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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON June 26, 2012

J. Michael Hester

By: Carmen A. Rodriguez
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS

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

THOMAS J PLAHOVINSAK, Ph. D.
License No. 35S11 00279600

Administrative Action

CONSENT ORDER

TO PRACTICE PSYCHOLOGY IN
THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Psychological Examiners (hereinafter referred to as "the Board") after a complaint was filed regarding the care and treatment of L.W. against Thomas J. Plahovinsak, Ph.D. (referred to herein as "Respondent") alleging violation of confidentiality. L.W. objected to Dr. Plahovinsak's violation of the privilege to communications between a psychologist and his patient by the issuance of a letter to his former spouse's attorney detailing the particulars of couples therapy sessions between himself and his ex-spouse. This letter was presented to the court by his spouse's attorney. This action necessitated the filing of a motion with the court by L.W. to have the letter

removed from evidence. L.W. also indicated that he was required to incur additional legal fees in order to have the Respondent's letter stricken from the record.

The Respondent appeared at an investigative inquiry on February 13, 2012 with his attorney, Joseph J. Garvey, Esquire. He testified that he is the sole owner of Community Psychology Associates, a private practice, located in Toms River, New Jersey. He employs a licensed professional counselor. His practice includes consultative examinations for the Division of Vocational Rehabilitation, court appointed custody evaluations, reunifications, and co-parenting, independent psychological evaluations, forensic and personal injury evaluations, and individual, marital, family and group therapy for children, adolescents and adults. He testified that his education and training in marital counseling was obtained from on the job training, taking on line courses and independent reading of books. He confirmed that he provided couples therapy to L.W. and his ex-wife, C.A. Counseling was initiated on January 19, 2010 when he was hired by C.A. The purpose of the counseling was to foster better communication between the two ex-spouses with an "eye towards co-parenting." Respondent believed that there was a court order for counseling in this matter, although he later learned that counseling was recommended by the court but was not a condition of a court order.

Respondent further testified that C.A. requested a summary of the counseling sessions from him. He received verbal consent from C.A. to release the information to her attorney but he did not receive consent from L.W. to release the information. He issued a summary to the attorney's representing C.A. and L.W. L.W.'s attorney

requested that respondent reimburse L.W. \$435.50 for the cost of having the respondent's correspondence removed from the record in the court action.

Respondent denied this request. He also testified that he did not speak to L.W. prior to releasing the summary on July 25, 2012. However he testified that he attempted to speak to L.W.'s lawyer but he was not able to reach him. His testimony confirmed that the client's record does not contain any documentation that he attempted to obtain a consent for release of information from L.W. or that he attempted to speak to L.W.'s lawyer concerning issuance of the summary.

Respondent testified that C.A. informed him that she wanted the summary to use in the preparation of a motion to the court but that he did not know, nor did he ask for the purpose of the motion that was to be made.

After reviewing the record, it appears to the Board that Respondent's actions constituted a violation of confidentiality pursuant to N.J.S.A. 45:148-28.

Respondent failed to adhere to the proper procedures for release of confidential records. The Board also found that the respondent lacks training in couples therapy. The Board, having determined that the following provisions are sufficiently protective of the public interest and welfare, and for good cause shown,

IT IS ON THIS DAY OF 2012 *June 26, 2012*

HEREBY ORDERED AND AGREED THAT:

1. Respondent is formally reprimanded for failing to adhere to acceptable

standards of practice in maintaining the confidentiality of patient information and records obtained during the provision of psychological services .

2. Respondent's practice in couples therapy shall be restricted to practice under supervision for a minimum of one year. The supervisor shall be approved by the Board prior to being engaged by the Respondent. Respondent shall submit the names and curriculum vitae of three potential supervisors for approval by the Board within thirty days of the entry of this order. The minimum of one year of supervision shall begin immediately upon receipt of approval of the supervisor by the Board. The approved supervisor shall have face-to-face meetings with respondent a minimum of once per month and review all of the cases, patient records and psychological reports prepared by the respondent in his practice and discuss proper procedures in managing couples therapy/ marital cases. The approved supervisor shall report in writing to the Board on a bimonthly basis regarding the respondent's progress. The supervisor's report shall provide an evaluation of the respondent's professional practice including his application of accepted standards of practice and adhering to the proper procedures for managing his cases. The cost of supervision is the sole responsibility of the respondent. The supervisor shall agree to immediately (within 48 hours) notify the Board orally and in writing, of any actions by Respondent, which fail to meet the acceptable standards of professional practice.

3. At the end of one year of supervision, the Respondent may apply to terminate or modify the supervision. In such event he shall appear before the Board

or a committee of the Board which will assess whether the condition imposed by this order should be continued in whole or in part. The supervisor shall submit a written recommendation to the Board assessing respondent's ability to resume practice without supervision.

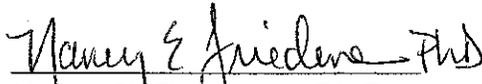
4. Respondent shall document to the Board within six months of the entry of this Order that he has fully attended and successfully completed the following courses which shall be pre-approved by the Board, an ethics course dealing with issues of confidentiality, and a course dealing with couples therapy and a course concerning record keeping. All three courses shall be pre-approved by the Board. Respondent shall submit a course description for each course named above which provides sufficient information about the contents of the course for the Board's review.

5. Respondent shall reimburse L.W. \$435.50 immediately upon signing this consent order. He shall remit a certified check or money order payable to L.W. and forward it to J. Michael Walker, Executive Director, Board of Psychological Examiners, 124 Halsey Street, P.O. Box 45017, Newark, New Jersey 07101.

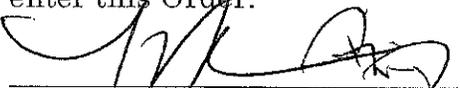
6. Respondent shall pay a civil penalty in the amount of \$2500.00 for his failure to maintain confidentiality in violation of N.J.S.A. 45: 148-28. This shall be paid within thirty days of the filing of this order. Payment shall be made to the State Board of Psychological Examiners and sent to the attention of J. Michael Walker, Executive Director, 124 Halsey Street, P.o. Box 45012 , Newark, NJ. Should the respondent require installment payments the Board shall grant

installments of 18 equal payments over an 18 month period. The first seventeen payments shall be in the amount of \$138.88 and the eighteenth payment shall be in the amount of \$139.04 The first payment shall be due and owing commencing the 15th day of July, 2012 and the eighteenth payment is due and owing on the 15th day of March 2013. Respondent shall contact J. Michael Walker to establish the installment plan. Failure to remit a payment required by this Order will result in the filing of a certificate of debt.

STATE BOARD OF PSYCHOLOGICAL EXAMINERS

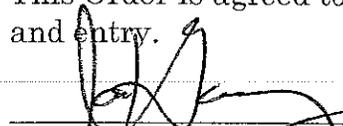

Nancy E. Friedman, Ph.D.
Chair

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.


Thomas J. Plahovinsak, Ph.D.

DATED: 6/15/12

This Order is agreed to as to form and entry.


Joseph J. Garvey, Esq.

DATED: 6/15/12

Approved supervisor agreed to reporting and supervision requirements pursuant to the Order.

Signature of Approved Supervisor

DATED: _____