apply for modification of the terms and conditions of the Consent Order, as supplemented, after six (6) months of the active period of suspension have expired, which shall be no earlier than September 4, 2000. It is expressly understood that any application by Dr. Tannenbaum for modification of the Consent Order shall be considered in the sole and absolute discretion of the Board and that the Board retains absolute discretion to reject in whole or part any such application by Dr. Tannenbaum;
- (4) Paragraphs 4 and 8 of the "Directive Regarding Future Activities of Board Licensee Who Has Been Suspended/Revoked and Use of the Professional Premises" shall be amended to permit carefully circumscribed utilization of Dr. Tannenbaum's offices located in River Edge, New Jersey. Dr. Tannenbaum shall be permitted work at his office on any matters which do not in any way involve or relate to the practice of psychology. As a condition of the

modification of this aspect of the Consent Order, Dr. Tannenbaum has also agreed not to be present in his office at any time when any other psychologist is in the office receiving, speaking to, or administering to any patient. In this way, even the appearance of impropriety can be avoided. Subject to the foregoing limitations, however, Dr. Tannenbaum is permitted to utilize his River Edge office for academic research and for business purposes totally unrelated to the practice of psychology;

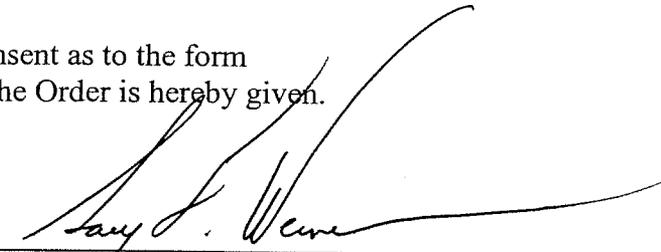
(5) None of the terms of this Supplemental Agreement to Consent Order are meant in any way to alter any of the other paragraphs of the Consent Order dated March 6, 2000.


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

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Herbert J. Tannenbaum, Ph.D.

Consent as to the form of the Order is hereby given.


Gary F. Werner, Esq.
Counsel for Dr. Tannenbaum



Compliance For Herbert J Tannenbaum

Violations | Actions | Citation | Monetary Penalties | Restitution | Limits | Monitoring

From: Board Violation: (none)

Complaint # Docket # Cause # State Start End Action

Practicing Psychologist license #359100122100:

532			NJ	00/00/0000	00/00/0000	Fine/Penalty-actr
532			NJ	00/00/0000	00/00/0000	Cost
532			NJ	03/04/2000	03/04/2001	Suspension-actr
532			NJ	04/04/2001	04/04/2003	Suspension-sta

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