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A TRUE COPY**

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FILED WITH THE BOARD OF  
PSYCHOLOGICAL EXAMINERS  
ON January 29, 2002

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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)	Administrative Action
)	
FRED M. GROSS, Psy.D.)	CONSENT ORDER
)	
TO PRACTICE PSYCHOLOGY IN THE )	
STATE OF NEW JERSEY )	
)	

This matter was opened to the New Jersey State Board of Psychological Examiners ("Board") upon receipt of information alleging sexual misconduct by Fred M. Gross, Psy.D. The Board reviewed the record of the investigation in this matter including a Psychological Report based on an evaluation performed by the Board's consultant, Philip Witt, Ph.D. It appears that in or about September 1997, Dr. Gross began seeing the children of Ms. S. in connection with a divorce and custody dispute. In or about September 1998, Dr. Gross commenced a sexual relationship with Ms. S., which progressed to plans for marriage, until Dr. Gross terminated the relationship in early 2001. Dr. Gross admits that

he engaged in a consensual sexual relationship with Ms. S. during this time period. 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.

In mitigation of the above described conduct, Dr. Gross has acknowledged and confirmed to the Board his sexual relationship with Ms. S. Dr. Gross further advises the Board that he has responded to this wrongful conduct by engaging in ongoing individual therapy.

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

IT IS ON THIS 29<sup>th</sup> DAY OF ~~DECEMBER~~ <sup>JAN.</sup>, 2002

HEREBY ORDERED AND AGREED THAT:

1. The license of respondent Fred M. Gross, Psy.D. to practice psychology in the State of New Jersey is hereby suspended for a period of three (3) years. The first twelve (12) months of the suspension shall be active and the remaining two (2) years of the suspension shall be stayed and served as a period of probation. The active period of suspension shall ~~shall~~ commence ~~30 days from~~ <sup>JAN. 1, 2002</sup> ~~the entry date of this Consent Order.~~ During the period of time in

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which respondent's license is actively suspended, he shall comply in every regard with the "Directive Regarding Future Activities of Board Licensee Who Has Been Suspended/Revoked and Use of the Professional Premises," a copy of which is attached to this Order and made a part hereof as if set forth in its entirety.

2. Upon commencement of the active period of suspension, respondent shall submit to the Board, in writing, a list of all private patients (identified by initials only) and an indication of the transfer or referral or other disposition for each private patient.

3. Respondent shall be assessed the costs to the State in this matter in the amount of \$4,184.82. The total 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.

4. Respondent shall be assessed a civil penalty in the amount of \$10,000.00. The aforesaid penalty shall be submitted to the Board by certified check or money order made payable to the State of New Jersey no later than thirty (30) days from the entry date of the within Order.

5. The respondent's authority to practice psychology during the two (2) years of probation following the twelve (12)

month period of active suspension shall be expressly contingent upon strict compliance with the following terms and conditions.

(a) Respondent shall practice psychology only under the supervision of a New Jersey licensed psychologist approved by the Board. The respondent shall submit to the Board names of proposed supervisors (with copies of their curriculum vitae), and respondent shall not commence the practice of psychology until he has received written approval from the Board of one of the proposed supervisors and appeared before the Board with his supervisor to review the proposed supervision. In the event the respondent is unable to obtain a supervisor, he may request that the Board make recommendations for an approved supervisor. Respondent shall be required to obtain one (1) hour of supervision for every ten (10) patient hours or any fraction thereof. Said supervision shall continue for the entire period of probation. The respondent shall cause his approved supervisor to submit monthly reports to the Board during the first six (6) months of supervision commencing the first day of the month following the written approval of the supervisor by the Board. The supervisor's report shall provide an informed evaluation of the respondent's patient treatment and professional practice. After the expiration of the

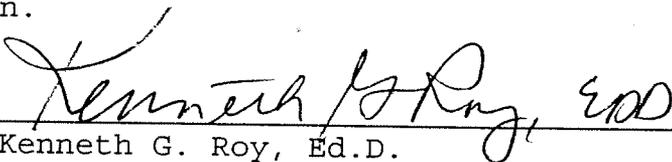
first six (6) months of the supervised period, the supervisor shall provide quarterly reports to the Board concerning the supervision of respondent's professional practices.

(b) Respondent shall continue in individual therapy with Charles Diament, Ph.D., on a bi-weekly basis for two hours per session during the period of probation. He shall cause the therapist to submit to the Board quarterly reports providing the dates of attendance in therapy and a statement that he is satisfactorily participating in the therapy process. In the event the therapist recommends a change in the frequency of the therapy sessions or the termination of therapy, a report to that effect shall be submitted to the Board. The respondent may effectuate an increase in therapy frequency, but he shall not terminate therapy or decrease the frequency until written approval has been received from the Board.

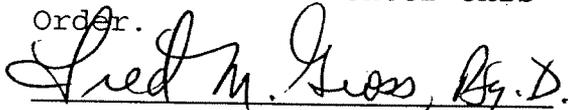
6. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner whatsoever, a hearing shall be held on reasonable notice, consistent with due

process of law, 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 the remaining period of probation or other appropriate remedy.

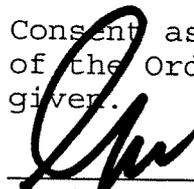
7. The respondent may apply for modification of the terms and conditions of the within Order no sooner than six months from the entry date herein.

  
Kenneth G. Roy, Ed.D.  
Chair  
State 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.

  
Fred M. Gross, Psy.D.

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

  
Christopher Barbrack, Esq.  
Counsel for Dr. Gross

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 Fred M. Gross, Psy.D.

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

From: Board Violation: (none)

Complaint #	Docket #	Cause #	State	Start	End	Action
Practicing Psychologist license #358100302000:						
1011			NJ	01/29/2002	02/20/2002	Fine/Penalty-acti
1011			NJ	01/29/2002	00/00/0000	Cost
1011			NJ	01/01/2002	01/01/2003	Suspension-acti
1011			NJ	01/02/2003	01/02/2005	Suspension-sta

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