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State Board of Marriage and Family Therapy Examiners

FILED
May 16, 2014
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE
Chilagros Plalago

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
PROFESSIONAL COUNSELOR EXAMINERS
COMMITTEE OF THE STATE
BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF: Administrative Action
:
LUIS HERNANDEZ, LPC :
LICENSE NO. 37PC00374500 :
:
TO PRACTICE PROFESSIONAL :
COUNSELING IN THE STATE OF :
NEW JERSEY :
:

This matter was opened to the Professional Counselor Examiners Committee of the New Jersey State Board of Marriage and Therapy Examiners ("Committee") upon receipt of information indicating that Luis E. Hernandez ("Respondent") has provided proof of compliance with his Consent Order filed May 8, 2008 sufficient to reinstate his license to engage in the practice of

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

By way of background, the Committee on May 8, 2008, entered a Consent Order which granted Mr. Hernandez a license to practice professional counseling with restrictions ("2008 Order"). The 2008 Order was based upon the Committee's review of Mr. Hernandez's application and background information, including consideration of a Provisional Order of Denial of Licensure issued by the Alcohol and Drug Counselor Committee in December 2005, related to Mr. Hernandez's inappropriate conduct with a female subordinate while employed at the Center for Drug Free Living in Florida.

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

against Respondent on October 20, 2009, preliminarily suspending Respondent's license to practice professional 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 letters dated April 18, 2013 and May 21, 2013 that Respondent is now attending therapy as required by the 2008 Order with a Committee approved therapist. Additionally, Respondent has provided documentation of continuing education, and has undergone a psychosexual evaluation at the Committee's request by Dr. Philip Witt, PhD., a Committee approved evaluator. In light of Respondent's recent submission, and his testimony at an appearance before the Committee on June 6, 2013 at which he demonstrated to the Committee's satisfaction his fitness to re-enter the practice of professional counseling, the Committee has concluded that it will issue Respondent a restricted license to practice professional 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 16 DAY OF May, 2014,

ORDERED AND AGREED:

1. Upon payment of all applicable fees, a restricted

license to practice professional counseling as a licensed professional counselor will be issued to Luis Hernandez, which license is conditioned upon his compliance with the terms 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. Respondent shall continue to 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, the first such report is due within thirty (30) days of this order. The therapist shall immediately (within two (2) business days of obtaining knowledge of any occurrence of a boundary issue or violation of any statute or regulation

governing the practice of professional counseling) report to the Committee orally and in writing any information that reflects that Respondent is not able to practice professional counseling consistent with the public health, safety and welfare, and shall also report to the Committee orally and in writing within two (2) business days of occurrence 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 appointments, (2) an indication of whether Respondent is fit and competent to safely practice professional 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 professional counseling for a minimum of two (2) years from re-entry into practice, and until further written order of the Committee. Respondent shall engage in practice only in a supervised setting, and in accordance with the requirements of Paragraph 5 and 6 below. Additionally, Respondent is

specifically prohibited from working as a mentor through any provider whatsoever.

5. Respondent shall be supervised by a licensed professional counselor ("LPC"), or other supervisor pre-approved by the 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 Committee no less than five (5) days before Respondent begins employment.

6. 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 professional 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 Committee orally and 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 professional counseling, or that reflects that Respondent is not able to practice professional counseling consistent with the public health, safety and welfare.

7. Respondent shall provide the Committee with a list of all places of employment and proposed supervisors in each setting at least five (5) days prior to commencing employment.

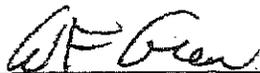
8. In the event any supervisor's relationship with Respondent is terminated for any reason, or Respondent proposes to begin working under a different supervisor, the supervisor who is a signatory to the agreement shall immediately (within two (2) business days of termination) notify the Committee in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

9. 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 except as indicated in paragraph 3 regarding psychotherapy. 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.

10. Respondent hereby consents to the entry of an Order of automatic suspension of his license to practice professional counseling in this State, without notice, 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. 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.

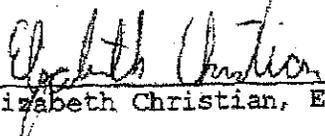
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE
OF THE STATE BOARD OF MARRIAGE AND FAMILY
THERAPY EXDAMINERS

BY: 
William Green, L.R.C.
Committee Chair


Luis Hernandez, Respondent

Dated: 5/22/14

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


Elizabeth Christian, Esq.

Dated: 5/15/14

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.

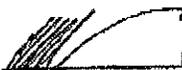


Robert Pedevillano, M.S., L.P.C., A.C.S.
Psychotherapist for Mr. Hernandez

Dated:

1/14/15

I have read and agree to the Reporting and supervision Requirements, in accordance With Paragraphs 4 and 5 of this Order.


[Name]
Supervisor

Heesoo Karina Kim, LCSW, PhD

Date:

1/5/15