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FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS

J. Michael Walker
10/27/11

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

IN THE MATTER OF THE
REINSTATEMENT OF THE LICENSE OF

ARTHUR R. DINKEL
License No.: 44SC00080000

TO PRACTICE CLINICAL SOCIAL WORK
IN THE STATE OF NEW JERSEY

Administrative Action

**PROVISIONAL ORDER
OF DENIAL OF
REINSTATEMENT**

This matter was opened to the New Jersey State Board of Social Work Examiners (the "Board") upon receipt of respondent Arthur R. Dinkel's ("respondent") request for reinstatement of his license to practice clinical social work in this State. The Board has reviewed the request and the opposition submitted from the Attorney General, as well as all other information in the record, and makes the following preliminary findings of fact and conclusions of law:

PRELIMINARY FINDINGS OF FACT

1. Respondent, Arthur R. Dinkel, was granted a clinical social work license, number 44SC00080000, on June 21, 1994. A copy of a printout from the Board's records, indicating respondent's licensure status, is attached hereto as Exhibit A and made a part hereof.

2. Respondent was the subject of a Consent Order with the Board filed on July 19, 2000, which, among other things, revoked respondent's license to practice clinical social work. A copy of the Consent Order is attached hereto as Exhibit B and made a part hereof.

3. The Consent Order cites a January 7, 2000 Verified Complaint and later a February 10, 2000 Amended and Supplemented Complaint filed by the Attorney General. The Complaint had alleged that respondent offered social work services through two entities of which he was the sole owner: Integrated Psychotherapy Institute, Inc. And Integrated Health Systems, Inc. The Complaints alleged that respondent employed unlicensed persons to provide social work services and that he also engaged physicians to provide medical services and used the physicians' names and information to file insurance claims and order controlled dangerous substances without the knowledge or consent of the physicians, and that respondent retained the CDS and authorized unlicensed persons to dispense the drugs. Consent Order, Exhibit B, p. 1-2. In addition, it was alleged that respondent failed to preserve the confidentiality of patient records, failed to prepare patient records and directed the fabrication of records when production was sought. Id. p. 2. The Consent Order also lists myriad violations based upon respondent's conduct. Id., p.2-3.

4. The Consent Order further recites that respondent desired to resolve the matter without recourse to further proceedings, and after consulting with counsel determined to plead no contest to the allegations of the Verified Complaint and of the Amended and Supplemented Complaint. It also states that respondent "has proposed to permanently surrender his license to practice social work in any form in this State which he understands shall be deemed a revocation." Id., p.4,

5. The Consent Order provided that respondent's license was revoked, effective immediately. Respondent agreed to cease and desist from engaging in clinical social work or in any other form of health care practice requiring a New Jersey State license, and respondent was also barred from offering or rendering professional services in clinics or other settings where practitioners are exempt from licensure requirements. Id., ¶¶ 1-2. The Consent Order further assessed respondent costs in the amount of \$18,052.45 and required him to reimburse certain third party payors in sums totaling \$85,448.00. These amounts were to be paid within ten days of the signing of the Consent Order, or if respondent requested installment payments, he was to pay \$5,000 per month, plus interest until all payments were complete. Id., ¶¶ 3-6. Respondent was also to dissolve all general business corporations in which he holds a financial interest offering any form of health care services, including Integrated Psychotherapy Institute, Inc. and Integrated Health Services, Inc. Proof of dissolution was to be provided to the Board within 30 days of the entry of the Consent Order. Id., ¶ 7.

6. The Board also reviewed two letters from prosecuting Senior Deputy Attorney General ("SDAG") Joan D. Gelber, who filed the Verified and Amended and Supplemented Complaints referred to in the Consent Order. Copies of SDAG Gelber's September 10 and September 14, 2010 letters in response to respondent's request for reinstatement are attached hereto as Exhibit C and made a part hereof. SDAG Gelber opposed the reinstatement of respondent's license, citing a number of different reasons, including the variety of offenses of moral turpitude that respondent committed; that respondent acknowledged at the time of the Consent Order that the revocation was permanent; that he failed to timely comply with the requirements of the Consent Order with respect to payment of costs and reimbursement; and that he failed to dissolve the

corporations within 30 days as required by the Consent Order, and instead waited for the State to revoke the corporate charters years later. In addition, SDAG Gelber expressed concern that respondent has not provided any indication of rehabilitation resulting in improved moral judgments regarding honesty and integrity and that he has failed to demonstrate any remorse for or insight into his prior conduct.

7. The Board also reviewed documents submitted to the Board by respondent, including letters from his treating therapist and his current employer. Copies of those letters are attached hereto as Exhibit D and made a part hereof.

8. Following its initial review, the Board was informed of a website, located at www.theadvisor.com. On that website, respondent is offering counseling and psychotherapy services via the internet or Skype. He offers “expert assistance” with a variety of issues, and lists treatment specializations including addictive disorders, family counseling, couples counseling, anxiety and depression. A copy of the home page and the “eTherapy and Online Counseling Focus” page of his website are attached hereto as Exhibit E and made a part hereof.

DISCUSSION

The Board entertained and thoroughly reviewed all materials submitted on respondent’s application for reinstatement and preliminarily finds that denial of the application is appropriate. Respondent agreed to a permanent surrender of his social work license to be deemed a revocation and further agreed not to practice any type of health care practice in any setting. The Board preliminarily finds SDAG Gelber’s arguments persuasive: respondent, with advice of counsel, agreed to a permanent surrender, and understood at the time of the Consent Order that he had no right to

seek reinstatement at any time in the future. Further support for that position can be found by the lack of a provision for reinstatement in the Consent Order itself.

Respondent's revocation was the result of a litany of transgressions. As summarized in the Consent Order, they include: failing to assure that appropriate supervision is provided to any person seeking licensure as a clinical social worker, and aiding and abetting the performance of social work practice by unlicensed and unsupervised employees; dividing fees for professional services with unlicensed persons and also with licensed social workers who are not engaged in a bona fide partnership or professional service corporation or employment relationship; failing to prominently display certain notices required by the Board including the requirement for licensed or certified staff providing social work services; entering into relationships that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation, such as professional treatment of employees or supervisees, and providing professional services in circumstances that would be expected to limit the licensee's objectivity and impair professional judgment or increase the risk of exploitation in the professional relationship; misrepresenting facts about his professional entities and about the professional staffing thereof; failing to truthfully and accurately identify himself in professional representations and misrepresenting the academic degrees purportedly earned by him; failing to prepare and maintain for each client a contemporaneous, permanent client record that accurately reflects the client contact with the social worker, and failing to retain the permanent client record for at least seven years from the date of last entry; failing to maintain confidentiality of client records; and failing to cooperate in a lawful investigation conducted by or for the Board. Respondent's conduct warranted the revocation to which he agreed. The public relies on the Board to ensure that licensees are trustworthy, honest and competent. Respondent misused the public's

confidence by stealing limited health care dollars and using unlicensed and unqualified people to provide services to the public, demonstrating a complete lack of respect for the laws that regulate professions in the public interest.

Additionally, the Board preliminarily finds that respondent failed to comply with multiple requirements of the Consent Order. He failed to pay the costs and restitution as required: the Board much later accepted a settlement for those sums as a result of a bankruptcy proceeding and reorganization. Respondent was also required to provide proof of dissolution of the corporate entities cited in the Complaints and Consent Order, and failed to do so in spite of numerous requests from the Board. Indeed, the “proof” he has now provided to the Board indicates that respondent did not take any affirmative steps to dissolve the corporations, but instead waited for the State to take action based on his non-compliance with filing and other corporate requirements. Respondent’s continuing course of conduct does not demonstrate willingness to comply with Board orders or requirements; the Board does not believe that he is reformed.

Indeed, the website www.theadvisor.com demonstrates respondent’s complete and continuing disregard for the Consent Order. Although respondent agreed that he would not represent himself to be a practicing professional such as a counselor, psychotherapist, therapist or other mental health care worker, he is acting in contravention of that agreement by offering counseling services and psychotherapy via his website. The website and the services he is offering are additional evidence of his continuing non-compliance with the requirements of the Consent Order, and his willingness to engage in the unlicensed practice of social work, drug and alcohol counseling as well as other mental health professions.

The letters submitted in support of his application for reinstatement do not persuade the Board that reinstatement would be appropriate. Respondent provided letters from his treating therapist, who has treated him since 2001, as well as from the General Manager of M&M Auto Group, who has been respondent's supervisor for the past five years. Both letters describe respondent's success in automotive sales, his large customer base and the awards and promotions he has earned. His therapist additionally notes that respondent has no evidence of substance abuse and is free of symptoms of depression. However, neither these letters nor any of the other materials submitted by respondent demonstrate any specific evidence of rehabilitation or remorse or provide any explanation for his prior conduct. The sentencing judge noted that respondent had an inflated opinion of himself and chose to blame others for his conduct; respondent has provided no information on which the Board could draw a different conclusion. Respondent's apparent success in the automotive sales industry does not persuade the Board that respondent has the skills to resume the practice of clinical social work.

Respondent's revocation was the result of many acts of moral turpitude relating adversely to the profession of clinical social work. His course of dealings with the Board, failure to comply with the requirements of the Consent Order, including his new website offering e-therapy and counseling, and the information he has provided do not demonstrate respondent's rehabilitation or readiness to resume a career in clinical social work. The Board therefore concludes that denial of respondent's request for reinstatement is proper at this time.

PRELIMINARY CONCLUSIONS OF LAW

Respondent has failed to demonstrate his fitness to practice clinical social work or provide any basis upon which the Board should change the terms of the Consent Order in which respondent

agreed to the permanent surrender of his license to be deemed a revocation. Respondent's conduct that led to his revocation and failure to comply timely with any of the requirements of the Consent Order cause the Board grave concern and warrant the denial of his request for reinstatement at this time pursuant to N.J.S.A. 45:1-21(b), (d), (e), (f), (h) and (n).

ACCORDINGLY, IT IS on this 26th day of October, 2011,

ORDERED that:

1. Respondent's request to reinstate his license to practice clinical social work in the State of New Jersey be and hereby is provisionally denied.
2. Any practice in this State in violation of the above conditions shall constitute grounds for discipline for violation of a Board Order and professional misconduct.
3. This Order is limited to respondent's application for reinstatement of his license to practice clinical social work. The Board expressly reserves the right to take action against respondent based upon his conduct, including, but not limited to, the unlicensed practice of social work and other mental health professions, or to make referrals to other appropriate Boards or agencies, where appropriate.
4. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings or Fact or Conclusions of Law by:
 - a) Submitting a written request for modification or dismissal to J. Michael Walker, Executive Director, State Board of Social Work Examiners, 124 Halsey Street, P.O. Box 45033, Newark, New Jersey 07101.
 - b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

6. In the event that Respondent's submissions establish a need for further proceedings, including but not limited to, an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions, and disciplinary actions, including the denial of reinstatement, stated herein.

NEW JERSEY BOARD OF SOCIAL WORK EXAMINERS

By: Doreen Bobby
Doreen Bobby, MSW, LCSW
Board President