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**FILED**



*complaint # 19694*  
*19339*

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS

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IN THE MATTER OF :  
*37 FI 00163000* :  
JACQUELINE HUDAK : Administrative Action  
 : **CONSENT ORDER**  
Unlicensed to Practice in: :  
the State of New Jersey :  

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This matter was opened to the State Board of Marriage and Family Therapy Examiners ("Board") upon the application and related material sent by Jacqueline Hudak ("respondent") to the Board regarding her application to be licensed as a Marriage and Family Therapist in the State of New Jersey. The application and related material, including a resume and letters from respondent, disclosed that respondent has been engaged in providing unlicensed psychotherapy services in New Jersey in an independent private practice since approximately 1988. On February 8, 2001, respondent

and her counsel, Christopher Barbrack, Esq., appeared before the Board for an investigative inquiry.

Respondent admitted that she has been offering and providing psychotherapy, including marriage and family therapy, to individuals, couples, families, and groups in New Jersey since 1988. She further admitted that in 1989 she purchased Family Therapy Associates of Monmouth County, a private, for-profit practice. Regarding payment for said psychotherapy services, respondent stated that clients pay at the time of the service. Upon request, respondent provides clients with bills/statements for the psychotherapy service; and on the bill/statements, she assigns a diagnostic code and a "CPT" code.

Respondent informed the Board that she does not hold any professional license or certification in the State of New Jersey nor in any other state. Respondent acknowledged that in 1988 she had applied to the State Board of Marriage and Family Therapy Examiners for licensure as a marriage and family therapist. She further acknowledged that her application was denied. Respondent again applied for licensure as a marriage and family therapist in November 2000, and she was again denied because she did not meet the educational requirements. Despite the fact that she has twice been denied licensure, respondent has offered and provided and continues to offer and provide psychotherapy services, including marriage and family therapy.

Pursuant to N.J.S.A. 45:8B-1, the Legislature declared that the practice of marriage and family therapy affects the public safety and welfare; and therefore, is subject to regulation and control to protect the public, in part, from unauthorized and unqualified practice. Respondent's continued unlicensed practice of psychotherapy, including marriage and family therapy, over the last approximately twelve years shows a blatant disregard for the laws of the State of New Jersey. Upon review of the entire record, including respondent's testimony, the Board finds that respondent is engaged in the unlicensed practice of marriage and family therapy in violation of N.J.S.A. 45:8B-5.

It appearing that the respondent desires to resolve this matter without further proceedings, and the Board finding the entry of the Consent Order to be in the public interest,

IT IS ON THIS 12 DAY OF July 2001,  
HEREBY ORDERED AND AGREED THAT

1. Respondent agrees to come under the jurisdiction of the Board in this matter.
2. Respondent shall immediately cease and desist from any conduct in violation of N.J.S.A. 45:8B-1 et seq. and N.J.A.C. 13:34-1.1 et seq.
3. Respondent shall not be required to divest herself as owner of Family Therapy Associates of Monmouth County so long as

she fully complies with the attached directives which are incorporated in full hereto.

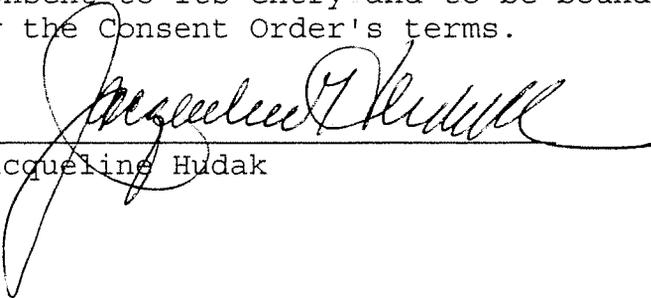
4. Respondent is hereby assessed a civil penalty in the amount of \$10,000.00 for practicing marriage and family therapy without a license. Respondent shall pay the above penalty in twenty (20) monthly installments with each monthly installment being in the amount of five hundred dollars (\$500.00) per month. The first payment shall be due by the first day of the month following respondent's signing of the within Consent Order, and all subsequent payments are due every month on or before the first day of the month until the total amount is paid. All payments shall be by certified check or money order, payable to the State of New Jersey, and sent to Dennis Gonzalez, Executive Director, State Board of Marriage and Family Therapy Examiners, 124 Halsey Street, Sixth Floor, New Jersey 07101. If any payment is not timely, the full amount shall become immediately due and payable.

5. Respondent shall pay the costs of the investigation of this matter in the amount of one hundred and ninety-four dollars (\$194.00). Said costs shall be paid by certified check or money order made payable to the State of New Jersey and submitted to Dennis Gonzalez, Executive Director, State Board of Marriage and Family Therapy Examiners, 124 Halsey Street, Sixth Floor, New Jersey 07101, upon respondent's signing of the within Consent Order.

6. The Board will not consider respondent's application for licensure until compliance with all terms of the within Consent Order.

  
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James Verser, Ed.S.

I have read the within Consent Order and understand its terms. I hereby consent to its entry and to be bound by the Consent Order's terms.

  
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Jacqueline Hudak

DIRECTIVE REGARDING FUTURE ACTIVITIES OF  
RESPONDENT AND USE OF THE PROFESSIONAL PREMISES

Respondent shall conduct herself as follows:

- 1) Desist and refrain from any practice contrary to N.J.S.A. 45:8B-1 et seq. and N.J.A.C. 13:34-1.1 et seq. in any form, including as principal or as employer or as employee or agent of a licensee or other health care provider.
- 2) Inform each patient of the cessation of therapy services by respondent. When a new licensee is selected by a patient, the respondent 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.
- 3) Desist and refrain from furnishing professional therapy services, giving a professional opinion as to the practice of therapy or its application or any advice with relation thereto; from holding herself out to the public as being entitled to practice or in any way assuming to be a practicing professional such as a marriage and family therapist, social worker, professional counselor, psychologist, psychotherapist, psychoanalyst, 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 therapy/counseling. This prohibition includes refraining 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. This prohibition does not include any experience required for licensure as a marriage and family therapist pursuant to N.J.S.A. 45:8B-1 et seq. and N.J.A.C. 13:34-1.1 et seq.
- 4) Cease to use any stationery where respondent's name appears as a therapist in practice.
- 5) Not share in any fee for therapy services performed by any licensee.
- 6) Use of the professional premises. The respondent may allow another licensee to use the office premises formerly occupied by the respondent 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 respondent 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 respondent may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and furnishings.

(c) No continued use of name of respondent or personally owned office name or tax provider identification number. Where the respondent was using an individual IRS number or was the sole member of an incorporated professional association or a corporation, the respondent 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 respondent may be used.

(7) Promptly require the publishers of any professional directory and any other professional list in which respondent's name is known to appear to remove any such listing.

(8) Promptly require any and all telephone companies to remove respondent's listing in any telephone directory indicating that she is a practicing professional.

(9) 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 respondent 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.