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Attorney for the Professional Counselor Examiners Committee  
Of the State Board of Marriage and Family Therapy Examiners

By: Shirley P. Dickstein  
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FILED  
*16 March 2016*  
STATE OF NEW JERSEY  
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS  
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

*Christina Blum*

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  
:  
MICHELA TRIPODI, LPC  
LICENSE NO. 37PC00399700 : CONSENT ORDER  
:  
:  
TO PRACTICE AS A PROFESSIONAL :  
COUNSELOR 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 receipt of a complaint by Z.S., the father of Respondent's minor client, S.S. alleging that Respondent was biased and made a custody recommendation without having met Z.S.

Respondent has represented to the Committee that she has terminated her private practice and that she practices at the West Bergen Medical Center but will either be terminated from employment at that agency or demoted to a lower position. In the event that Respondent resumes private practice, she shall inform the Committee prior to resuming practice, and practice only under supervision pursuant to paragraph 3 below.

By way of background, Respondent provided therapy in her private practice to S.S. at the request of her mother, D.S to address behavioral issues the child was presenting. The parents did not live together, were engaged in custody dispute and the father had visitation rights with S.S. S.S. reported to Respondent that her father was putting needles in her genitalia.

Respondent never met the father. On January 23, 2014, Respondent authored a letter addressed to "To Whom It May Concern" recounting complaints that S.S. made about her father, stating that Respondent did not believe that the father had sexually abused S.S., and that the mother and daughter display a loving relationship. Respondent also stated in the letter that she never met the father "due to domestic violence issues and restraining orders" and recommended that the father's visits with S.S. be supervised in order to assist him with the behaviors that caused S.S. to be afraid of him.

On April 2, 2015, Respondent appeared at an investigative inquiry before the Board. Respondent testified that, despite the child's allegation that her father put needles in her genitalia, both Respondent and the mother did not believe that the father had sexually abused the child. Respondent testified that she did not initiate contact with the Division of Youth and Family Services ("DYFS"), currently known as the Division of Children and Family, to report the child's allegation of sexual abuse but waited until she received a call from DYFS because she knew that DYFS was involved with the family on another matter.

Regarding the letter she authored, Respondent stated that the wording was wrong and that she did not intend to make a recommendation regarding custody but to recommend only that the father gain parenting skills. She also testified that she didn't know whether the mother needed the letter for her lawyer, for a purpose related to custody. She further testified that she was not trained or qualified to make custody recommendations and that she follows the American Counseling Association Code of Ethics (the "Code") but was unfamiliar with section E.13.c of the Code which prohibits counselors from evaluating clients and family members of clients for forensic purposes.

Having reviewed the entire record, it appears to the Committee that Respondent violated N.J.S.A. 9:6-8.10 by failing to immediately report to DYFS the allegations of sexual abuse,

which constitutes professional misconduct and provides a basis for disciplinary action under N.J.S.A. 45:1-21(a). In addition, the Committee has determined that Respondent made custody or parenting time recommendation in the letter she authored. Because Respondent was a treating therapist for the child, she occupied a dual role in making the recommendation, in violation of N.J.A.C. 13:34-30.4, providing a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h).

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 14 DAY OF March, 2016,

HIMBY ORDERED AND AGREED THAT:

1. Respondent shall cease and desist from conducting evaluations and offering recommendations regarding parenting time or custody until Respondent demonstrates to the Committee that she has met the requirements of N.J.A.C. 13:34-9A.2 and receives Committee approval.

2. Within three (3) months of the filing of this Order, Respondent shall provide the Committee proof of successful completion of a three (3) credit course in ethics specific to the practice of professional counseling and a three (3) credit

course in marriage and family therapy, both of which courses shall be pre-approved by the Committee.

3. In the event that Respondent practices in any setting as a licensed professional counselor, in each setting she practices, Respondent shall practice under the supervision of a licensed professional counselor or other licensed mental health professional in good standing, and pre-approved by the Committee, for a minimum period of one (1) year from the date of the filing of this Consent Order. Respondent shall submit the name(s) of proposed supervisor(s) for pre-approval by the Committee. Each supervisor shall read and sign this Consent Order indicating that he or she understands the requirements of this Consent Order and agrees to supervise Respondent. Respondent's supervisors shall submit the signed order to the Committee within five (5) days of the filing of this Consent Order.

4. Respondent shall meet not less than once a week for a minimum of one hour with each of her supervisors; not more than half of the weekly supervision meetings may be group supervision. Supervision shall include review of all of Respondent's cases and discussion of conflicts of interest, boundary issues and the duty to report allegations of child abuse.

5. Respondent shall cause her supervisors to provide quarterly reports to the Committee documenting (1) any knowledge that Respondent has faced a conflict of interest, committed any boundary violation or been obligated to report allegations of child abuse, and (2) compliance by Respondent with all statutes, regulations and ethical guidelines governing the practice of professional counseling including any state or federal statutes or regulations. The first quarterly report shall be due ninety (90) days after Respondent commences employment. The supervisors shall send the reports to Milagros Collazo, Executive Director, Professional Counselor Examiners Committee, P.O. Box 45050, Newark, New Jersey, 07101. The supervisors shall not share the reports with Respondent until after they have been submitted to the Committee. Such supervisors shall immediately (within two (2) business days of obtaining knowledge of the occurrence) report to the Committee orally and in writing any violation of this Order and any information that Respondent 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.

6. 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, orally and in writing, providing detailed reasons for the change. In the event any supervisor ceases supervising Respondent, Respondent shall cease and desist engaging in professional counseling unless and until a new supervisor is approved by the Committee and submits a signed copy of this Consent Order or any subsequent order to the Committee.

7. Prior to any application by Respondent to lift the restrictions in this Consent Order, which shall occur no earlier than one (1) year from the date of entry of this Consent Order, Respondent's supervisor(s) shall submit to the Committee a final report which addresses Respondent's readiness to safely engage in independent practice. The Committee reserves the right to place additional restrictions on Respondent's license during the period of supervision should the Committee's review of her practice demonstrate that such restrictions are warranted.

8. 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.

9. During the period Respondent is practicing under supervision, and until further order of the Committee, she shall

not provide supervision to any person providing mental health services including professional counseling.

10. Respondent shall notify the Committee with 72 hours of any actions taken by her employer related to her professional practice. Notice shall be sent to Ms. Collazo at the address in paragraph 5 above.

11. Respondent hereby consents to the entry of an order of automatic suspension of her license to practice as a professional counselor in this State, 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. Respondent may, within fifteen (15) days' notice of such action, 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 EXAMINERS

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

*Michela Tripodi*

Michela Tripodi, Respondent

Date: 3/14/16

I consent to the form and entry of this Order.

*James S. Wulach, Esq.*

James S. Wulach, Esq.  
Attorney for Michela Tripodi

Date: 03/11/16

I have read and agree to the reporting and supervision requirements of this Consent Order.

\_\_\_\_\_  
Supervisor

Date:

↑  
*To be faxed*

STATE OF NEW JERSEY Fax:973-648-7782

Mar 9 2016 10:57 P.12

Michela Tripodi, Respondent

Date: \_\_\_\_\_

I consent to the form  
and entry of this Order.

James S. Wulach, Esq.  
James S. Wulach, Esq.  
Attorney for Michela Tripodi

Date: 03/11/16

I have read and agree to the  
reporting and supervision  
requirements of this Consent Order.

Patricia Scudl. BMD  
Supervisor

Date: 3/14/16