



New York where, according to respondent, licensure for "psychotherapy" is not required.

Regarding S.B., it appears that on or about June 26, 2000, S.B. became a client of respondent at his New York office, and the therapeutic relationship ended on or about November 6, 2000. Respondent's November 6, 2000 patient record of S.B. shows that during this last session, respondent terminated the therapeutic relationship because he had become improperly emotionally involved with her. Respondent admitted that approximately a week after termination of the therapeutic relationship, respondent and S.B. began a sexual, romantic relationship. Some time at the beginning of December 2000, S.B. ended the personal relationship with respondent.

Regarding J.L., it appears that he had been in therapy with respondent in the New York office for approximately sixteen year. Respondent testified that he was aware that J.L. and S.B. had been romantically involved with one another just prior to respondent having a romantic relationship with S.B. Respondent testified that, among other issues, there had been regular suicidal crises over the years of therapy with J.L. During the period that respondent was romantically involved with S.B., J.L. communicated by telephone with respondent, saying that J.L. was at home, that he wanted to kill himself, and that he had the plans and means to do so. Respondent testified that since J.L. did not want to go to the

hospital, respondent stayed on the telephone with J.L. for a long time and advised him to smoke marijuana and look at a candle which would induce hypnosis. It appears that J.L. did as instructed and then fell asleep for the night.

Regarding L.L., it appears that L.L. is a former wife of J.L. and a former client of respondent who was treated in the New York office for a number of years. L.L. alleged that respondent made improper disclosures to her about other clients and that he improperly disclosed information about her to others. Additionally, L.L. claimed that respondent had socialized with her. Respondent testified that on one occasion, he and L.L. had met at his house and they went to lunch and a movie.

Upon review of the matter, the Board finds that the above described conduct constitutes the engagement in gross malpractice and gross incompetence, professional misconduct, and violation of a Board regulation within the meaning of N.J.S.A. 45:1-21(c), (e) and (h) respectively. Further, respondent's personal relationship with S.B. violated N.J.A.C. 13:42-10.9, and respondent has entered into relationships which a reasonable psychologist in similar circumstances would expect to limit objectivity, impair professional judgment or increase risk of exploitation in violation of N.J.S.A. 13:42-10.13(b).

The respondent being desirous of resolving this matter without resort to formal proceedings, and the Board having determined that

the following provisions are protective of the public interest and welfare, and for good cause shown,

IT IS ON THIS ~~14<sup>th</sup>~~ DAY OF July 2003

HEREBY ORDERED AND AGREED THAT:

1. The license of respondent Michael Kosacoff, Ph.D. to practice psychology in the State of New Jersey is hereby suspended for a period of five (5) years. The first two (2) years of the suspension shall be active and the remaining three (3) years of the suspension shall be stayed and served as a period of probation. The active period of suspension shall commence thirty (30) days from the entry date of this 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, 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 clients (identified by initials only) and an indication of the transfer or referral or other disposition for each client.

3. Respondent shall be assessed the costs to the State in this matter in the amount of eight thousand, two hundred and sixty-seven dollars (\$8,267.00).

4. Respondent shall be assessed a civil penalty in the amount of \$7,500.00.

5. Respondent shall pay the above cost and penalty, totaling fifteen thousand, seven hundred and sixty-seven dollars (\$15,767.00), in thirty-six (36), consecutive, monthly payments with the first payment being in the amount of four hundred and seventy-one dollars (\$471.00), and the remaining thirty-five (35) payments being in the amount of four hundred and thirty-seven dollars (\$437.00). The first payment shall be due on or before October 1, 2003, and the remaining thirty-five (35) payments shall be due on or before the first 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 Carol Clark, Executive Director, State Board of Psychological Examiners, P.O. Box 45017, Newark, New Jersey 07101. If any payment is untimely, the full amount shall be immediately due and payable.

5. Commencing upon the entry of the within Consent Order, respondent shall engage in weekly psychotherapy for a minimum of twenty-four months with a therapist approved by the Board, and respondent shall provide the therapist with a copy of this Consent Order. After the completion of the twenty-four months, the

respondent may apply to the Board to reduce the frequency of the therapy or to terminate the therapy as deemed appropriate by the Board. Respondent shall cause the therapist to provide quarterly reports directly to the Board with respect to his attendance and progress in therapy.

6. Prior to appearing to discuss reinstatement as provided in paragraph 7 below, respondent shall submit to a comprehensive psychological evaluation performed by a Board approved therapist. Respondent shall pay all costs of said evaluation, arrange for the therapist to provide the Board with a copy of the evaluation, and agree to the release of any and all records relating to the evaluation.

7. Prior to reinstatement and the stayed, probationary part of the suspension, respondent shall appear before the Board to demonstrate compliance with this Order and to demonstrate his ability and fitness to practice psychology. The Board reserves the right to decline to reinstate or to impose such restrictions or limitations as it may deem necessary.

8. During the probationary period, respondent shall practice only under the supervision of a New Jersey licensed psychologist approved by the Board. Respondent shall be required to obtain one hour of supervision for every ten client hours or any fraction thereof. Said supervision shall continue for the entire period of probation. The supervisor shall be provided by respondent with a

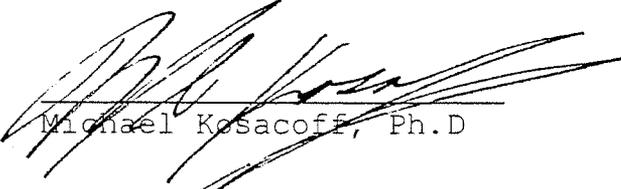
copy of the Consent Order, and respondent shall cause the supervisor to provide quarterly reports directly to the Board which shall include an informed evaluation of the respondent's client treatment and professional practice.

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, 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 and other disciplinary action.

STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Victoria Jeffers, Ph.D.  
Victoria Jeffers, Ph.D.  
Chair

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.



Michael Kosacoff, Ph.D

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



Christopher Barbrack, Esq.



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PSYCHOLOGICAL EXAMINERS  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY  
Governor

DAVID SAMSON  
Attorney General  
RENI ERDOS  
Director

DIRECTIVE REGARDING FUTURE ACTIVITIES  
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/  
REVOKED AND USE OF THE PROFESSIONAL PREMISES

Mailing Address:  
P.O. Box 45017  
Newark, NJ 07101  
(973) 504-6470

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 license 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 psychological 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 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 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 #35SI00305200:						
01-00002-35SI				09/14/2005	09/14/2008	Suspension-sta
01-00002-35SI				08/14/2003	08/14/2006	Cost
01-00002-35SI			NJ	08/14/2003	08/14/2006	Fine/Penalty-actr
01-00002-35SI				08/14/2003	08/14/2005	Suspension-actr

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