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FILED
6-3-04
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

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

IN THE MATTER OF :
 :
 BENNIE M. MARTIN : Administrative Action
 License No. PC00154200 :
 License No. RC00124200 :
 :
 : FINAL ORDER
 LICENSED TO PRACTICE : OF DISCIPLINE
 PROFESSIONAL COUNSELING AND :
 REHABILITATION COUNSELING :
 IN THE STATE OF NEW JERSEY :
 :
 :

This matter was opened to the New Jersey Professional Counselor Examiners Committee (the "Committee") upon receipt of information which the Committee has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Bennie M. Martin, is a licensed Professional Counselor in the State of New Jersey and the holder of License No. PC00154200. As a consequence of Respondent's failure to submit his biennial renewal in 2002, Respondent's license to practice professional counseling in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:1-7.1(b).

2. Respondent is also a licensed Rehabilitation Counselor in the State of New Jersey and the holder of License No. RC00124200. As a consequence of Respondent's failure to submit his biennial renewal in 2002, Respondent's license to practice rehabilitation counseling in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:1-7.1(b).

3. On or about January 13, 2003, Respondent was indicted by a State Grand Jury and charged with Health Care Claims Fraud (2nd degree), Medicaid Fraud (3rd degree), and misconduct by a corporate official (2nd degree). Recovery Services, Inc., a drug and alcohol counseling center, owned and operated by Respondent was also charged with Health Care Claims Fraud (2nd degree) and Medicaid Fraud (3rd degree). Specifically, Respondent was charged with making false, fictitious, fraudulent, or misleading statements of material facts in claims for payment or reimbursement for health care service between February 26, 2001 and September 18, 2002 to the New Jersey Medical Assistance and Health Service Program (Medicaid) and the County of Passaic for health care services not provided. Respondent was also charged with purposely or knowingly using, controlling or operating Recovery Services, Inc., between February 26, 2001 and September 18, 2002, for the furtherance or promotion of the criminal object of Health Care Claims Fraud and Medicaid Fraud.

4. On March 8, 2004, Respondent pled guilty before the Honorable Ernest M. Caposela, Superior Court, Criminal Division, County of Passaic, to Health Care Claims Fraud (2nd degree), Health Care Fraud (2nd degree), Medicaid Fraud (3rd degree) and Misconduct by a Corporate Officer (4th degree).

CONCLUSION OF LAW

1. The above criminal action against Respondent provides ground to take disciplinary action against Respondent's license to practice professional counseling and rehabilitation counseling in New Jersey pursuant to N.J.S.A. 45:1-21(f), in that Respondent has been convicted of or engaged in acts constituting a crime or offense involving moral turpitude or relating adversely to the activity regulated by the Committee.

2. The above criminal action against Respondent provides ground to take disciplinary action against Respondent's license to practice professional counseling and rehabilitation counseling in New Jersey pursuant to N.J.S.A. 45:1-21(b), in that Respondent has engaged in the use or employment of dishonesty, fraud and deception.

3. Respondent's failure to renew his professional counseling and rehabilitation counseling licenses in New Jersey provides an additional ground for automatic suspension pursuant to N.J.S.A. 45:1-7.1(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking Respondent's licenses to practice professional counseling and rehabilitation counseling in the State of New Jersey was entered on April 20, 2004 and a copy was forwarded to Respondent at the Passaic County Jail, 11 Sheriff's Plaza, Paterson, New Jersey 07501. The Provisional Order of Discipline was subject to finalization by the Committee at 5:00 p.m. on the 30th day following the entry unless Respondent requested a modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified and dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons thereof.

Although the record reflects that the Provisional Order of Discipline was served upon Respondent on April 26, 2004, the Committee having received an affidavit of service signed by Respondent, no response has been received to date. Accordingly, the Committee considered the matter, determined that further proceedings were not necessary and the Provisional Order of Discipline should be made final.

ACCORDINGLY, IT IS on this 3rd day of June, 2004,

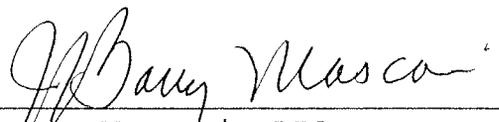
ORDERED AND AGREED THAT:

1. Respondent's license to practice professional counseling in the State of New Jersey, License No. PC00154200, is hereby revoked.

2. Respondent's license to practice rehabilitation counseling in the State of New Jersey, License No. RC00124200, is hereby revoked.

NEW JERSEY PROFESSIONAL COUNSELOR
EXAMINERS COMMITTEE

BY



J. Barry Mascari, LPC
President