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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS

ON April 12, 2019
J. Michael Walker
Executive Director

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

IN THE MATTER OF THE LICENSE OF

ERNEST MASTRIA, Ph.D.
LICENSE NO. 35S100142600

TO PRACTICE PSYCHOLOGY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened by the New Jersey State Board of Psychological Examiners (hereinafter referred to as "Board") following the Board's review of a consumer complaint filed by G.A. and her son, A.A. G.A. was referred to Dr. Mastria ("Respondent") by her psychiatrist, James Ferreti, M.D. for treatment of her social phobia. A.A. was a patient of respondent regarding discomfort in social situations. Both individuals allege that they were "talked into investing money in respondent's project by Dr. Mastria" during the course of their

treatment. The project in question was the development of a DVD to teach "Attention Training" techniques. The investment totaled \$420,000. G.A. and A.A. filed a lawsuit to obtain the return of the investment. A default judgment was entered against Respondent and his partner.

Dr. Mastria appeared at an investigative inquiry with his attorney, Michael J. Keating, Esquire on December 10, 2007. Both Dr. Mastria's testimony and his written response to the Board confirm that he provided psychotherapy to G.A. with an introduction to the "Attention Training" technique but when the technique did not work on her, he returned to his psychotherapy sessions with her. He saw G.A. from January 2001 until August 2005. He charged G.A. \$150.00 per session which he billed to her insurance carrier. He had several joint sessions with G.A. and A.A. and G.A.'s daughter, V.A. in an attempt to assist G.A. with mastering the techniques in Attention Training. Respondent claims that he did not provide A.A. with psychotherapy but solely taught him Attention Training techniques to deal with his slight social discomforts. G.A. attended Attention Training sessions beginning on July 24, 2002. Respondent charged A.A. \$150 per session and advised him that the Attention Training sessions were not covered by insurance. Dr. Mastria claimed that he told A.A. that he was not performing psychotherapy on him and that he was not a client but a student.

However, Respondent confirmed that G.A.'s psychotherapy sessions and the attention training sessions were offered by him as a psychologist and held in the same office in Jersey City where he practiced psychology. The fees for both psychotherapy and Attention Training were the same.

Dr. Mastria defines Attention Training as a "method that anyone can learn and apply themselves without professional help or input." The technique "permits a person to be more focused and to decrease the discomfort associated with the stress of everyday life." He explains the method as an educational program which:

teaches an individual how to increase awareness of the environment in the moment. The individual applies the points taught and, with repetition, the innate automatic awareness is jumpstarted as a result of the pleasure principle and the discomfort generated by negative thoughts outside the present is eliminated since the individual comes to view these worry thoughts as foolish.

The respondent testified that he did not consider "Attention Training" to be psychotherapy and the individuals he instructs are referred to as "students" and not patients. Additionally, he informed the Board that he tells the individuals that he does not consider them patients. While he indicated that he maintained a sharp line separating the Attention Training method from

psychotherapy, he does have "social relationships" with his trainees or students. He testified that he and A.A. became personal friends after the Attention Training sessions were completed. They had breakfast together and rode motorcycles together and he was invited onto A.A.'s boat although he never saw the boat as he was unable to accept his invitation. At some point, A.A. asked to be respondent's sole investor and informed the respondent that he was rich.

Respondent confirmed that he discussed his venture to develop and distribute a DVD format presentation of Attention Training with A.A. after his training sessions had concluded and he alleges that he never discussed the venture with G.A.

Dr. Mastria informed the Board that he was a partner with an individual in California who was to market the venture. Respondent further claims that he never received any of the monies as the funds were diverted by the partner. Respondent is represented by another attorney in the District Court matter. Respondent advised the Board that his attempts to have the default judgment reversed have failed and he is in the process of attempting to repay the judgment against him and return the monies to A.A. that were borrowed.

The Board was unable to review the client records and other relevant documentation in this matter because the respondent claimed that he had a flood sometime in 2006 in his basement and

all the documents stored there were destroyed. Upon review of all the information, submissions and the respondent's testimony in this matter, the Board concludes that a cause for disciplinary action against Dr. Mastria exists as a result of the conduct detailed above. Specifically, the Board finds that Dr. Mastria was engaged in the practice of psychology with A.A. as he rendered professional psychological services to an individual for a fee by the application of a procedure in the counseling of an individual for the purpose of promoting the optimal development of their potential or ameliorating their personality disturbance and maladjustments as manifested in personal and interpersonal situations included within the definition of the practice of psychology at N.J.S.A. 45:14B-2(b) and N.J.A.C. 13:42-1.1(a)2. This definition encompasses the activities engaged in by respondent particularly in light of his use of similar office procedures by the respondent for both individuals receiving psychotherapy and individuals participating in the Attention Training techniques employed by Dr. Mastria, the administration of the same session fee in the amount \$150.00 per session and the use of his license and credentials as a psychologist. The Board concludes that the services provided come within the ambit of the practice of psychology. Although Dr. Mastria distinguishes Attention Training from standard psychological procedures, the individuals

who seek the procedure are not informed, nor do they appear to understand the claimed distinction. The participants in Attention Training are visiting the office of a licensed psychologist and are relying on his expertise as a psychologist to work through their particular issues. Dr. Mastria does not hold any other licenses or certifications in New Jersey beyond his license as a psychologist.

The Board also finds that the conduct of the respondent in entering into a financial arrangement with an individual who was a former client is a violation of N.J.A.C. 13:42-10.13 (f) and (g).

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

ACCORDINGLY, ON THIS 12th DAY OF April 2009/2010,
ORDERED THAT:

1. Respondent, Ernest Mastria's, license to engage in the practice of psychology in the State of New Jersey is hereby voluntarily surrendered to be deemed a revocation.

2. After the completion of three (3) years, Respondent may apply for relicensure of his license to practice psychology at which time he must appear before the Board or a committee thereof to demonstrate his fitness and competency to practice and to discuss his practice plans. Any relicensure to practice psychology shall be on the condition that respondent practices under supervision for a minimum of one year. The supervisor shall be approved by the Board prior to the commencement of the supervised period of practice. The approved supervisor shall monitor respondent's procedures for practice to assure that psychological standards are followed and that conflicts of interest are being avoided. Monthly progress reports are to be submitted to the Board for the first three months of practice. Thereafter, reports shall be submitted quarterly. An immediate report shall be made of any violations of the standards of practice. Upon completion of the year of supervised practice, the supervisor shall report to the Board and make recommendations regarding continued supervision or whether the respondent is able to commence practice without supervision. All costs of supervision are to be borne by the respondent.

2. Respondent shall pay a penalty in the amount of \$5000.00 for violation of N.J.S.A. 45:1-21(h) by entering into financial arrangements with a client or a former client in violation of N.J.A.C. 13:42-10.13(f) and (g). This penalty is hereby waived

on the condition that Respondent complies with all terms of this Consent Order. Failure on the part of the Respondent to comply with any of the terms of this Consent Order will result in the reinstatement of the penalty.

3. Respondent shall pay investigative and expert costs in the amount of \$1594.50. Payment of the costs shall be made in twelve (12) monthly installments by certified check or money order made payable to the New Jersey State Board of Psychological Examiners and sent to the attention of J. Michael Walker, Executive Director, Board of Psychological Examiners P.O. Box 45017, 124 Halsey Street, Newark, NJ 07101.

4. Failure on the part of the respondent to comply with any of the terms of this Consent Order constitutes a violation of the Order, proof of which would constitute grounds for disciplinary action by the Board.

NEW JERSEY STATE BOARD
OF PSYCHOLOGICAL EXAMINERS

By: Nancy S. Friedman Ph.D.
Nancy Friedman, Ph.D.
Chair

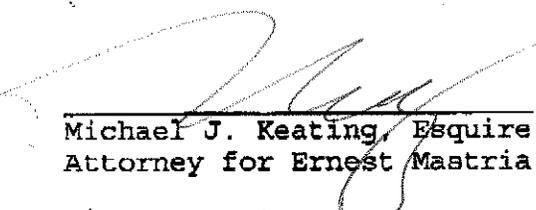
M-Keating

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.



Ernest Mastria, Ph. D.

This Order is agreed to as to form
and entry.



Michael J. Keating, Esquire
Attorney for Ernest Mastria, Ph.D.