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Therapy Examiners

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FILED
September 17, 2009
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
ALCOHOL AND DRUG COUNSELOR COMMITTEE
Ernest J. DeNero

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ALCOHOL AND DRUG COUNSELOR COMMITTEE
OF THE STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE :
SUSPENSION OR REVOCATION OF : Administrative Action
THE CERTIFICATION OF :
: :
MARILYN COOPER, CADC : CONSENT ORDER
Certification No. 37CA00069600 :
: :
TO PRACTICE ALCOHOL :
AND DRUG COUNSELING IN THE :
STATE OF NEW JERSEY :

This matter was opened before the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Therapy Examiners (hereinafter "the Committee") upon review of allegations that respondent engaged in professional misconduct by borrowing and failing to repay a loan from an alcohol and drug counselor-intern, A.R., an individual who she was supervising for Gateway Foundation/NuWay Program at Mountainview Youth Correctional Facility, an agency licensed by the Division of Addiction Services (hereinafter "DAS").

Respondent appeared before the Committee, pro se, on October 23, 2009 to discuss the allegations. Ms. Cooper testified that during the year 2008 while she was the clinical supervisor for A.R.

for Gateway at Mountainview Youth Correctional Facility, she borrowed four thousand dollars (\$4,000.00) from Joenary Multiservice Agency, located in Brooklyn, New York for a down payment for a home mortgage. Respondent acknowledged that at the time of the loan transaction, she knew that A.R. was a partner in the agency that was providing the loan but she did not recognize that by engaging in a business transaction with an individual that she was supervising, she was engaging in a dual relationship. Respondent admitted that she wrote a letter to A.R., dated April 4, 2009 asking A.R. to keep the business transaction confidential. Although respondent's mortgage application was denied, respondent has only partially repaid the loan. Respondent asserted that after initiation of litigation by Joenary Multiservice Agency, she was advised not to repay the entire loan until the conclusion of the litigation.

The Committee has reviewed respondent's experience in the field of alcohol and drug counseling, the documents submitted and her testimony before the Committee. The Committee has also considered respondent's acknowledgment of her errors, as well as her remorse relating to the inappropriate conduct. The Committee finds that the conduct constituted professional misconduct, in violation of N.J.S.A. 45:1-21(e), by engaging in a dual relationship, in violation of N.J.A.C. 13:34C-1.8(b)(5)vi. 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 17th DAY OF December 2009

ORDERED:

1. Respondent is reprimanded for professional misconduct, for engaging in a dual relationship with an individual that she was

supervising, in violation of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:34C-1.8(b) (5)vi.

2. Respondent shall cease and desist engaging in any supervision of any certified alcohol and drug counselors, counselor-interns and/or any mental health counselors, in any setting including agencies licensed by DAS. Respondent shall be precluded from engaging in any supervision of any certified alcohol and drug counselors, counselor-interns and/or any mental health counselors, unless and until the Committee issues her a subsequent written order permitting her to engage in supervision in a DAS licensed facility.

3. Respondent shall only engage in the practice of alcohol and drug counseling under the direct supervision of a supervisor pre-approved by the Committee who agrees to supervise respondent in accord with the terms of the within Consent Order.

4. The supervisor pre-approved by the Committee must have expertise in boundary and supervision issues. The supervisor shall sign a copy of this Consent Order agreeing to the supervisory conditions which shall be submitted within ten (10) days of the filing of the within Consent Order. In the event the supervisor ceases supervising respondent, respondent shall cease and desist engaging in alcohol and drug counseling unless and until a new supervisor is approved by the Committee and submits a signed copy of the Consent Order agreeing to the supervisory conditions. Respondent shall immediately (within 24 hours) notify the Committee in writing of any change in supervision.

5. Respondent's supervisor shall agree to report to the Committee in writing within 72 hours of awareness of any indication that respondent is not capable of continued practice or has violated the statutes or regulations governing the practice of alcohol and drug counseling or has been disciplined or terminated from

employment. Such notice shall be provided to Elaine DeMars, Executive Director, Alcohol and Drug Counselor Committee or her designee, 124 Halsey Street, Newark, New Jersey 07102, facsimile transmission # (973) 504-6582.

6. Respondent shall cause her supervisor to provide quarterly reports to the Committee regarding her practice, that she is being supervised pursuant to N.J.A.C. 13:34C-6.3 and that respondent is not engaging in any independent practice or the supervision of any practice of alcohol and drug counseling and/or mental health counseling. The supervisor shall meet face-to-face with respondent for a minimum of a one-hour session per week to review respondent's client records. The supervisor shall determine which client records are reviewed and state in the quarterly report the basis for determining the cases that are reviewed. The supervisor's quarterly report shall be submitted directly to the Committee and shall describe the matters reviewed, the number of matters reviewed, the number of hours of supervision and an evaluation of respondent's work; listing any deficiencies and recommended remediation; and addressing respondent's compliance with the supervisor's recommendations.

7. Respondent shall provide all employers (including her present employer) immediately upon commencement of employment with a copy of the within Order. Respondent shall be required to provide the Committee with a copy of this Consent Order (or a subsequent Order filed by the Committee) signed by each employer acknowledging that the employer has reviewed this Consent Order within ten (10) days of the commencement of employment.

8. Prior to any application for licensure as a clinical alcohol and drug counselor or to engage in supervision in a DAS-licensed

facility, respondent shall fully attend and successfully complete a three (3) credit graduate level course pre-approved by the Committee in the subject areas of ethics and boundary issues and be certified as a clinical supervisor by ICRC member boards. (N.J.A.C. 13:34C-1.2) Respondent shall submit written documentation of her successful completion of the course and that she fully attended the course in person (not a distance learning and/or internet program), a certified copy of the transcript from the graduate program to the Committee, and documentation that she is certified as a clinical supervisor by ICRC member boards. The three (3) credit graduate course pre-approved by the Committee in the subject area of professional ethics and boundary issues may be used toward completion of the minimum number of required contact hours of continuing education in an application for renewal.

9. Respondent shall pay civil penalties in the amount of two thousand dollars (\$2,000.00). Payment shall be by certified check or money order, payable to the Treasurer, State of New Jersey and submitted to Elaine DeMars, Executive Director, Alcohol and Drug Counselor Committee, P.O. Box 45044, Newark, New Jersey 07101. Providing that respondent complies with the terms of this Consent Order, the entire civil penalty shall be stayed.

10. After a minimum of one year of successful compliance with the within Consent Order and completion of all requirements for licensure, respondent may apply for license as a clinical alcohol and drug counselor. The burden shall be upon respondent to demonstrate that she is fit and competent to practice clinical alcohol and drug counseling and has complied with all the terms of the within order. Upon any such application respondent shall submit:

a. A statement signed and dated by the respondent listing each job respondent engaged in from the filing of the within Consent Order until the date of the statement, including the name of the business or entity, address, name of her supervisor, telephone number of supervisor, dates of employment and description of respondent's duties.

b. Documentation that the course required pursuant to paragraph 8 of this order has been fully attended and successfully completed, a certified copy of the official transcript from the graduate program and documentation that respondent is certified as a clinical supervisor by ICRC member boards.

c. Documentation of completion of all mandatory continuing education since the filing of the within Consent Order.

d. Proof of payment of the civil penalty.

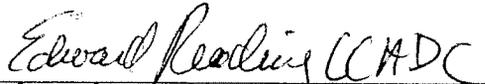
e. If so requested by the Committee, respondent shall appear before the Committee where the burden shall be upon the respondent to demonstrate to the Committee's satisfaction that respondent is fit and competent to practice as a licensed alcohol and drug counselor.

11. Respondent shall comply with all statutes and regulations, as well as professional standards of conduct and obligations of certified alcohol and drug counselors.

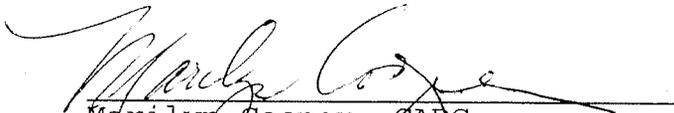
12. Any deviation from the terms of this Order without the prior written consent of the Committee shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that respondent has violated any term of this Order, respondent's certification may be automatically suspended by the Committee. Respondent, upon five (5) days notice, may request a hearing to contest the entry of such order. At any such hearing

the sole issue shall be whether any of the information received regarding respondent was materially false. In addition, the Committee reserves the right to bring further disciplinary action.

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


Edward Reading, ECADC
Committee Chair

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


Marilyn Cooper, CADC
EMPLOYER

Dated: _____, 2009.

I have read the within Order.

(Print name and title of signator)
Name of Employer

License # _____
Dated: _____, 20__

Address:
Telephone #
(including area code and extension number)

SUPERVISOR

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

Print Name of Supervisor
Address:
Telephone Number
License No.

Dated: _____, 20__