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A TRUE COPY**

DAVID SAMSON  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07102  
Attorney for Board of  
Psychological Examiners

By: Paul R. Kenny  
Deputy Attorney General  
(973) 648-4742

FILED WITH THE BOARD OF  
PSYCHOLOGICAL EXAMINERS  
ON 8/29/02

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

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

DAVID M. FINK, Ph.D.

Administrative Action

CONSENT ORDER

TO PRACTICE PSYCHOLOGY IN THE  
STATE OF NEW JERSEY )

This matter was opened to the New Jersey State Board of Psychological Examiners (hereinafter "the Board") upon receipt of information that respondent, David M. Fink, Ph.D., a licensee of the Board, had pled guilty to a one count accusation of health care claims fraud, in violation of N.J.S.A. 2C:21-4.2 and N.J.S.A. 2C:21-4.3 in Middlesex County Superior Court. The criminal acts charged included billing of insurance carriers for services not rendered.

The Board having reviewed this matter and finding that respondent has engaged in acts in violation of N.J.S.A. 45:1-21(b), and N.J.S.A. 45:1-21(k) and has been convicted of a crime of moral turpitude which reflects adversely on the practice of psychology in violation of N.J.S.A. 45:1-21(f) and respondent having indicated that he wishes to consent to the revocation of his license to practice psychology in the State of New Jersey in connection with the plea agreement in this matter, and the Board finding that the within disposition is protective of the public health, safety and welfare,

IT IS ON THIS 29<sup>th</sup> DAY OF August, 2002,

ORDERED AND AGREED:

1. That the license to practice psychology in the State of New Jersey of respondent David M. Fink. Ph.D. be and is hereby revoked with prejudice to any application for reinstatement at any time.

2. Respondent shall immediately forward his license to the Board of Psychological Examiners, attention Paul Brush, Executive Director, 124 Halsey Street, P.O. Box 45017, Newark, New Jersey 07102.

3. Respondent shall observe the directives for licensed psychologists whose licenses have been revoked, a copy of which is attached hereto and made a part hereof.

4. This Order is effective upon the date of signing of this Order.

NEW JERSEY STATE BOARD  
OF PSYCHOLOGICAL EXAMINERS

By: Victoria Jeffers, Ph.D.  
Victoria Jeffers, Ph.D.  
Chair

Consent is hereby given to the form and entry of this Order.

David M. Fink, Ph.D.  
David M. Fink, Ph.D.

Henry E. Klungeman  
HENRY E. KLUNGEMAN  
Counsel for David M. Fink, Ph.D

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.

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

From: Board Violation: (none)

Complaint #	Docket #	Cause #	State	Start	End	Action
Practicing Psychologist license #35SI00035400:						
2003-000000693				08/29/2002	00/00/0000	Revocation-Stay

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