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FILED WITH THE BOARD OF PSYCHOLOGICAL EXAMINERS
ON February 4 2013
J. Michael Fisher
Executive Director

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

IN THE MATTER OF

SUSAN FULS, Ph.D.
License No. 35SI00353600

TO PRACTICE PSYCHOLOGY
IN THE STATE OF NEW JERSEY

Administrative Action

MODIFIED CONSENT ORDER

This matter was opened to the New Jersey State Board of Psychological Examiners (hereinafter "the Board") upon receipt of information from client E.M. concerning the psychological services and treatment provided by Susan Fuls, (hereinafter "the Respondent") and alleging professional misconduct, false insurance claims and the making of false allegations against him.

Respondent appeared at an investigative inquiry on February 13, 2012 without counsel. Dr. Fuls confirmed that she saw E. M. For the first time at a double session on February 11, 2009. She testified that E. M. cancelled or failed to appear for scheduled visits on February 19, and 26, 2009 and March 3, 2009 (due to snowstorm). Respondent also testified that she received several telephone calls from E. M.

The complainant claimed that the respondent billed him for two visits that he did not keep. Dr. Fuls testified that she did bill the complainant's insurance carrier for two visits that were "no shows" but blamed the billing on "a bookkeeping error." She further testified that she returned the payments to the insurance carrier upon receipt of this complaint to the Board.

Respondent testified that in May 2009, she saw the complainant's wife for two sessions on May 7 and 14, 2009. She received an emergency telephone call and provided a 45 minute session. She also spoke to the complainant's wife on May 22, 2009 concerning a court hearing in Union County wherein the complainant's wife alleged that her husband stated that he could "hurt her" (the wife) and he attempted to discredit a letter written by the Respondent to the court.

Respondent confirmed that on May 7, 2009 she wrote a letter to the Plainfield Police regarding the complainant and his wife and minor children. In that letter the respondent claimed that "she treated the complainant for bipolar disorder, depression and impulse control problems." She further stated that he refuses all necessary

medications to stabilize his moods or participate in treatment. He is currently making suicidal statements which are likely to result in harm to himself, but also to his two young children...Please have E.M. immediately screened at a psychiatric screening center due to his imminent danger." On the same day, respondent also wrote a letter to Judge Profillo regarding the complainant and his wife. Respondent claims that she

> "met with both individuals in these cases and that the complainant was not honest in his medical history. I have treated him for Bipolar disorder, Depression, and impulse control problems. His wife, children and mother in law are all the target of his rage and distorted thinking, It is clearly dangerous for him to have any contact with them at this time. For years he has been prescribed mood stabilizers and refuses to take them. This resulted in the near death assault of his wife on April 22, 2009. (See photos)... I am pleading that the court broaden the restraining order to include his children and mother-in–law until he can demonstrate psychiatric compliance and blood levels of mood stabilizer. Please stop visitation at this time."

Having reviewed the entire record, the majority of the information supplied to the Court and to the Police by Respondent was based upon information received from collateral sources (a former patient who is a retired police officer, the mother-in-law and the spouse of the complainant). However in the correspondence to the court and the police the information is related as if Respondent had directly observed these events. Respondent also did not accurately portray her treatment of the individual in the correspondence when she only saw him on one day for a double session in February, and wrote the correspondence three months later. The Board finds that the Respondent has committed repeated acts of misrepresentation in the correspondence that she submitted to the Union County Court and to the Police Department as she represented that she treated the respondent for certain psychological conditions when

she had only personally seen the respondent on one occasion for two hours, three months before without follow up. This conduct constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

A review of the client record in this matter revealed that the client record was disorganized and incomplete. Notes were made on separate pieces of paper and appeared not to be included in the client record, entries were not dated. Information was not documented in the record in accordance with N.J.A.C. 13:42-8.1.

The Board also finds that the Respondent's conduct in making a recommendation to the court to stop visitation without a proper foundation, and in contacting a landlord for collateral information without the permission of the client, constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).

The respondent being desirous of resolving this matter without resort to formal proceeding, having waived any right to a hearing, and 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 4th DAY OF ~~JANUARY~~ February, 2013

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall cease and desist from making statements that suggest that facts were her direct observation when she obtained information from collateral sources, shall cease and desist from misrepresentations and shall and shall accurately portray her treatment and interaction with clients in correspondence.

2. Respondent shall be required 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. 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, client records, billing, correspondence and psychological reports prepared by the respondent in her practice and discuss proper procedures for managing cases. The approved supervisor shall focus on reviewing issued concerning record keeping, boundary issues and standard procedures for case management. 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 psychological cases, record keeping and boundary issues. The supervisor shall agree to immediately (within 48 hours of an occurrance) notify the Board orally and in writing, of any actions by Respondent which fail to meet the acceptable standards of professional practice. Respondent shall be responsible for payment of all costs associated with the supervisor.

3. Upon completion of one year of supervision, the Respondent may apply to terminate or modify the supervision requirement. In such event she 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. Prior to such appearance the supervisor shall submit a written recommendation to the Board assessing respondent's ability to resume practice without the need for supervision. Both the supervisor and the Respondent shall address steps taken by the Respondent to adhere to professional standards for record keeping, boundary issues and management of psychological cases in her practice.

4. Respondent shall pay a penalty in the amount of $1500.00 for violations of N.J.S.A. 45:1-21 (b) and (e) and N.J.A.C. 13:42-8.1. Payment in full shall be remitted to the attention of J. Michael Walker, Executive Director, State Board of Psychological Examiners, P.O. Box 45017, Newark, New Jersey 07101 within 10 days of the filing this Consent Order. Failure to submit the full amount of the penalty may result in the filing of a Certificate of Debt against the Respondent in Superior Court.

5. Respondent shall pay costs incurred by the Board for the investigation of this matter in the amount of $357.00. Payment in full shall be remitted to the attention of J. Michael Walker, Executive Director, State Board of Psychological Examiners, P.O. Box 45017, Newark, New Jersey 07101 within 10 days of the filing this Consent Order. Failure to submit the full amount of the penalty may result in the filing of a Certificate of Debt against the Respondent in Superior Court.

6. Failure to comply with any of the terms of this Consent Order shall constitute a violation of the Order which will constitute grounds for disciplinary action as the Board may determine. 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 imposition of any other appropriate disciplinary action as the Board may determine.

NEW JERSEY STATE BOARD OF PSYCHOLOGICAL EXAMINERS

By: Nancy E Friedman PhD

Nancy E. Friedman, Ph.D.
President

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.

Susan Fuls, Ph.D

Susan Fuls, Ph.D.

I have read this order and agree to comply with the terms regarding the supervision and reporting as I indicated above.

_____, Approved Supervisor

SWORN TO AND SUBSCRIBED
BEFORE ME THIS DATE

JAN 25 2013

Marta DiGesu
Notary Public of New Jersey
My Commission Expires 12/27/2017