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STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY
EXAMINERS

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
THE STATE BOARD OF
MARRIAGE AND FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE LICENSE OF : Administrative Action
: :
ROY HIRSCHFELD, LMFT : CONSENT ORDER
License No. 37F100146800 : :
: :
TO PRACTICE MARRIAGE AND FAMILY : :
THERAPY IN THE STATE OF : :
NEW JERSEY :

This matter was opened before the New Jersey Board of Marriage and Family Therapy Examiners (the "Board") upon receipt of a complaint by A.H., the mother of Respondent's minor client, J.H. alleging in part that Respondent (1) treated A.H. at the same time she treated J.H., which presented a conflict of interest, (2) gave inaccurate and conflicting statements to the Division of Children and Family ("DCF") and the court and (3)

told J.H. that A.H failed urine screens and that she was "on pills."

In response to the complaint and at an investigative inquiry before the Board, held on October 8, 2015, Respondent testified that he maintains two full-time jobs, one at Broadspire, a worker's compensation rehabilitation entity and the other at Central Behavioral Health and he also teaches as an adjunct professor. He testified that he was engaged by the parents of J.H. to provide individual counseling to J.H. for what the parents termed as defiant behavior, anger and depression. Respondent determined that J.H. was in the middle of the parental divorce. J.H. complained of abuse and neglect by his mother and Respondent stated that A.H appeared angry, anxious, confused and disoriented. Respondent testified that he began seeing A.H. and J.H. together and A.H. alone to address communication and conflicts in the home. Respondent became aware that A.H. suffered from a drug addiction and agreed to see A.H. on a short term basis for anxiety, depression and the addiction issues. He testified that he encouraged A.H. to see her own therapist but she did not. Respondent testified that his sessions with A.H. and J.H. lasted for a total of 45 minutes but his billings reflect that he billed A.H. for individual therapy and on many days there was a separate billing for individual therapy for each of A.H. and J.H. Respondent

claimed that his staff is responsible for the billing and he could not explain why A.H. was billed for individual therapy and why there was billing for more than one session on any one day.

Approximately two months after he became aware of A.H.'s addiction issue, Respondent referred the matter to DCF. Respondent explained that he delayed calling DCF because he thought he could convince A.H. to seek help from a separate therapist and he knew that J.H.'s school had made a referral to DCF.

Respondent also testified that, after DCF became involved, he was court mandated to continue counseling the family, but mainly, the son. Respondent issued a report to the Court and recommended that the couple "resolve their marital disputes [and] and go their own way" and that it was in the best interest of the child for the father to have custody. Respondent testified that he was not aware that the ethics code applicable to marriage and family therapists prohibits a treatment provider from making custody recommendations.

Respondent testified that he had no continuing education credits for the renewal cycles between 2006 and 2012 and was deficient in continuing education credits for the most recent renewal cycle.

Respondent completed and submitted renewal applications for the above time periods. Respondent was asked on the biennial

renewal applications whether he would have "completed the required continuing education credits by the corresponding renewal periods. Respondent answered "Yes" and certified that answer by submitting the application.

Having reviewed the entire record, it appears to the Board that Respondent (1) engaged in a dual relationship when he treated A.H at the same time he was treating her son J.H, in violation of N.J.A.C. 13:34-6.2, subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(e) and (h); (2) provided the court with a custody recommendation at the time he was the treating therapist for J.H., in violation of N.J.A.C. 13:34-9A.3 and the Code of Ethics of the American Association of Marriage and Family Therapists, subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(e) and (h); (3) failed to timely report knowledge of drug abuse by A.H. to DCF, in violation of N.J.S.A. 9:6-8.10, subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(e); (4) failed to complete his continuing education requirements for multiple renewal cycles, in violation of N.J.A.C. 13:37-5.3(b), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h) and (5) falsely certified on his renewal applications that he would have completed the required continuing education credits by the corresponding renewal periods, demonstrating that Respondent engaged in dishonesty and

misrepresentation, in violation of N.J.S.A. 45:1-21(b), which subjects Respondent to disciplinary action.

The Board is also concerned that Respondent's employment at two full time jobs may be impairing his professional judgment and jeopardize the safety and welfare of the public. The Board therefore determined to order Respondent to submit to a psychological evaluation pursuant to N.J.S.A. 45:1-22(f).

IT IS ON THIS 12 DAY OF May, 2016,
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall practice only under the supervision of a Board approved supervisor for a minimum period of one (1) year from the date of the filing of this Consent Order and such supervisor shall be pre-approved by the Board. The supervisor shall read and sign this Consent Order. Any subsequent supervisor shall read and sign this Consent Order. The supervisor shall determine whether it is in the public interest for Respondent to reduce his workload and Respondent shall comply with the supervisor's recommendation.

2. Respondent shall cause his supervisor to provide quarterly reports to the Board documenting (1) boundary issues, diagnosis, treatment planning, assessment, transference and counter-transference, consent, documentation, billing, child welfare and mandated reporting (2) compliance by Respondent with

the supervisor's recommendation as to the appropriate workload for Respondent and all statutes and regulations governing the practice of marriage and family therapy including any state or federal statutes or regulations. The supervisor shall provide the reports directly to the Board, and such reports shall not be shared with Respondent until after they have been submitted to the Board. The reports shall be sent to the Board of Marriage and Family Therapy Examiners, Executive Director, P.O. Box 45044, Newark, New Jersey 07101. Such supervisor shall immediately (within two (2) business days of obtaining knowledge of the occurrence) report to the Board 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 marriage and family therapy, or that reflects that Respondent is not able to practice marriage and family therapy consistent with the public health, safety and welfare.

3. 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(s) who is a signatory to this Consent Order shall immediately (within two (2) business days of termination) notify the Board, orally and in writing, providing detailed reasons for the change.

4. Prior to any application by Respondent to lift the restrictions contained in this Consent Order, Respondent shall submit to the Board a final report from his supervisor which includes the dates and times of supervision, a detailed clinical summary of the supervision and the content of discussions during supervision, Respondent's progress and Respondent's readiness to safely engage in independent practice. Respondent shall appear before the Board and provide any additional documentation requested by the Board before it makes a determination to lift any of the restrictions contained herein. The Board reserves the right to retain some or all of these restrictions.

5. Within three months of the filing of this Consent Order, Respondent shall provide the Board with an in-depth, current mental health evaluation with an evaluator pre-approved by the Board, with a focus on "compassion fatigue" and which addresses Respondent's ability to set boundaries and deal with transference and counter-transference issues. The Board recommends Dr. Daniel Watter to conduct the evaluation or Respondent may submit the names of proposed evaluators to the Board for Board approval within ninety (90) days of the date of the filing of this Consent Order. The approved evaluator shall read and sign this Order and submit it to Board. Respondent agrees to waive confidentiality as to the Board's investigatory files for the limited purpose of the Board providing the files

to the evaluator so that he is fully informed of the facts in this matter.

6. Respondent shall provide the Board with documentation that he has complied with all recommendations of the approved evaluator, including any recommendation for treatment. Respondent shall provide the Board with complete treatment records of all diagnostic and rehabilitative therapy (if any). In addition, Respondent shall provide reports from each and every mental health professional (including, but not limited to: psychologists, psychiatrists, counselors, and therapists) who has participated in Respondent's care and/or treatment in this matter. Respondent expressly waives any claim of privilege or confidentiality that he may have concerning reports and disclosures to the Board, and use by the Board of that information in any proceedings.

7. Respondent shall submit documentation of successful completion of an in person three (3) credit graduate course in ethics specific to marriage and family therapy in a university setting and twenty (20) credits of continuing education credits in person. The twenty (20) credits of continuing education may not be used to satisfy the forty (40) credits of continuing education Respondent is required to satisfy for the 2014-2016 renewal cycle. Respondent shall submit copies of continuing

education certificates to the Board for the 2014-2016 renewal cycle and the 2016-2018 renewal cycle.

8. A penalty in the amount of three-thousand dollars (\$3000.00) is hereby imposed for Respondent's failure to timely complete continuing education. The Board approves a payment plan which requires that Respondent pay \$300.00 per month for ten months. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Milagros Collazo, Executive Director, State Board of Marriage and Family Therapy Examiners, P.O. Box 45044, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Consent Order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

STATE BOARD OF MARRIAGE AND FAMILY THERAPY
EXAMINERS

By Ben K. Beitin LMFT
Ben K. Beitin, LMFT
Board Chair

I have read and understand the provisions of this Consent Order and agree to be bound by them. I understand that this is a legal document which may have legal consequences regarding my license. I understand I may have advice of counsel and am waiving my right to an attorney in this matter.

Roy Hirschfeld
Roy Hirschfeld, Respondent

Date: 4/6/16

I have read and agree to the reporting and supervision requirements, in accordance with Paragraphs 1, 2, 3 and 4 of this Order.

Ronald D. Silberg, PhD
[Name]
Supervisor

Date: 4/23/16

I have read and agree to the requirements, in accordance with Paragraphs 5 and 6 of this Order.

[Signature]
[Name]

Mental Health Evaluator

Date: 4/26/16