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ZULIMA FARBER
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

By: Megan Cordoma
Deputy Attorney General
(973) 648-7457

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS

ON 6/8/06 *J. H. Walker*

FILED

6/8/06 *E. J. [Signature]*

STATE OF NEW JERSEY
**BOARD OF MARRIAGE AND FAMILY THERAPY
EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS
BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Thomas Merlo, Ph.D.
Psychology License No.: 3840
Marriage and Family Counseling
License No.: 37F100129700

TO PRACTICE PSYCHOLOGY AND
MARRIAGE AND FAMILY THERAPY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Psychological Examiners and the New Jersey State Board of Marriage and Family Therapy Examiners ("the Boards") upon receipt of a complaint from K.H. regarding the psychotherapy she received from Dr. Thomas Merlo ("respondent") who holds a license in Marriage and Family Therapy and a license in Psychology. K.H. stated that she was respondent's patient for approximately four years from 1997 through 2001. K.H. alleged that sometime during the last two years of the therapeutic relationship, a personal and romantic relationship developed between respondent and K.H.

Respondent wrote a letter, dated June 26, 2002, to the Boards denying K.H.'s allegations of a personal relationship with him. Among other things in the letter, respondent noted that significant transference issues surfaced immediately upon initiation of therapy" Respondent described K.H. as aggressively expressing her feelings towards him, including physical advances during therapy. Respondent further indicated in the letter that K.H.'s transference issues may have lead her to believe that his expressions of concern for her were of a personal nature.

On February 28, 2003, respondent appeared without counsel for an investigative inquiry before a committee of both Boards. During the investigative inquiry, respondent confirmed the above statements regarding the transference issue with K.H. and his efforts at establishing firm boundaries. Respondent acknowledged having been in contact and spending time with K.H. outside of the office setting on several occasions, including at her home on one occasion, at restaurants and other locations; having exchanged gifts; having sent personal e-mail cards and an audio tape including a song respondent wrote. Respondent claims all contacts were therapeutic tools using in vivo experiences to improve K.H.'s difficulties in coping with social situations.

Both Boards have thoroughly reviewed the entire record, and find that respondent's explanation of his treatment of and conduct with K.H. is flawed. The Boards find that respondent engaged in clear and repeated boundary violations. The Boards find that the above described conduct constitutes engagement in gross malpractice, professional misconduct, and violation of Board regulation within the meaning of N.J.S.A. 45:1-21(c), (e) and (h) respectively. Further, respondent has entered into a relationship which a reasonable psychologist and/or marriage and family therapist in similar circumstances would expect to limit objectivity, impair professional judgement or increase the risk of exploitation of the client in violation of N.J.A.C. 13:42-10.13(b) and N.J.A.C. 13:34-5.2(a).

The respondent being desirous of resolving this matter without resort to formal proceedings and without making any admissions, 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 8TH DAY OF June, 2006

HEREBY ORDERED AND AGREED THAT :

1. The licences of respondent Thomas Merlo, Ph.D. to practice psychology and to practice marriage and family therapy in the State of New Jersey are hereby suspended for a period of four (4) years. The first (1) year 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 of this Consent Order in order to provide for an orderly transfer or referral of respondent's patients. Respondent shall return his psychology license to the Board of Psychological Examiners and his marriage and family therapy license to the Board of Marriage and Family Therapy Examiners no later than the commencement of the active period of suspension. No credit shall be given toward the active suspension for any period of time during which respondent practices psychology, marriage and family therapy, or any other type of psychotherapy in any state or jurisdiction. During the period of time in which respondent's license is actively suspended he shall comply in every regard with the "Directives 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 in writing to the Board of Psychological Examiners a list of all patients (identified by initials only) and an indication of the transfer or referral or other disposition for each patient.

3. Respondent shall be assessed the costs to the State in this matter in the amount of \$5734.00. The total costs shall be due and payable no later than thirty (30) days following the entry date of this Order and shall be submitted to the Board of Marriage and Family Therapy Examiners 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 Board of Marriage and Family Therapy Examiners, Post Office Box 45007, Newark, New Jersey 07101.

4. Respondent shall be assessed a civil penalty in the amount of \$7500.00. The total penalty shall be due and payable no later than thirty (30) days following the entry date of this Order and shall be submitted to the Board of Psychological Examiners by certified check or money order made payable to the State of New Jersey. The payment shall be sent to Michael Walker, Executive Director, State Board of Psychological Examiners, Post Office Box 45017, Newark, New Jersey 07101.

5. Commencing upon the entry of the within Consent Order, respondent shall engage in weekly psychotherapy for a minimum of twenty-four (24) months with a therapist licensed in the State of New Jersey and approved by the Board of Psychological Examiners, and respondent shall provide the therapist with a copy of this Consent Order. Among other things, the psychotherapy shall deal with the ethics and boundary issues involved in this matter. After the completion of twelve months, the respondent may apply to the Board to reduce the frequency of the therapy or to terminate the therapy as recommended by the therapist and 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 therapist pre-

approved by the Board of Psychological Examiners. Respondent shall pay all costs of said evaluation, arrange for the therapist to provide himself and both Boards with a copy of the evaluation simultaneously, and agree to the release to both Boards of any and all records relating to the evaluation.

7. Prior to reinstatement of his psychology license and his marriage and family therapy license, and the stayed, probationary part of the suspension, respondent shall appear before both Boards at which time the burden shall be on respondent to demonstrate compliance with this Order and to demonstrate his ability and fitness to practice psychology and marriage and family therapy. Each Board reserves the right to decline to reinstate or to impose such restrictions or limitations as it may deem necessary.

8. Prior to any application for reinstatement, respondent shall attend and successfully complete a full academic year, independent study course focusing on transference and boundary issues. The course and the institution/entity offering the course shall be pre-approved by the Board of Psychological Examiners which shall provide respondent with recommendations.

9. During the probationary period, respondent shall practice only under the supervision of a New Jersey licensed psychologist approved by the Board of Psychological Examiners. Respondent shall be required to obtain one hour of supervision for every ten patient hours or any fraction thereof. Said supervision shall continue for the entire period of the 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 of Psychological Examiners which shall include an informed evaluation of the respondent's patient treatment and professional practice.

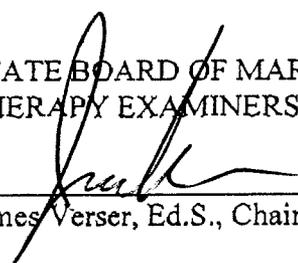
10. It is expressly understood and agreed that upon reinstatement of respondent's licenses on probation, continued licensure with restrictions as may be imposed by each of the Boards is contingent upon strict compliance with all of the aforementioned conditions. Upon receipt of any information indicating that any term of the within Order and/or Reinstatement Order has been violated in any manner whatsoever, a hearing shall be held on reasonable notice, consistent with due process of law, before the appropriate 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

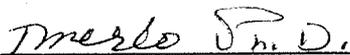


Victoria Jeffers, Ph.D., Chair

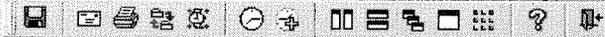
STATE BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS


James Verser, Ed.S., 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.



Thomas Merlo, Ph.D.



Compliance For Thomas V. Merlo Jr, Ph.D.

Violations Actions Citation Monetary Penalties Restitution Limits Monitoring

From: Board Violation: (none)

Complaint #	Docket #	Cause #	State	Start	End	Action
Practicing Psychologist license #358100384000:						
2002-000000113:			NJ	00/00/0000	00/00/0000	Suspension-sta
2002-000000113:			NJ	00/00/0000	00/00/0000	Fine/Penalty-act
2002-000000113:			NJ	06/08/2006	00/00/0000	Cost

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