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**FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS**

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

IN THE MATTER OF THE SUSPENSION: OR REVOCATION OF THE LICENSE OF:	Administrative Action
JILL SODERMAN, LCSW	:
To Practice Social Work	:
In the State of New Jersey	CONSENT ORDER

This matter was opened to the New Jersey State Board of Social Work Examiners (hereinafter "the Board") upon receipt of a complaint from a Superior Court Judge concerning the professional conduct of Jill Soderman, (hereinafter "respondent"), Licensed Clinical Social Worker, in regard to a matter which was pending before the Judge in Family Court. On March 15, 2002, respondent appeared with her counsel Anita Rae Manns, Esq. for an investigative inquiry before a committee of the Board.

During the investigative inquiry, a July 25, 2001 letter, marked Exhibit S-3, was identified by respondent as a letter she wrote to Investigator Charles Cresenz of the Division of Criminal Justice regarding the case before the Family Court Judge. In that letter, respondent explained that she had spent two days in a courtroom in Family Court on behalf of her client although she did not directly participate in the proceedings. During that time, she sat near her client's neighbor who was there as a witness; and the letter details the witness' behavior. Respondent then offered her "professional opinion" based upon her observation and communication with the witness. Additionally, respondent diagnosed the witness as being a paranoid schizophrenic whose "bizarre and fanciful and violent fantasies" should not be accepted as credible testimony. During the investigative inquiry, respondent denied that the witness was a client, but claimed that her professional opinion was a formal evaluation based upon the two days she spent with the witness. Clearly, the witness was not aware that she was the subject of a professional evaluation; she did not give her consent to the evaluation; and she did not consent to the personal information which she disclosed being disseminated.

Respondent was shown and identified the following exhibits: Exhibit S-4, a client's November 6, 2001 letter addressed to "Doctor Soderman"; Exhibit S-5, an April 8, 2001 letter to a court appointed evaluator from "Dr. Jill Soderman"; Exhibit S-6, a August

30, 2001 letter from the Advisory Committee on Judicial Conduct addressed to "Dr. Soderman"; and Exhibit S-7, a September 5, 2001 letter from the deputy ethics counsel of the Office of Attorney Ethics which has a "cc" to "Jill Soderman, Ph.D.". When asked by the committee why she signed her name as "Dr." and why she was addressed as "Dr." or "Ph.D", respondent claimed that she has a Ph.D. in psychoanalysis, and she uses that designation in her social work practice, including on her stationery. Upon reviewing Exhibit S-8, respondent identified it as a September 5, 2000 letter she received from Leslie Aronson, then Executive Director of the Board of Social Work Examiners, which instructed respondent that she could not use the designation "Ph.D" in the context of her social work services.

The September 5, 2000 letter of the Board advised respondent that she could not use the Ph.D. in her social work practice because it was not from an accredited academic institution as required by N.J.A.C. 13:44G-11.4. However, after respondent testified before the committee on March 15, 2002, the Board further investigated whether respondent received a Ph.D. from any institution. The copy of the diploma submitted to the Board by respondent shows that a Doctor of Philosophy in Psychoanalysis was awarded to "J. Jones" (respondent's then married name) on June 29, 1986 by The Institute for Advanced Studies in Psychoanalysis and Psychotherapy at Columbia University in the City of New York. The

Board directed respondent to have a certified transcript sent directly from the Institute to the Board. Respondent claimed that she was unable to have transcripts sent to the Board because the school has no record of her. She asserted that she hired a researcher to track down the information verifying her attendance and degree from The Institute for Advanced Studies in Psychoanalysis and Psychotherapy at Columbia University. Despite the fact that respondent has been given approximately a year to produce transcripts or any other evidence which would demonstrate that she received a Ph.D. as indicated on her diploma, respondent has failed to provide the Board with any evidence that her diploma is legitimate.

On the other hand, Columbia University has informed the Board that The Institute for Advanced Studies in Psychoanalysis and Psychotherapy has never existed at Columbia University; and therefore could not have conferred a degree as claimed by respondent. Moreover, Columbia has no record of "Jill Jones" or "Jill Gitlin" (respondent's maiden name) or "Jill Soderman" ever having attended any school of Columbia University.

Finally, the Board has reviewed two additional documents regarding respondent's claim to a Ph.D.-- an October 28, 1996 letter from respondent to the Board concerning her licensing and her application for her L.C.S.W., dated November 1, 1996. The letter advises the Board that based upon her training and

experience, she should receive a higher level of licensing than that awarded. To support her claim that her education merits the highest level license, she states that "I completed graduate training at Hunter College School of Social Work in Manhattan, 1972, and then went on to complete four years of analytic training at Columbia College/Physicians & Surgeons Analytic Clinic, 1976." It is noteworthy that this 1996 letter never mentions a Ph.D. from the Institute for Advanced Studies in Psychoanalysis and Psychotherapy at Columbia University which she now claims was conferred in 1986. Moreover, respondent's 1996 application for her license is also devoid of any mention of a Ph.D. despite the fact that question #14 requires the applicant to "[l]ist all schools you have attended, beginning with high school, and include in chronological order any college, university or other institution of higher learning." The applicant is required to write the name of the institution, dates attended, and diploma, certification, or degree (if any) awarded.

Having reviewed the entire record, it appears to the Board that respondent's action in giving a written professional opinion and diagnosis concerning an individual who was not a client, was not aware that an evaluation was being performed, and did not consent to personal information being revealed constitutes professional misconduct pursuant to N.J.S.A. 45:1-21(e). Additionally, the Board deems it professional misconduct that

respondent continued to use the titles "Ph.D." and "Dr." after the September 5, 2000 letter from the Executive Director advising her not to use those designations and after the March 15, 2002 investigative inquiry which clearly called into question whether any Ph.D. had ever been conferred on respondent. Moreover, the Board deems respondent's misrepresentations that she has a Ph.D. and her fabrication of a diploma to be the use of dishonesty, fraud and deception pursuant to N.J.S.A. 45:1-21(b). The Board finds this conduct to be particularly egregious since respondent commits dishonesty, fraud and deception not only upon the public but also upon the courts of New Jersey.

Without admitting or denying the allegations, it appears that respondent desires to resolve this matter without recourse to formal proceedings, and the Board finding that this Order is adequately protective of the public health, safety and welfare, and for good cause shown:

IT IS ON THIS 10th DAY OF July 2003,
HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice social work in the State of New Jersey is hereby suspended for a period of five years commencing two weeks from the entry of the within Consent Order. The first nine months of the suspension shall be active, and the remaining fifty-one months shall be stayed and shall be served as a period of probation conditioned upon full compliance with the

terms of the within Consent Order. No credit shall be given toward the active suspension for any period of time during which respondent practices psychology in any other state or jurisdiction. During the period of time in which respondent's license is actively suspended, she 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. Within two weeks of the entry of the within Consent Order, respondent shall return by registered mail her New Jersey license to Kay McCormack, Executive Director, State Board of Social Work Examiners, P.O. Box 45033, Newark, New Jersey 07101.

3. During the active suspension of respondent's license to practice social work, respondent shall not hold herself out as a social worker or practice social work in this State, including but not limited to, exempt settings as defined in N.J.S.A. 45:15BB-5.

4. Respondent is hereby reprimanded for her unprofessional conduct pursuant to N.J.S.A. 45:1-21(e) and her employment of dishonesty, fraud, and deception pursuant to N.J.S.A. 45:1-21(b).

5. Prior to reinstatement of license on probationary status, respondent shall appear before the Board to demonstrate her ability and fitness to practice social work.

6. During the probationary period, respondent shall practice only under the supervision of a supervisor who is agreed upon by the Board and respondent. The supervisor shall be provided by respondent with a copy of this Consent Order, and respondent shall cause the supervisor to provide quarterly reports directly to the Board regarding the supervision.

7. Respondent is hereby assessed a civil penalty in the amount of seven thousand, five hundred dollars (\$7,500.00) for professional misconduct pursuant to N.J.S.A. 45:1-21(e) and her employment of dishonesty, fraud, and deception pursuant to N.J.S.A. 45:1-21(b).

8. Respondent shall pay the costs of the investigation of this matter in the amount of six hundred and twelve dollars (\$612.00).

9. Respondent shall pay the above penalty and cost, totaling eight thousand, one hundred and twelve dollars (\$8,112.00) in twelve (12), consecutive, monthly payments with each payment being in the amount of six hundred and seventy-six dollars (\$676.00). The first payment shall be due on or before July 15, 2003, and the remaining eleven payments shall be due on or before the fifteenth day of each month until the penalty is paid in full. Payment shall be by **certified check or money order**, payable to the State of New Jersey, and sent to Kay McCormack, Executive Director, State Board of Social Work Examiners, P.O. Box 45033, Newark, New

Jersey 07101. If any payment is untimely, the full amount shall be immediately due and payable.

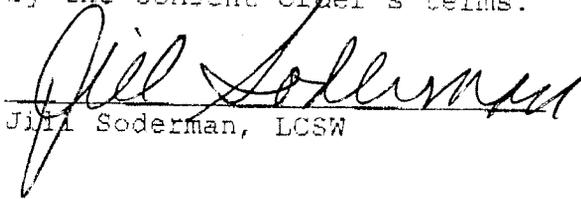
10. Upon proof of any violation of the within Consent Order or any violations of the laws of New Jersey, the Board in its discretion may activate the period of stayed suspension or impose any other appropriate sanction authorized by law.

11. In connection with her practice as a social worker, respondent shall be expressly prohibited from using the designation/credential "Ph.D.", "Doctor", "Dr." or in any other way representing that she has obtained a "Ph.D" until such time, if any, that she obtains a "Ph.D." from an accredited academic institution.

STATE BOARD OF SOCIAL
WORK EXAMINERS


Doreen Bobby MSW, LCSW
Board Chair

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.


Jill Soderman, LCSW

Agreed to as to form and entry


Stephen Scipione, Esq.

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 social work 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) Do not occupy, share or use office space in which another licensee practices social work.
- 5) Desist and refrain from furnishing professional social work services; from giving an opinion as to the practice of social work or its application or any advice relating thereto; from holding him/herself out to the public as being entitled to practice social work 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. 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 a 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 social worker, counselor, psychotherapist, psychoanalyst, therapist or other mental health care worker.
- 7) Do not share in any fee for social work 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 occurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.
- 8) Concerning 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 licensee for rent (not exceeding fair market value) of the premises and either dispose of or store any materials and equipment.
 - (c) There shall be 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, 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 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 clients, other persons or to third party payers, 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:
 - (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 practitioner 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.