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Examiners Committee of the New Jersey  
State Board of Marriage and Family  
Therapy Examiners

**FILED**  
*Christine DeStasio* 9/6/2007  
STATE OF NEW JERSEY  
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS  
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

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STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE STATE BOARD OF  
MARRIAGE AND FAMILY THERAPY  
EXAMINERS

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IN THE MATTER OF THE  
SUSPENSION OR REVOCATION : ADMINISTRATIVE ACTION  
OF THE LICENSE OF :  
  
JANICE PAUL :  
License No. 37PC00128300 : CONSENT ORDER  
  
TO PRACTICE PROFESSIONAL :  
COUNSELING IN THE STATE OF :  
NEW JERSEY :

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This matter was opened to the New Jersey State Professional Counselor Examiners Committee (the "Committee") of the New Jersey State Board of Marriage and Family Therapy Examiners upon receipt of a complaint from J.N. alleging that Janice Paul ("Respondent"), a Licensed Professional Counselor, engaged in professional misconduct in the treatment of J.N.'s ex-husband T.N. J.N.

alleged that T.N. had engaged in sexual misconduct with his stepdaughter (her daughter), A.L. J.N. further alleged that respondent placed her daughter in danger by arranging sessions with T.N. and A.L. without providing a comprehensive safety plan.

Respondent previously signed a Consent Order on June 20, 2006 which was filed on July 12, 2006 in which respondent was reprimanded for professional misconduct. Pursuant to the Consent Order, respondent's license is currently on probation for two (2) years and she is only permitted to practice under the supervision of a licensed New Jersey professional counselor.

Respondent appeared before the Committee with her former attorney Anthony M. Arbore, Esq. on January 4, 2007 for an investigative inquiry. Respondent testified that she is currently practicing under the supervision of Nancy J. Benz, M.A., LPC and that she began practicing under Ms. Benz' supervision on October 26, 2006. She testified that she did not discuss her treatment of T.N. with her supervisor until November 14, 2006 because she was handling other cases that she deemed were "of a higher risk."

Respondent testified that she treated T.N. from July 5, 2006 until November 14, 2006 and completed her final telephone contact with T.N. on November 22, 2006. Initially T.N. had advised respondent that he was seeking treatment because he felt isolated from his family <sup>and</sup> <sup>of</sup> was suffering from depression and marital conflict. After the first session respondent recommended that T.N.

engage in marital therapy with Dr. Pastore<sup>S</sup>. T.N. and his wife J.N. engaged in marital therapy with Dr. Pastore<sup>S</sup>. During respondent's second individual session with T.N. on July 10, 2006, T.N. revealed that during a four (4) year period when his stepdaughter A.L. was 13 through 17 years old, he had engaged in sexual behavior with her (A.L. is now twenty-five years old). T.N. advised respondent that recently his stepdaughter asked him to seek counseling. T.N. disclosed that he had walked around the house in a long tee shirt without underwear at times when only his stepdaughter was present and that she had seen him masturbating in his room. Although T.N. signed an informed consent form on October 19, 2006 permitting respondent to discuss his therapy with Dr. Pastore<sup>S</sup>, respondent did not advise Dr. Pastore<sup>S</sup> of T.N.'s disclosure regarding his sexual behavior with his stepdaughter until after respondent's last session with T.N.

Respondent testified that during the course of therapy, T.N. stated that he wanted to have a session with A.L. present to ask A.L. for her forgiveness for his past inappropriate sexual behavior towards her. Respondent stated that each of the family members agreed to have joint sessions with T.N. but that only T.N. was her client.

Respondent testified that she had two sessions with T.N. and A.L. T.N. told A.L. that he felt badly about "what he done to her" and that "it was okay" for A.L. to "be angry with him." Further

respondent testified that A.L. advised respondent that A.L. had observed T.N. in just his long tee shirt and had seen him masturbating in his room with the door open while only T.N. and A.L. were in the house. Respondent testified that she advised A.L. that T.N.'s behavior was inappropriate, could be considered lewd and that she would have reported the conduct to DYFS if A.L. had reported such behavior while she was still a minor child. Respondent stated that she suggested that A.L. could contact the police. Respondent opined that A.L. appeared to be relieved that T.N. had admitted that he acted inappropriately and that respondent had validated her concerns about T.N.'s behavior. Respondent testified that A.L. had flashbacks and that respondent recommended referring A.L. for individual counseling but A.L. declined the referral at the time.

Respondent acknowledged that T.N. advised her that once he admitted his misconduct to his stepdaughter, his marriage would end.

Following the session with T.N. and his stepdaughter, A.L., respondent conducted a session with T.N. and his wife, J.N. T.N. told J.N. about his behavior with A.L. Respondent testified that she devised a safety plan in which she sent both individuals home, told them not to discuss the issues which were revealed during the session and was assured that there were no guns in the house. J.N. advised respondent that she was scheduled to meet with a marriage

and family therapist the next day and T.N. would meet with the therapist the following day. After the sessions with respondent, J.N. asked T.N. to leave the house and T.N. moved to Florida to live with his parents.

The Committee reviewed the entire record concerning this case, including the complaint filed by J.N., as well as the testimony of J.N., A.L. and respondent, and documents submitted by the respondent. Of specific concern to the Committee are following:

- 1.) Respondent's failure to practice under supervision from June 20, 2006 until October 26, 2006, failure to recognize the seriousness of this case and her failure to timely discuss this complex case with her supervisor, Nancy Benz, LPC,
- 2.) Respondent's failure to protect A.L. from possible harm; specifically that she invited A.L. and J.N. for sessions with T.N. without first individually assessing A.L. or J.N. to determine their readiness or willingness to deal with allegations and consequences of airing T.N.'s sexual "acting out."
- 3.) Respondent's failure to provide adequate aftercare for A.L. and J.N. following disclosure of sexual "acting out" by T.N.
- 4.) Respondent's failure to have a treatment strategy in place for T.N. following disclosure of his sexual "acting out."
- 5.) Respondent's failure to timely advise the marriage and family therapist of T.N.'s sexual "acting out."

Based on the Committee's review it appears that respondent's conduct as described above provides grounds to initiate disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(d), in that respondent engaged in repeated acts of negligence.

It appearing that respondent wishes to resolve this matter without further proceedings, and the Committee finding that the following disposition of this matter is adequately protective of the public and other good cause appearing;

IT IS THEREFORE ON THIS 6<sup>th</sup> DAY OF September 2007

ORDERED:

1. Respondent shall comply with the terms of the Consent Order filed on July 12, 2006 and the within Consent Order unless and until there is a further Order of this Committee.

2. Respondent's professional counselor's license shall be restricted for four (4) years and limited to the provision of individual counseling, under the supervision of a supervisor pre-approved by the Committee. Respondent shall be prohibited from engaging in family and/or couple therapy and from supervising any mental health counseling. Respondent shall be prohibited from engaging in the practice of professional counseling during any period in which her practice is not supervised by a pre-approved supervisor. The period of probation provided in the July 12, 2006

Consent Order shall be extended for the entire period that respondent's license is restricted.

3. Respondent shall continue supervision with a supervisor, pre-approved by the Committee, for a minimum of one hour of supervision for every ten (10) client hours or any fraction thereof. Additional supervision may be scheduled in the supervisor's discretion.

4. The supervisor, and any successor supervisor, shall submit quarterly reports directly to the Committee. The reports shall describe case reviews which shall include the number of hours of supervision, the number of cases and treatment records that were reviewed during the supervision, and an evaluation of the treatment records which reviews whether the treatment records include sufficient documentation of any potential or actual issues discussed during treatment. The supervisor shall include in the quarterly report a list of any deficiencies in the treatment records, or of respondent's practice, recommended remediation actions and a statement regarding respondent's compliance with the supervisor's recommendations. The supervisor shall immediately (within 24 hours) report to the Committee in writing any violation of this order, any indication that respondent is not capable of continued practice or has violated the statutes or regulations governing the practice of professional counseling or poses any danger to her clients. An unfavorable report shall be a sufficient

basis for extending restrictions on respondent's license to practice professional counseling, or such other actions as the Committee deems appropriate.

5. During the period when respondent's license is restricted, she shall limit her therapy sessions to no more than twenty-five (25) clinical hours per week.

6. During the period when respondent's license is restricted, her present supervisor and any successor supervisor shall be provided with, agree to comply with, and sign a copy of this Consent Order. The signed Consent Order shall be returned to the Committee within ten (10) days of the filing of the within Consent Order. Any successor supervisor shall sign and return the Consent Order to the Committee prior to providing supervision to respondent.

7. Respondent shall pay civil penalties in the amount of four thousand dollars (\$4,000.00) due and payable no later than twenty (20) days following the entry date of the Order. Payment shall be submitted to the Committee by certified check or money order made payable to the Treasurer, State of New Jersey. The payment shall be sent to Elaine DeMars, Executive Director, State of New Jersey Professional Counselor Examiners Committee, P.O. Box 45007, Newark, New Jersey 07101. In the event respondent fails to timely pay, a certificate of debt may in filed in accordance with N.J.S.A. 45:1-24, and the Committee may bring such other proceedings as

authorized by law. Providing that respondent complies with all terms of the Consent Order and submits documentation to the Committee within thirty (30) days that she is complying with the Consent Order and then continues to comply with the Consent Order, fifteen hundred dollars (\$1,500.00) of the civil penalty shall be stayed. In the event it appears to the Committee that respondent is not complying with the Consent Order, the Committee shall notify respondent by letter that respondent is not in compliance with the order. Respondent shall have five (5) days to provide written documentation to the Committee that she is in compliance with the Consent Order. If the Committee finds that respondent has not sufficiently documented compliance with the Consent Order, the Committee will notify her that payment of the civil penalty is no longer stayed and shall be due and owing no later than ten (10) days from the date she is notified that the civil penalty is no longer stayed.

8. Respondent shall pay the costs of the investigation in the amount of one thousand three hundred eighty one dollars and fifty cents (\$1,381.50) due and payable no later than twenty (20) days following the entry date of the Order. Payment shall be submitted to the Committee by certified check or money order made payable to the Treasurer, State of New Jersey. The payment shall be sent to Elaine DeMars, Executive Director, State of New Jersey Professional Counselor Examiners Committee, P.O. Box 45007, Newark, New Jersey

07101. In the event respondent fails to timely pay, a certificate of debt may in filed in accordance with N.J.S.A. 45:1-24, and the Committee may bring such other proceedings as authorized by law.

9. Prior to applying for an unrestricted license, respondent shall submit documentation to the Committee demonstrating that she has successfully completed the Certified Clinical Mental Health Counselor Credential Examination and all continuing education requirements.

10. At the conclusion of the four (4) year period of restricted license, respondent may apply for an unrestricted license. In that event respondent shall appear before the Committee, if so requested by the Committee, at which time the burden shall be on respondent to demonstrate that she has complied with the Consent Order and is fit and competent to practice professional counseling without the restrictions provided in the Consent Order and is capable of supervising the practice of professional counseling.

11. Respondent shall comply with all statutes and regulations, as well as professional standards of conduct and obligations imposed by law on licensed professional counselors.

12. Any deviation from the terms of paragraphs #1 through 8 of this Consent Order without prior written consent of the Committee shall be grounds for disciplinary action as the Committee

may determine and may constitute grounds for new charges that may result in the suspension or revocation of respondent's license.

PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE OF  
THE NEW JERSEY STATE BOARD OF MARRIAGE AND  
FAMILY THERAPY EXAMINERS

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

I have read the above order and I understand and agree to abide by its terms. Consent is hereby given to the Professional Counselor Examiners Committee of the New Jersey State Board of Marriage and Family Therapy Examiners to enter this Order.

Janis Paul, L.P.C.  
Janis Paul, L.P.C.

Consent as to form and entry of this Order:

John B. Mullahy  
John B. Mullahy, Esq.  
Kaufman Borgeest & Ryan LLP  
Attorney for respondent

Review of Consent Order by supervisor

I have read the within Consent Order. I agree to the supervision and reporting requirements in this Order.

Paula R. Danziger, PhD, LPC  
Print Name of Supervisor) Paula R. Danziger, PhD, LPC  
Tel. No. of supervisor 973 305-1976  
License No. 37 PC 00003700  
Dated: \_\_\_\_\_, 20\_\_