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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON May 7, 2012
J. Michael Keller

By: Carmen A. Rodriguez
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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

MICHELLE ALBERTI, Ph. D.
License No. 35SI00293400

TO PRACTICE PSYCHOLOGY IN
THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Psychological Examiners (hereinafter referred to as "the Board") after a complaint was filed by Mr. C.J. against Michelle Albert, Ph.D. (referred to herein as "Respondent"). C.J. filed this complaint objecting to Dr. Alberti's treatment of his children. He alleges that the Respondent interfered with court ordered therapy, challenged Respondent's credentials to provide treatment to young children and accused her of slander for repeating charges found unsubstantiated by DYFS.

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C.J. and K.S. are the divorced parents of three children who were court-ordered into psychotherapy with another therapist after a DYFS investigation into allegations of child abuse and neglect. DYFS ruled that these charges were unsubstantiated. K. S., a patient of Respondent's for about two years, became dissatisfied with the court ordered therapist. K. S. asked Respondent if she could bring her children to her appointments and Respondent agreed.

Respondent deals primarily with issues of mood and anxiety disorders, eating disorders and adolescent issues. Twenty-five percent of her patients are under age 12, and the majority of her treatments is individual therapy. Respondent was treating K. S. in weekly 50-minute sessions, was aware that the children were in treatment with another therapist when K. S. asked her to see her children, and knew that the treatment for K. S.'s children was court-ordered but proceeded to see the children without requesting or receiving documentation from K. S. K. S. represented to Respondent that she had the authority to authorize treatment and Respondent accepted this information without speaking to K. S.'s attorney or the previous therapist. Respondent saw the children approximately six times. K. S. requested that she write a letter for the Court. Within this letter, Respondent relied solely on the information given by K. S. and presented it as if it was the result of Respondent's own opinions. Respondent referenced the already refuted allegations of sexual inappropriateness and physical abuse by C.J., K. S.'s complaints about the court appointed therapist and, questioned the rationale for the children's therapy, and addressed the letter to no specific person using the salutation "To Whom It May Concern."

Respondent appeared before the Board on April 19, 2010 at an investigative

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inquiry with her attorney, Steven Wallach, Esq. Respondent stated that she had never been involved in a legal matter before and had never written a letter to a judge or attorney and therefore deemed the salutation acceptable. Respondent produced undated release forms written by K. S. and admitted that she had no standard release forms of her own.

After reviewing the record, it appears to the Board that Respondent's actions constitute professional misconduct, pursuant to N.J.S.A. 45:1-21(e). Respondent failed to adhere to the proper procedures for managing a custody matter. 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 7th DAY OF May 2012 2012
HEREBY ORDERED AND AGREED THAT:

1. Respondent is cautioned to meet acceptable standards of practice when managing forensic cases.

2. Respondent's practice shall be limited to practice under supervision for a minimum of six months. 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 six months of supervision shall begin immediately upon receipt of approval 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,

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patient records and psychological reports prepared by the respondent in her practice and discuss the proper procedures in managing 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 her application of accepted standards of practice for adhering to the proper procedures for managing her cases. The cost of supervision is the sole responsibility of the respondent. The supervisor shall agree to immediately (within 48 hours of occurrence) 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 six months of supervision, the Respondent may apply to terminate or modify the supervision. In such events 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. Failure to comply with the terms of this Consent Order shall constitute a violation of the Order which will constitute grounds for disciplinary action. Similarly, any allegations of misconduct and/or violations of the Practicing Psychology Licensing Act and/or its accompanying regulations on the part of the respondent during the period of supervision which are substantiated by the Board, shall also serve as grounds for the implication of any other appropriate disciplinary action as the Board may determine.

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STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Nancy E. Friedman Ph.D.
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.

Michelle Alberti Ph.D.
Michelle Alberti, Ph.D.

4/15/2012

DATED:

This Order is agreed to as to form and entry.

Steven Wallach
Steven Wallach, Esq.

4/20/2012

DATED: