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**FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS**
7/19/2000

STATE OF NEW JERSEY
DEPT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF SOCIAL WORK EXAMINERS
OAL DOCKET BDSOT 03009-00N

IN THE MATTER OF THE SUSPENSION : ADMINISTRATIVE ACTION
OR REVOCATION OF LICENSE OF :
ARTHUR R. DINKEL, JR., :
TO PRACTICE CLINICAL SOCIAL WORK : FINAL ORDER
IN THE STATE OF NEW JERSEY :

This matter was opened before the State Board of Social Work Examiners upon the filing of Verified Complaint on January 7, 2000 by the Attorney General of New Jersey setting forth numerous allegations of violations of the Social Workers' Licensing Act of 1991 and of the Uniform Enforcement Act.

Respondent Arthur R. Dinkel, Jr. was engaged in practice as a licensed clinical social worker, under license number SC 800 conferred without examination, pursuant to N.J.S.A. 45:15BB-8(a) and by N.J.A.C. 13:44G-5.1. Respondent offered professional social work services through two entities of which he was and is the sole owner. "Integrated Psychotherapy Institute, Inc." and "Integrated Health Systems, Inc." Both enterprises were conducted from premises including but not limited to 42 Farview Terrace, Paramus, NJ 07652 and both advertised the same telephone number.

Counts 1 through 11 of the Complaint alleged that Respondent conducted each of the two enterprises by employing persons as "independent contractors" to offer social work services on the premises under the name of the pertinent entity. Among the persons utilized by respondent as

“independent contractors” to provide social work services were persons who were unlicensed and not otherwise authorized to do so. It was further alleged that Respondent engaged physicians as “independent contractors” to provide professional medical services, and that Respondent then utilized the physicians names on prescription pads and/or letterhead stationery, and claim forms for billing patients/third party carriers without the knowledge or permission of the physicians, and implying that said physicians were an integral part of the professional practice entities. It was further alleged that Respondent engaged in extensive insurance fraud by billing for physician services which had not been rendered by the physicians named on the bills, and/or that the patient record often failed to document that the claimed service had been rendered by any person, licensed or otherwise.

It was also alleged that Controlled Dangerous Substances (CDS) were ordered by Respondent to be delivered to and dispensed at the social work entities, under the misrepresentation that the drugs had been ordered by two or more named physicians. It was further alleged that the said drugs, utilized by Respondent in the course of a purported weight loss program, were kept in Respondent’s sole custody and were authorized by him to be dispensed by unlicensed persons.

It was also alleged that Respondent engaged in several forms of dishonest conduct including misrepresenting to government authorities the amount of monies paid to two “independent contractors” *i.e.*, more than he had actually paid.

It was also alleged that Respondent failed to preserve the confidentiality of patient records and, moreover, that he routinely failed to prepare or cause the preparation of patient records, and that he directed the fabrication of records when their production was sought.

Respondent’s conduct was alleged to have violated numerous provisions of N.J.S.A. 45:15BB-1 et seq., of the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq., and of Board regulations, including but not necessarily limited to the following:

(a) failing to assure that appropriate supervision is provided by a supervisor to any person seeking licensure as a clinical social worker, and aiding and abetting the performance of social work practice by unlicensed and unsupervised employees; N.J.A.C. 13:44G-8.1; N.J.A.C. 13:44G-9.2 and N.J.S.A. 45:1-21(b), (c) and/or (d), (e) and (h).

(b) dividing fees for professional services with unlicensed persons and also with licensed social workers who are not engaged in a bona fide partnership or professional service corporation or employment relationship; N.J.A.C. 13:44G-9;

(c) failing to prominently display certain notices required by the Board including the requirement for licensed or certified staff providing social work services; N.J.A.C. 13:44G-10.1;

(d) entering into relationships that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation, such as professional treatment of employees or supervisees, and providing professional services in circumstances that would be expected to limit the licensee's objectivity and impair professional judgment or increase the risk of exploitation in the professional relationship; N.J.A.C. 13:44G-10.4;

(e) misrepresenting facts about his professional entities and about the professional staffing thereof; N.J.A.C. 13:44G-11.2;

(f) failing to truthfully and accurately identify himself in professional representations and misrepresenting the academic degrees purportedly earned by him; N.J.S.A. 45:1-21(b) and N.J.A.C. 13:44G-11.3 and -11.4;

(g) failing to prepare and maintain for each client a contemporaneous, permanent client record that accurately reflects the client contact with the social worker, and failing to retain the permanent client record for at least seven years from the date of last entry; N.J.A.C. 13:44G-12.1.

(h) failing to maintain confidentiality of client records. N.J.A.C. 13:44G-12.3;

(i) failing to cooperate in a lawful investigation conducted by or for the State Board of Social Work Examiners; N.J.A.C. 13:45C-1 et seq. and N.J.S.A. 45:1-18.

All of the above, in their totality, were alleged to constitute misrepresentation, deception, gross and repeated negligence and malpractice, failure to comply with rules of the Board, and professional misconduct; N.J.S.A. 45:1-21(b), (c), (d), (e), (h), and N.J.S.A. 45:15BB-1 et seq.

Respondent, by and with his counsel Daniel N. Shapiro, Esq., consented to the entry of an Order of Temporary Suspension, which was filed January 19, 2000. The Board issued the Order, and also

granted the motion of the Attorney General to partially seal and/or redact specified records in order to protect patient privacy.* Respondent filed no Answer contesting any of the allegations of the Complaint.

On February 10, 2000, the Attorney General filed an Amended and Supplemented Complaint with the Board, accompanied by a Notice of Hearing and Notice to File Answer. The new Complaint alleged in Counts 12 and 13 that Respondent had repeatedly billed for professional services not rendered and had ordered fabrication of records, and had failed to provide certain patient records sought in connection with additional investigation. The documents were served on Respondent's counsel by certified mail. Respondent filed no Answer contesting any of the additional allegations.

The original Complaint was transmitted to the Office of Administrative Law on February 2, 2000 based upon Respondent's consent, without admissions, to the entry of the temporary suspension Order, with subsequent transmittal of the second Complaint. Notice of the filing was transmitted to the parties by the OAL on March 21, 2000. On April 18, 2000 the OAL directed the parties to contact the Administrative Law Judge to schedule a prehearing conference. Respondent failed to reply. On May 8, 2000, the Hon. Stephen Weiss, ALJ, notified the parties of an in-person conference to be conducted on May 16, 2000. The Attorney General appeared; however, Respondent neither appeared or left any message. Based upon this conduct, the Administrative Law Judge issued another directive, allowing Respondent additional opportunity to respond.

Respondent appeared by counsel Daniel N. Shapiro via telephone conference call with the consent of all parties. Administrative Law Judge Weiss issued an Order requiring Respondent to produce certain records or to properly respond to the demand therefor, no later than May 31, 2000. Respondent failed to produce the required items.

It appears that Respondent is now desirous of resolving the present matter without further proceedings and, having consulted with his counsel, has determined to plead no contest to the allegations of the Verified Complaint and of the Amended and Supplemented Complaint. Respondent has proposed to permanently surrender his license to practice social work in any form in this State which he understands shall be deemed a revocation.

It appearing that the following resolution is in the public interest, and for good cause shown,

*On February 8, 2000 the Board entered an Order memorializing the sealing and redaction Order.

IT IS, ON THIS 19th DAY OF JULY, 2000,

ORDERED as follows:

1. The license of Respondent Arthur R. Dinkel, Jr. to practice as a licensed clinical social worker is hereby revoked, effective immediately;

2. Respondent Arthur R. Dinkel, Jr. shall cease and desist from engaging in the practice of clinical social work or in any other form of health care practice requiring a New Jersey State license. This prohibition bars Respondent from rendering any professional services, including the offering of professional health care services in any clinic or other setting wherein any practitioners are by law otherwise exempt from licensure requirements, and from providing an opinion as to professional practice of its application, and from representing himself as being eligible to practice as a social worker or in any way representing himself to be a practicing professional such as a counselor, psychotherapist, psychoanalyst, therapist or other mental health care worker. Although Respondent need not affirmatively advise patients or others of his license revocation, Respondent must truthfully disclose his licensure status in response to inquiry;

2. Respondent shall immediately cease and desist from any activities constituting the practice of clinical social work, and shall refrain from any conduct in this State which would constitute the practice of any health care profession requiring a license or other governmental authorization so to do;

3. Respondent is assessed costs in the sum of \$18,052.45 pursuant to N.J.S.A. 45:1-22 and N.J.S.A. 45:1-25;

4. Respondent shall reimburse the third party payors identified on Attachment A, annexed hereto, in the sums set forth next to each name*, totalling \$85,448.00;

5. Said reimbursements shall be paid by separate certified checks or money orders, each made payable to the pertinent third party carrier pursuant to the list provided by the Attorney General, with each check/money order delivered to the Board for transmittal to the appropriate payee.

6. Said costs shall be paid to the State Board of Social Work Examiners within 10 days of the entry of this Order, by certified check or money order. Failure to make payment within said time shall result in the filing of a Certificate of Debt. Respondent may request installment payments, in which

* References to patient/client identity are redacted for the public record. Full identification has been provided to Respondent and is on file with the Board. Both billings and reimbursements are likely only partial, as incomplete records were available.

event he shall pay the sums at the rate of \$5,000/per month, due on the first day of each month commencing in August 2000. Interest shall accrue in accordance with R. 4:42-11(a). In the event that a monthly payment is not received within five days of its due date, the entire balance of the costs shall become due and owing.

7. Respondent shall immediately arrange for dissolution of all general business corporations in which he holds a financial interest (other than a publicly registered stock company) offering any form of health care service, including but not limited to "Integrated Psychotherapy Institute, Inc." and "Integrated Health Services, Inc.". Proof of the dissolution of each such entity shall be provided to the Board within 30 days of the entry of this Order.

8. With regard to any form or component of professional practice or services alleged by Respondent to have been performed by him or by or on behalf of any of his practice entities, for which he had not yet billed as of this date, or for billings issued prior to that date which have not been paid as of the date of this Order, Respondent shall forego any attempt to bill or to collect for such alleged services and shall withdraw all claims for payment for such alleged services.

9. The terms of the attached Disciplinary Directives and Notice are incorporated herein.

10. If, after the entry of this Order, Respondent engages in any acts or practices which constitute a violation of this Order or which constitute a subsequent violation, the Respondent shall be subject to the imposition of enhanced penalties pursuant to N.J.S.A. 45:1-25, as amended.

11. It is intended by the parties that this Order shall resolve all administrative and license issues raised by the Attorney General in connection with bills submitted by Respondent to the third party payors of the patients whose redacted names are set forth on Attachment A hereto to the extent such billings and payments were made known to Complainant; with regard to the prescribing and/or dispensing of Controlled Substances by Respondent or by agents under his direction and control to patients at either or both of his professional practice entities; with employment of persons authorized by him to perform health care services; with preparation of and maintenance of required records; and with such other issues specifically presented in the Verified Complaint and the Amended and Supplemental Complaint, all in connection with Professional Board law and rules.

12. Respondent has been made aware that information regarding this matter has been referred to the Division of Criminal Justice. The entry of this Order shall not limit the authority of the

Attorney General or of any other person or agency to initiate any further action permitted by law, whether administrative, civil or criminal, in any court or other forum of competent jurisdiction in connection with any matters coming within that jurisdiction.

13. A copy of this Order shall be served upon the Respondent through his attorney within five days of the filing thereof. In addition, a copy of this Order shall be mailed to Respondent by certified mail, return receipt requested, and by regular mail, to Respondent's last address of record at 2 Freeman Lane, Denville, New Jersey.

THIS ORDER IS EFFECTIVE UPON FILING.

STATE BOARD OF SOCIAL WORK EXAMINERS

By: Mariagnes E. Lattimer
Mariagnes Lattimer, Ph.D., M.S.W., L.C.S.W., Chair

I have read the within Order and understand its terms. I consent to the filing of the Order by the Board of Social Work Examiners.

Arthur R. Dinkel, Jr.
Arthur R. Dinkel, Jr.

Witness:

By: Daniel N. Shapiro
Daniel N. Shapiro, Esq.
Counsel to Mr. Dinkel

Consent:

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY

By: Joel D. Gelber
Joel D. Gelber
Deputy Attorney General