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FILED
4 June 2015
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
ALCOHOL AND DRUG COUNSELOR COMMITTEE

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

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MARRIAGE AND FAMILY THERAPY
EXAMINERS, ALCOHOL AND DRUG
COUNSELOR COMMITTEE; AND
PROFESSIONAL COUNSELOR COMMITTEE

IN THE MATTER OF DANA PASSENTI, LCADC License No. 37LC00198600 LICENSED TO PRACTICE ALCOHOL AND DRUG COUNSELING IN THE STATE OF NEW JERSEY and DANA PASSENTI-REUTER, LPC License No. PC00465800 LICENSED TO PRACTICE PROFESSIONAL COUNSELING IN THE STATE OF NEW JERSEY	Administrative Action CONSENT ORDER

The New Jersey State Board of Marriage and Family Therapy Examiners, Alcohol and Drug Counselor Committee ("ADC Committee") and the Professional Counselors Committee ("PC Committee") or ("Committees"), received information that Dana Passenti, also known as Dana Passenti-Reuter ("respondent"), engaged in multiple and serious boundary violations prior to her licensure, but which only became known to the Committees upon submission of complaints from a former co-worker and from her employer after the licenses were issued.

Respondent was initially licensed as a professional counselor on January 2, 2013, and renewed that license on December 1, 2014, for the 2014-2016 biennial period. She was initially licensed as a clinical alcohol and drug counselor on May 28, 2013. At renewal in July 2014, respondent placed her clinical alcohol and drug license in inactive status for the 2014-2016 biennial period. Thus, she holds an active license as a professional counselor and an inactive license as a clinical alcohol and drug counselor.

The complaints received alleged that during October 2009 through September 2012, while working at Seashore Family Services of New Jersey, respondent engaged in professional misconduct by failing to maintain appropriate boundaries with persons participating in the program. Specifically, the complaint from a former co-worker alleged that respondent engaged in "suspicious activity with multiple clients including scheduling individual sessions without documentation and at times when other co-workers would be unavailable...had contact with multiple clients outside work hours and work environment, and unrelated to any matters in which counseling applied." The complaint further alleged that respondent's personal contacts had distressed client "E" whose boyfriend, client "D,"

was subject of those contacts, as well as a report that respondent was suspected of having a sexual relationship with client "G." Respondent's former employer reported that respondent had forwarded client "E"'s resume to respondent's personal email account, had provided information related to an alleged ongoing criminal investigation regarding client "G" to an assistant county prosecutor, and developed a chart that purported to detail sexual relationships among clients in the agency, which chart lacked any therapeutic purpose or value. While the investigation by the Seashore Family Services was ongoing, respondent, in September 2012, resigned her position at that agency.

On April 3, 2014, Ms. Passenti-Reuter appeared without counsel, at a joint investigative inquiry into the matter held by the ADC and PC Committees. In her testimony, she denied that she had a personal or sexual relationship with client "G." She denied texting to clients, but then acknowledged that she had given client "E" her cell phone number (ostensibly related to the need to contact her in an emergency) and that client "D" had texted her, although she professed no recollection of the subject of the texts. Clients "E" and "D" were in a relationship. Respondent denied that she met with or communicated with clients outside the agency. With regard to communications with the assistant prosecutor, she claimed to have told client "G" about the contact, though the emails reviewed suggest otherwise.

Subsequent to the inquiry, the Committee received from Seashore Family Services copies of photographs of cell phone texts between clients "E," "D," and "G" and respondent.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, email between respondent and the assistant prosecutor, email between respondent and the client whose resume she reviewed, and photographs of text

messages between respondent and three clients of the agency, the Committees are persuaded that the allegations of boundary violations by respondent are amply supported.

Moreover, it appears to the Committees that respondent was not truthful in answering questions related to her relationships with clients. She denied that she had a relationship with client "G," though the text messages between them belie that denial. The texts between respondent and clients "E" and "D" similarly contradict her testimony that she did not engage in out-of-work contacts with her clients. For conduct reflective of boundary violations that she admitted, she sought to diminish her actions.

Simply put, respondent has demonstrated a profound lack of understanding regarding the boundaries that must be maintained by a licensed mental health counselor and her clients. Her dissembling testimony before the Committees and her actions in having a romantic relationship with a client, texting clients on her personal cell phone, communicating with the drug court prosecutor on matters apparently not relevant to the clinical services to be provided to that client, and offering to submit a client's resume to a business owned by respondent's uncle, so significantly depart from standard of care as to require the Committees to take action for that professional misconduct.

Although the conduct occurred pre-licensure, any mitigating weight that fact would have had was erased by her flatly untruthful testimony. At this time, and without a significant absence from practice and retraining in ethics, respondent cannot be trusted to engage in professional counseling and alcohol and drug counseling in this State. Contact with clients outside of the agency, communications with the prosecutor, offering to forward a client's resume, and being romantically involved with a client demonstrate that respondent engaged in professional misconduct, a basis for disciplinary action pursuant to

N.J.S.A. 45:1-21(e). An intimate relationship with a client violates regulations governing the practice of alcohol and drug counseling, N.J.A.C. 13:34C-3.3, and professional counseling, N.J.A.C. 13:34-19.3. In the field of mental health, and in particular when counselor is in a position of power over her client based on the client's vulnerability (here by virtue of her responsibilities regarding clients in a drug court-ordered program), the need to maintain professional boundaries is critical. The risk of exploitation is plain; the violation -- flagrant.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings, that she waives any right to be further heard, and for good cause shown:

IT IS ON THIS 4 DAY OF June, 2015,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice professional counseling alcohol and drug counseling shall be suspended effective on May 1, 2015, for a period of five years, three years of which shall be served as a period of active suspension, and the remaining two years stayed and served as a period of probation. Violation of this order or of the laws and regulations governing the practice of professional counseling and/or alcohol and drug counseling shall result in the activation of the stayed suspension in addition to any other sanction imposed for the violation(s).

2. Respondent is assessed the costs of the investigation to the State in this matter in the amount of $997.75. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and sent to Milagros Collazo, Executive Director, State Board of Marriage and Family Therapy Examiners, P.O.

Box 45040, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 no later than 30 days from the entry of this Consent Order.

3. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt and such other proceedings as authorized by law.

4. Respondent shall cease and desist from advertising, offering to engage in or engaging in the practice of professional counseling, alcohol and drug counseling, mental health therapy and/or counseling, or the provision of counseling services as defined in N.J.S.A. 45: 8B-36 in any setting, including exempt settings as defined by N.J.S.A. 45: 8B-48, and alcohol and drug counseling services as defined by N.J.S.A. 45:2D-3, including exempt settings as defined in N.J.S.A. 45:2D-9. This bar to providing mental health services includes but is not limited to uncompensated or volunteer practice, life coaching, internet counseling and/or exempt settings. Respondent also agrees not to engage in practice as, or apply for licensure as, a mental health professional in any other state or jurisdiction until further order of the Committees.

5. Prior to the conclusion of the active period of suspension, respondent shall fully attend and successfully complete a three credit graduate course in ethics at an accredited college or university. The course must be pre-approved by the Committees. Respondent shall provide proof of successful completion of the required course work with her request for reinstatement.

6. Prior to conclusion of the active period of suspension or before seeking to return to active practice, whichever is later, respondent shall appear before the Committees and demonstrate that she is fit and competent to practice and is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare.

She shall provide proof of completion of continuing education for the two preceding biennial renewal periods. Following the appearance and review of all relevant documents submitted and respondent's testimony, the Committees, in their sole discretion, will determine whether and under what conditions respondent may return to practice.

7. Nothing in this Order shall be deemed to preclude the Committees' from taking any action they deem appropriate should the Committees' review of information cause them to determine that such action is warranted. Entry of this order is without prejudice to further action by other law enforcement entities.

8. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF
MARRIAGE AND FAMILY THERAPY

By: _____
Edward G. Reading, LCADC
Alcohol and Drug Counselor Committee
Committee Chair

By: _____
William F. Green, LRC
Professional Counselors Committee
Committee Chair

I have read and understand this
Consent Order and agree
to be bound by its terms. I consent
to the entry of this Order.

_____
Dana Passenti-Reuter
a/k/a Dana Passenti

4/24/15
_____
Date