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

IN THE MATTER OF	:	
	:	Administrative Action
NICHOLAS MAZZAGATTI, Ph.D.	:	
	:	
LICENSED TO PRACTICE	:	CONSENT ORDER
PSYCHOLOGY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Psychological Examiners ("Board") upon receipt of a complaint from J.G. regarding the psychological services offered by Nicholas Mazzagatti, Ph.D. ("respondent") to both J.G. and her husband C.G. J.G. alleged that she and her husband were referred to respondent for marriage counseling by their parish priest. She further alleged that respondent provided individual psychotherapy to both J.G. and her husband. J.G. alleges that her husband was often seen by respondent for multiple sessions in a particular day and that her husband developed an "unhealthy dependency" upon his therapist. J.G. also alleged that the excessive fees that were

amassed resulted in financial hardship to her family. The total fees charged over a three year treatment period for the psychological services rendered to J.G. and C.G. by the respondent amounted to approximately One Hundred Nineteen Thousand (\$119,000.00) dollars. A review of the patient records demonstrated that C.G. had 660 sessions through July 2004 and J.G. had 280 sessions through May 2004 when she terminated her therapy with the respondent. J.G. also alleged that after all of this therapy her marriage ended in divorce.

Respondent appeared at an investigative inquiry conducted by a committee of the Board on May 23, 2005 accompanied by his attorney, James Wulach. Respondent admitted that he does not have any education or training in marital or couples therapy and claimed that he does not engage in the practice of marriage counseling. Further, respondent testified that his assessment was that J.G. and C.G. were not listening to each other and therefore he decided that it would be appropriate for each of them to engage in individual psychotherapy with an occasional joint meeting. He also testified that his psychological orientation is an "eclectic approach" that incorporates psychotherapy with the occasional use of cognitive behavior interventions and supportive therapy. When questioned by the committee for the names of the individual theorists who formed his perspectives for psychotherapy, Dr. Mazzaggatti was unable to respond with any specific names.

When questioned about the multiple sessions provided to C.G. on the same day, respondent remarked that C.G. was an airline pilot and because of his erratic work schedule, he permitted C.G. to attend multiple sessions in one day on a number of occasions. His testimony demonstrated that C.G. contacted the office receptionist at will and set up his multiple daily sessions on that particular day. A review of the patient records did not support an erratic schedule by C.G. In a three-and-one-half (3 1/2) year period of treatment, there were only eight (8) weeks, spaced throughout the years in which C.G. went without a session. The billing records demonstrated that there were two hundred sixty seven (267) days in which there were sessions of which sixty-three (63) were single sessions, one hundred and fifteen (115) were double sessions, forty seven (47) were triple sessions, twenty eight (28) were quadruple sessions, seven (7) were a multiple of five (5) sessions, two (2) each were multiples of six (6) and seven (7) sessions and one (1) day included eight (8) sessions. Furthermore, it was your testimony that on an average you see a patient once or twice a week and that C.G.'s sessions were atypical.

Upon review of the whole record, including the testimony of the respondent at the investigative inquiry, it appears to the Board that respondent engaged in individual psychotherapy of both C.G. and J.G. Respondent admitted that he allowed C.G. to enter into multiple treatment sessions on the same day. Often these

sessions were determined by C.G. In counseling J.G. respondent recognized that she had an alcohol problem but did not address it because she refused to acknowledge the problem.

The Board finds that the above described conduct is in violation of N.J.A.C. 13:42-10.8(d) which prohibits a licensee from engaging in treatment which is excessive. Respondent's conduct in conducting multiple treatment sessions on the same day on numerous occasions constitutes excessive treatment.

Respondent's provision of individual psychotherapy when the patients presented with marital issues and sought marriage counseling represents a departure from Respondent's practice. Respondent assessed and treated a marital situation when he admitted lacking expertise in family and marriage counseling. Respondent also evidenced a lack of understanding with regard to transference and countertransference issues in this case. The above described conduct is deemed repeated incompetence pursuant to N.J.A.C. 45:1-21(d).

The respondent being desirous of resolving this matter without resort to formal proceedings, and the Board having determined that the following provisions are sufficiently protective of the public interest and welfare, and for good cause shown,

IT IS ON THIS 23rd DAY OF *January* 2006

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall cease and desist from taking referrals for interpersonal marital issues either with couples or individuals until he obtains appropriate training and experience and respondent shall cease and desist from engaging in excessive treatment of patients.

2. Respondent shall be assessed the costs to the State in this matter in the amount of \$625.50. Payment shall be made immediately upon signing of the consent order and forwarded by certified check or money order, payable to the State of New Jersey, and sent to the attention of J. Michael Walker, Executive Director, Board of Psychological Examiners, P.O. Box 45017, Newark, New Jersey 07101.

STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Victoria W. Jeffers Ph.D.

Victoria W. 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.

Nicholas J. Mazzagatti Ph.D.
Nicholas J. Mazzagatti, Ph. D.

This Order is agreed to as to form and entry.

James S. Wulach
James S. Wulach, Esq.



Compliance For Nicholas J. Mazzagatti, Ph.D.

Violations Actions Citation Monetary Penalties Restitution Limits Monitoring

From: Board Violation: (none)

Complaint #	Docket #	Cause #	State	Start	End	Action
Practicing Psychologist license #35SI00150000:						
2004-000000603:				01/23/2006	01/23/2006	Cost
2004-000000603:				01/23/2006	00/00/0000	Cease and Desi

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