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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON March 7, 2016



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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE

DIANE HANDLIN, Ph. D.
LICENSE NO. 35SI00330600

Administrative Action

TO PRACTICE PSYCHOLOGY IN
THE STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the New Jersey State Board of Psychological Examiners (hereinafter referred to as "the Board") upon receipt of information from D.M., who was Dr. Handlin's patient, alleging that Dr. Handlin, (Respondent) was incompetent and violated confidentiality. The Respondent saw D.M.'s adolescent daughter for five sessions for issues related to marital problems of the parents initially at the request of Dr. M., the child's father. The Respondent had collateral contact with the parents while the daughter was in treatment. Upon the cessation of the daughter's

treatment, D.M. requested to enter treatment. Respondent had five sessions with D.M. on December 15 and 22, 2006, and January 5, 19 and 26, 2007, when D.M. terminated treatment. During the course of treatment Respondent attempted to build D.M.'s sense of self esteem and grieve a difficult loss.

Ten months after the termination of treatment , D.M. sought to resume treatment. The Respondent declined as she was not available to take D.M. on as a patient. Respondent offered to provide a referral. D. M. refused to see another mental health care provider. Respondent was concerned with D.M.'s stability and level of agitation because there had been no contact in ten months and she was well aware of the client's history. D.M. reported by phone that she had waited all night outside of her husband's apartment and confronted a woman who came out in the morning. D.M. was upset with Respondent for declining to resume therapy with her and advised that she would return the call. On the return telephone call 10 - 12 days later, the Respondent provided D.M. with a referral but D.M. insisted that she could only work with Respondent. The Respondent reported that D.M. expressed intense anger toward the Respondent and her husband.

Respondent appeared at an investigative inquiry on July 15, 2013, represented by Joanne Pietro, Esquire. Respondent testified that she was disturbed by the telephone call from D.M. due to the level of anger that D.M. displayed, and she was troubled by D.M.'s tracking of her husband and the story concerning the confrontation of the woman leaving her husband's apartment. This conversation coupled with previous statements made by D.M. that if she could not have her husband, no one could; and a recollection Dr. M. related that when D.M. believed in the past that he

was having an affair with a colleague, she threatened to kill the female colleague and ruin both of their careers, was the impetus for Respondent's decision that she had a duty to warn Dr. M. that D.M. might be a danger to him and/or his female friend. Respondent acknowledged that at no point during the phone conversation did D.M. express a direct threat towards her husband or his female acquaintance, and that D.M. did not have a history of violent behavior. Most alarming to Dr. Handlin, however, were D.M.'s expression at Respondent's inability to resume treatment, and her extreme anger directed toward Dr. M and his female acquaintance which motivated Dr. Handlin's decision to breach confidentiality.

Respondent called Dr. M. to warn him. Dr. Handlin did not seek supervision or consult with a peer regarding how she should deal with her belief that she had a duty to warn D.M.'s husband. Although she represented to the Board that she left a cautious, non-specific message on voicemail, a transcription demonstrated she left details about D.M.'s treatment, her recent request to resume therapy, and stated that "she was aware that she was breaking all kinds of confidentiality telling you this." In addition to the two phone messages that were left by Dr. Handlin to Dr.M., there was also a lengthy live conversation that transpired between the Respondent and Dr. M., at which time Dr. Handlin discussed her concerns about future harm that might arise and she learned that the information she provided was already known to Dr. M and had been revealed at a meeting of the husband and wife relating to the divorce proceeding then underway. Respondent also testified that Dr. M. confirmed that he was terrified of his wife who was following him and that he felt threatened by her.

After reviewing the submissions and testimony of the Respondent, it

appears to the Board that Respondent's actions constituted a violation of confidentiality as required by N.J.S.A. 45:14B-28 and a failure to understand the duty to warn and how to implement the duty pursuant to N.J.S.A. 2A-62A-16. The duty to warn and protect is incurred when

(1) The patient has communicated to that practitioner a threat of imminent, serious physical violence against a readily identifiable individual or against himself and the circumstances are such that a reasonable professional in the practitioner's area of expertise would believe the patient intended to carry out the threat; or (2) The circumstances are such that a reasonable professional in the practitioner's area of expertise would believe the patient intended to carry out an act of imminent, serious physical violence against a readily identifiable individual or against himself.

The first phone call interaction between Respondent and D.M. did not support the communication of any threat of imminent serious physical violence toward Dr. M. or his female acquaintance. A second phone call occurred 10 to 12 days later, and D.M.'s anger appeared to be directed at Respondent for not being available to continue her treatment.

The Board found that the voice mail message left by Respondent for Dr. M. violated confidentiality. It also included much more than a warning. It included personal information about D.M. having dropped out of, and attempting to resume, therapy. In this message, Respondent informed Dr. M. that her concerns about the danger were based upon "her feelings that DM was twisting things around" and that she wanted to confirm "that D.M. was suspicious."

The Board found Respondent demonstrated a lack of understanding of the duty to warn and how to implement this duty. The circumstances of this case do not

support the existence of a threat of imminent, serious physical violence as the Respondent commented that she was acting on a "feeling" and was confirming that D. M. was suspicious, information which was already established in the patient record.

The parties desiring to resolve this matter without the need for further proceedings; and the Respondent acknowledging and not contesting the findings of the Board; and waiving her right to a hearing; and the Board being satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown,

IT IS ON THIS 7th DAY OF March 2016,
HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to engage in the practice of psychology shall be suspended for one year, effective immediately upon service of the filed order. The entire term of the suspension shall be stayed and served as period of probation.

2. The Respondent shall be required to practice under supervision for a maximum of one year. The supervisor shall be pre-approved by the Board. 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 Respondent shall provide the supervisor with a copy of the filed consent order. 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 also focus on reviewing issues concerning confidentiality and the duty to warn. The approved supervisor shall report in writing to the Board every two months 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 regarding confidentiality and the duty to warn and how to implement that duty, the amount of disclosure that is appropriate to comply with the duty to warn and how to translate feelings and instincts into practical action in the practice of psychology. The supervisor shall agree to immediately (within 48 hours of an occurrence) notify the Board orally and in writing, of any action by Respondent which fails to meet the acceptable standards of professional practice. Respondent shall be responsible for payment of all costs associated with the supervision.

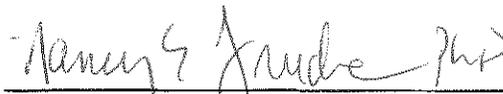
3. The Respondent may apply to terminate or modify the supervision requirement after six months of supervision have been completed. In such event she shall appear before the Board or a committee of the Board which will assess whether the condition imposed by this order should be continued in whole or in part. Prior to such appearance the approved 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 maintaining confidentiality, and the duty to warn and how to implement the duty to warn in her practice.

4. Respondent shall pay a penalty in the amount of \$3000.00 for violations of N.J.S.A. 45:14B-28 and N.J.S.A. 2A:62A-16. 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 in twelve monthly installment payments incorporating the civil penalty along with the costs of the investigation as set forth in paragraph 5 below. 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 \$ 367.83. 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 and shall be incorporated with the sum of the civil penalty for a total of \$3367.83 and shall be paid in 12 monthly installments. The first installment shall be payable on March 15, 2016 in the amount of \$280.65 and the final payment is payable on or about February 15, 2017 in the amount of \$280.68. 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 constitutes a violation of the Order which shall constitute grounds for activation of the stayed period of suspension. 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



Nancy E. Friedman, Ph.D.
Chair

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.


Diane Handlin, Ph.D.

February 17, 2016
DATED:

This Order is agreed to as to form
and entry.


Judith A. Wahrenberger, Esquire
Attorney for Diane Handlin, Ph. D.

February 22, 2016
DATED