

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON April 17, 2000

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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 THE LICENSE OF)

MARIE A. MASTRIA, Ph.D.)

TO PRACTICE PSYCHOLOGY IN THE)
STATE OF NEW JERSEY)

Administrative Action

FINAL DECISION AND ORDER

This matter was brought before the New Jersey State Board of Psychological Examiners ("Board") upon the filing of an Interim Consent Order on December 8, 1999, wherein Marie A. Mastria, Ph.D., acknowledged a statement of facts relating to allegations of sexual misconduct lodged by a former patient in connection with psychological services rendered by Dr. Mastria. Respondent further consented to the entry of a final order by the Board containing conclusions of law related to the unlawful conduct and violations of the professional licensing law and regulations governing psychologists. The Interim Consent Order further provided that prior to the entry of a final order by the Board imposing penalties against Dr. Mastria, the Board would permit the respondent to appear for a penalty hearing, the purpose of which was to provide respondent the opportunity to present evidence to the Board in mitigation of the penalties to be imposed.

On March 6, 2000, Dr. Mastria appeared before the Board for the mitigation hearing with counsel James S. Wulach, Esq. and

Hakima Bey-Lawson, Deputy Attorney General, appeared on behalf of the Office of the Attorney General. As a preliminary matter, respondent had filed a pre-hearing motion to close the hearing and to seal the records. Counsel for Dr. Mastria asserted that there was "good cause" pursuant to N.J.A.C. 1:1-14.1 to close the hearing and seal the records in that certain information of a highly private nature, that was not already part of the record in this matter, could be disclosed during the course of respondent's testimony and cross-examination. Counsel argued that there were compelling circumstances in this case for the further reason that if the complainant in this matter obtained such private information, there were concerns about how he might respond.

DAG Bey-Lawson filed a letter brief in opposition to the motion to close the hearing and seal the records and argued before the Board that there were no compelling circumstances sufficient to overcome the strong State policy in favor of open public hearings. Further, DAG Bey-Lawson stated that the records in this matter already were in the public realm and in the possession of the complainant.

The Board moved into Executive Session for the purpose of accepting a proffer from counsel for respondent of the kind of personal information which Dr. Mastria believed needed to be held private. Subsequent to the proffer, the Board deliberated in Executive Session out of the presence of the parties and then moved

back into Public Session in order to render a decision on the motion. The Board voted to deny the motion to close the hearing and seal the records finding that there was no sufficiently compelling reason offered to overcome the public policy in favor of openness. However, the Board held open the opportunity for counsel to renew the motion to close a specific portion of the hearing if questions to the respondent in fact elicited information of such a private nature that the Board should reconsider its ruling. In fact, counsel for respondent did not find it necessary to raise any further objection to specific testimony during the remaining course of the penalty hearing.

The following documents were entered into the record for the purposes of this penalty hearing on behalf of the respondent:

- R-1 The curriculum vitae of Amy L. Altenhaus, Ph.D.
- R-2 Report of psychological evaluation of Marie Mastria, Ph.D. by Amy L. Altenhaus, Ph.D., dated February 27, 2000.
- R-3 Curriculum vitae of Victor M. Solomon, Ph.D.
- R-4 Letter report in regard to Marie Mastria, Ph.D. from Phillip Witt, Ph.D. dated February 29, 2000.
- R-5 Curriculum vitae of Phillip H. Witt, Ph.D.
- R-6 Character reference letter from James J. Ferretti, M.D., Director of Psychiátry, Christ Hospital, Jersey City, New Jersey, dated February 28, 2000.
- R-7 Character reference letter from A.R. Sayed Bakhaty, M.D., Attending Anesthesiologist at the Pain Control and Treatment Clinic, dated March 1, 2000.

R-8 Report of therapy and evaluations concerning Marie Mastria, Ph.D. from Jerome D. Goodman, M.D., without date.

R-9 Character reference letter from Victor M. Solomon, Ph.D., dated February 28, 2000.

DAG Bey-Lawson entered into the record for the purposes of this hearing the following certifications:

S-1 Jacqueline Ann Schlund, LCSW, dated November 10, 1998.

S-2 J.C. (complainant in this matter) dated October 29, 1998.

The Board also considered as part of the record the patient records submitted by Dr. Mastria to the Board in response to the Board's investigation of the complainant's allegations. These records included the referral of the patient to Dr. Mastria by the New Jersey Division of Vocational Rehabilitation; Dr. Mastria's May 11, 1995 evaluation report of the complainant; the complainant's treatment record; and the deposition testimony obtained in connection with the civil action filed by the complainant against Dr. Mastria. In addition, the Board included in the record the transcript of its own investigative inquiry attended by Dr. Mastria and her counsel on March 1, 1999.

After making an opening statement, Mr. Wulach presented the following witnesses on behalf of Dr. Mastria:

Amy Altenhaus, Ph.D. - Dr. Altenhaus testified in regard to the psychological evaluation she conducted of Dr. Mastria. She concluded that Dr. Mastria is remorseful about the fact that she

had an impermissible sexual relationship with a patient, but that she has shown limited insight into the impact this relationship had on the patient. Rather, Dr. Mastria has focused on how the relationship and the legal actions which have ensued as a consequence have impacted on her life. Dr. Altenhaus stated that while Dr. Mastria tends to focus on her own concerns, she has learned from the experience. In her professional opinion, she concluded that Dr. Mastria would not get involved sexually with any other client, that she had gaps in her training that needed to be addressed in her practice under supervision, and she needed to engage in therapy with someone who could help her address in more detail how this impermissible relationship happened and how to deal with boundary issues.

Victor M. Solomon, Ph.D. - Dr. Solomon appeared as a character witness on behalf of Dr. Mastria. Although Dr. Solomon acknowledged that he never had a close working relationship with Dr. Mastria, he knew her from training meetings and professional association activities. He expressed to the Board that he always found Dr. Mastria to be very professional, and he also found her to be a very polite and kind person. When asked whether he was provided with information about the reason for the disciplinary action against Dr. Mastria, Dr. Solomon admitted that he knew very little about the facts in the case. However, he stated that he would have ethical concerns about a sexual relationship with a

patient and preferred to confine his judgment of Dr. Mastria to his personal knowledge of their interaction.

Phillip Witt, Ph.D. - Dr. Witt advised the Board that he was prepared to act as supervisor of Dr. Mastria's psychological practice. He already met with her for two supervision sessions. In view of this limited interaction, Dr. Witt indicated that his initial impressions were preliminary, but that it was his impression that Dr. Mastria presented a low risk to patients at this time and was fit to practice. He made some specific recommendations for the conditions of supervision of her practice.

Marie Mastria, Ph.D. - Dr. Mastria testified to the Board on her own behalf. She advised the Board that she did not fully understand how she came to enter into a relationship with the complainant. There were various stressors in her life at the time, but she acknowledged that she exercised very poor judgment in entering into such a relationship. This relationship lasted approximately two months and was terminated by Dr. Mastria because the complainant became physically abusive and she made him leave her home because she expected more violence. She did not think that the impact of their relationship was very great on the complainant. However, she felt that she had suffered very greatly personally and professionally as a result of this single lapse in judgment.

DAG Bey-Lawson made a closing statement in which she discussed the aggravating factors in this matter. These included the fact that the conduct of Dr. Mastria in engaging in a sexual relationship with a patient constituted a betrayal of trust. She also noted that specific harm occurred for the complainant as a consequence of this relationship with his therapist. Since the termination of the relationship, the complainant has been consistently dysfunctional, has been hospitalized, and continues to the present to be obsessed with the termination of the relationship by Dr. Mastria. Finally, DAG Bey-Lawson emphasized the fact that the conduct of the respondent related directly to patient care. This was not conduct occurring in circumstances separate and apart from her professional practice but rather involved a patient in an intimate and harmful relationship.

After final closing statements by both counsel, the Board moved into Executive Session in order to deliberate on the matter. After due consideration of the record in this matter including documentary evidence, oral argument, testimony of witnesses, and mitigating and aggravating circumstances for a determination of penalty, the Board of Psychological Examiners makes the following findings of fact and conclusions of law consistent with the Interim Consent Order filed December 8, 1999.

FINDINGS OF FACT

The Board finds that in or about April 1995, Mr. J.C. was referred by the Division of Vocational Rehabilitation to Dr. Marie Mastria for psychological examination in order to determine appropriate vocational training and/or type of employment. Dr. Mastria met Mr. J.C. for an examination on April 26, 1995, and she submitted a report to the Division dated May 11, 1995. Thereafter, the Division agreed to fund eighteen sessions for psychological treatment for Mr. J.C. with Dr. Mastria. These sessions began in January 1996 and continued until December 1996. Toward the end of this period, when the Division completed payment for the visits, Dr. Mastria agreed to treat Mr. J.C. pro bono. In the early part of December 1996, Dr. Mastria invited Mr. J.C. to do maintenance work at her home after he advised that he had no money and inquired if there was any work he might do around Dr. Mastria's office. Following termination of their professional psychological relationship, an attraction developed in the latter part of December 1996, and a sexual relationship commenced between Dr. Mastria and Mr. J.C. thereafter. In February 1997, Mr. J.C. moved into Dr. Mastria's home but left after approximately one month. Dr. Mastria admits that she engaged in a sexual relationship with Mr. J.C. commencing in or about December 1996.

CONCLUSIONS OF LAW

The Board finds that the described conduct constitutes the engagement in professional misconduct within the meaning of N.J.S.A. 45:1-21(e). The Board further finds the aforesaid conduct to be a direct violation of the Board's regulation concerning sexual conduct with a patient 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 24 months.

DISCUSSION

The fact that Dr. Mastria engaged in a sexual relationship with a patient is not subject to question in the circumstances of this case. Dr. Mastria readily admitted that she engaged in such a relationship, and she also readily admitted that her conduct was professionally impermissible and unlawful. Dr. Mastria advises that this lapse in judgment is an anomaly in her eighteen-year career as a practicing psychologist. She urges the Board to take into consideration that her punishment should reflect that this is an isolated mistake and would never happen again. She also states that she has suffered a great deal already as a result of this wrongful relationship and believes that the impact on the patient probably has been limited.

However, the Board also must take into consideration the certification of the complainant who was not present at the hearing. He states that he had finally begun to see some light out of the blackness of his despair and depression before his relationship with Dr. Mastria. He was attending Jersey City State College and saw a future. In his words, "Dr. Mastria took all that away from me, set me back years in my treatment and has taken away my trust of the psychological profession with her callous and unprofessional behavior."

Respondent's license to practice psychology placed Dr. Mastria in a position of trust. Patients, such as the complainant J.C., go to a psychologist when they are suffering from emotional and personality problems with the confidence that they are placing their psychological welfare in a professional's charge. In many cases, and certainly in the case of J.C., a patient enters therapy with a psychologist at a time in their lives when they are particularly vulnerable and when they are seeking counseling for the purpose of resolving psychological problems as they affect their personal and interpersonal situations. By her conduct in this matter, Dr. Mastria has utterly and totally violated this position of trust. She disregarded her professional responsibility to a patient in favor of acting upon intimate desires with an individual who was clearly vulnerable and psychologically defenseless. Such conduct violates the ethical tenets of the

psychologist-patient relationship and shocks the collective conscience of the Board.

The Board also is struck by the fact that Dr. Mastria to the present day emphasizes the harm to her own life but fails to acknowledge the psychological damage and harm resulting from her sexual relationship with J.C. Dr. Mastria presents herself as the victim in this case in that she has suffered professionally as a result of this disciplinary action and personally as a result of J.C.'s continuing obsession with Dr. Mastria's betrayal of the relationship. Unfortunately, it appears to the Board that it may be some time before J.C. will be able to resolve the harm which he has actually experienced and regain the level of functioning he displayed prior to the sexual experience with Dr. Mastria. J.C.'s relationship with Dr. Mastria after her termination of their professional relationship clearly served to multiply the problems which already existed in his life and was a factor in his subsequent psychological deterioration.

In mitigation of the foregoing, the Board finds that Dr. Mastria attempted to persuade J.C. to see another therapist once the sexual relationship had begun, but he did not want to do so. The Board also finds that Dr. Mastria has taken limited steps thus far to address the underlying problems inherent in the impermissible conduct, but she is willing to take whatever action

the Board deems advisable hereafter including supervision of her professional practice.

In conclusion, the Board finds that Dr. Mastria's misconduct by engaging in a sexual relationship with a patient over a period of time is an affront that runs to the very heart of the psychologist-patient relationship. She engaged in a course of conduct that could result in no less than severe emotional damage. Finally, it is appropriate for this Board to discipline a licensee for conduct, such as Dr. Mastria's, which undermines the public's confidence in the integrity and trustworthiness of the profession. Consequently, and for the foregoing reasons,

IT IS ON THIS *9th* DAY OF *April*, 2000,

ORDERED THAT:

1. The license of respondent Marie Mastria, Ph.D. to practice psychology in the State of New Jersey is hereby suspended for a period of three (3) years. The first six (6) months of the suspension shall be active and the remaining two and a half (2 ½) 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 thirty (30) days from the entry date of the within Order. During the period of time in which respondent's license is actively suspended, she 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 \$3,772.99. The total cost 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 \$5,000.00. 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. Reinstatement of respondent's authority to engage in the practice of psychology during the period of probation shall be contingent upon the following terms and conditions:

(a) Dr. Mastria shall engage in individual therapy with a Board approved psychologist. The Board shall provide to Dr. Mastria, under separate cover, a list of three (3)

psychologists from whom to choose for the purpose of this individual therapy. Once Dr. Mastria commences the therapy, she shall cause the therapist to submit to the Board monthly reports providing the dates of attendance in therapy and a statement that Dr. Mastria is satisfactorily participating in the therapy process.

(b) Dr. Mastria shall appear before the Board in order to discuss her plans for the resumption of the active practice of psychology, her progress in individual therapy, and a plan for the supervision of her practice. At that time, the Board will enter a supplemental order setting forth the specific terms and conditions for the supervision of Dr. Mastria's practice which will address the approval of a proposed supervisor, the required hours of supervision in relation to hours of patient contact, and the nature of the supervisor's evaluation of respondent's patient treatment and professional practice and reporting of same to the Board.

6. 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, 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 of probation or other appropriate remedy.

7. The respondent may apply for modification of the terms and conditions of the within Order no sooner than one (1) year from the entry date herein.

8. The Board will entertain an application from the respondent for payment of the costs and penalties as provided in the within Order in installments upon a showing of good cause. Respondent may present a plan for installment payments for the Board's consideration, and if approved, the Board will confirm the payment schedule in writing.



Kenneth G. Roy, Ed.D.
Chair

State Board of Psychological Examiners



Compliance For Marie A Mastria

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

From: Board Violation: (none)

Complaint #	Docket #	Cause #	State	Start	End	Action
Practicing Psychologist license #358100141000:						
533			NJ	04/17/2000	05/17/2000	Fine/Penalty-acti
533			NJ	04/17/2000	05/17/2000	Cost
533			NJ	04/17/2000	10/17/2000	Suspension-acti
533			NJ	10/18/2000	04/17/2003	Suspension-sta

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JOHN J. FARMER
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
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By: Kathy Rohr
Deputy Attorney General
Tel: (973) 648-4735

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

Administrative Action

MARIE A. MASTRIA, PH.D.

INTERIM CONSENT ORDER

TO PRACTICE PSYCHOLOGY IN THE
STATE OF NEW JERSEY

This matter was opened to the State Board of Psychological Examiners ("Board") upon receipt of a complaint against Marie A. Mastria, Ph.D., from Mr. J.C. alleging sexual misconduct in connection with psychological services. The Board reviewed the record of the investigation in this matter including information acquired at an investigative inquiry attended by Dr. Mastria and her counsel, Neil Reiseman, Esq. on March 1, 1999. It appears that in or about April 1995, Mr. J.C. was referred by the Division of Vocational Rehabilitation to Dr. Mastria for psychological examination in order to determine appropriate vocational training and/or type of employment. Dr. Mastria met Mr. J.C. for an examination on April 26, 1995, and she submitted a report to the Division dated May 11, 1995. Thereafter, the Division agreed to

fund eighteen (18) sessions for psychological treatment for Mr. J.C. with Dr. Mastria. These sessions began in January 1996 and continued until December 1996. During this period, when the Division completed payment for the visits, Dr. Mastria agreed to treat Mr. J.C. pro bono. In the early part of December 1996, Dr. Mastria invited Mr. J.C. to do maintenance work at her home, after he advised that he had no money and inquired if there was any work he might do around Dr. Mastria's office. Following termination of their professional psychological relationship, an attraction developed in the latter part December 1996, and a sexual relationship commenced between Dr. Mastria and Mr. J.C. thereafter. In February 1997 Mr. J.C. moved into Dr. Mastria's home but left after approximately one month. Dr. Mastria admits that she engaged in a sexual relationship with Mr. J.C. commencing in or about December 1996.

The Board finds that the described conduct constitutes the engagement in professional misconduct within the meaning of N.J.S.A. 45:1-21 et. seq. 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.

Respondent being desirous of resolving this matter without resort to the filing of a formal administrative complaint, and the Board having determined that good cause exists for the entry of

the within Interim Consent Order pending the entry of a final order;

IT IS ON THIS *4th* *December* DAY OF ~~OCTOBER~~, 1999

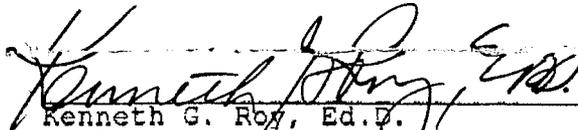
HEREBY ORDERED AND AGREED THAT:

1. Marie A. Mastria, Ph.D., acknowledge and confirms the accuracy of the above-recited statement of facts as well as the testimony she provided to the Board on March 1, 1999. Dr. Mastria further consents to the entry of a final order by the Board containing the above-recited findings of fact and conclusions of law.

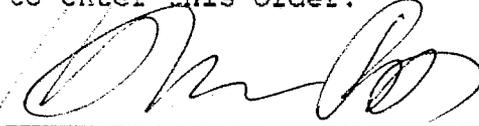
2. Prior to the entry of a final order imposing penalties against Dr. Mastria for the above-recited violations of law, the Board shall permit Dr. Mastria to appear for a penalty hearing to be held on a date to be scheduled by the Board's Executive Director. The primary purpose of this hearing shall be to provide Dr. Mastria the opportunity to present evidence to the Board in mitigation of the penalties to be imposed and set forth in the Board's final order in the within matter. In addition to argument of counsel, Dr. Mastria shall be allowed to present documentary evidence in mitigation as well as her own and the testimony of witnesses. The Attorney General shall be allowed equal time for rebuttal. If either party contemplates the presentation of a witness, the Board and opposing counsel shall be provided with a written notice of each witness and a brief summary of testimony two weeks prior to the hearing. The Board will accept written statements from character witnesses and expressly reserves the right to limit the number of witnesses and testimony which it

deems to be irrelevant or cumulative. Said penalty hearing shall not exceed one (1) day, and all witnesses and argument of the parties shall be concluded by 5:00 p.m.

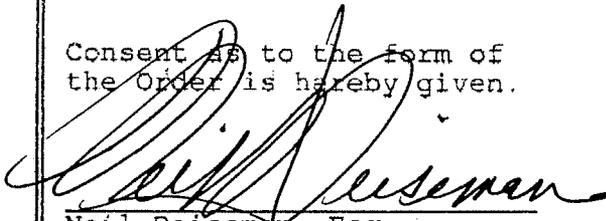
3. Subsequent to the penalty hearing, the Board will deliberate on the imposition of penalty and issue a final order making findings of fact and conclusion of law consistent with those recited herein and impose penalties as determined by the Board.


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

I have read and understand
The within Interim Consent
Order and agree to be bound
By its terms. Consent is
Hereby given to the Board
to enter this Order.


Marie A. Mastria, Ph.D.

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


Neil Reisman, Esq.
Counsel for Dr. Mastria

DEC - 1 1988