FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS
7/17/2001

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

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF ALAN L. DANIEL, C.S.W. LICENSE NO. SW14782 HAROLD G. PEART, C.S.W. LICENSE NO. SW7000 THERESA DOZIER DANIEL, C.S.W. LICENSE NO. SW11186 WALTON H. DANIEL, C.S.W. LICENSE NO. SW014465 TO PRACTICE SOCIAL WORK IN THE STATE OF NEW JERSEY	**ORDER OF TEMPORARY SUSPENSION**

This matter was presented to the State Board of Social Work Examiners (hereinafter referred to as the "Board") by way of a Verified Complaint filed on June 1, 2001 by Attorney General John J. Farmer, Jr., Hakima Bey-Lawson, Deputy Attorney General (hereinafter referred to as "DAG") appearing. Alan L. Daniel, Harold G. Peart, Theresa Dozier Daniel, and Walton H. Daniel (hereinafter, collectively referred to as "respondents") were properly served with the Complaint and an Order to Show Cause by which a hearing was scheduled on June 20, 2001.

On that date, Alan Daniel, Harold Peart, and Theresa Dozier Daniel appeared before the Board and made a motion to have the hearing continued until a later date to allow them sufficient

opportunity to get legal representation. DAG Bey-Lawson objected to any continuance because the respondents had been properly served. The Board considered the arguments and granted the motion for a continuance in consideration of the limited time Alan Daniel, Harold Peart, and Theresa Dozier Daniel had to prepare for the hearing, including the securing of legal representation. The Board put on the record that the hearing was rescheduled for July 10, 2001 at 11:00 a.m.

Following the granting of the motion for a continuance, DAG Bey-Lawson made a motion for default against Walton Daniel who had failed to appear or respond in any way to the action against him. Based upon the evidence presented by DAG Bey-Lawson showing that Walton Daniel had been properly served, the Board granted the motion for default. On July 2, 2001, the Order Of Temporary Suspension Default For Walton H. Daniel was signed by the Board president and filed on July 7, 2001. The Order has been served on Walton Daniel by certified and regular mail.

At the June 20, 2001 hearing, the Attorney General presented the following exhibits which were marked for identification and entered into evidence:

1. P16--Affidavit of Service by Christine Green, an investigator with the New Jersey Division of Consumer Affairs, Enforcement Bureau.

2. P17--Affidavit of Service by John Czuba, an investigator with the New Jersey Division of Consumer Affairs, Enforcement Bureau.

3. P18--June 11, 2001 letter from Leslie Aronson, Executive Director, State Board of Social Work Examiners to Alan Daniel regarding the hearing on June 20, 2001.

4. P19---June 11, 2001 letter from Leslie Aronson, Executive Director, State Board of Social Work Examiners to Theresa Dozier Daniel regarding the hearing on June 20, 2001.

5. P20---June 11, 2001 letter from Leslie Aronson, Executive Director, State Board of Social Work Examiners to Harold Peart regarding the hearing on June 20, 2001.

6. P21--May 24, 2001 letter from DAG Bey-Lawson to Leslie Aronson requesting that the Order To Show Cause, Verified Complaint, Letter Brief and supporting exhibits be filed, and providing notice to counsel for Alan Daniel, Theresa Dozier Daniel, Walton Daniel and Harold Peart.

7. P22-June 6, 2001 letter from DAG Bey-Lawson to Walton Daniel providing the Order To Show Cause, Verified Complaint, Letter Brief and supporting exhibits, and the green card showing that the certified mail was unclaimed.

8. P23-June 6, 2001 letter from DAG Bey-Lawson to Walton Daniel providing the Order To Show Cause, Verified Complaint, Letter Brief and supporting exhibits, and the green card showing that the priority mail was unclaimed.

9. P24--June 11, 2001 letter from Leslie Aronson to Walton Daniel advising of time and location of June 20, 2001 hearing.

10. P25-Certification of Leslie Aronson regarding the certifications and addresses of respondents.

11. P26--Filed copy of Order To Show Cause, Notice Of Hearing and Notice To File Answer.

On July 10, 2001, Alan Daniel, Harold Peart, and Theresa Dozier Daniel appeared without counsel for the hearing on the Order To Show Cause why their certifications as Certified Social Workers should not be temporarily suspended pending disposition of a

plenary hearing in this matter.[1] Walton Daniel failed to appear or respond in any way. Alan Daniel, Harold Peart, and Theresa Dozier Daniel made a motion that the hearing be stayed until the criminal charges against them are resolved. DAG Bey-Lawson objected to this motion for a further delay. The Board considered the arguments and denied the motion for a stay.

Thereafter, the Attorney General's Application for Temporary Suspension was presented by DAG Bey-Lawson with an opening statement summarizing the allegations in the Complaint which alleges that at all times pertinent, Alan Daniel, Harold Peart, Theresa Dozier Daniel, and Walton Daniel were authorized to practice as certified social workers in the State of New Jersey. The Complaint further alleges that Alan Daniel, Harold Peart, and Walton Daniel were co-owners and officers of the Family Enrichment Institute Inc. located at 415 Kiem Boulevard, Burlington, New Jersey; and Theresa Dozier Daniel, formerly know as "Theresa Shafer", was employed by the Family Enrichment Institute Inc. The

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[1] A few days prior to the July 10, 2001 hearing, the Board received papers signed by Alan Daniel, Harold Peart, and Theresa Dozier Daniel, which papers purported to be a notice of motion to stay the administrative action pending disposition of the criminal prosection against the respondents. Alan Daniel, Harold Peart, and Theresa Dozier Daniel appear to have attempted to file the papers in Essex County Superior Court and the Office of Administrative Law. None of the documents are properly filed and there appears to be absolutely no legal impediment to the Board's determination to entertain the Attorney General's application. In fact, Alan Daniel testified on July 10, 2001 that the Office of Administrative Law stated that it had no jurisdiction over the matter.

services offered by the Family Enrichment Institute Inc. included marriage and family therapy, psychological counseling, diagnostic testing, chemical dependency counseling, employee assistance, educational counseling services, individual, group and family therapy. In regards to these services, the Complaint alleges that Alan Daniel, Harold Peart, Theresa Dozier Daniel, and Walton Daniel all rendered clinical social work services and that Alan Daniel rendered clinical supervision to Theresa Daniel, all such services being beyond the scope of a certified social worker. Further, the Complaint alleges that as principal officers of Family Enrichment Institute Inc., Alan Daniel, Harold Peart, and Walton Daniel engaged in dishonesty, fraud, deception, or misrepresentation when their advertisements did not reflect that the services offered would be provided by certified social workers. Additionally, the Complaint alleges that on or about December 4, 1999, Alan Daniel, Harold Peart, Theresa Daniel and the Family Enrichment Institute Inc. were indicted by the State Grand Jury for one count of conspiracy in violation of N.J.S.A. 2C:5-2, one count of Health Care Claims Fraud in violation of N.J.S.A. 2C:21-4.3(a) and one count of Medicaid Fraud.

The allegations of the Attorney General were supported by the following exhibits which were marked for identification and entered into evidence:

1. P1--Provider Application between the Division of Medical Assistance and Health Services and the Family Enrichment Institute Inc.

2. P2--Two letters on letterhead stationary of the Family Enrichment Institute Inc. which show the Board of Directors and the Administrative Staff along with their purported degrees and certifications.

3. P3--Certification of Earl Q. Washington, Jr., investigator employed by the New Jersey Department of Law and Public Safety, Division of Criminal Justice-Office of Insurance Fraud Prosecutor.

4. P--An advertisement of the Family Enrichment Institute Inc. listing the outpatient counseling services provided.

5. P5--A brochure of the Family Enrichment Institute Inc. listing all services provided, office policies and hours.

6. P6--Superseding Indictment by the State Grand Jury against Alan L. Daniel, Walton H. Daniel, Harold Peart, Theresa D. Daniel, and Family Enrichment Institute Inc.

7. P7--Patient records of J.M.

8. P8--Patient records of V.L.

9. P9--Patient records of M.S.

10. P.10--Patient records of T.S.

11. P.11--Patient records of A.S.

12. P12--Family Enrichment Institute Inc. Client Service Record.

13. P13--Family Enrichment Institute Inc. payroll sheet.

14. P14--Expert Report prepared by Russell Healy, MSW, LCSW.

15. P15--Curriculum Vitae of Russell Healy, MSW, LCSW

After the State had concluded its case, Alan Daniel, Harold Peart, and Theresa Daniel were given the opportunity to present their cases refuting the allegations. Harold Peart denied all

allegations but declined to present his case because of the pending criminal action against him. Mr. Peart advised the Board that he had not renewed his certification as a Certified Social Worker (hereinafter referred to as "C.S.W.").

Alan Daniel, who referred to himself as Reverend Daniel, also denied all allegations. Although Alan Daniel stated that because of the pending criminal action against him, he would not present his case refuting the Attorney General's allegations, he did testify as to certain matters. He testified that he had a Ph.D and seminary training. Regarding the services offered at the Family Enrichment Institute Inc., he testified that only drug and alcohol counseling was provided for which he is qualified, that a psychiatrist supervised therapists and reviewed all files, and that a social work model was not used in the therapy.

Theresa Dozier Daniel denied all allegations, and specifically testified that she has never provided clinical services. She claims to have only done in-take interviews where she simply recorded in writing what was said to her. DAG Bey-Lawson cross-examined Ms. Dozier Daniel as to why she had signed her name on numerous progress notes for a particular client covering a period of approximately nine months. Ms. Dozier Daniel testified that she sat through the therapy sessions and wrote down what the therapist told her to write, but she did not provide the therapy. She failed

to explain the patient progress notes signed by her did not have the name or signature of any other therapist.

In closing, Alan Daniel, Harold Peart, and Theresa Dozier Daniel denied that they had engaged in any conduct in violation of the law. They further denied that they engaged in the practice of social work at the Family Enrichment Institute Inc., and Alan Daniel reiterated that only drug and alcohol counseling was provided. No documents, witnesses, nor evidence of any kind was presented to the Board by Alan Daniel, Harold Peart, or Theresa Dozier Daniel.

In closing, DAG Bey-Lawson stated that the State's evidence, including patient records and an expert report, clearly shows that Alan Daniel, Walton Daniel, Harold Peart, and Theresa Dozier Daniel were all engaged in offering and providing clinical social work services at the Family Enrichment Institute Inc. DAG Bey-Lawson argued that in rendering and offering clinical social work services for which they are not qualified, the respondents' conduct constitutes a clear and imminent danger to the public.

The Board has considered the evidence presented and the arguments of the Attorney General and respondents. For the limited purpose of this motion for temporary suspension of license and based upon respondents' testimony and the material entered into evidence by the State, the Board makes the following findings:

1. At all relevant times, Alan Daniel, Theresa Dozier Daniel, Harold Peart, and Walton Daniel were certified by the New Jersey State Board of Social Work Examiners as Certified Social Workers.

2. At all relevant times, Alan Daniel, Walton Daniel, and Harold Peart were co-owners and principal officers of the Family Enrichment Institute Inc.

3. At all relevant times, Theresa Dozier Daniel, formerly known as "Theresa Shafer", was an employee of the Family Enrichment Institute Inc.

4. The Family Enrichment Institute Inc. offered professional out-patient counseling services including marriage and family therapy, psychological counseling, diagnostic testing, chemical dependency counseling, employee assistance, educational counseling services, individual , group and family therapy, including among other things, treatment for anxiety disorder, depression, stress management, and eating disorder.

5. While at the Family Enrichment Institute Inc., Alan Daniel, Theresa Dozier Daniel, Harold Peart, and Walton Daniel engaged in clinical social work services which were beyond their scope as certified social workers.

6. Alan Daniel, Theresa Dozier Daniel, Harold Peart, and Walton Daniel did not present any evidence to show that they were certified or licensed in the State of New Jersey by any licensing

Board or agency, including State certification as drug and alcohol counselors, which would authorize them to provide the therapy and services they were in fact providing.

7. On June 29, 2000, a Superseding Indictment was filed in Superior Court of New Jersey, Law Division-Criminal, Burlington County against Alan Daniel, Theresa Dozier Daniel, Harold Peart, Walton Daniel, and Family Enrichment Institute Inc. for one count of Conspiracy in the Second Degree, one count of Health Care Claims Fraud in the Second Degree, and one count of Medicaid Fraud.

The Board preliminarily concludes that Alan Daniel, Theresa Dozier Daniel, Harold Peart, and Walton Daniel provided clinical social work services which were significantly beyond their scope as certified social workers in violation of the following:

1. N.J.S.A. 45:15BB-4(d) which provides that no certified social worker shall practice clinical social work and a licensed social worker may only practice clinical social work under the supervision of a licensed clinical social worker.

2. N.J.A.C. 13:44G-3.3(b) which provides that a certified social worker shall not engage in clinical social work.

3. N.J.A.C. 13:44G-9.3(6) which provides that the offering or rendering of clinical social work services by a certified social worker shall be deemed to be the unlicensed practice of social work.

4. N.J.A.C. 13:44G-3.1(a)1 which provides that clinical social work services include, but are not limited to, clinical assessment, clinical consultation, psychotherapeutic counseling, client centered advocacy, and clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

Social work, like other mental health professions, deals with an often vulnerable population. N.J.S.A. 45:15BB-2 provides:

> The Legislature declares that the profession of social work profoundly affects the lives of the people of New Jersey. The Legislature further declares that this act is intended to protect the people of New Jersey by setting standards of qualification, education, training and experience for those persons seeking to practice and be certified or licensed as social workers and by promoting high standards of professional performance for those presently practicing as social workers and for those who will be certified or licensed to practice social work in this State.

There are three levels of certification and licensure for social workers: Certified Social Worker ("CSW"), Licensed Social Worker ("LSW"), and Licensed Clinical Social Worker ("LCSW"). The CSW level requires the least education and experience of the three levels; and therefore, has the most limited scope. Under no circumstances can a CSW offer or engage in clinical social work including assessment and/or psychotherapeutic counseling. Despite this clear prohibition, Harold Peart did not deny having provided clinical social work. Although Alan Daniel asserted that he only engaged in drug and alcohol counseling, the record belies his

assertion. Further, Alan Daniel presented no evidence that he is certified by New Jersey as a drug and alcohol counselor. Theresa Dozier Daniel testified that she did not provide clinical social work, but the Board did not find this credible in light of the numerous patient progress notes she signed over many months. The record revealed that Walton Daniel provided clinical social work.

As the Legislature has declared, the people of New Jersey are only protected if social work services are provided by individuals who have the education and experience to provide such services. Being supervised by a licensed professional and/or having national certifications, as Alan Daniel asserted in his testimony, does not alter the fact that an individual cannot provide assessment and/or psychotherapeutic counseling without the appropriate license from the State of New Jersey. Since all respondents clearly provided services beyond their scope as CSWs, the Board concludes that the evidence presented palpably demonstrates a clear and imminent danger to the public were the respondents to continue to practice pending adjudication of the charges. The Boards finds that respondents' conduct and testimony are indicative of a fundamental refusal or incapacity to understand that they do not possess the education or experience to engage in the services they have in fact provided. There can be no doubt that the public health, safety and welfare is endangered if respondents should be allowed to continue providing services for which they have neither the requisite

education nor experience. Therefore, no remedial measure less than the full temporary suspension of respondents' certification will suffice to protect the public interest.

THEREFORE, IT IS ON THIS 17TH JULY 2001

ORDERED:

1. Effective immediately, the certifications of Alan Daniel, Walton Daniel, Harold Peart, and Theresa Dozier Daniel to practice social work in the State of New Jersey shall be temporarily suspended pending disposition of a plenary hearing in this matter.

2. Respondents shall immediately return by registered mail their New Jersey certifications to Leslie Aronson, Executive Director, State Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

4. Respondents shall not hold themselves out as a social workers or practice social work in this State, including but not limited to, exempt settings as defined in N.J.S.A. 45:15BB-5.

NEW JERSEY STATE BOARD
OF SOCIAL WORK EXAMINERS

By: Mariagnes P. Lattimer
Mariagnes Lattimer, Ph.D.,MSW,LCSW
President