

FILED

21 April 2015

STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND 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 LICENSE OF : Administrative Action
: :
SUE E. FALLON, LPC : CONSENT ORDER
License No. 37PC00284000 : :
: :
TO PRACTICE PROFESSIONAL : :
COUNSELING IN THE STATE OF : :
NEW JERSEY : :

This matter was opened before the Professional Counselor Examiners Committee (hereinafter the "Committee") of the New Jersey Board of Marriage and Family Therapy Examiners upon notification that Respondent entered a consent order with the New Jersey Department of Banking and Insurance, Bureau of Fraud Detention (hereinafter "Banking & Insurance") finding that Respondent knowingly submitted claims that contained false and

misleading information to both Aetna Insurance and United Health Group/Optimum Insight by billing for services not rendered on 45 separate dates of service to three (3) separate patients/members between July 19, 2010 and March 20, 2011, constituting a violation of N.J.S.A. 17:33A. The consent order provided that it may be used in any civil or administrative proceeding, including a license suspension or revocation proceeding. Subsequent to the filing of the consent order, Respondent sent a letter to Banking & Insurance stating that the allegations in the consent order are entirely false and that she had "no blemishes on her record."

Respondent appeared before the Committee for an investigative inquiry on September 4, 2014. She entered a prior consent order with the Committee in 2008 reinstating her license after failing to renew her license and engaging in unlicensed practice. Respondent testified that the National Board for Certified Counselors also found Respondent's unlicensed practice to be a violation of the National Board for Certified Counselor's ethics code.

Respondent further testified, acknowledging that she reported to insurance companies that she had no discipline in connection with her license even though she had an existing consent order with the Committee.

Regarding the findings of Banking & Insurance that Respondent submitted false billing statements, Respondent testified that her clients were contacted by their insurance companies and admitted to attendance at some sessions but disputed attendance at other sessions. Respondent further testified that her notes were not complete and that she likely made errors in billings but the errors were inadvertent. She testified that it would have taken a tremendous amount of time and effort and caused anxiety to her clients to challenge the allegations of Banking & Insurance.

Respondent further testified that she referred one of the clients to her daughter, who is a gynecologist.

Having reviewed the entire record, it appears to the Committee that Respondent's referral of her client to her daughter is a boundary violation and constitutes professional misconduct, in violation of N.J.S.A. 45:1-21(e). Respondent's failure to maintain adequate records constitutes a violation of N.J.A.C. 13:34-18.1 and N.J.S.A. 45:1-21(h). Respondent's statements to the insurance companies that she had not been disciplined in connection with her license and the finding in the Consent Order with Banking & Insurance that Respondent submitted false and misleading claims to insurance companies constitute violations of N.J.S.A. 45:1-21(b) in that Respondent has engaged in the use of dishonesty, fraud, deception and

misrepresentation. The parties desiring to resolve this matter without further proceedings, and the Committee finding this Consent Order to be adequately protective of the public interest, and other good cause appearing;

IT IS ON THIS 21 DAY OF April, 2015,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice as a professional counselor is suspended for a minimum of two (2) years from the date this Order is served upon her. Upon the date this Order is served upon Respondent, she shall cease and desist providing any counseling, therapy, coaching, life training or other service related to the mental health profession in this State and any practice in this State shall constitute grounds for a charge of unlicensed practice and subject Respondent to disciplinary action. Contemporaneously with the signing of this Consent Order, Respondent shall mail her license to practice as a professional counselor to Executive Director Milagros Collazo, Professional Counselors Committee, State Board of Marriage and Family Therapy Examiners, 124 Halsey Street, 6th Floor, Newark, New Jersey, 07101.

2. Respondent shall, within two weeks of the date this Order is served upon her, notify her clients that she is terminating services and provide for the transfer or referral of

her clients, in compliance with the requirements of N.J.A.C.

13:34+6.3.

3. The Committee shall not entertain an application by Respondent for reinstatement of her license until a minimum of two (2) years has elapsed from the date of suspension of her license. Prior to any such application by Respondent, Respondent shall appear before the Committee and demonstrate that she is fit and competent to practice as a professional counselor and document completion of all required continuing education at that time. Upon any reinstatement of her license, the Committee reserves the right to impose whatever restrictions or conditions on licensure it deems necessary to protect the public health, safety and welfare.

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

By

William F. Green L.R.C.
William Green, L.R.C.
Committee Chair

I have read and understand the provisions of this order and agree to be bound by them.

Susan Fallon
Susan Fallon, Respondent

Dated: 4/14/15