

FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS

April 21, 2016
J. Michael Fricker
Executive Director

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

IN THE MATTER OF THE LICENSE OF: :
: Administrative Action
CARLA A. GAGLIANO, LCSW :
: License No. 44SC00193300 : **CONSENT ORDER**
: TO PRACTICE AS A CLINICAL SOCIAL :
: WORKER IN THE STATE OF NEW JERSEY :
:

This matter was opened to the New Jersey State Board of Social Work Examiners ("the Board") upon receipt of a complaint from K.D. alleging that respondent Carla Gagliano engaged in professional misconduct. Specifically, Mr. D. alleged that respondent failed to contact him and included false statements and allegations in a custody/parenting time evaluation ("evaluation"), which is an analysis performed by a licensed clinical social worker ("LCSW"), or certain other licensed mental health professionals, to provide comprehensive, objective and impartial information for the purpose of assisting a court

in the decision as to custody/parenting time arrangements that would best provide for the needs of a minor child. Mr. D also alleged that respondent included information in an attempt to launch an investigation by child welfare authorities and deny him parenting time with his two minor children.

Respondent submitted a response to the complaint. She states that she provided an evaluation of A.D. to Mrs. D's attorney, and that her primary concern was the safety, treatment and protection of A.D. Respondent states that she "primarily" summarized what A.D. told her in therapy. In response to Mr. D's allegation that she twisted versions of actual events, she stated that "if even a portion of the children's concerns are in fact true, they would be of considerable concern."

The Board reviewed the report submitted by respondent. It appears to the Board that respondent offered opinions concerning Mr. D, his behavior and his fitness to parent, without speaking with or interviewing him. Nowhere in her report does it indicate the limited basis of her information regarding Mr. D.

Having reviewed the entire record, the Board finds that respondent offered opinions regarding Mr. D, whom she did not personally evaluate, and made statements pertaining to Mr. D without explaining the limited basis of the information provided, in violation of N.J.A.C. 13:44G-13.7(b). This conduct provides a basis for discipline pursuant to N.J.S.A. 45:1-21(h).

The parties desiring to resolve this matter without recourse to formal proceedings, respondent having waived her right to a hearing in this matter, and the Board finding that entry of this Order adequately protects the public health, safety, and welfare, and for good cause shown;

IT IS ON THIS *21st* DAY OF *April* . 2016

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,500 for the violation of N.J.A.C. 13:44G-13.7(b) described herein. In payment of the \$1,500 civil penalty, respondent shall make twelve monthly payments of \$125 per payment. The first payment shall be due contemporaneously with the signing of this Order, and subsequent payments shall continue to be due by the first of each succeeding month until all twelve payments are completed. In the event that respondent does not make a timely payment, the full balance will immediately become due. Payment shall be submitted by bank check or money order made payable to the State of New Jersey, or arrangements shall be made for wire transfer or payment by credit card. Any other form of payment will be rejected by the Board and returned to respondent. Payments shall be sent to J. Michael Walker, Executive Director, Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, P.O. Box 45033, Newark, New Jersey 07101. Subsequent violations will

subject respondent to enhanced penalties pursuant to N.J.S.A.
45:1-25.

2. Respondent shall complete six credits of continuing education in ethics, to include boundaries, documentation and transference/counter-transference. These credits shall be taken in person, not online, and completed within six months of entry of this Order. These credits are in addition to the 40 credits required for biennial license renewal, and may not be counted toward the ethics requirement for licensure renewal. Respondent has submitted proof of two five-credit courses in ethics and documentation taken in person through Rutgers University Office of Continuing Education. The Board accepts these courses in satisfaction of this requirement

3. Failure to comply with the terms of this Order will result in further disciplinary action and the filing of a certificate of debt.

NEW JERSEY BOARD OF SOCIAL WORK EXAMINERS

By:


Dawn Apgar, Ph.D., LSW, ACSW
Board President

I have read and understood the foregoing Order and agree to be bound by its terms. Consent is hereby given to the Board of Social Work Examiners to enter this Order.

Carla A. Gagliano

Carla A. Gagliano, LCSW

4/11/16

Date

Consent is given as to form and entry of this Order

James S. Wulach, Esq.

James S. Wulach, Esq.
Attorney for Carla A. Gagliano, LCSW

4/11/16

Date