

**CERTIFIED TO BE
A TRUE COPY**

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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON May 22, 2001

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

_____)
IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

PAUL J. FORTI, Ph.D.
License #3071

CONSENT ORDER

TO PRACTICE PSYCHOLOGY IN THE
STATE OF NEW JERSEY
_____)

This matter was opened to the State Board of Psychological Examiners upon the Attorney General's filing of an Order to Show Cause and Verified Complaint on December 7, 2000. Respondent filed a narrative answer in the form of a pro se letter submitted to the Board on December 15, 2000. The Verified Complaint pertained to Respondent's treatment of four patients and alleged conduct by Respondent which the Attorney General asserted constituted grounds for immediate temporary suspension of licensure pursuant to N.J.S.A. 45:1-22. On December 8, 2000, prior to commencement of the hearing on the Order to Show Cause, Respondent agreed to the

temporary suspension of his license pending the outcome of plenary hearing. That settlement was embodied in an Interim Board Order filed December 19, 2000.*

On or about January 19, 2001 the Attorney General filed a Notice of Motion seeking to amend the complaint to add additional allegations pertaining to Respondent's alleged violation of the December 19 Interim Board Order and allegations of misconduct pertaining to two additional patients. That motion was granted as unopposed in an order dated February 7, 2001 and the Amended Verified Complaint was filed by the Board.

Hearing in the matter commenced before the State Board of Psychological Examiners on February 26, 2001. Respondent was represented by Richard Banas, Esq. At that time, the State presented the fact witnesses in its case. The hearing was continued on April 9, 2001, at which time certain of the State's exhibits were accepted into evidence, the State presented its expert witness, and rested. Respondent sought a one week window of opportunity within which to apprise the State and the Board as to whether he intended to testify or to present any witnesses in defense of this action. No communications were forthcoming from

*A second interim order filed January 10, 2001 embodied Respondent's agreement to remain temporarily suspended until the outcome of the plenary hearing which was rescheduled to commence on February 26, 2001.

Respondent and thus the Board scheduled closing arguments for June 4, 2001.

On or about May 1, 2001, the Attorney General was contacted by the Morris County prosecutor's office and made aware of a new complaint against Respondent. On May 2, 2001, patient Jill F., who was previously unknown to the State, provided a certification regarding her therapeutic experiences with Respondent and allegations of alleged sexually inappropriate contact between herself and Respondent over a period of time from May 1999 until April 2001. Further, a clinician in the mental health facility at St. Clare's Hospital provided a certification detailing Respondent's alleged attempts to contact Jill F., who was a patient in the facility. These attempts included representations that Respondent was the patient's treating therapist and attempts by Respondent to disguise his identity while attempting to contact Jill F. The Attorney General has determined that the conduct set forth in the newly received certifications constitutes violations of Board's statutes and regulations.

In lieu of further formal proceedings, Respondent hereby admits to repeated violations of N.J.S.A. 45:1-21(c) (d) (i.e. gross or repeated acts of malpractice); repeated violations of N.J.S.A. 45:1-21(e) (i.e. professional misconduct) and a demonstration of an

*This Order conforms to the Board's practice of shielding the actual identity of the patient.

incapacity to practice N.J.S.A. 45:1-21(i) Further, Respondent admits to repeated violations and failures to conform to N.J.A.C. 13:42-10.8(d) and 13:42-8.5 which regulatory violations form a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h). Respondent further admits to conduct in direct violation of the interim order of the Board which conduct violates N.J.A.C. 13:45C-1.4 and is therefore a violation of N.J.S.A. 45:1-21(e) and (h). The forgoing admissions pertain to the allegations of the Amended Verified Complaint. Further, Respondent admits to violation of N.J.S.A. 45:1-21(c) and (d); violations of N.J.S.A. 45:1-21(e); incapacity to discharge the functions of a licensee in violation of 45:1-21(i) and violations of N.J.A.C. 13:42-10.8 and 10.9, in violation of N.J.S.A. 45:1-21(h) with regard to his interactions with patient Jill F.

The Board having determined that the within disposition is adequately protective of the public health, safety and welfare, and the Respondent being desirous of avoiding further formal proceedings in the matter;

IT IS ON THIS 22nd DAY OF May, 2001;

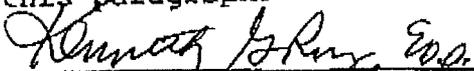
ORDERED:

1. Respondent's license to practice psychology in the State of New Jersey is hereby permanently surrendered with prejudice to any future reapplication. Said surrender shall be deemed a revocation with prejudice.

2. Respondent acknowledges that his surrender of licensure renders him ineligible to practice in an exempt setting as set forth in N.J.A.C. 13:42-1.6.

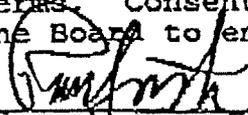
3. Respondent shall conform to the standard "Directives" attached hereto and made a part hereof. Respondent agree to carry out the instructions set forth in paragraph one of the Directives within five days of the filing date of the within Order.

4. Respondent shall pay costs in this matter to include expert witness fees, investigation expenses and transcription fees. Said costs shall be established by the Attorney General in filed certifications no later than 45 days after entry of the within Order. Respondent shall pay the costs so established within 15 days of receipt of the Attorney General's submission. A Certificate of Debt in the full amount of costs shall be filed by the Board in the event that Respondent has not paid the costs pursuant to the terms of this paragraph.



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

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



Paul J. Forti, Ph.d.

Consented to as to form:



Richard Banas, Esq.

DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration.
- 2) Desist and refrain from the practice of psychology in any form either as principal or as employer or as employee or agent of another licensee or other health care provider.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee. If no new licensee is selected, the record shall be made available to the patient. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices psychology.
- 5) Desist and refrain from furnishing professional psychological services, giving an opinion as to the practice of psychology or its application or any advice with relation thereto; from holding him/herself out to the public as being entitled to practice psychology or in any way assuming to be a practicing professional such as a counselor, psychotherapist, psychoanalyst, therapist or other mental health care worker; or from advertising or writing in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice psychology. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing. This prohibition further shall include the preparation of any report or appearance before any court or tribunal as an expert witness unless the case involves a matter handled prior to being disciplined and unless the status of the licensee is disclosed in writing to the person requesting such report or appearance.
- 6) Cease to use any stationery whereon such person's name appears as a psychologist in practice.
- 7) Not share in any fee for psychological services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and

disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store any materials and equipment.

(c) No continued use of name of disciplined licensee or personally owned office name or tax or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner may use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a member of a professional group which uses a group-type name such as the ABC Psychological Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive of the order requiring moneys to be reimbursed to patients or to

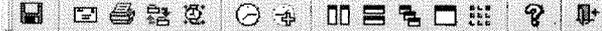
other persons or third party payors, and regarding supervisory reports or other special conditions of the order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

a) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear to remove any such listing.

b) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary order shall, within 90 days after the effective date of the Board order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.



Compliance For Paul J Forti

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

From: Board Violation: (none)

Complaint #	Docket #	Cause #	State	Start	End	Action
Practicing Psychologist license #35SI00307100:						
00-00004-35SI			NJ	05/21/2002	06/06/2002	Cost
00-00004-35SI			NJ	05/22/2001	00/00/0000	Revocation-dem

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Compliance For Paul J Forti

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

From: Board Violation: (none)

Complaint #	Docket #	Cause #	State	Start	End	Action
Practicing Psychologist license #35SI00307100:						
00-00002-35SI			NJ	05/21/2001	00/00/0000	Revocation-dem
00-00002-35SI			NJ	05/21/2002	06/06/2002	Cost

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