

the State-issued occupational license, certificate, or registration. The employing school district may recommend for approval the candidate's experience pursuant to the guidelines established by the Department. Candidates shall meet one of the following requirements:

i. Employment experience: The candidate shall present a minimum of four years of Department-approved and documented employment experience, which will be equivalent to 8,000 hours of employment. The employment experience shall be verified by the applicant's employer(s).

(1) Up to three years of substantive teaching experience in the occupation, as set forth in a Commissioner-approved crosswalk, may be used as a substitute for three of the required four years of occupational experience.

(2) (No change.)

ii. Self-employment: The candidate shall present a notarized letter from a tax preparer and/or an attorney verifying the following:

(1) (No change.)

(2) The candidate's self-employment experience meets the minimum of four years of employment experience, which will be equivalent to 8,000 hours of employment.

iii. Military experience: Candidates shall present a Military Discharge certificate (DD-214) and a Verification of Military Experience and Training (DD Form 2586) indicating military qualifications and occupational training received, which will be used by the Department to determine the extent of credit to be applied toward satisfying the employment experience requirements pursuant to (b)1i above.

2. Degree-based endorsements using a bachelor's degree or higher: The candidate shall hold a bachelor's or an advanced degree from a regionally accredited college(s) or university(ies) in a Department-approved subject area for the endorsement. The candidate shall pass an examination in physiology, hygiene, and substance abuse issues pursuant to N.J.A.C. 6A:9B-5.9. If the candidate seeks an endorsement in a regulated occupation for which a State-issued occupational license, certificate, or registration is required for employment in or practice of the occupation, the candidate shall also hold the State-issued occupational license, certificate, or registration.

i. Candidates who do not possess a bachelor's or advanced degree in a Department-approved subject area for the endorsement may hold a bachelor's or advanced degree from a regionally accredited college(s) or university(ies), and shall complete at least 30 credits in a coherent sequence of courses appropriate to the subject area for the endorsement. The 30 credits shall be obtained either from a regionally accredited college(s) or university(ies) or from an accredited career-focused institution(s), or from a combination thereof.

ii. Candidates with a bachelor's degree or higher who graduate on or after September 1, 2016, with a GPA that is below 3.00 but is at least 2.50 when a GPA of 4.00 equals an A grade, and for whom no State-endorsed test is available, may meet the requirements of (b)2 above by submitting evidence of a minimum of two years (4,000 hours) of full-time employment or equivalent part-time employment, pursuant to (b)1i above.

iii. Candidates with a bachelor's degree or higher who graduated before September 1, 2016, with a GPA that is below 2.75, but is at least 2.50, when a GPA of 4.00 equals an A grade, and for whom no State-endorsed test is available, may meet the requirements of (b)2 above by submitting evidence of a minimum of two years (4,000 hours) of full-time employment or equivalent part-time employment, pursuant to (b)1i above.

3. Degree-based endorsements using an associate degree: The candidate shall hold a two-year degree from a regionally accredited college(s) or university(ies) or from an accredited career-focused institution(s) in a Department-approved subject area for the endorsement. The candidate also shall submit evidence of a minimum of two years of eligible employment, which will be equivalent to 4,000 hours of employment, pursuant to (b)1i above. The candidate shall pass an examination in physiology, hygiene, and substance abuse issues pursuant to N.J.A.C. 6A:9B-5.9. If the candidate seeks an endorsement in a regulated occupation for which a State-issued occupational license, certificate, or registration is required for employment in or practice of the occupation, the candidate also shall hold the State-issued occupational license, certificate, or registration.

i. Candidates who do not possess an associate degree in a Department-approved subject area for the endorsement may hold a two-year degree

from an accredited institution of higher education, and shall complete at least 30 credits in a coherent sequence of courses appropriate to the subject area for the endorsement. The 30 credits shall be obtained either from a regionally accredited college(s) or university(ies) or from an accredited career-focused institution(s), or from a combination thereof.

ii. Candidates using an associate degree shall meet the GPA requirements set forth in N.J.A.C. 6A:9B-8.3. The exceptions to the GPA requirements available to candidates with a bachelor's degree or higher in (b)2ii and iii above will not be available to candidates using an associate degree.

(c) (No change.)

(d) Holders of standard instructional certificates with other endorsements, except as indicated in N.J.A.C. 6A:9B-11.3 and 11.8, may obtain a career and technical education endorsement upon completion of the experience requirement, the academic major and test requirement, or as set forth in (f) below.

(e) (No change.)

(f) Holders of standard instructional certificates with an endorsement in a subject area that authorizes them to teach grades nine through 12 may obtain a CTE endorsement to teach CTE programs that align to an in-demand industry sector or occupation that is experiencing a shortage of CTE teachers, as identified and approved by the Department, through participation in the Department-approved CTE Teacher Bridge process.

1. This process is available only to school districts that have an approved CTE program and enter into an agreement with the Department to participate in the CTE Teacher Bridge process.

2. Candidates shall be sponsored by their employing school district and shall complete the Department-approved process, as set forth in (f)3 below and detailed in the agreement between the Department and the school district, to acquire the content and skills necessary to teach in the in-demand industry sector or occupation.

3. The Department-approved process shall include, at minimum:

i. Two summers spent in an industry externship for a minimum of 160 hours each summer; and

ii. Two school years spent co-teaching with a certified CTE teacher in the content area of the in-demand industry sector or occupation for which the candidate is seeking an endorsement. The CTE Teacher Bridge candidate shall spend at least 100 hours co-teaching during each of the two school years.

ENVIRONMENTAL PROTECTION

(a)

OFFICE OF THE COMMISSIONER

General Practice and Procedure

Records Not Subject to Disclosure

Adopted Amendment: N.J.A.C. 7:1D-3.2

Proposed: December 17, 2018, at 50 N.J.R. 2480(a).

Adopted: October 22, 2019, by Catherine R. McCabe,

Commissioner, Department of Environmental Protection.

Filed: November 6, 2019, as R.2019 d.126, **without change**.

Authority: N.J.S.A. 47:1A-1 and Executive Order No. 9 (Hughes 1963).

DEP Docket Number: 06-18-11.

Effective Date: December 2, 2019.

Expiration Date: June 7, 2025.

Summary of Hearing Officer's Recommendation and Agency's Response:

The Department held a public hearing on January 31, 2019, at the Department's Public Hearing Room, 401 East State Street, Trenton, New Jersey. Sean D. Moriarty, Director, Office of Legal Affairs, served as hearing officer. No comments, written or oral, were submitted at the hearing. After reviewing the comments received during the public comment period, the hearing officer has recommended that the

rulemaking be adopted without change. The Department accepts the hearing officer's recommendations.

The record of the public hearing is available for inspection in accordance with applicable law by contacting:

Department of Environmental Protection
Office of Legal Affairs
ATTN: Docket No. 06-18-11
401 East State Street, 7th Floor
Mail Code 401-04L
PO Box 402
Trenton, New Jersey 08625-0402

The Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (OPRA), provides that all government records, as defined therein, shall be subject to public access, unless otherwise exempt thereunder or by any other statute, resolution of either, or both, houses of the Legislature, rule promulgated under the authority of any statute or Executive Order of the Governor, Rules of Court, any Federal law, Federal regulation, or Federal order.

Notwithstanding the above, OPRA charges public agencies with the responsibility to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure would violate the citizen's reasonable expectation of privacy. Additionally, OPRA exempts from disclosure security measures and surveillance techniques, which, if disclosed, would create a safety risk to residents of New Jersey and to property and information that, if disclosed, would give an advantage to competitors.

Consistent with the need to facilitate public access to government records while protecting residents' reasonable expectations of privacy, the integrity and effectiveness of governmental operations, and public safety and security, the Department proposed amendments to the rules to exempt from disclosure government records that would allow individuals to identify, track, or otherwise determine the location of species that, in the opinion of the Division of Fish and Wildlife, are potentially capable of inflicting serious or fatal injuries or being a menace to public health. This exemption is necessary to protect the public from harm that may occur from seeking out and encountering and/or interfering with the Department's efforts to manage these species.

The Department also proposed to protect information related to Blue Acres acquisitions, program offerings, active projects, and title investigations, in the same manner as its other land acquisition programs, as such disclosure would give an advantage to the Department's competitors in land acquisitions.

Summary of Public Comments and Agency Responses:

During the public comment period, the Department received one comment on the proposed amendments from Jean Public.

After the close of the public comment period the Department received two comments. One objected generally to the proposed amendments, asserting that withholding documents is contrary to government transparency. In the published notice of proposal the Department discussed the reasons for the amendments and their consistency with the statute. The second untimely comment requested that the Department reopen the public comment period because the commenter did not learn of the notice of proposal until after the close of comments. The Department complied with the notice requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and is otherwise satisfied that the public had sufficient opportunity to comment on the proposed amendments; accordingly, the Department did not reopen or otherwise extend the public comment period.

A summary of the timely comment and the Department's response follows.

COMMENT: The location of various animal species should not be available to the Division of Fish and Wildlife. The Division sells hunting permits and makes money on hunting, which is an abuse of the animals.

RESPONSE: As stated in the notice of proposal Summary, at 50 N.J.R. at 2480(a), the purpose of the rules regarding disclosure of records concerning potentially dangerous animal species is to protect the public from harm that may occur if individuals seek out and encounter and/or interfere with the Department's efforts to manage the species. In order that the Department can protect the public from potentially dangerous animal species, and in order that the Department can appropriately manage the

species, it is necessary that the Department's Division of Fish and Wildlife have access to information related to the location of the wildlife.

Whether individual species are subject to hunting, and the fee (if any) the Department's Division of Fish and Wildlife will charge for a hunting license is beyond the scope of this rulemaking.

Federal Standards Statement

N.J.S.A. 52:14B-23 requires State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. Although there is a comparable Federal law (Freedom of Information Act, 5 U.S.C. §§ 550a et seq.), the Federal law does not apply to records of State government. Accordingly, no Federal standards analysis is required.

Full text of the adoption follows:

SUBCHAPTER 3. NON-PUBLIC RECORDS

7:1D-3.2 Records not subject to disclosure

(a) The documents, files, data, and other records of the Department that are listed below shall not be deemed to be government records subject to public access pursuant to OPRA. Such records shall not be available for inspection, examination, or copying by members of the public or by any other individual, except authorized members and employees of the Department or except as provided by order of the Governor of the State, a court or tribunal of competent jurisdiction, or applicable law:

1. (No change.)

2. Records that reveal the identity of a complainant. For purposes of this paragraph, "complainant" means a person who submits a report, complaint, or an allegation to the Department either alleging violation of environmental law or reporting an environmental concern and who is not obligated by law or rule to submit such a report, complaint, or allegation;

3. Portions of records containing the precise location of endangered and/or threatened animal species or endangered plant species or plant species of concern.

i.-iii. (No change.)

iv. For the purposes of this paragraph, the term "endangered and/or threatened animal species" shall have the meaning(s) of the terms "endangered" and/or "threatened" as these terms are defined at N.J.A.C. 7:25-4.1. The term "endangered plant species" shall have the meaning of "endangered species" as the term is defined at N.J.A.C. 7:5C-1.4. The term "plant species of concern" shall have the meaning as set forth at N.J.A.C. 7:5C-3.1; and

4. Portions of records that identify, track, or otherwise determine the location of any animal or bird which, in the opinion of the Division of Fish and Wildlife, is potentially capable of inflicting serious or fatal injuries or being a menace to public health including, but not limited to, bears, nondomestic dogs, nondomestic cats, venomous and constrictor snakes, and exotic species. This includes, but is not limited to, records containing information regarding sightings, dens, nests, or other habitation sites, locations of traps or other control techniques, and tracking or locational information generated by collars, tags, or transmitters affixed to such species by the Department including, but not limited to, radio frequency identification tags (RFID) and passive integrated transponder tags (PIT).

i. The Department shall disclose the records identified in (a)4 above to the owner of land upon which the potentially dangerous species has been located, if requested by the landowner.

(1) Prior to providing records containing the location of potentially dangerous species under this subparagraph, the Department shall redact the name of the person who provided the information contained in the records, if the Department determines that the person providing such information did not provide this information in the course of his or her employment with the State of New Jersey.

(b) (No change.)

(c) Records related to Green Acres, Blue Acres, and Natural Lands Trust land acquisitions, program offerings, and active projects, including appraisals, valuations, and title investigations, shall be made available for public inspection, examination, and copying no later than 48 hours before formal action is to be taken on any land transaction, program offering, or active project, unless the land transaction, program offering, or active project is actively under negotiation, a binding contract has not been

executed, or disclosure of the records would jeopardize the land transaction, program offering, or active project. An active project is one that has been initiated within two years of the date of appraisal.

LAW AND PUBLIC SAFETY

(a)

**DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS
ALCOHOL & DRUG COUNSELOR COMMITTEE
Clinical Supervision of Alcohol and Drug Counselor
Internship Training Experiences; Clinical
Supervision of Credentialed Interns Who Hold an
Active License as a Health Care Provider; Clinical
Supervision of a Supervised Practice for Certified
Alcohol and Drug Counselors**

**Adopted Amendments: N.J.A.C. 13:34C-6.2, 6.2A,
and 6.3**

Proposed: May 21, 2018, at 50 N.J.R. 1247(a).
Notice of Proposed Substantial Changes Upon Adoption to Proposed
Amendments: May 20, 2019, at 51 N.J.R. 709(a).

Adopted: September 12, 2019, by the State Board of Marriage and
Family Therapy Examiners, Lorraine M. Barry, EdS.,
Chairperson.

Filed: November 6, 2019, as R.2019 d.127, **with substantial
changes** to proposal after additional notice and public comment,
pursuant to N.J.S.A. 52:14B-4.10.

Authority: N.J.S.A. 45:2D-14.

Effective Date: December 2, 2019.

Expiration Date: March 3, 2024.

Summary of Public Comments and Agency Responses:

The official comment period to the original notice of proposed amendments ended July 20, 2018 (see 50 N.J.R. 1247(a)). The State Board of Marriage and Family Therapy Examiners (Board), Alcohol and Drug Counselor Committee (the Committee) received comments from:

1. Jass Pelland;
2. Glenn Duncan, Owner, Advanced Counselor Training, LLC;
3. Dana Lugassy, LCSW, LCADC, CTTS;
4. Jennifer Thompson, MSW, Executive Director, National Association of Social Workers, New Jersey Chapter (NASW-NJ);
5. Elizabeth A. Conte, Licensed Professional Counselor, New Jersey Licensed Clinical Alcohol and Drug Counselor, Approved Clinical Supervisor;
6. Valerie L. Mielke, MSW, Assistant Commissioner, Department of Health, Division of Mental Health and Addiction Services (DMHAS);
7. Donald Weinbaum, MBA, LCADC, CCJP, Management and Clinical Consulting; and
8. Debra L. Wentz, Ph.D., President and Chief Executive Officer, New Jersey Association of Mental Health and Addiction Agencies, Inc. (NJAMHAA).

The official comment period to the notice of proposed substantial changes upon adoption ended July 19, 2019 (see 51 N.J.R. 709(a)). The Board and Committee received one comment from Debra L. Wentz, Ph.D., President and Chief Executive Officer, New Jersey Association of Mental Health and Addiction Agencies, Inc. (NJAMHAA).

**1. Comments Received During Initial Comment Period Giving Rise to
Substantial Changes to Proposal Upon Adoption**

1. COMMENT: Four commenters expressed concerns with the impact on dually licensed health care professionals as a result of the proposed amendments to N.J.A.C. 13:34C-6.2, 6.2A, and 6.3 requiring licensed clinical alcohol and drug counselors (LCADCs) to hold or obtain the

Certified Clinical Supervisor (CCS) credential to be deemed a qualified clinical supervisor of alcohol and drug counselor interns or certified alcohol and drug counselors (CADCs). One of these commenters concurred with the benefit of LCADCs obtaining a CCS certificate but expressed concerns about requiring a clinical professional with an existing supervisory certificate to additionally obtain the CCS.

One of the commenters noted that there are a significant number of mental health practitioners in New Jersey who hold both the licensed clinical social worker (LCSW) and LCADC credentials. The commenter expressed concern that the proposed requirement for a qualified social work clinical supervisor to complete an additional 30-hour training for CCS certification in order to become a qualified clinical supervisor of alcohol and drug counselors will be redundant and duplicative, and impose hardships in both cost and time commitment (50 total hours of supervision training). The commenter also stated that it has been established practice in New Jersey for the cross-approval of continuing education courses for mental health professionals between the Boards of Social Work Examiners (Social Work Board) and Marriage and Family Therapy Examiners (MFT Board). The commenter further noted that LCSWs who wish to serve as clinical supervisors for social work interns and licensed social workers (LSWs) are required by the Social Work Board to complete 20 hours of approved clinical supervision training, as set forth at N.J.A.C. 13:44G-8.1(a)5.

The commenter stated that the cost for a clinician to take the Social Work Board's approved clinical supervision course through the NASW is \$350.00 to \$425.00, depending on NASW membership status. The commenter also stated that, through completion of the Social Work Board's 20-hour approved clinical supervision course, the clinician gains a strong knowledge of general clinical supervision principles.

Another commenter, a dually licensed LCSW and LCADC, stated that through her experience, training, education, and credentials she satisfied the clinical supervisor training and experience hours required of the CCS. The commenter, moreover, stated that the CCS qualifications, experience, and training content is comparable to other supervisory coursework and credentialing requirements. The commenter also noted that the CCS is acceptable training for those individuals applying for the ACS credential required of licensed professional counselors (LPCs) to supervise.

One of the commenters noted that the Committee's existing rules exempt from taking the written/oral exam, State licensed health care providers who are in good standing, diagnose, and/or treat drug or alcohol related disorders within the health care provider's scope of practice, and have equivalent education and training and comparable years of experience required for licensure under N.J.A.C. 13:34C-2.2 and 2.3. The commenter believes that, consistent with this exemption, LCSWs who have completed the Social Work Board's requirements for clinical supervision should be exempt from taking the CCS. The commenter stated that these clinicians have already demonstrated mastery of clinical supervision and that they have also proven the education and experience in the fields of addiction and mental health. The commenter requested that the Committee consider an exemption from the CCS credential entirely, or at least an exemption from the CCS exam, for dually licensed clinicians who possess the LCSW with the supervision endorsement because requiring another course and exam, and paying for another credential is a burden to those in the helping profession.

The commenters requested that the Committee consider amending the rules concerning dually licensed mental health care professionals who hold an LCADC.

One of the commenters recommended that for current clinical supervisors, requiring an LCADC who is dually licensed as an LCSW and who has previously met the requirements to become a social work clinical supervisor in the State of New Jersey, complete an additional 10 hours of approved supervision training to be considered a qualified clinical supervisor of drug and alcohol counselors. For prospective clinical supervisors, the commenter recommended requiring an LCADC who is dually licensed as an LCSW and who has not completed any type of clinical supervision training complete either the 30-hour CCS credential or the 20-hour clinical supervision training for LCSWs required by the Social Work Board, and 10 additional hours of approved clinical supervision training. The additional 10 hours of clinical supervision training must be approved by the MFT Board and be focused specifically