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A TRUE COPY**

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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON July 23, 2001

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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)
JOHN H. RATHAUSER, Ph.D.)
TO PRACTICE PSYCHOLOGY IN THE)
STATE OF NEW JERSEY)
_____)

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Psychological Examiners ("Board") upon receipt of information alleging sexual misconduct by John H. Rathouser, Ph.D. The Board reviewed the record of the investigation in this matter including information provided by respondent's counsel, William G. Theroux, Esq. Further, Dr. Rathouser voluntarily submitted to a psychological evaluation conducted by Frank J. Dyer, Ph.D., and his report dated November 29, 2000, also was considered by the Board in its review of this matter.

It appears that on or about April 15, 1994, Dr. Rathouser first saw patient G.D. for psychotherapy upon referral by her physician. Dr. Rathouser provided a diagnosis for G.D. of major depression and continued therapy sessions with her until on or about September 22, 1994. Dr. Rathouser acknowledged that he developed personal romantic feelings toward G.D. in the last two and a half months of treatment. Approximately one and one half weeks subsequent to the last therapy session, Dr. Rathouser proposed marriage to G.D., and they were in fact married on or about November 6, 1994. The marital relationship deteriorated almost immediately, and the marriage ended in or about March 1995.

The Board finds that the described conduct constitutes the engagement in gross malpractice and professional misconduct within the meaning of N.J.S.A. 45:1-21(c) and (e) respectively. 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) and (b) which expressly prohibit 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, and further, in circumstances where the client should be recognized by the licensee as clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the

licensee, the 24 month limitation shall not apply and the prohibition extends indefinitely.

In mitigation of the above-described conduct, Dr. Rathauser has acknowledged and confirmed to the Board his sexual relationship with G.D. Dr. Rathauser stresses that his treatment of the patient had terminated several days before they became romantically involved, that he was in love with the patient, and that he demonstrated his commitment to her by marrying her. Further, respondent demonstrated that he sought advice concerning the propriety of this relationship with a former Board member and two members of the State's judiciary, none of whom advised Dr. Rathauser that the relationship violated the regulations governing the practice of psychology even if he married the patient.

The respondent being desirous of resolving this matter without resort to formal proceedings, and the Board having determined that the following provisions are adequately protective of the public interest and welfare, and for good cause shown,

IT IS ON THIS 23rd DAY OF ~~JUNE~~^{JULY}, 2001,

HEREBY ORDERED AND AGREED THAT:

1. The license of respondent John H. Rathauser, Ph.D., to practice psychology in the State of New Jersey is hereby suspended for a period of three (3) years, all of which shall be stayed and served as a period of probation.

2. Respondent shall be assessed a civil penalty in the amount of \$15,000.00 and costs in the amount of \$1,447.40. The total of penalty and costs 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.

3. Respondent's authority to engage in the practice of psychology during the period of probation shall be contingent upon compliance with all of the terms and conditions contained in this Order.

4. Dr. Rathouser shall engage in individual therapy with a Board approved psychologist. Dr. Rathouser shall submit to the Board a list of no more than three psychologists from whom to choose for the purpose of this individual therapy accompanied by their curricula vitae. In the event Dr. Rathouser is unable to provide a list of proposed therapists, he may request that the Board appoint a therapist for the purpose of providing individual therapy. Once Dr. Rathouser commences the therapy, he shall cause the therapist to submit to the Board monthly reports providing the dates of attendance in therapy and a statement that Dr. Rathouser is satisfactorily participating in the therapy process. In the event the therapist recommends a change in frequency or termination of therapy, a report to that effect shall be submitted

to the Board, and Dr. Rathouser shall not reduce or terminate therapy until written approval has been received from the Board.

5. Effective thirty (30) days from the entry date of this Order, Dr. Rathouser shall practice psychology only under the supervision of a New Jersey licensed psychologist approved by the Board. The Board has preliminarily approved Thomas Johnson, Ph.D., as supervisor for Dr. Rathouser. In the event Dr. Johnson declines to accept the role and responsibility of supervisor for Dr. Rathouser for any reason or in the event Dr. Johnson terminates his supervision of Dr. Rathouser for any reason, Dr. Rathouser may submit names of other proposed supervisors (with copies of their curricula vitae). Dr. Rathouser shall not engage another supervisor until he has received written approval from the Board. In the event Dr. Johnson is unable to serve as supervisor and/or Dr. Rathouser is unable to obtain another supervisor, he may request that the Board make further recommendation for an approved supervisor. Dr. Rathouser shall be responsible to pay a fee to the supervisor as mutually agreed.

Dr. Rathouser shall be limited in his practice of psychology to no more than twenty-four (24) patient contact hours per week. He shall be required to obtain one (1) hour of face-to-face supervision for every ten (10) patient contact hours or any fraction thereof.

During the first six (6) months of supervision, Dr. Rathouser shall cause the approved supervisor to submit monthly reports to the Board commencing the first day of the month following the entry date of the within Order. The supervisor's reports shall provide an informed evaluation of Dr. Rathouser's patient treatment and professional practice. In addition, the supervisor shall provide oversight of Dr. Rathouser's relationships with patients. Dr. Rathouser shall permit the supervisor to have access to such records as necessary in order to fulfill the requirements set forth herein. After the expiration of the first six (6) months, the supervisor shall provide quarterly reports to the Board concerning the supervision of Dr. Rathouser's practice. However, if the supervisor's reports during the initial six (6) month period cause concern in regard to Dr. Rathouser's professional practices, the Board, at its discretion, may request the continuation of monthly reports. In the event the supervisor has questions or issues concerning the supervisory role, he or she shall have authority to communicate with the Board directly or through its deputy attorney general.

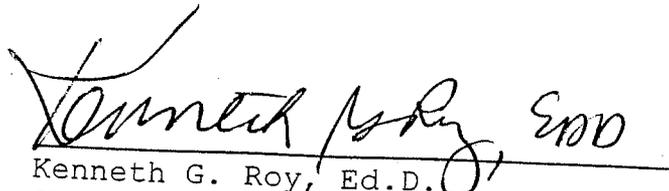
6. No later than two (2) months prior to the termination of the period of probation, Dr. Rathouser shall submit to a supplemental psychological evaluation with Dr. Frank Dyer. If the supplemental evaluation recommends any further rehabilitative activity beyond that provided for herein, Dr. Rathouser shall

engage in such recommended activity and comply with such limitations as approved by the Board.

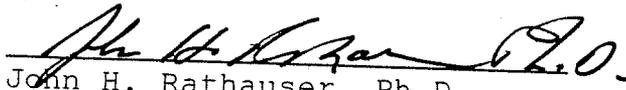
7. All costs associated with the conditions and requirements imposed by the Board in this Order shall be paid by Dr. Rathouser.

8. During the period of probation, Dr. Rathouser shall participate in risk management or professional ethics training, especially in regard to boundary violation issues, sexual issues, and issues dealing with the effects of a therapist's impairment on clinical work. Dr. Rathouser shall submit to the Board information describing such courses for pre-approval and then evidence of his attendance at and successful completion of such courses.

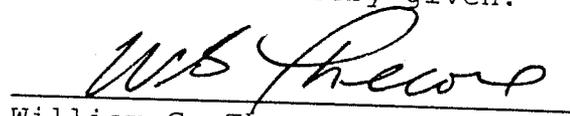
9. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner 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 suspension of license during the remaining period of probation or other appropriate remedy.

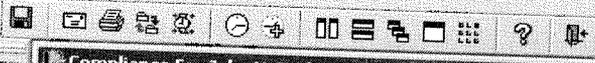

Kenneth G. Roy, Ed.D.
Chair
Board of Psychological Examiners

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


John H. Rathausser, Ph.D.

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


William G. Theroux, Esq.
Counsel for Dr. Rathausser



Compliance For John H. Rathauer, Ph.D.

Violations Actions Citation Monetary Penalties Restitution Limits Monitoring

From: Board Violation: (none)

Complaint #	Docket #	Cause #	State	Start	End	Action
Practicing Psychologist license #358100139400:						
1039			NJ	08/23/2001	08/23/2001	Fine/Penalty-stay
1039			NJ	08/23/2001	08/23/2004	Suspension-stay
1039			NJ	08/23/2001	08/23/2001	Cost

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