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FILED
5-6-04
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
: Administrative Action
ANTHONY PANICHELLA :
: CONSENT ORDER
TO PRACTICE PROFESSIONAL :
COUNSELING IN THE STATE OF :
NEW JERSEY :
:

This matter was opened to the New Jersey Professional Counselor Examiners Committee (the "Committee") upon receipt of a complaint from G.G. of the Genesis Counseling Center alleging professional misconduct by Anthony Panichella ("Respondent"), a licensed Professional Counselor. The Committee reviewed the records of the investigation in this matter including information acquired at an investigative inquiry attended by Respondent and Respondent's counsel Steven I. Kern, Esq., on February 5, 2004. It appears that on or about May 2002 Respondent began seeing S.T., an

adult client of the Genesis Counseling Center, for counseling until October 2002. Respondent admits that he engaged in a sexual relationship with S.T. commencing on or about January or February 2003 after his formal counseling treatment of S.T. ended. Respondent testified that he and S.T. are currently engaged and have been living together since January or February 2003.

It appears to the Committee that Respondent's actions as set forth herein constitute professional misconduct and a violation of a Board regulation within the meaning of N.J.S.A. 45:1-21(e) and (h) respectively. The Committee further finds the aforesaid conduct to be a direct violation of N.J.A.C. 13:34-19.3, a regulation concerning sexual conduct, which expressly prohibits the participation in a sexual relationship or engagement in sexual intimacies with a current client or former client to whom professional counseling services were rendered within the immediately preceding twenty-four (24) months.

It appearing that Respondent wishes to resolve this matter in order to avoid the initiation of formal disciplinary proceedings and for good cause shown:

ACCORDINGLY, IT IS on this 5th day of MAY, 2004,
ORDERED AND AGREED THAT:

1. Respondent's license to practice professional counseling in the State of New Jersey is hereby suspended for a period of one (1) year based on violations of N.J.S.A. 45:1-21(e) and (h) and

N.J.A.C. 13:34-19.3. The one year of suspension shall be stayed and served as a period of probation beginning thirty (30) days from the entry of this Consent Order.

2. Respondent shall be assessed the costs to the State in this matter in the amount of \$665.75 due and payable upon entry of the within Order and shall be submitted to the Committee by certified check or money order made payable to the State of New Jersey. The payment shall be sent to Elaine DeMars, Executive Director, State Professional Counselor Examiners Committee, Post Office Box 45007, Newark, New Jersey 07101.

3. Respondent shall be assessed a civil penalty in the amount of \$5,000.00 at a rate of \$250.00 per month over a period of twenty (20) months, on the fifteenth day of each month. The first installment shall be due on the fifteenth day of the month following the entry of the within Order. In the event of nonpayment of any installment by the end of the month that it is due, the entire balance shall become due and owing, and the Committee may file a certificate of debt and/or an action for collection, costs and attorneys fees. Payment shall be submitted to the Committee by certified check or money order made payable to the State of New Jersey and sent to Elaine DeMars, Executive Director, State Professional Counselor Examiners Committee, Post Office Box 45007, Newark, New Jersey 07101.

3. Respondent's authority to practice professional counseling during the one (1) year period of stayed suspension shall be expressly contingent upon strict compliance with the following probationary terms and conditions:

(a) Respondent shall practice professional counseling only under the supervision of a New Jersey licensed professional counselor approved by the Committee. Respondent shall submit to the Committee three (3) names of proposed supervisors with copies of their curriculum vitae for approval. Respondent shall not commence the practice of counseling until he has received written approval from the Committee of at least one of the proposed supervisors. Respondent shall be required to obtain face-to-face supervision one (1) hour per week for every ten (10) patient hours or any fraction thereof. Said supervision shall include but is not limited to issues related to maintaining appropriate boundaries with clients. Respondent shall provide a copy of this Consent Order to the supervisor and shall cause the supervisor to provide quarterly reports directly to the Committee which shall include an informed evaluation of Respondent's patient treatment and professional practice. The supervisor shall provide a written report within 24 hours to the Committee upon receipt of any information that Respondent's practice fails to comply with the standard of care of professional counselors, that any boundary

issues have arisen or that Respondent presents a danger to any of his patients.

(b) Respondent shall take a three (3) credit graduate course focusing on transference and boundary issues at an accredited institution. The course shall be pre-approved by the Committee. Respondent shall submit proof of full attendance at and successful completion of the course within twelve (12) months of the entry of this Consent Order.

(c) Respondent shall comply with all statutes and regulations governing the practice of professional counseling.

(d) Respondent shall maintain appropriate professional boundaries with all clients and former clients.

4. 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 before the Committee seeking to activate the stayed period of suspension. 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 result in activation of the stayed period of suspension or other disciplinary action.

NEW JERSEY PROFESSIONAL COUNSELOR
EXAMINERS COMMITTEE

By: J. Barry Mascari
J. Barry Mascari, LPC
President

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Committee to enter this Order.

[Signature]
Anthony Panichella

4/22/04
Date

Consent as to form and entry

[Signature]
Steven I. Kern, Esq.

4/28/04
Date