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State Board of Marriage and Family
Therapy Examiners

FILED
Alexis Goldberger - 7/26/12
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
ALCOHOL AND DRUG COUNSELOR COMMITTEE

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

IN THE MATTER OF THE SUSPENSION :	Administrative Action
OR REVOCATION OF THE LICENSE OF :	
:	
Luis Hernandez, LCADC :	CONSENT ORDER OF
LICENSE NO. 37LC00149300 :	REINSTATEMENT WITH
:	RESTRICTIONS
:	
TO PRACTICE ALCOHOL AND DRUG :	
COUNSELING IN THE STATE OF :	
NEW JERSEY :	

This matter was opened to the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Examiners ("Committee") upon receipt of information indicating that Luis E. Hernandez ("respondent") has provided proof of compliance with his Consent Order filed May 5, 2008 sufficient to reinstate his license to engage in the practice of alcohol

and drug counseling, with restrictions as set forth in this Consent Order.

By way of background, the Committee in 2005 issued a Provisional Order of Denial of Licensure to Mr. Hernandez, based upon preliminary findings that he had engaged in professional misconduct in the State of Florida by fraternizing with a counselor he was supervising and by holding a client's money in his personal checking account. Upon review of respondent's response to the Provisional Order by letter dated June 16, 2006 and his subsequent submission of a psychological evaluation stating that his psychological conflicts do not interfere with his ability to counsel under supervision, the Committee modified the terms of the Provisional Order in a Consent Order of Licensure With Restrictions entered on May 8, 2008 ("2008 Order"), which granted Mr. Hernandez a license to practice alcohol and drug counseling with restrictions. Paragraph 2 of the 2008 Order required Mr. Hernandez to attend individual, insight-oriented psychotherapy with a Committee approved psychotherapist at least once per week on an ongoing basis, until the therapist recommends termination and the Committee approves termination. Additionally, respondent was responsible to cause the therapist to submit quarterly reports to the Committee regarding his progress in therapy.

Upon receipt of information that respondent had failed to

attend psychotherapy and provide quarterly reports as directed in the 2008 Order, including respondent's admission under oath on August 13, 2009 that he did not attend counseling or therapy for over one year, a Provisional Order of Discipline was filed ~~with the Board of Alcohol and Drug Counselors~~ respondent's license to practice alcohol and drug counseling until such time as he demonstrated compliance with Paragraph 2 of the 2008 Order. The Provisional Order was finalized and the suspension was effective on December 17, 2009.

Respondent's attorney informed the Committee by letter dated April 4, 2012 that respondent is now attending therapy as required by the 2008 Order with a Committee approved therapist, and that his therapist is willing to provide continued psychotherapy and quarterly reports, and to fulfill the other obligations set forth in the 2008 Order. In light of respondent's recent submission, which included documentation of full compliance with all of the terms of the 2008 Order, the Committee has concluded that it will issue respondent a restricted license to practice alcohol and drug counseling under the conditions set forth below. With the restrictions and conditions contained in this agreement, the Committee finds that the public health, safety and welfare will be adequately protected.

THEREFORE, IT IS ON THIS ____ DAY OF _____, 2012,

ORDERED AND AGREED:

1. Upon payment of the applicable fees, including a \$125.00 reinstatement fee, a \$75.00 application fee, and a \$250.00 biennial renewal fee, a restricted license to practice alcohol and drug counseling as a licensed clinical alcohol and drug counselor will be issued to Luis Hernandez, which license is conditioned upon his compliance with the terms of this order. The restricted license will be issued upon (i) payment of the referenced fees by respondent, and (ii) execution of this Consent Order by Luis Hernandez and Robert Pedevillano, MS, LPC, ACS, with the express condition that respondent may not commence employment until respondent's pre-approved supervisor signs this Order and submits it to the Executive Director of the Committee as provided in Section 5 of this Order. Any commencement of employment by respondent in violation of this condition shall constitute unlicensed practice, and may result in the automatic suspension of respondent's license in accordance with Section 8 of this Order.

2. The Committee hereby approves Robert A. Pedevillano, MS, LPC, ACS as a psychotherapist to provide psychotherapy to respondent in accordance with the terms of Paragraph 3. below.

3. Beginning immediately, respondent shall attend

individual, insight-oriented psychotherapy to include boundary issues, with Mr. Pedevillano (or a successor psychotherapist pre-approved by the Committee) at least once per week on an ongoing basis, until such time as the therapist recommends termination and the Committee approves that termination. Respondent's therapist shall review and sign the within Order if he agrees to the responsibilities set forth herein. In the event respondent's relationship with the therapist who is a signatory to this agreement is terminated for any reason, respondent shall notify the Committee in writing within two (2) business days of said termination. Respondent shall cause the therapist to provide quarterly reports to the Committee regarding his progress in therapy, and the therapist shall immediately (within two (2) business days of obtaining knowledge of the occurrence) report to the Executive Director of the Committee orally and to the Committee in writing any information that reflects that respondent is not able to practice alcohol and drug counseling consistent with the public health, safety and welfare, and shall also report to the Executive Director of the Committee orally and to the Committee in writing in the event therapy is terminated for any reason... The quarterly reports prepared by respondent's psychotherapist shall include at a minimum (1) the frequency of respondent's attendance at sessions, including notification if respondent has missed two or more consecutive

competent to safely practice alcohol and drug counseling, (3) the progress of respondent's therapy as it pertains to boundary issues and scope of practice, (4) assurance that respondent is behaving as the client in therapy, and not as a co-therapist. Quarterly reports shall be submitted directly by the psychotherapist to the Committee, and shall not be shared with respondent prior to being submitted to the Committee.

4. Respondent shall not engage in the independent practice of alcohol and drug counseling for a minimum of two years, and until further written order of the Committee. Respondent shall engage in practice only in a supervised setting, and only in a facility licensed by the Division of Mental Health and Addiction Services ("DMHAS"). Additionally, respondent is permitted under ~~this Order to work in the mental health field by serving as a behavioral assistant or case manager,~~ specifically prohibited from working as a mentor through any provider whatsoever.

5. Respondent shall be supervised by a licensed clinical ~~alcohol and drug counselor~~ (LCADC), or other approved supervisor Committee, who works directly with respondent at respondent's place of employment. Respondent's supervisor, upon approval by the Committee, shall sign this Order and submit it to the Executive Director of the Committee no less than five (5) days


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Executive Director of the Committee no less than five (5) days before respondent begins employment. Respondent shall cause his supervisor(s) to provide quarterly reports to the Committee documenting (1) any knowledge of boundary violations by respondent including but not limited to social interactions with clients or staff outside of the practice setting, and (2) compliance by respondent with all statutes and regulations governing the practice of alcohol and drug counseling including any state or federal statutes or regulations. The supervisor shall submit quarterly reports directly to the Committee, and such reports shall not be shared with respondent until after they have been submitted to the Committee. Such supervisor shall immediately (within two (2) business days of obtaining knowledge of the occurrence) report to the Executive Director of the Committee orally and to the Committee in writing any information that respondent has engaged in behavior that raises issues regarding appropriate professional boundaries, or that he may be in violation of any statute or regulation governing the practice of alcohol and drug counseling, or that reflects that respondent is not able to practice alcohol and drug counseling consistent with the public health, safety and welfare. Respondent shall provide the Committee with a list of all places of employment and proposed supervisors in each setting.

In the event any supervisor's relationship with respondent

is terminated for any reason, or respondent proposes to begin working under a different supervisor, the supervisor who is a signatory to the agreement shall immediately (within two (2) business days of termination) notify the Committee in writing providing detailed reasons for the change.

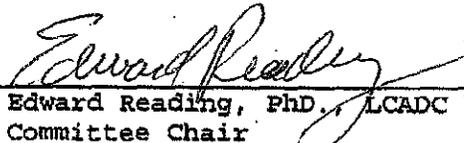
6. The Committee hereby accepts the graduate-level course in ethics completed by respondent as satisfaction of the conditions imposed by Paragraph 4 of the May 8, 2008 Consent Order.

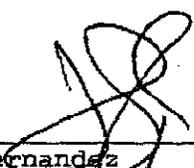
7. The Committee shall not entertain an application by respondent to lift any of the restrictions contained herein for a minimum of two (2) years from the date of entry of this Order. Prior to any such application by respondent, respondent shall submit to the Committee documentation of his personal and professional rehabilitation sufficient to establish his ability to safely engage in independent practice. The Committee may require respondent to appear and provide additional documentation before making a determination lifting any of the restrictions contained herein, and reserves the right to retain some or all of these restrictions.

8. Respondent hereby consents to the entry of an Order of automatic suspension of his license to practice alcohol and drug counseling in this State upon the Committee's receipt of any information which the Committee in its sole discretion deems

reliable that respondent has failed to comply with any of the terms of this Order or has engaged in conduct that violates any statute or regulation administered by the Committee. Notice of the suspension shall be provided to respondent in writing by the Committee immediately after the suspension is imposed. Respondent may upon five (5) days notice, request a hearing to contest the entry of such an order. At any such hearing, the sole issue shall be whether any of the information relied upon by the Committee was materially false.

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

By: 
Edward Reading, PhD., LCADC
Committee Chair


Luis Hernandez

Date: 07/18/12

I consent as to the form and entry of this Order.

Elizabeth Christian
Elizabeth Christian, Esq.
Giordano, Halleran & Cieala, P.C.
Attorney for Luis Hernandez

Date: 7/26/12

I have read and agree to the reporting requirements and requirements for providing psychotherapy to Mr. Hernandez in accordance with Paragraph 3 of this Order.

Robert D. Pedevillano, LPC, ACS.
Robert Pedevillano, MS, LPC, ACS
Committee approved psychotherapist
For Mr. Hernandez

Date: 7-19-2012

I have read and agree to the reporting and supervision requirements, in accordance with Paragraphs 4 and 5 of this Order.

[Name]
Supervisor

Date: _____