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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON May 25, 2000

By: Kathy Rohr
Deputy Attorney General

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS

IN THE MATTER OF AN	:	
APPLICATION BY	:	Administrative Action
	:	
JUNESHARYN KENNEDY, Ph.D.	:	
	:	PROVISIONAL ORDER
	:	DENYING APPLICATION FOR LICENSURE
	:	
TO PRACTICE PSYCHOLOGY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Psychological Examiners ("Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is currently an applicant for licensure as a psychologist in the State of New Jersey. Respondent also has requested a permit to practice psychology under supervision pending licensure.

2. On December 11, 1989, respondent entered into a Consent Order with the Board resolving allegations that she was engaged in and offering psychological services without licensure in New Jersey. The Consent Order directed Dr. Kennedy to cease and desist from rendering or offering psychological services until such time as she became duly licensed or was granted a permit by the Board to practice psychology; to cease and desist from using a title in a manner which would imply licensure; and imposed a civil penalty in the amount of \$500.00.

3. On or about June 5, 1996, respondent filed an application for licensure with the Board. Respondent also filed a "Supervisory Form for Psychology Candidate" ("Form") in order to obtain a permit to practice pending licensure. The Form was completed by Frederick D. Breslin, Ph.D. and indicated that Dr. Kennedy had been working approximately 30 hours per week in his private practice in Pitman, New Jersey, from 1987 to the date of filing of the Form.

4. The Board conducted investigative inquiries with Dr. Kennedy and Dr. Breslin on October 21, 1996 and February 10, 1997, respectively, in order to determine whether Dr. Kennedy was practicing psychology without license or permit in violation of the December 11, 1989 Consent Order. Dr. Kennedy testified that she began seeing patients in Dr. Breslin's office in 1995; she believed she had the authority to do so because she had completed a Ph.D. degree and was under the supervision of a licensed psychologist. She acknowledged that she did not have a permit to practice psychology under supervision issued by the Board.

5. On October 23, 1996, the Board sent a letter to counsel for Dr. Kennedy advising that Dr. Kennedy was never issued a temporary permit to practice psychology and,

therefore, she was engaging in unlicensed practice in violation of the Consent Order. The letter further advised that the Board would continue to review the matter. Although the Board took no formal action at this time, the Board did not issue a permit to Dr. Kennedy, and no further action was taken on her application for licensure.

6. On or about June 7, 1999, respondent filed a new application for licensure as a psychologist. Dr. Kennedy included in her certified application a copy of her resumé, which set forth under "Work History" that she provided private practice services from 1987 to the present at Breslin Psychological Services in Pitman and Woodbury, New Jersey. The application also included a "Supervisory Form for Psychology Candidates" completed by Dr. Breslin indicating that Dr. Kennedy worked in his private practice from March 1996 to May 1999 completing approximately 4,000 client hours.

7. It appearing again that respondent was practicing psychology in violation of the December 11, 1989 Consent Order, the Board conducted investigative inquiries with Dr. Kennedy and Dr. Breslin on July 28, 1999.

8. Dr. Kennedy testified and provided documentation at the investigative inquiry on July 28, 1999 that she has been certified by the American Academy of Health Care Providers in the Addictive Disorders since 1991 and was licensed as a Professional Counselor by the State Board of Marriage and Family Therapy Examiners on May 3, 1999.

9. Subsequent to the inquiry, Dr. Kennedy provided through her counsel a copy of her letterhead which is headed "Breslin Psychotherapeutic Services P.C. - Specializing in Addictions, Behavior Disorders, Evaluations & Therapy." Junesharyn Kennedy, Ph.D., C.A.S., C.S.P., is the only person listed on the letterhead in addition to Dr. Breslin, and she

is characterized as a "Licensed Family/Marriage Therapist," a license which she does not in fact hold.

10. Dr. Kennedy testified at the inquiry that the "Supervisory Form for Psychology Candidates" (marked S-1) was completed in its entirety by her in her handwriting. She claimed that Dr. Breslin told her what to write and he signed the Form. The Form indicates that Dr. Kennedy was supervised by Dr. Breslin for 4,000 hours of client hours toward her candidacy for licensure in the period March 1996 to May 1999. Since Dr. Kennedy did not hold a permit to practice psychology and Dr. Breslin's private practice is not a setting exempt from licensure, the client hours on the Form represented the unlicensed practice of psychology. Dr. Kennedy testified that in reality these hours were her alcohol and drug clients and patients that she was seeing as an employee of Pennsylvania Hospital. In fact, the Form misrepresented that Dr. Kennedy was seeing private psychotherapy patients in Dr. Breslin's practice for the purpose of documenting supervised experience as required for candidates for licensure.

11. Question number 8 on the Form marked S-1 asks the supervisor whether he or she approved the applicant's clients in advance in accordance with the Board's regulations. The question is answered "Yes." Dr. Kennedy testified that this meant that Dr. Breslin approved the clients she was seeing while employed at Pennsylvania Hospital. Dr. Breslin testified under oath that he never approved the Pennsylvania Hospital clients.

12. When asked about the assertion on the resumé submitted with her application that she was engaged in private practice at Breslin Psychological Services from 1987 to the present, Dr. Kennedy testified that in fact she was not providing psychological services there, but rather she was engaged in "learning" experiences with Dr. Breslin. However, all

eleven of the other listings under "Work History" were testified to as being true work experiences.

13. Notwithstanding the fact that Dr. Kennedy did not hold a permit or a license to practice psychology, she admitted that she sometimes sat in on Dr. Breslin's private therapy sessions where she would be introduced as his associate in cases where it was thought that her advice would be helpful. She admitted to listening, talking, and providing limited advice in such joint sessions.

14. Dr. Breslin issued Federal Income Tax Form 1099-MISC statements to Dr. Kennedy in the amounts of \$26,193.00, \$14,224.00, and \$14,935.00, for the years 1996, 1997 and 1998, respectively. When asked about the work for which this compensation was paid, the Board received contradictory information from both Dr. Kennedy and Dr. Breslin. Dr. Breslin testified that he never paid Dr. Kennedy anything. He subsequently wrote a letter to the Board dated November 1, 1999, stating that he paid her hourly for helping him in his practice. Dr. Kennedy testified that she was an employee of Dr. Breslin at one point in the inquiry and testified that she billed her own clients seen in Dr. Breslin's office at another point.

CONCLUSIONS OF LAW

1. The above conduct provides grounds for the denial of Dr. Kennedy's application for license to practice psychology in New Jersey pursuant to N.J.S.A 45:1-21(a),(b) and (h) in that she attempted to obtain a permit and a license to practice psychology through fraud, deception, or misrepresentation. Further, respondent engaged in a course of

conduct over a period extending since at least 1989 to the present that constituted repeated acts of dishonesty, deception and misrepresentation in connection with her application for licensure; a failure to comply with the Board's statutory and regulatory requirements for applicants; and the unlicensed practice of psychology. Further, respondent violated the Consent Order she entered into with the Board on December 11, 1989 in that she continued to engage in the unlicensed practice of psychology without the authority of permit or license. Further, respondent held herself out as engaging in the private practice of psychology and as a licensed Marriage and Family Therapist in professional representations without the authority of permit or license to do so.

2. In addition, any applicant who wishes to practice psychology in this State must present satisfactory proof that he or she is of good moral character, on ongoing requirement for licensure pursuant to NJSA 45:14B-14(b). The above described course of conduct and violations of law demonstrate that respondent lacks the requisite good moral character.

ACCORDINGLY, IT IS on this 25th day of May, 2000;

ORDERED that:

1. Respondent's application for a license to practice psychology in the State of New Jersey is provisionally denied and any further requests for a permit are likewise provisionally denied.

2. If respondent wishes to present information refuting any of the findings contained herein, such information must be presented to the Board within 30 days of the entry of this provisional order of denial of a license and denial of requests for a permit, and the Board

will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during that 30 day period, or if the Board is not persuaded that the submitted materials merit further consideration, this order shall become final.

STATE BOARD OF PSYCHOLOGICAL EXAMINERS

By Kenneth G. Roy, Ed.D.
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Board Chair