

JOHN HOFFMAN  
 ACTING ATTORNEY GENERAL OF NEW JERSEY  
 Division of Law  
 124 Halsey Street  
 P.O. Box 45029  
 Newark, New Jersey 07101  
 Attorney for the Professional Examiners Committee  
 Of the State Board of Marriage and Family Examiners

**FILED**  
*8 March 2016*  
 STATE OF NEW JERSEY  
 BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS  
 PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE  
*Chitra Das Buehler*

By: Shirley P. Dickstein  
 Deputy Attorney General  
 (973) 648-7093

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  
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**JAMES W. FAY, IV, LPC**  
 LICENSE NO. 37PC00423800 : **CONSENT ORDER**  
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 TO PRACTICE PROFESSIONAL :  
 COUNSELING IN THE STATE OF :  
 NEW JERSEY :

This matter was opened before the Professional Counselor Examiners Committee of the New Jersey Board of Marriage and Family Therapy Examiners (hereinafter the "Committee") upon receipt of a complaint by the parents of E.W. alleging malpractice by Melissa Dolgos, the licensed associate counselor who treated E.W. while she was a patient at GenPsych, a facility which provides intensive outpatient care. Shortly after E.W. was discharged from GenPsych, she died of a drug overdose. E.W.

was a patient at GenPsych from June 3, 2013 through August 7, 2013. She had a complex diagnosis including Depressive Disorder, Panic Disorder with Agoraphobia, Anorexia Nervosa, Binge Eating/Purge Type and Borderline Personality Disorder. She also engaged in self-mutilation and substance abuse. E.W. was the first patient assigned to Melissa Dolgos, a recently licensed associate counselor. The Treatment Plan dated June 10, 2013 specified that the psychiatrist at GenPsych would conduct an initial assessment of E.W. and monitor her medication on a bi-weekly basis. The complaint alleges that the psychiatrist met with E.W. on only three occasions and not bi-weekly as required by the Treatment Plan. The complaint further alleges that E.W. was discharged from GenPsych with a Certificate of Successful Completion even though she demonstrated an increase in self-destructive behavior and substance abuse.

Prior to Ms. Dolgos' employment at GenPsych, which began in May of 2013, she was employed by New Jersey Mentor from September 2012 through April 2013 and was supervised by Diane Kolodzinski. As a result of administrative error, Ms. Kolodzinski's Plan of Supervision was not approved until August 6, 2013. By letter dated April 8, 2013, Ms. Kolodzinski informed the Committee that Ms. Dolgos was no longer employed by New Jersey Mentor and that Ms. Dolgos would submit a new Plan of Supervision when she obtained employment. By letter dated June

11, 2013, Ms. Kolodzinski informed the Committee that Ms. Dolgos moved to a new position at GenPsych and would be receiving supervision from an individual at GenPsych and that Ms. Kolodzinski would no longer be providing supervision to Ms. Dolgos. On February 28, 2015, Ms. Kolodzinski provided the Committee with her supervision logs of Ms. Dolgos, which reflect that she supervised Ms. Dolgos from December 27, 2012 through March 25, 2013.

Respondent submitted to the Committee a Plan of Supervision, dated June 13, 2013 designating him as Melissa Dolgos' clinical supervisor and identifying himself as the Executive Director of GenPsych North. The Plan provided that Respondent would provide supervision to Melissa Dolgos from June 6, 2013 through June 6, 2016.

Respondent appeared before the Committee on November 6, 2014 and testified that he did not supervise Ms. Dolgos until August 2013. He testified that the Plan of Supervision was not approved by the Committee until after E.W. left GenPsych, and that he was on vacation for most of July. He testified that prior to August 2013, Melissa Dolgos was supervised by someone unaffiliated with GenPsych, who he could not name but he believed to be the person who had supervised Ms. Dolgos when she was previously employed by New Jersey Mentor. Respondent also testified that the psychiatrist at GenPsych saw E.W. only three

times, which was not in compliance with what the psychiatrist said she was doing or GenPsych's policy and procedures.

Ms. Dolgos appeared at an investigative inquiry before the Committee on February 5, 2015 and testified that E.W. was admitted as a patient to GenPsych on June 3, 2013 and that Ms. Kolodzinski supervised Ms. Dolgos briefly, through the first week of June. Ms. Dolgos further testified that, after her supervision with Ms. Kolodzinski ended, and for the overwhelming portion of time she treated E.W., Ms. Dolgos' supervision consisted of "collaboration" with Respondent as part of a treatment team which included the psychiatrist at GenPsych and the program director.

By letter dated May 20, 2015, Respondent informed the Committee that GenPsych had terminated Ms. Dolgos' employment and that as of May 15, 2015, he was no longer supervising Ms. Dolgos. He submitted a form entitled Documentation of Supervised Counseling Experience in which he reported that he had supervised Ms. Dolgos from August 8, 2013 through April 28, 2015.

Having reviewed the entire record, the Committee finds that Ms. Dolgos lacked adequate supervision at GenPsych during the time period when she treated E.W. Respondent's testimony that Ms. Dolgos was being supervised by an individual unaffiliated with GenPsych lacks any support in the record and is belied by

the Plan of Supervision which Respondent himself submitted calling for his supervision to include the time period when E.W. was under Ms. Dolgos' care. Further, Ms. Kolodzinski's letters dated April 8, 2013 and June 11, 2013 and her notes as well as Ms. Dolgos' testimony also support the conclusion that Ms. Kolodzinski was not supervising Ms. Dolgos when she treated E.W.

Respondent asserts that Ms. Dolgos received adequate supervision when she treated E.W. by virtue of participating in clinical rounds at GenPsych. The Committee finds that this supervision was inadequate given Ms. Dolgos' lack of experience and competence to treat the complex issues faced by E.W. Respondent had a duty as Executive Director to assure that Ms. Dolgos had adequate supervision while employed at GenPsych. The Committee further finds that Respondent failed in his obligation to assure that the treatment plan was properly implemented and that E.W. would be seen bi-weekly by a psychiatrist. Respondent testified that the treatment plan was not followed by the psychiatrist at GenPsych.

The Committee finds that Respondent's conduct constitutes professional misconduct, in violation of N.J.S.A. 45:1-21(e). 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;

STATE OF NEW JERSEY

Fax:973-648-7782

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IT IS ON THIS 8 DAY OF March, 2016,

HEREBY ORDERED AND AGREED THAT:

1. For a minimum period of one year, beginning upon entry of this Consent Order, and until further order of the Committee, Respondent shall refrain from supervising any professional counselor and/or mental health counselor. Prior to resuming any activity as a supervisor, Respondent shall fully attend and successfully complete a three credit graduate level course in supervision, pre-approved by the Committee and submit written documentation to the Committee of full attendance and successful completion of the course.

2. In the event that Respondent violates the terms of this Consent Order or the Committee receives any new information, the Committee reserves the right to take disciplinary action.

3. Nothing contained herein shall be deemed an admission of liability on the part of Respondent.

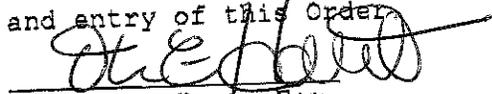
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE  
OF THE STATE BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS

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

James W. Day, IV  
James W. Day, IV, Respondent

Date: 02/22/16

I consent to the form  
and entry of this Order.



Thomas C. Hart, Esq.  
Attorney for James W. Fay IV

Date: Feb 25, 2016