



1 of 1 DOCUMENT

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**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS**

*41 N.J.R. 1946(a)*

**Proposed Readoption with Amendments: N.J.A.C. 13:34**

**Proposed Repeals and New Rules: N.J.A.C. 13:34-1.11, 4.1, 19.4, 19.6, 28.4 and 28.6**

**Proposed New Rules: N.J.A.C. 13:34-4.4, 11.7, 12, 18.6, 18.7, 21.5, 27.6 and 27.7**

**Proposed Repeals: N.J.A.C. 13:34-11.1 and 21.1**

Click here to view Interested Persons Statement

**Board of Marriage and Family Therapy Examiners Rules**

Authorized By: Elaine DeMars, Acting Executive Director, State Board of Marriage and Family Therapy Examiners.

Authority: *N.J.S.A. 45:8B-13* and 34.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-129.

Submit comments by July 3, 2009 to:  
Elaine DeMars, Executive Director  
State Board of Marriage and Family Therapy Examiners  
PO Box 45007  
124 Halsey Street  
Newark, New Jersey 07101

The agency proposal follows:

## Summary

The State Board of Marriage and Family Therapy Examiners (the Board) is proposing to readopt *N.J.A.C. 13:34* with amendments and new rules. These rules are scheduled to expire on March 22, 2009, pursuant to Executive Order No. 66 (1978). Because this notice of proposed readoption has been filed on or prior to March 22, 2009, the expiration date of the rules in Chapter 34 are extended by 180 days, to September 18, 2009, pursuant to N.J.S.A. 52:14B-5.1c.

In compliance with Executive Order No. 66 (1978), the Board undertook a thorough review of the existing provisions of *N.J.A.C. 13:34* in order to delete unnecessary or unreasonable rules and to clarify existing provisions. The Board notes that with respect to the rules concerning professional counselors, associate counselors and rehabilitation counselors, set forth in subchapters 11 through 30, the Board conducted its review in consultation with the Professional Counselor Examiners Committee (the Committee). The Board believes that the rules proposed for readoption, as amended, are necessary, reasonable, understandable and responsive to the purposes for which they were promulgated.

The following is a summary of the existing rules of Chapter 34 that the Board proposes to readopt with amendments, as well as a summary of proposed repeals and new rules.

Subchapter 1 sets forth general provisions with respect to marriage and family therapy practice. *N.J.A.C. 13:34-1.1*, which establishes the Board's fee schedule, is proposed to be readopted without change. *N.J.A.C. 13:34-1.2*, which sets forth the scope of practice of marriage and family therapy, currently provides that marriage and family therapy is a specialized field of therapy. The Board is proposing to amend the scope of practice to clarify that marriage and family therapy is a specialized field of psychotherapy. The Board is proposing to amend *N.J.A.C. 13:34-1.3*, which provides contact information for the Board office, to include the Board's website address. Licensees and members of the general public may access the website in order to obtain relevant, up-to-date information about the Board. The Board is also proposing to amend *N.J.A.C. 13:34-1.4* and *1.5*, which provide that a current list of Board licensees, application forms and other information regarding licensure may be obtained by contacting the Board office, to provide that this information also may be obtained on the Board's website.

*N.J.A.C. 13:34-1.6* requires licensees to display a notice to clients advising them of the address where complaints can be made. The Board is proposing to amend the rule to require the notice to contain the Board and Division website addresses. *N.J.A.C. 13:34-1.7*, which requires all hearings to be conducted consistent with the requirements of the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq., and *N.J.A.C. 13:34-1.8*, which requires licensees to notify the Board concerning changes of address, are proposed to be readopted without change.

*N.J.A.C. 13:34-1.9* requires a licensee to notify the Board of a legal name change and delineates what documentation the licensee must submit to the Board. Currently, a licensee must submit his or her original license and a copy of his or her passport or social security card. The proposed amendment requires a licensee to submit copies of two forms of identification, one of which must be United States government-issued or State government-issued photo identification. The Board believes that the proposed amendment is necessary to deter fraudulent conduct by helping to ensure the identity of persons applying for replacement licenses.

*N.J.A.C. 13:34-1.10* sets forth requirements for license renewal and the election of inactive status. The Board is proposing an amendment to subsection (b) of the rule, which requires the Board to send a notice of renewal to all licensees at least 60 days prior to the date of license expiration. The proposed amendment clarifies when a licensee may be fined for continuing to practice if the Board fails to send out the renewal applications in a timely manner. The Board is also proposing technical amendments to *N.J.A.C. 13:34-1.10* to correct current references to "applicant." The amendments clarify that the referenced individual in the affected subsections is a "licensee." In addition, the Board is proposing to amend subsection (f), which currently permits licensees to change from inactive to active status upon submission of evidence that the licensee has completed continuing education credits for the current renewal period. Consistent with the provisions of *N.J.S.A. 45:1-7.3*, the Board is proposing to amend *N.J.A.C. 13:34-1.10(f)* to require a

licensee who seeks to return to active status to submit a completed renewal application, a renewal fee, an affidavit of employment and evidence of having completed the number of continuing education hours required for license renewal for the biennial period. The licensee must have completed the continuing education hours within three years prior to the date of application. The Board is also proposing new *N.J.A.C. 13:34-1.10(g)*, which provides that a licensee may not use any of the continuing education hours completed for the return to active status toward satisfaction of the continuing education hours required for the renewal of his or her license once he or she has been returned to active status.

*N.J.A.C. 13:34-1.11* provides that the Board shall reinstate the license of an applicant whose license has been suspended for failure to renew provided that the applicant otherwise qualifies for licensure. The Board is proposing to repeal existing rule *N.J.A.C. 13:34-1.11* and is proposing a new rule in its place that will provide direction to licensees with respect to what steps they must follow in order to be reinstated. The proposed new rule provides that an individual whose license has been suspended for failure to renew for a period of five years or less shall be reinstated by the Board upon submission of a completed reinstatement application, a reinstatement fee and all past delinquent biennial renewal fees, an affidavit of employment, any outstanding penalties imposed by the Board and evidence that the individual has maintained proficiency by completing the number of continuing education hours required for the renewal of an active license. The continuing education hours must have been completed within three years prior to the date of application for reinstatement. An individual whose license has been suspended for a period of more than five years must submit a completed reinstatement application, a reinstatement fee and all past delinquent biennial renewal fees, an affidavit of employment and any outstanding penalties imposed by the Board and must also retake and pass the licensing examination within one year of the date of application. Proposed new rule *N.J.A.C. 13:34-1.11* also provides, consistent with the proposed amendments to *N.J.A.C. 13:34-1.10(g)* discussed above, that a licensee who is reinstated may not use any continuing education hours completed for the reinstatement toward satisfaction of the hours required for the renewal of his or her license once he or she has been reinstated.

*N.J.A.C. 13:34-2.1* defines activities that, if engaged in by licensed marriage and family therapists, will be deemed professional misconduct. [page=1947] The Board is proposing to amend the portion of the rule that refers to a licensee's election to cease practicing, to provide a cross reference to the Board's rules in Subchapter 8, to ensure that a licensee complies with current record retention requirements even when he or she temporarily suspends his or her practice. The Board is proposing that *N.J.A.C. 13:34-2.2*, concerning professional interactions with clients, be readopted without change.

Subchapter 3, which concerns the practice of marriage and family therapy by certain unlicensed individuals, is proposed to be readopted without change. *N.J.A.C. 13:34-3.1* delineates permissible activities for unlicensed persons employed by certain organizations, institutions or agencies exempt from licensure pursuant to *N.J.S.A. 45:8B-6*. *N.J.A.C. 13:34-3.2* defines a bona fide community agency. *N.J.A.C. 13:34-3.3* concerns the supervision of employees and interns. *N.J.A.C. 13:34-3.4* concerns advertising by unlicensed persons. *N.J.A.C. 13:34-3.5, 3.6* and *3.7* are reserved.

Subchapter 4 sets forth licensure and application requirements for marriage and family therapists. *N.J.A.C. 13:34-4.1* establishes general requirements for licensure. The Board is proposing to repeal existing rule *N.J.A.C. 13:34-4.1* and is proposing a new rule in its place to clarify requirements and procedures for obtaining a license. *N.J.A.C. 13:34-4.1* continues to provide that an applicant for licensure as a practicing marriage and family therapist must submit an application and fee, must be at least 21 years of age and must be of good moral character. In addition, an applicant shall not be engaged in any practice or conduct upon which the Board would have grounds to refuse to issue a license pursuant to *N.J.S.A. 45:1-21* et seq. Proposed new rule *N.J.A.C. 13:34-4.1* also provides that an applicant must satisfy educational requirements for licensure and that an official transcript documenting satisfaction of these requirements must be sent to the Board directly from the college or university. In addition, the applicant must satisfy experience requirements and must submit documentation of required supervision to the Board. Consistent with the requirements of *N.J.S.A. 49:3-56(p)*, an applicant for licensure must submit his or her fingerprints and written consent for a criminal history record check to be performed. The proposed new rule clarifies that, upon satisfaction of the listed requirements, an applicant will be authorized by the Board to take the National Marriage and Family Therapy

Examination. Upon successful passage of the examination and upon submission of the initial licensing fee, an applicant will be granted a license by the Board.

*N.J.A.C. 13:34-4.2* concerns educational requirements for licensure. The Board is proposing to delete existing subsection (a) because the educational requirements set forth in the subsection are set forth in other provisions of the rule and are, therefore, redundant. In addition, the Board believes that existing subsection (a) should be deleted because the authority granted to the Board to refuse to admit to the examination any person who appears to take the examination in a diminished mental state or who demonstrates inappropriate or offensive behavior, is no longer relevant as the Board no longer administers the licensing examination. Existing paragraph (a)1 is proposed to be recodified as subsection (a) with minor amendments. The Board is also proposing minor amendments to subsections (b) and (c) of the rule for clarification purposes.

The Board is proposing to amend *N.J.A.C. 13:34-4.3*, which sets forth experience requirements for licensure, to delete the existing cross-reference in the rule to the requirements in *N.J.A.C. 13:34-4.2*. The Board believes that the cross-reference, which concerns educational requirements, is confusing as the provisions in *N.J.A.C. 13:34-4.3* concern experience requirements.

The Board is proposing a new rule at *N.J.A.C. 13:34-4.4* to clarify what requirements individuals licensed in other states must satisfy in order to qualify for licensure in New Jersey. The proposed new rule provides that an applicant who holds a current, active license or certification as a marriage and family therapist in another state will be issued a license in New Jersey if the other state's requirements are substantially equivalent to the Board's requirements in Chapter 34.

Subchapter 5 establishes requirements for marriage and family therapy temporary permit holders and their qualified supervisors. The Board is proposing to readopt *N.J.A.C. 13:34-5.1*, which concerns definitions of terms used throughout the subchapter, without change. *N.J.A.C. 13:34-5.2* delineates requirements for temporary permit applications. The Board is proposing to amend the rule in order to clarify what information must be submitted by such applicants. Paragraphs (a)1 and 2, which require applicants to submit an application form and a plan of supervision, are proposed to be deleted. An application form and a plan of supervision continue to be required under the proposed amendments to the rule, but the requirements have been recodified. As amended, *N.J.A.C. 13:34-5.2* provides that an applicant for a temporary permit must submit a completed permit application. An applicant must satisfy the educational requirements set forth in *N.J.A.C. 13:34-4.2* and a transcript documenting satisfaction of these requirements must be sent to the Board directly from the school. The applicant must submit a clinical marriage and family therapy supervision plan. The plan must include a detailed job description and the location(s) where client contact and supervision will occur. The applicant must submit the supervisor's resume or curriculum vitae, which demonstrate that the supervisor has at least five full-time years of professional marriage and family therapy practice experience or the equivalent and holds either a current, active New Jersey license to practice as a marriage and family therapist or has satisfied the educational requirements in *N.J.A.C. 13:34-4.3*. Applicants must also submit their fingerprints and written consent for a criminal history record check and the permit application fee set forth at *N.J.A.C. 13:34.1.1*.

*N.J.A.C. 13:34-5.3* and *5.4*, which set forth supervisor and temporary permit holder responsibilities, are proposed to be readopted without change. *N.J.A.C. 13:34-5.5*, *5.6* and *5.7* remain reserved.

The rules in Subchapter 6 delineate general obligations of licensed marriage and family therapists. The Board is proposing to readopt *N.J.A.C. 13:34-6.1*, concerning financial arrangements with clients and *N.J.A.C. 13:34-6.2*, concerning conflicts of interest, without change. *N.J.A.C. 13:34-6.3* concerns the termination of services. The Board is proposing a new subsection (d) to provide that a licensee who intends to cease to engage in practice or anticipates that he or she will remain out-of-practice for more than three months must provide notice to his or her clients consistent with the requirements of *N.J.A.C. 13:34-2.1*.

*N.J.A.C. 13:34-6.4* concerns sexual misconduct and harassment. The Board is proposing to amend *N.J.A.C. 13:34-6.4* to prohibit licensees from seeking, soliciting or engaging in sexual contact with a current or former client's

immediate family members. The Board believes that the extension of its current prohibition against sexual contact to expressly include immediate family members of clients and former clients is reasonable in light of the pivotal role that family members often play in a client's therapy. The Board is proposing that *N.J.A.C. 13:34-6.5*, which requires a licensee to notify the Board of misconduct by another licensee, *N.J.A.C. 13:34-6.6*, which prohibits solicitations and unethical referrals and *N.J.A.C. 13:34-6.7*, which prohibits licensees from charging excessive fees, be readopted without change. *N.J.A.C. 13:34-6.8* remains reserved.

Subchapter 7 sets forth requirements for advertisements utilized by licensed marriage and family therapists. The Board is proposing that all the rules in Subchapter 7, with the exception of *N.J.A.C. 13:34-7.3*, be readopted without change. *N.J.A.C. 13:34-7.1* provides definitions for relevant terms. *N.J.A.C. 13:34-7.2* establishes general requirements for advertisements. *N.J.A.C. 13:34-7.4* establishes requirements for the use of professional credentials and certifications in advertisements. *N.J.A.C. 13:34-7.5* concerns fee advertisements. *N.J.A.C. 13:34-7.6* prohibits certain types or methods of advertising. *N.J.A.C. 13:34-7.7* imposes requirements for the use of testimonials in advertisements. *N.J.A.C. 13:34-7.8* requires licensees to retain advertisements for three years.

*N.J.A.C. 13:34-7.3* establishes minimum content requirements for licensee advertisements. Currently, the rule requires licensees to include their name, license number and licensure status, in addition to their address, on all advertisements and professional representations. The Board is proposing to amend *N.J.A.C. 13:34-7.3* in order to clarify these requirements. The proposed amendments require advertisements to include the words "Licensed Marriage and Family Therapist" or the initials "LMFT," followed by the licensee's 12-digit license number.

The Board is proposing to readopt the rules in Subchapter 8, concerning marriage and family therapy client records, without change. *N.J.A.C. 13:34-8.1* concerns the preparation and maintenance of client records. *N.J.A.C. 13:34-8.2* establishes requirements for computerized [page=1948] client records. *N.J.A.C. 13:34-8.3* requires licensees to maintain the confidentiality of client records.

The rules in Subchapter 9 concern continuing education for licensed marriage and family therapists. The Board is proposing to readopt *N.J.A.C. 13:34-9.1*, which sets forth continuing education requirements for license renewal, without change. *N.J.A.C. 13:34-9.2* provides that marriage and family therapists must complete 40 contact hours of continuing education directly related to the profession of marriage and family therapy during each biennial renewal period. The Board is proposing to amend *N.J.A.C. 13:34-9.2(a)* to require licensees to obtain at least 20 hours through face-to-face instruction because the Board believes that licensees will receive the greatest benefit from continuing education courses that allow them to personally interact with a live instructor. *N.J.A.C. 13:34-9.3* concerns requirements for obtaining Board approval of continuing education programs and courses. Paragraph (a)1 provides a lists of entities whose courses and programs are deemed acceptable sources of continuing education. The Board is proposing to amend paragraph (a)1 to include courses and programs approved by the Association for Marriage and Family Therapy Regulatory Boards, the International Family Therapy Association and the Council on Licensure, Enforcement and Regulation. The Board is also proposing an amendment to paragraph (c)2 of the rule, which currently provides that courses in personal and professional ethics are acceptable content areas for continuing education. The Board is proposing to amend paragraph (c)2 to delete the reference to "personal ethics" and to clarify that professional ethics courses must be specifically related to the practice of marriage and family therapy in order to be deemed acceptable.

The Board is proposing that *N.J.A.C. 13:34-9.4*, which concerns contact hour calculations, *N.J.A.C. 13:34-9.5*, which sets forth continuing education documentation requirements and *N.J.A.C. 13:34-9.6*, which provides for the waiver of continuing education requirements, be readopted without change.

The rules in Subchapters 10 through 30 concern professional counseling and rehabilitation counseling practice. Specifically, the rules in Subchapters 10 through 19 concern professional and associate counselor practice. The rules in Subchapters 20 through 28 concern rehabilitation counseling practice. The rules in Subchapters 29 and 30 are applicable to both professional and rehabilitation counseling practice. Because various requirements in Subchapters 10 through 19 are also imposed in Subchapters 20 through 28, for purposes of this rulemaking, those rules are discussed together.

The rules in Subchapter 10, concerning professional and associate counselors, and Subchapter 20, concerning rehabilitation counselors, establish scope of practice. The Board is proposing to readopt *N.J.A.C. 13:34-10.1* and *20.1*, which set forth the purpose and scope of the respective subchapters, with clarifying amendments to subsections (c) of both rules.

*N.J.A.C. 13:34-10.2* and *20.2* set forth definitions for the respective subchapters. The Board is proposing to amend the definition of "counseling procedures" in *N.J.A.C. 13:34-10.2* in order to correct the current references to "consultees." All existing references to "consultees" are proposed to be amended to refer to "clients," for consistency with the current provisions of Chapter 34. The Board is proposing to move several of the definitions currently set forth in *N.J.A.C. 13:34-11.1* to *10.2*, and those currently set forth in *N.J.A.C. 13:34-21.1* to *20.2* for organization purposes. *N.J.A.C. 13:34-11.1* and *21.1* are proposed for repeal. *N.J.A.C. 13:34-10.2* contains recodified definitions for the terms "group supervision," "one calendar year," "professional counseling experience," "professional counseling services," "qualified supervisor" and "supervision." *N.J.A.C. 13:34-20.2* contains recodified definitions for the terms "group supervision" "one calendar year," "qualified supervisor," "rehabilitation counseling experience," and "supervision." *N.J.A.C. 13:34-20.2* also contains a definition for the term "supervisee," which is defined as a person providing rehabilitation counseling services under the supervision of a qualified supervisor.

In addition to several minor amendments to the definitions for clarification purposes, the Board is proposing to amend the definitions of "one calendar year," in *N.J.A.C. 13:34-10.2* and *20.2*, to provide greater flexibility to applicants seeking to complete their supervised counseling experience. The term is currently defined to mean a maximum of 1,500 hours of supervised counseling experience obtained over a 50 week period, or no less than 750 hours obtained over two periods of 50 weeks. The proposed amendments define "one calendar year" as 1,500 hours obtained over a period of 52 weeks, or 750 hours obtained in each of two 52 week periods for a total of 1,500 hours. The proposed amendments, however, provide that no more than 30 hours of supervised counseling experience may be obtained in any one week and that no more than 125 hours of the experience may be earned in any one month. The Board believes that the proposed amendments are necessary to ensure that an applicant's supervised counseling experience is completed in a reasonable manner.

The Board is proposing to amend the definition of "qualified supervisor" in *N.J.A.C. 13:34-10.2* and *20.2* to refer to an individual who holds a clinical license to provide mental health counseling services for a minimum of two years in the state where the services are being provided. The individual must either have a clinical supervisor's certificate from the National Board for Certified Counselors Center for Credentialing and Education, the American Society of Addictive Medicine, the American Psychiatric Association, or the American Association of Marriage and Family Therapy, or must have completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education. The Board believes that these amendments are necessary to help ensure that only the most qualified mental health professionals are permitted to act as supervisors, so that the experience applicants receive will adequately prepare them to serve their clients.

The Board is also proposing to add a definition for the terms "direct supervision" and "independent practice of counseling," in *N.J.A.C. 13:34-10.2*, as the terms are currently used throughout the subchapter. The term "direct supervision" is defined as the on-going process of supervision by a qualified supervisor who is immediately available to oversee the provision of counseling services. The term "independent practice of counseling" is defined to mean the provision of counseling services in a private-for-profit setting by a licensed professional counselor or a licensed associate counselor working under the direct supervision of a qualified supervisor.

The Board is also proposing to amend *N.J.A.C. 13:34-20.2* to delete the definition of "case management" because the term is generally no longer used in rehabilitation counseling practice. The Board is also proposing to delete the definition of "physical impairments" because the term is not used in Subchapter 20. In addition, all references to "mental impairments" in *N.J.A.C. 13:34-20.2* are proposed to be amended to refer to "psychiatric disabilities," consistent with current practice terminology. The definition of "major life activities" in *N.J.A.C. 13:34-20.2* is proposed to be amended to provide a cross-reference to Americans with Disabilities Act requirements. The Board is proposing to

delete the definitions for "appraisal," "consultation," "referral" and "research" in *N.J.A.C. 13:34-20.2* because the substance of these definitions are proposed to be included in the amended definition of "rehabilitation counseling interventions." The Board is also proposing to amend the definition of "rehabilitation counseling" to clarify that such counseling entails the clinical assessment and evaluation of mental, emotional, behavioral and associated distresses, which interfere with mental health and development, consistent with the amended definition of "rehabilitation counseling interventions."

*N.J.A.C. 13:34-10.3* and *20.3* delineate the scope of practice for professional and associate counselors and rehabilitation counselors, respectively. Currently, *N.J.A.C. 13:34-10.3* permits associate counselors to provide services under the supervision of a qualified supervisor. The proposed amendments clarify that the provision of such services requires direct supervision by a qualified supervisor. The proposed amendments also clarify that a licensed associate counselor may only engage in the independent practice of counseling under the direct supervision of a qualified supervisor. The Board is proposing a new subsection (c), which provides that an independent practice must be owned and operated by a licensed professional counselor or a licensed healthcare professional that holds a clinical license to provide mental health counseling services. The Board believes that this amendment is necessary to ensure the health, safety and welfare of the general public in the provision of mental health services. The Board is proposing to amend *N.J.A.C. 13:34-20.3* to delete references to "appraisal," "case management," "consultation," "referral" [page=1949] and "research," consistent with the deletion of those terms from the definitions set forth in *N.J.A.C. 13:34-20.2* as discussed above.

The rules in Subchapters 11 and 21 concern application procedures for professional and associate counselors, and rehabilitation counselors, respectively. As noted above, the definitions in *N.J.A.C. 13:34-11.1* and *21.1* are proposed to be recodified with amendments in *N.J.A.C. 13:34-10.2* and *20.2*. As amended, *N.J.A.C. 13:34-11.1* and *21.1* now provide that the definitions for words and terms related to supervision can be found in *N.J.A.C. 13:34-10.2* and *20.2*, respectively.

*N.J.A.C. 13:34-11.2*, *11.5* and *21.1* set forth application and education requirements for professional counselors, associate counselors and rehabilitation counselors. Currently, *N.J.A.C. 13:34-11.2(a)3* and *11.5(a)3* provide that an applicant for licensure as a professional or associate counselor must submit an official transcript, which documents that the applicant has obtained a master's degree or doctorate in counseling. The Board is proposing to amend these paragraphs to clarify that the transcript must indicate that the applicant has completed a minimum of 60 graduate semester hours and obtained a master's degree or doctorate in counseling. These requirements are currently set out in *N.J.A.C. 13:34-11.2(a)3ii* and *11.5(a)3ii*. *N.J.A.C. 13:34-11.2* and *11.5* also currently provide that after April 19, 2006, the only acceptable graduate degrees are those that contain the word "counseling" or "counselor" in the title of the graduate degree awarded. The Board is proposing to amend *N.J.A.C. 13:34-11.2(a)3i* and *11.5(a)3i* to eliminate all references to applications received prior to April 19, 2006. As the deadline for submitting an application under these requirements has expired, the provisions are no longer relevant. The Board notes that the current requirements for the distribution of semester hours of an applicant's required education set forth in *N.J.A.C. 13:34-11.2(a)3ii* and *11.5(a)3ii* remain unchanged.

The Board is proposing to further amend *N.J.A.C. 13:34-11.2* and *11.5* to provide that, in the future, all applicants for licensure as professional and associate counselors must have obtained a master's degree or doctorate from a counseling degree program accredited by the Council on the Accreditation of Counseling and Related Programs (CACREP). The Board believes that CACREP accreditation provides an effective measure of quality assurance for counselor preparation programs and limiting licensure to applicants that have been trained under such programs will benefit the citizens of New Jersey. So as to not prejudice applicants currently enrolled in non-CACREP accredited counselor programs, the Board has determined to delay the effective date of this new requirement for three years. Educational programs that are not currently CACREP-accredited will have three years from the effective date of the rule change to obtain such accreditation. The proposed amendments to *N.J.A.C. 13:34-11.2(b)* and *11.5(b)* provide that on or after three years following the effective date of the proposed amendments, in order to be eligible for licensure, an applicant must submit an official transcript indicating that the applicant has obtained a master's degree or doctorate from

a program that was CACREP-accredited at the time of the applicant's graduation.

The Board is proposing several amendments to the educational requirements for rehabilitation counselors in *N.J.A.C. 13:34-21.2*. *N.J.A.C. 13:34-21.2(a)3* requires applicants to submit an official transcript documenting completion of a master's degree program in rehabilitation counseling with coursework in the areas specified in the rule. The Board is amending paragraph (a)3 to clarify that the master's degree must be from an education program designed to prepare students for the professional practice of a rehabilitation counseling. In addition, the Board is proposing to amend the coursework requirements set forth in paragraph (a)3 to reflect the current description of courses in rehabilitation counseling graduate degree programs. As amended, the coursework descriptions set forth in subparagraphs (a)3i through xii are consistent with the coursework requirements of the Council on Rehabilitation Education (CORE), which accredits rehabilitation counselor degree programs. The Board is also proposing to amend *N.J.A.C. 13:34-21.2* to provide, in new subsection (b), that, in the future, all applicants for licensure as rehabilitation counselors must have obtained a master's degree from a program accredited by CORE. As noted above, with respect to CACREP accreditation for professional counselor education programs, the Board believes that CORE accreditation provides an effective measure of quality assurance for rehabilitation counselor preparation programs. The Board believes that limiting licensure to applicants who have been trained under such programs will benefit the citizens of New Jersey. Rehabilitation counselor educational programs that are not currently CORE accredited will have three years from the effective date of the rule change to obtain such accreditation.

*N.J.A.C. 13:34-11.3* and *21.3* set forth experience requirements for applicants for licensure as professional counselors and rehabilitation counselors, respectively. Currently, *N.J.A.C. 13:34-11.3(a)1* provides that an applicant for licensure as a professional counselor must have completed three years of supervised professional counseling experience, only one year of which may be obtained prior to the granting of the master's degree. In addition to some minor clarifying and technical amendments, the Board is proposing to amend subparagraph (a)3 to provide that two years of experience must have been obtained following licensure as an associate counselor. The Board is proposing to readopt *N.J.A.C. 13:34-21.3* with an amendment to delete the provision requiring applicants for licensure as rehabilitation counselors to complete 30 graduate semester hours in addition to the required master's degree. Unlike applicants for licensure as professional counselors, applicants for licensure as rehabilitation counselors are not required to complete additional graduate credits beyond a master's degree. This requirement was inadvertently added to the rehabilitation counselor requirements.

The Board is proposing to amend *N.J.A.C. 13:34-11.4*, *11.6* and *21.4*, which set forth examination requirements for professional counselors, associate counselors and rehabilitation counselors, respectively. Currently, *N.J.A.C. 13:34-11.4* and *11.6* provide that applicants for licensure as professional and associate counselors must pass the National Counselors Examination administered by the National Board for Certified Counselors (NBCC). The Board is proposing to amend *N.J.A.C. 13:34-11.4* and *11.6* to provide that applicants must take this examination or any successor examination administered by NBCC. In addition, the Board is proposing to amend *N.J.A.C. 13:34-11.4*, *11.6* and *21.4* to clarify that an applicant for licensure may only be admitted to the licensing examination upon receipt of written permission from the Committee, following the Committee's review of an applicant's coursework.

The Board is proposing new rules at *N.J.A.C. 13:34-11.7* and *21.5* to state that applicants for licensure as professional counselors, associate counselors and rehabilitation counselors must submit the required licensing fees upon receipt of notification from the Committee that his or her application for licensure has been approved. Failure to submit the required licensing fee within six months following the date of notification from the Committee will result in the application being deemed abandoned. An applicant whose licensure application has been deemed abandoned must submit a new application to the Committee and must resubmit evidence of having satisfied all application requirements in order to be licensed.

The Board is proposing a new Subchapter 12, which is currently reserved, to provide for licensure by endorsement for professional counselors. Proposed new rule *N.J.A.C. 13:34-12.1* provides that applicants licensed to practice professional counseling by a professional licensing board in the United States may apply to the Committee for a



professional counselor license by endorsement. Applicants must have been engaged in active licensed practice for a period of three years immediately preceding the date of application. Applicants must register with the National Credentials Registry and must hold a master's degree or doctorate in counseling from a counseling program accredited by CACREP. If an applicant has a master's degree or doctorate in counseling from a regionally accredited program related to the practice of counseling that is not accredited by CACREP, the word "Counseling" or the word "Counselor" must appear in the title of the graduate degree awarded and the institution offering the degree must state in the catalog that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The applicant's education must meet the specific coursework requirements set forth in the rule. In addition, the applicant must have 4,500 hours of work experience obtained over a period of time between three and six years and must have passed either the National Counselors Examination or the Clinical Mental Health Counseling Examination.

[page=1950] The rules in Subchapters 13 and 23 establish requirements for supervision of associate counselors and rehabilitation counselor supervisees, respectively. *N.J.A.C. 13:34-13.1* and *23.1* set forth supervisor responsibilities. The Board is proposing to amend these rules to include requirements for supervisor qualifications. Proposed new subsection (a) of both rules provide that a qualified supervisor must meet certain requirements prior to supervising the provision of professional counseling and rehabilitation counseling services. Specifically, the individual must have obtained 3,000 hours of work experience subsequent to holding a clinical license to provide mental health counseling services. The 3,000 hours must have been obtained over a minimum of two years, but no more than six years. In addition, the individual must hold an approved clinical supervisor credential from the Center for Credentialing and Education of the National Board for Certified Counselors, or an equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board, if applicable.

Proposed new subsection (b) of *N.J.A.C. 13:34-13.1* and *23.1* require a qualified supervisor to create a written supervision plan. The supervision plan must outline the work setting, the licensed associate counselor or supervisee's job description, including the nature of his or her duties and his or her qualifications and the supervisor's responsibilities and qualifications. The supervision plan must be approved by the Committee prior to the performance of counseling by the licensed associate counselor or supervisee, pursuant to proposed new subsection (c) of the rules. Proposed new subsection (d) of the rules require a qualified supervisor to perform and document certain activities with the licensed associate counselor or supervisee. Those activities include working as a co-counselor with the licensed associate counselor or supervisee or observing the licensed associate counselor or supervisee's sessions with clients among others. Proposed new subsection (e) of the rules require a qualified supervisor to maintain all documentation with respect to the supervision provided for a minimum of three years. A qualified supervisor must attest to compliance with the supervision requirements of *N.J.A.C. 13:34-13.1* or *23.1* by completing all forms provided by the Committee. Proposed new subsection (f) of the rules prohibit a qualified supervisor from supervising more than a total of six mental health counselors at any one time.

Existing provisions (a) through (f) of *N.J.A.C. 13:34-13.1* and *23.1* are proposed to be recodified as (g) through (l) of the respective rules, with several amendments. The Board is proposing to readopt recodified *N.J.A.C. 13:34-13.1(g)*, with minor amendments, and recodified *N.J.A.C. 13:23.1(g)* without change. Recodified subsection (i) of the rules, which currently provide that the supervisor is ultimately responsible for the welfare of the client with respect to the treatment being rendered by the associate counselor or supervisee, is proposed to be amended to provide that the qualified supervisor is responsible for knowing the name and diagnosis of each client being treated by the associate counselor or supervisee. In addition, the Board is proposing to amend recodified subsection (l) of the rules, which prohibit an individual from acting as a supervisor to someone with whom the supervisor has an existing relationship. The rules currently provide examples of inappropriate supervisory relationships. The Board is proposing to add current employers, relatives of the supervisor and immediate relatives of current clients to this list of inappropriate supervisory relationships.

*N.J.A.C. 13:34-13.2* and *23.2* delineate the responsibilities of associate counselors and rehabilitation counselor supervisees. The Board is proposing to correct all references to "supervisee" in *N.J.A.C. 13:34-13.2* to refer to "licensed associate counselor." In addition, the Board is proposing to amend subsection (a) of both rules, which currently refer to

the 50-week period of supervised experience, to instead refer to this as a 52-week period, consistent with the proposed amendments to the definitions of "one calendar year," discussed above. *N.J.A.C. 13:34-13.3* and *23.3* concern supervised counseling experience acquired prior to application for licensure as a professional counselor and rehabilitation counselor, respectively. *N.J.A.C. 13:34-13.3(b)* provides that an applicant may be granted supervised professional counseling experience credit towards the experience requirements for licensure as a professional counselor if the supervised experience occurred after the granting of the master's degree in a professional counseling setting, which is considered exempt under *N.J.S.A. 45:8B-48(b)* or (f). The Board is proposing to amend *N.J.A.C. 13:34-13.3(b)* to eliminate the limitation that the experience be obtained in an exempt setting. The experience, however, must have been obtained after the applicant was licensed as an associate counselor, consistent with the proposed amendments to *N.J.A.C. 13:34-11.3*, discussed above. *N.J.A.C. 13:34-23.3* is proposed to be readopted without change. *N.J.A.C. 13:34-13.4* and *23.4* remain reserved.

Subchapter 14 concerns professional counselor specialty designations. The Board is proposing to readopt *N.J.A.C. 13:34-14.1*, which imposes general requirements for the use of specialty designations and *N.J.A.C. 13:34-14.2*, which imposes additional requirements for the use of the clinical mental health counselor specialty designation, without change.

The rules in Subchapters 15 and 24 concern continuing education requirements for professional counselors and rehabilitation counselors. The Board is proposing to amend *N.J.A.C. 13:34-15.1* and *24.1* to clarify that all licensed professional counselors and rehabilitation counselors must complete 40 contact hours of continuing education for license renewal except during the period of initial licensure. This exception is currently set forth in *N.J.A.C. 13:34-15.2* and *24.2*. The proposed amendments provide cross references to the exceptions for clarification purposes. The Board is also proposing a new *N.J.A.C. 13:34-15.1(b)*, which provides that for the biennial renewal period beginning December 1, 2008 and for all subsequent biennial renewal periods thereafter, an individual licensed as an associate counselor for two or more biennial renewal periods must complete 40 contact hours of continuing education for all subsequent renewals of his or her license. The Board notes that licensed associate counselors currently are not required to complete any continuing education. The Board has not previously imposed continuing education requirements upon these licensees because the majority of such individuals, upon satisfaction of the professional counseling experience requirements, become licensed professional counselors who must complete 40 contact hours of continuing education pursuant to *N.J.A.C. 13:34-15.1(a)*. The Board, however, is aware that some licensed associate counselors have not completed the process of becoming licensed professional counselors and are continuing to provide counseling services to clients. These individuals, the Board believes, should be required to complete continuing education in order to ensure their continued competency to practice for the protection of the consumers they serve.

*N.J.A.C. 13:34-15.2* and *24.2* establish contact hour requirements for professional counselor and rehabilitation counselor continuing education. The Board is proposing to readopt *N.J.A.C. 13:34-15.2* without change. The Board is proposing an amendment to *N.J.A.C. 13:34-24.2* to clarify that the contact hours that licensed rehabilitation counselors must take in legal standards may be taken in legal standards related to the counseling profession as a whole and not limited to rehabilitation counseling, as the rule currently provides. *N.J.A.C. 13:34-15.3*, which concerns contact hour requirements for licensed professional counselors with specialty permits, is proposed to be readopted without change. The Board is proposing to amend *N.J.A.C. 13:34-15.4* and *24.3*, which delineate acceptable sources of continuing education credit, to include the United States Psychiatric Rehabilitation Association to the list of entities whose programs or courses are deemed acceptable sources of continuing education for both professional counselors and rehabilitation counselors. The Board is also proposing to include the National Rehabilitation Association to the list of approved entities for licensed rehabilitation counselors and to amend the acceptable content areas delineated in *N.J.A.C. 13:34-24.3(c)*, to update the terminology used in the rule to reflect current rehabilitation counseling practice standards, as discussed above.

*N.J.A.C. 13:34-15.5* and *24.4*, which concern continuing education contact hour calculations, *N.J.A.C. 13:34-15.6* and *24.5*, which require retention of continuing education documentation and *N.J.A.C. 13:34-15.7* and *24.6*, which concern the waiver of continuing education requirements, are proposed to be readopted without change.

Subchapters 16, 22 and 25 remain reserved. Subchapters 17 and 26 concern fees for professional and associate counselors, and rehabilitation counselors, respectively. The Board is proposing to amend the headings of Subchapters 17 and 26 to reflect that the subchapters apply to professional counselors and associate counselors and rehabilitation counselors, respectively. The Board is proposing that *N.J.A.C. 13:34-17.1* [page=1951] and 26.1, which set forth the fees charged by the Board in connection with the licensure of professional counselors and associate counselors, and rehabilitation counselors, be readopted without change.

Subchapters 18 and 27 concern client records. *N.J.A.C. 13:34-18.1* and *27.1* impose requirements with respect to the preparation and maintenance of client records by professional and associate counselors and rehabilitation counselors. The Board is proposing several minor amendments for clarification purposes to subsection (c) of both rules. The Board is proposing that *N.J.A.C. 13:34-18.2* and *27.2*, which concern computerized client records, be readopted without change.

*N.J.A.C. 13:34-18.3* and *27.3* concern access to client records. The Board is proposing to amend subsection (a) of the rules to delete references to "minor patients" because proposed new rules *N.J.A.C. 13:34-18.6* and *27.6*, discussed below, establish requirements for professional and associate counselors and rehabilitation counselors with respect to the treatment of minor patients. Subsection (h) of the rules, which refer to the release of records or information with respect to minor patients, are proposed to be deleted. *N.J.A.C. 13:34-18.4* and *27.4*, which concern access by managed health care plans to information in client records, are proposed to be readopted without change.

*N.J.A.C. 13:34-18.5* and *27.5* require licensees to preserve the confidentiality of client information. The existing provisions of both rules are proposed to be readopted without change. The Board is proposing new subsection (d) in both rules to delineate confidentiality requirements that apply in the case of a client's death. The proposed new subsections provide that confidentiality survives the client's death and that a licensee must preserve the confidentiality of the client's information. Disclosure of information in a deceased client's records is subject to the same confidentiality requirements as for living clients. Specifically, a licensee is required to retain a deceased client's record for at least seven years from the date of last entry, unless otherwise provided by law. A licensee may discuss the information obtained in clinical or consulting relationships or in evaluating data concerning children, students, employees and others, only for professional purposes and only with persons clearly connected with the case. A licensee may reveal, in writing, lectures or other public forums, personal information obtained during the course of professional work only if certain requirements set forth in the rules are satisfied.

Proposed new rules *N.J.A.C. 13:34-18.6* and *27.6* establish requirements for the treatment of minors by professional and associate counselors and rehabilitation counselors. Subsection (a) of the rules provide that, unless otherwise ordered by a court, if the client is a minor, a parent or legal guardian will be deemed to be the minor's authorized representative. When the client is more than 14 years old, but has not yet reached the age of majority, the authorization must be signed by the client and by the client's parent or legal guardian. Pursuant to subsection (b) of the rules, a licensee is not required to release to a minor's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse or any other information that may adversely affect the minor's health or welfare. Subsection (c) of the rules provide that, unless otherwise ordered by a court, at least one parent or guardian must consent to the treatment of a minor. If one parent consents, a licensee may treat a minor even over the objection of the other parent. Subsection (d) of the rules provide that the existing requirements concerning access to client records, access by a managed health care plan to information in client records and confidentiality of records, also apply to minors.

The Board is proposing new rules at *N.J.A.C. 13:34-18.7* and *27.7* concerning the transfer or disposal of client records by professional and associate counselors and rehabilitation counselors, respectively. The proposed new rules provide that if a licensee ceases to engage in practice or anticipates that he or she will remain out-of-practice for more than three months, the licensee must comply with the requirements concerning termination of services set forth at *N.J.A.C. 13:34-30.5(c)* and must establish a procedure by which clients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another health care professional. A licensee may not charge a client for a

copy of the records when the records will be used for purposes of continuing treatment. A licensee is also responsible for making reasonable efforts to directly notify any client treated during the six months preceding the cessation of practice about the procedure for retrieval of records. If the licensee is unable to notify all clients, he or she must publish a notice of the cessation and the established procedure for record retrieval in the newspaper. The notice must appear at least once each month for the first three months after the cessation of practice.

The rules in Subchapters 19 and 28 set forth general obligations of licensed professional counselors and associate counselors and rehabilitation counselors, respectively. *N.J.A.C. 13:34-19.1* and *28.1* require licensees to display a notice to clients advising them of the address where complaints can be made. The Board is proposing to amend *N.J.A.C. 13:34-19.1* and *28.1* to clarify the notice that must be provided. As amended, the notice provides that consumers may submit complaint information to the Committee or to the Division of Consumer Affairs. Updated contact information for the Committee and the Division is provided, including the Committee and Division websites.

*N.J.A.C. 13:34-19.2* and *28.2* require licensees to notify the Committee concerning changes of address. In addition to minor clarifying amendments, the Board is proposing amendments to *N.J.A.C. 13:34-19.2* and *28.2* that require a licensee to notify the Committee of a legal name change and to submit copies of two forms of identification, one of which must be United States government-issued or State government-issued photo identification.

The Board is proposing to amend *N.J.A.C. 13:34-19.3* and *28.3*, concerning sexual misconduct, consistent with the proposed changes to *N.J.A.C. 13:34-6.4* for licensed marriage and family therapists discussed above. The proposed amendments prohibit licensees from seeking, soliciting or engaging in sexual contact with a current or former client's immediate family members. *N.J.A.C. 13:34-19.4* and *28.4* concern notifications of name changes. The Board is proposing to repeal the existing provisions of these rules in light of the proposed amendments to *N.J.A.C. 13:34-19.2* and *28.2* discussed above. At *N.J.A.C. 13:34-19.4* and *28.4*, the Board is proposing new rules concerning real estate arrangements. Proposed new rules *N.J.A.C. 13:34-19.4* and *28.4* provide that a licensee may be an owner, investor or lessor in real estate utilized to conduct a professional practice, provided that rent, dividends or any other forms of remuneration are received solely on the basis of the investment or fair market value. A licensee may lease space to or from another licensed health care professional to which clients are referred only where rent is a fixed fee determined by the fair market value, or less, and is for a regular term and not for sporadic use of the space. The proposed new rules also provide that a licensee may lease professional space from a commercial entity, provided the arrangements do not affect the licensee's professional discretion in matters including choice of clients, professional services offered, or fees. The establishment of any lease, investment or other commercial relationship for the purpose of conducting professional practice other than as set forth in the proposed new rules will require Committee approval. Such approval will only be granted upon a finding of good cause.

*N.J.A.C. 13:34-19.5* and *19.6* and *28.5* and *28.6* impose requirements for license renewal and reinstatement for professional counselors, associate counselors and rehabilitation counselors, respectively. The Board is proposing to amend these rules consistent with the proposed amendments to *N.J.A.C. 13:34-1.10* and *1.11* concerning license renewal and reinstatement for licensed marriage and family therapist discussed above. The Board is proposing an amendment to subsection (b) of *N.J.A.C. 13:34-19.5* and *28.5*, which require the Committee to send a notice of renewal to all licensees at least 60 days prior to the date of license expiration, to clarify when a licensee may be fined for continuing to practice if the Board fails to send out the renewal applications in a timely manner. The Board is proposing technical amendments to *N.J.A.C. 13:34-19.5* and *28.5* to correct current references to "applicant." The amendments clarify that the referenced individual in the affected subsections is a "licensee." In addition, the Board is proposing to amend subsections (f) to require a licensee who seeks to return to active status to submit a completed renewal application, a renewal fee, an affidavit of employment and evidence of having completed the number of continuing education contact hours required for license renewal for the biennial period. The applicant must have completed the continuing education contact hours within three years prior to the date of application. The Board is also proposing new subsections in *N.J.A.C. 13:34-19.5* and *28.5*, [page=1952] which provide that a licensee may not use any of the continuing education contact hours completed for the return to active status toward satisfaction of the contact hours required for the renewal of his or her license once he or she has been returned to active status.

The Board is proposing to repeal existing rules *N.J.A.C. 13:34-19.6* and *28.6* and is proposing new rules in their place for reinstatement. The proposed new rules provide that an individual whose license has been suspended for failure to renew for a period of five years or less shall be reinstated by the Committee upon submission of a completed reinstatement application, a reinstatement fee and all past delinquent biennial renewal fees, an affidavit of employment, any outstanding penalties imposed by the Committee and evidence that the individual has maintained proficiency by completing the number of continuing education hours required for the renewal of an active license. The continuing education hours must have been completed within three years prior to the date of application for reinstatement. An individual whose license has been suspended for a period of more than five years must submit a completed reinstatement application, a reinstatement fee and all past delinquent biennial renewal fees, an affidavit of employment and any outstanding penalties imposed by the Committee and must also retake and pass the licensing examination within one year of the date of application. The proposed new rules also provide that a licensee who is reinstated may not use any continuing education hours completed for the reinstatement toward satisfaction of the contact hours required for the renewal of his or her license once he or she has been reinstated.

The rules in Subchapter 29 concern advertising of professional services by professional counselors, associate counselors and rehabilitation counselors. *N.J.A.C. 13:34-29.1* sets forth definitions for the terms used in the subchapter. The Board is proposing to add a definition for the term "licensee," which is defined to mean a licensed professional counselor, a licensed associate counselor and a licensed rehabilitation counselor, in order to clarify use of the term throughout the subchapter. *N.J.A.C. 13:34-29.2*, which establishes general requirements for advertisements, is proposed to be readopted without change. *N.J.A.C. 13:34-29.3* establishes minimum content requirements for licensee advertisements. Currently, the rule requires licensees to include their name, license number and licensure status, in addition to their address, on all advertisements and professional representations. The Board is proposing to amend *N.J.A.C. 13:34-29.3*, consistent with the proposed amendments to *N.J.A.C. 13:34-7.3* for advertisements by licensed marriage and family therapists, discussed above. The proposed amendments require advertisements to include the words "Licensed Professional Counselor" or "LPC," "Licensed Associate Counselor" or "LAC" or "Licensed Rehabilitation Counselor" or "LRC," as applicable, followed by the licensee's 12-digit license number.

*N.J.A.C. 13:34-29.4* establishes requirements for the use of professional credentials and certifications in advertisements. The Board is proposing to amend *N.J.A.C. 13:34-29.4(d)1*, which currently limits the placement of letters or abbreviations following a licensee's name on advertisements to the highest academic degrees earned from a regionally accredited institution. The proposed amendment clarifies that advertisements may not include any degree earned at an institution that is not regionally accredited. *N.J.A.C. 13:34-29.5*, which prohibits certain types or methods of advertising and *N.J.A.C. 13:34-29.6*, which requires retention of advertisements, are proposed to be readopted without change.

The rules in Subchapter 30 concern professional conduct and business practices of professional counselors, associate counselors and rehabilitation counselors. *N.J.A.C. 13:34-30.1* concerns financial arrangements with clients. Subsection (b) currently provides that when payment of the usual and customary fee would be a hardship for a client, a professional counselor or rehabilitation counselor shall refer the client to another source for the provision of services. The Board is proposing to amend subsection (b) to provide that in addition to the referral of such clients, a professional or rehabilitation counselor may reduce the usual and customary fee he or she charges, or may provide services without charge. The professional or rehabilitation counselor, however, shall not accept goods and/or services from a client in lieu of payment for professional services. The Board is proposing to replace all references to "licensee" in the rule with "professional or rehabilitation counselor" because licensed associate counselors may not establish financial arrangements with clients.

*N.J.A.C. 13:34-30.2* imposes requirements with respect to clients receiving counseling services from another mental health professional and *N.J.A.C. 13:34-30.3* concerns the provision of services to people who have a relationship, such as a husband and wife or a parent and child. The Board is proposing to amend the reference to "licensee" in both rules to refer to "professional, associate or rehabilitation counselor" for clarification purposes. *N.J.A.C. 13:34-30.3* requires the counselor providing services to people who have a relationship to clarify, at the

beginning of treatment, which person is the client and the nature of the relationship the counselor will undertake with each person. The Board is proposing to amend this requirement to require that the counselor provide such disclosures in writing and that the written disclosures be retained as part of the client record.

*N.J.A.C. 13:34-30.4* concerns conflicts of interests and dual relationships. Subsection (b) of the rule prohibits counselors from entering into any relationship that would be expected to limit the counselor's objectivity or impair his or her professional judgment. The Board is proposing to amend the subsection to expressly include the receipt of any goods or services from a client to the list of situations in the rule that would give rise to an inappropriate relationship. *N.J.A.C. 13:34-30.5* concerns termination of services. Currently, the rule provides that a counselor who anticipates the termination or interruption of services must notify the client. The Board is proposing to amend the rule to require such notice to be in writing and to require licensees to transfer records under such circumstances consistent with the requirements set forth in *N.J.A.C. 13:34-18.7*, for professional counselors or *N.J.A.C. 13:34-27.7*, for rehabilitation counselors. *N.J.A.C. 13:34-30.6*, which prohibits solicitations, unethical referrals and kickbacks, is proposed to be amended to include associate counselors to the scope of the rule. As currently written, the rule applies only to professional and rehabilitation counselors.

The Board has provided a 60-day comment period for this notice of proposal, therefore, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

### **Social Impact**

The Board believes that the rules proposed for readoption with amendments, repeals and the proposed new rules will have a positive impact upon members of the regulated community and will help to protect the health, safety and welfare of the citizens of New Jersey by identifying those individuals who are qualified and legally authorized to provide marriage and family therapy, professional counseling and rehabilitation counseling services. These rules establish the requisite standards for licensure in the State and positively affect the regulated community by clarifying the varied aspects of marriage and family therapy, professional counseling and rehabilitation counseling practice.

The proposed readoption of the rules in *N.J.A.C. 13:34* as amended continue the accepted practice standards for licensees established by the Board, and by so doing, provides licensees and applicants for licensure a clear and comprehensive set of rules to guide them in their professional work. Applicants for licensure will benefit by having a set of rules that govern the manner in which they may qualify for licensure. The Board also believes that licensees will benefit from the rules proposed for readoption with amendments, repeals and proposed new rules that set forth uniform standards that will be applied throughout the marriage and family therapy, professional counseling and rehabilitation counseling fields.

The Board believes that the rules proposed for readoption with amendments, repeals and proposed new rules will have a positive impact on the general public by safeguarding the public health and safety by maintaining appropriate practice standards, ensuring the highest quality service from licensees.

Specifically, the Board believes that the proposed amendments to the educational requirements for professional counselors, associate counselors and rehabilitation counselors set forth in *N.J.A.C. 13:34-11.2*, *11.5* and *21.2* will have a positive impact on members of the regulated community and the consumers they serve. The Board believes requiring all applicants for licensure in the future to have graduated from [page=1953] CACREP-accredited programs, for professional and associate counselors and from CORE-accredited programs, for rehabilitation counselors, will help to ensure that the education these applicants receive will adequately prepare them to serve the needs of New Jersey consumers once applicants become licensed. In addition, the Board believes that proposed new rules *N.J.A.C. 13:34-4.4* and *12.1* will have a positive impact upon applicants for licensure as a marriage and family therapists and professional counselors who are currently licensed in other states by clarifying the requirements that such applicants must satisfy in order to obtain a New Jersey license.

The Board believes that the proposed amendments to *N.J.A.C. 13:34-13.1* and *23.1* will have a positive impact upon applicants for licensure as professional and rehabilitation counselors and the mental health professionals that supervise their training by providing applicants and supervisors with clear direction concerning the responsibilities and obligations of both supervisors and supervisees. The Board believes that the proposed amendments will also have a positive impact upon the citizens of New Jersey by helping to ensure that all applicants for licensure receive the type of supervision necessary to foster their proper development as professional and rehabilitation counselors, thereby safeguarding the health, safety and welfare of the consumers they treat.

The Board believes that the proposed amendments and new rules in *N.J.A.C. 13:34-1.10, 1.11, 19.5, 19.6, 28.5* and *28.6* will have a positive impact on licensees who elect to return to active practice following the election of inactive status and those seeking to be reinstated following license suspension. The proposed amendments will provide such licensees with clear direction with respect to what steps they must take to resume practice in the State.

The Board believes that the proposed amendment to *N.J.A.C. 13:34-15.1*, which will require a licensed associate counselor to complete continuing education if he or she has been an associate counselor for two or more renewal periods, will have a positive impact upon these licensees and the clients they serve by helping to ensure licensees' continued competency to practice.

The Board believes that the proposed amendments to *N.J.A.C. 13:34-18.5* and *27.5*, setting forth confidentiality requirements when a client dies, proposed new rules *N.J.A.C. 13:34-18.6* and *27.6*, imposing requirements with respect to the treatment of minors and *N.J.A.C. 13:34-18.7* and *27.7*, imposing requirements for the transfer of records when a licensee ceases practicing, will have a positive impact on professional counselors, associate counselors and rehabilitation counselors by clarifying their professional practice obligations in the situations articulated in the rules, for the protection of the clients they serve.

The Board believes that proposed new rules *N.J.A.C. 13:34-19.4* and *28.4*, establishing requirements for a licensee's involvement in real estate arrangements for the purpose of conducting professional practice, will have a positive impact on licensees and consumers by ensuring that such arrangements do not impinge upon a licensee's professional discretion and judgment.

### **Economic Impact**

The Board anticipates that the rules proposed for readoption with amendments, repeals and the proposed new rules will not impose any significant new costs upon applicants for licensure, licensees or consumers. The proposed readoption of the existing rules will continue the economic impact that the rules have had on such persons for the past five years.

Specifically, the proposed readoption of the fee schedules established in *N.J.A.C. 13:34-1.1, 17.1* and *26.1* will continue to have an economic impact on applicants for licensure as marriage and family therapists, professional and associate counselors and rehabilitation counselors, to the extent that applicants will be required to remit the application fees set forth in the rules. The proposed readoption of the application requirements set forth in Subchapters 4 and 5, for marriage and family therapists and temporary permit holders, in Subchapters 11 and 13, for professional and associate counselors, and in Subchapter 21, for rehabilitation counselors, may continue to have an economic impact on applicants for licensure, to the extent that applicants may incur costs associated with obtaining the required education and experience, passing the required licensure examination and submitting the required documentation to substantiate satisfaction of the requirements in the rules. In addition, applicants for licensure may incur costs associated with submitting their fingerprints for the required criminal history records check.

The proposed amendments to the education requirements for professional counselors, associate counselors and rehabilitation counselors, set forth in *N.J.A.C. 13:34-11.2, 11.5* and *21.2*, may have an economic impact upon applicants for licensure in these fields. Future applicants for licensure that have not graduated from CACREP-accredited programs,

for professional and associate counselors and from CORE-accredited programs, for rehabilitation counselors, will be unable to qualify for licensure. The Board believes that the costs that applicants may incur as a result of the proposed amendments will be outweighed by the benefit to consumers in ensuring that the education applicants for licensure receive is rigorous and comprehensive to help ensure their competency to practice.

Proposed new rules N.J.A.C. 13:34-4.4 and 12.1 may have an economic impact upon applicants for licensure as marriage and family therapists and professional counselors who are licensed in other states. Such applicants may incur costs associated with submitting documentation to substantiate satisfaction of the requirements set forth in the rules and in submitting required application and licensure fees.

The proposed readoption of *N.J.A.C. 13:34-5.3* and the proposed amendments to *N.J.A.C. 13:34-13.1* and *23.1* may have an economic impact upon applicants for licensure, to the extent that marriage and family therapy temporary permit holders, associate counselors and rehabilitation counselor supervisees completing their supervised experience requirements may incur costs associated with submitting required documentation to the Board. The rules proposed for readoption and proposed amendments may also have an economic impact upon qualified supervisors, to the extent that they may incur administrative costs associated with providing the requisite supervision and in submitting documentation to the Board.

The proposed readoption of the fee schedules in *N.J.A.C. 13:34-1.1, 17.1* and *26.1* may have an economic impact upon licensed marriage and family therapists, professional counselors, associate counselors and rehabilitation counselors, to the extent that they must remit initial licensure and biennial licensure renewal fees as provided in the rules. The proposed readoption of *N.J.A.C. 13:34-1.8, 1.9, 19.2* and *28.2*, with amendments, may have an economic impact upon licensed marriage and family therapists, professional counselors, associate counselors and rehabilitation counselors, to the extent that licensees may incur costs associated with submitting the required documentation associated with changing their name and/or address.

The proposed readoption of *N.J.A.C. 13:34-1.10, 19.5* and *28.5* may have an economic impact upon licensed marriage and family therapists, professional counselors, associate counselors and rehabilitation counselors, to the extent that licensees who fail to comply with the renewal requirements set forth in the rules will be required to remit late fees. The proposed amendments and new rules in *N.J.A.C. 13:34-1.11, 19.6* and *28.6* also may have an economic impact on licensees, to the extent that licensees may incur costs associated with submitting the documentation and fees required for reinstatement from a suspended license, as well as in satisfying the competency requirements set forth in the rules.

The proposed readoption of the rules in Subchapters 2, 6, and 30, with amendments, may have an economic impact upon licensed marriage and family therapists, professional counselors, associate counselors and rehabilitation counselors, to the extent that failure to comply with the professional practice standards set forth in the rules, with respect to professional interactions with clients, may be deemed professional misconduct and may subject a licensee to monetary penalties.

The proposed readoption with amendments of the advertising requirements set forth in Subchapters 7 and 29 may have an economic impact on licensed marriage and family therapists, professional counselors, associate counselors and rehabilitation counselors, to the extent that licensees incur costs associated with ensuring that all advertisements comport with the requirements in the rules and in maintaining advertisements for the mandated period of time.

[page=1954] The proposed readoption with amendments of the rules in Subchapters 8, 18, and 27 may continue to have an economic impact upon licensed marriage and family therapists, professional counselors, associate counselors and rehabilitation counselors, to the extent that licensees may incur administrative costs associated with preparing and maintaining client records consistent with the requirements set forth in the rules. Proposed new rules N.J.A.C. 13:34-18.6 and 27.6, which impose requirements with respect to the treatment of minors and N.J.A.C. 13:34-18.7 and 27.7, which impose requirements for the transfer of records when a licensee ceases practicing, may have an economic impact upon licensed professional counselors, associate counselors and rehabilitation counselors, to the extent that



licensees incur administrative costs associated with fulfilling the treatment and patient record requirements in the rules.

The proposed readoption with amendments of the continuing education requirements set forth in Subchapters 9, 15 and 24 may continue to have an economic impact upon licensed marriage and family therapists, professional counselors and rehabilitation counselors, to the extent that licensees must obtain the required number of contact hours for each biennial renewal period. Licensees may also incur costs associated with maintaining continuing education documentation as required under the rules. The proposed amendments to the continuing education requirements in *N.J.A.C. 13:34-9.2*, requiring licensed marriage and family therapists to obtain 20 of the mandated 40 hours of continuing education through face-to-face instruction, may have an economic impact upon such licensees, to the extent that licensees incur costs associated with traveling to courses requiring personal attendance. In addition, the proposed amendments to *N.J.A.C. 13:34-15.1* may have an economic impact upon individuals licensed as associate counselors for two or more biennial renewal periods. Such licensees may incur costs associated with having to complete 40 contact hours of continuing education for all subsequent renewal periods. The Board believes that any economic impact that may be borne by such licensees is outweighed by the benefit to consumers in ensuring the continued competency of these licensees to provide professional counseling services to clients in New Jersey.

Proposed new rules *N.J.A.C. 13:34-19.4* and *28.4* may have an economic impact upon licensed professional counselors, associate counselors and rehabilitation counselors, to the extent that the rules place restrictions upon a licensee's involvement in real estate arrangements for the purpose of conducting professional practice. The Board believes that any economic impact that may be borne by such licensees is outweighed by the benefit to consumers in ensuring that such arrangements do not negatively affect a licensee's professional judgment.

### **Federal Standards Statement**

A Federal standards analysis is not required because the rules proposed for readoption with amendments, repeals and proposed new rules are governed by *N.J.S.A. 45:8B-13* et seq., and are not subject to any Federal requirements or standards. Although the rules in *N.J.A.C. 13:34* are not subject to any Federal requirements or standards, where deemed appropriate, the Board has voluntarily required licensees to comply with applicable Federal laws and regulations. Specifically, *N.J.A.C. 13:34-2.1* provides that failure to comply with Federal laws related to the practice of marriage and family therapy will be deemed professional misconduct. *N.J.A.C. 13:34-8.3*, *18.5* and *27.5* require licensed marriage and family therapists, professional counselors, associate counselors and rehabilitation counselors to preserve the confidentiality of information obtained from a client in the course of professional treatment unless disclosure is required by Federal law. *N.J.A.C. 13:34-18.4* and *27.4* requires a professional counselor, associate counselor or a rehabilitation counselor whose client has explicitly waived the counselor-client confidentiality privilege to release client information to a third-party payor whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA), P.L. 93-406, codified at 29 U.S.C. §§1001 to 1453 and in §§401-415 and 4975-4975 of the *Internal Revenue Code*.

### **Jobs Impact**

The Board does not anticipate that the rules proposed for readoption with amendments, repeals and proposed new rules will result in an increase or decrease in the number of jobs in the State.

### **Agriculture Industry Impact**

The Board does not anticipate that the rules proposed for readoption with amendments, repeals and proposed new rules will have any impact on the agriculture industry in the State.

### **Regulatory Flexibility Analysis**

Currently, the Board licenses approximately 500 marriage and family therapists, 2,500 professional counselors, 300

associate counselors and 200 rehabilitation counselors. If these licensees are considered "small businesses" within the meaning of the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16 et seq.*, then the following analysis applies.

The proposed readoption of the rules in Chapter 34 will impose various reporting, recordkeeping and compliance requirements upon licensees. Specifically, all licensees are required to display their licensure status in their offices and to provide clients with certain notices concerning how to file a complaint against a licensee pursuant to *N.J.A.C. 13:34-1.6, 19.1 and 28.1*. All licensees must notify the Board of any changes of address or name pursuant to *N.J.A.C. 13:34-1.8, 1.9, 19.2 and 28.2*.

All licensees must comply with the requirements for license renewal set forth in *N.J.A.C. 13:34-1.10, 19.5 and 28.5*. *N.J.A.C. 13:34-1.11, 19.6 and 28.6* impose various compliance requirements on licensees with respect to reinstatement of a suspended license.

The rules in Subchapters 2, 6 and 30 impose various compliance requirements upon licensees to the extent that the rules require licensees to adhere to specified standards of practice in their interactions with clients, prohibit them from engaging in certain activities and require them to notify the Board of misconduct.

*N.J.A.C. 13:34-4.1, 4.2, 4.3 and 5.2* impose compliance requirements upon applicants for licensure as marriage and family therapists and temporary permit holders. *N.J.A.C. 13:34-11.2 through 11.6* impose compliance requirements upon applicants for licensure as professional counselors and associate counselors. *N.J.A.C. 13:34-21.2, 21.3 and 24.4* impose compliance requirements upon applicants for licensure as rehabilitation counselors. All applicants for licensure must submit the documentation substantiating satisfaction of the education, experience and examination requirements of the rules in order to qualify for licensure.

*N.J.A.C. 13:34-5.3, 5.4, 13.1, 13.2, 13.3, 23.1, 23.2 and 23.3* impose compliance and recordkeeping requirements on qualified supervisors to the extent the rules require supervisors to submit certain documentation to the Board verifying the supervision and to ensure an appropriate level of supervision consistent with the standards delineated in the rules.

The rules in Subchapters 7 and 29 will impose compliance and recordkeeping requirements upon licensees that advertise their professional services. Advertisements must comply with the content requirements set forth in the rules and all advertisements must be retained consistent with the record retention requirements set forth in the rules.

The rules in Subchapters 8, 18 and 27 impose recordkeeping and compliance requirements upon licensees with respect to how a client record is to be prepared and maintained. The rules also impose compliance requirements upon licensees to the extent that the rules require licensees to provide access to client records and to ensure client information is kept confidential.

The rules in Subchapters 9, 15 and 24 require licensees to complete a minimum number of continuing education contact hours in each biennial renewal period. The rules also impose compliance requirements upon licensees to the extent that they must obtain continuing education contact hours consistent with the standards established in the rules. The rules impose recordkeeping requirements upon licensees to the extent that the rules establish what documentation a licensee must retain for continuing education credit. In addition, the rules impose compliance and recordkeeping requirements upon licensees seeking a waiver of continuing education requirements. Such licensees are required to submit the request in writing and must specify the reasons for the requested waiver.

The proposed amendments to the rules in Chapter 34 and the proposed new rules will impose various recordkeeping and compliance requirements on licensees. These requirements are discussed in the Summary above.

[page=1955] No additional professional services will be needed to comply with the rules proposed for readoption with amendments, repeals and proposed new rules. The costs of compliance with the rules are discussed in the Economic Impact above. The Board believes that the rules proposed for readoption with amendments, repeals and

proposed new rules should be uniformly applied to all licensees in order to ensure the health, safety and welfare of New Jersey consumers who seek marriage and family therapy, professional counseling and rehabilitation counseling services. Therefore, no differing compliance requirements for any licensees are provided based upon the size of the business.

### **Smart Growth Impact**

The Board does not believe that the rules proposed for readoption with amendments, repeals and proposed new rules will have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

### **Housing Affordability Impact**

The rules proposed for readoption with amendments, repeals and proposed new rules will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules concern the provision of marriage and family therapy, professional counseling and rehabilitation counseling services.

### **Smart Growth Development Impact**

The rules proposed for readoption with amendments, repeals and proposed new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules concern the provision of marriage and family therapy, professional counseling and rehabilitation counseling services.

**Full text** of the rules proposed for repeal may be found in the New Jersey Administrative Code at *N.J.A.C. 13:34-1.11, 4.1, 11.1, 19.4, 19.6, 21.1, 28.4 and 28.6*.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at *N.J.A.C. 13:34*.

**Full text** of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### 13:34-1.2 Scope of practice

Marriage and family therapy is a specialized field of [therapy] **psychotherapy**, which includes premarital counseling and therapy, pre- and post-divorce counseling and therapy[,] and family therapy that may be with couples, families or individuals. The practice of marriage and family therapy consists of the application of principles, methods and techniques of counseling and psychotherapy for the purpose of resolving psychological conflict, modifying perception and behavior, altering old attitudes and establishing new ones in the area of individual, marriage and family life. In its concern with the antecedents of marriage, with the vicissitudes of marriage[,] and with the consequences of the failure of marriage, marriage and family therapy keeps in sight its objective of enabling clients to achieve the optimal adjustment consistent with their welfare as individuals, as members of a family[,] and as citizens in society.

### 13:34-1.3 Office location

The offices of the Board shall be at 124 Halsey Street, Newark, New Jersey 07101. **The mailing address of the Board is PO Box 45007, Newark, New Jersey 07101. The website of the Board is**

[www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm).

#### 13:34-1.4 License lists

A current list of licensed New Jersey Marriage and Family Therapists shall be maintained and made available at the Board's office **and on the Board's website at** [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm).

#### 13:34-1.5 Applications

Application forms and information regarding licensure of practicing marriage and family therapists may be obtained from the State Board of Marriage and Family Therapy Examiners, [Post Office] **PO** Box 45007, 124 Halsey Street, Newark, New Jersey 07101 **and on the Board's website at** [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm).

#### 13:34-1.6 Licensee to display notice

Every licensee shall prominently display in a conspicuous location in his or her office the following notice:

(Name of individual) is licensed by the State Board of Marriage and Family Therapy Examiners, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted should notice the State Board of Marriage and Family Therapy Examiners, [Post Office] **PO** Box 45007, 124 Halsey Street, Newark, New Jersey 07101, [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm), or the New Jersey Division of Consumer Affairs, [Post Office] **PO** Box 45027, 124 Halsey Street, Newark, New Jersey 07101, [www.state.nj.us/lps/ca/comp.htm](http://www.state.nj.us/lps/ca/comp.htm).

#### 13:34-1.9 Notification of change of name

(a) A licensee whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name, the following:

1. (No change.)

[2. A copy of the licensee's original license with proof, such as a copy of a passport or a social security card, that he or she is the same person to whom the Board issued the license.]

**2. Copies of two forms of identification, one of which shall be a United States government-issued or State government-issued photo identification.**

(b)-(c) (No change.)

#### 13:34-1.10 License renewal; active/inactive status

(a) (No change.)

(b) The Board shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for [failure to renew] **any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.**

(c)-(e) (No change.)

(f) [An applicant] **A licensee** who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the [inactive applicant] **licensee** to return to active status. [provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license. Applicants shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.] **A licensee who seeks to return to active status shall submit the following:**

- 1. A completed renewal application;**
- 2. The renewal fee for the current biennial period set forth in *N.J.A.C. 13:34-1.1*;**
- 3. An affidavit of employment listing each job held during the period the licensee was inactive, including the name, address and telephone number of each employer; and**
- 4. Evidence that the licensee has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The continuing education hours shall be completed by the applicant within three years prior to the date of application for the return to active status.**

(g) **A licensee who returns to active status shall not use any continuing education credits completed pursuant to (f)4 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.**

[page=1956] **13:34-1.11 Reinstatement**

(a) **An individual whose license has been suspended for failure to renew pursuant to *N.J.A.C. 13:34-1.10* for a period of five years or less shall be reinstated by the Board upon submission of the following:**

- 1. A completed reinstatement application;**
- 2. A reinstatement fee and all past delinquent biennial renewal fees set forth in *N.J.A.C. 13:34-1.1*;**
- 3. An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer;**
- 4. Any outstanding penalties imposed by the Board; and**
- 5. Evidence that the individual has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The continuing education hours shall be completed by the applicant within three years prior to the date of application for reinstatement.**

(b) **An individual whose license has been suspended for failure to renew pursuant to *N.J.A.C. 13:34-1.10* for a period of more than five years shall be reinstated by the Board upon successful completion of the licensing examination required for initial licensure as set forth in *N.J.A.C. 13:34-4.1(b)* within one year of the date of application and upon submission of the following:**

- 1. A completed reinstatement application;**
- 2. Payment of the reinstatement fee and all past delinquent biennial renewal fees set forth in *N.J.A.C. 13:34-1.1*;**
- 3. An affidavit of employment listing each job held during the period the individual was suspended, including the**

**name, address and telephone number of each employer; and**

**4. Any outstanding penalties imposed by the Board.**

**(c) A licensee who is reinstated shall not use any continuing education credits completed pursuant to (a)5 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.**

**SUBCHAPTER 2. PROFESSIONAL MISCONDUCT**

**13:34-2.1 Misconduct defined**

(a) Professional or occupational misconduct in the practice of marriage and family therapy by persons licensed by the State Board of Marriage and Family Therapy Examiners shall include, but not be limited to, the following:

1.-2. (No change.)

3. Failing to maintain a record for each client, which accurately reflects the client contact with the practitioner.

i. (No change.)

ii. If a licensee ceases to engage in practice or it is anticipated that he or she will remain out of practice for more than three months, the licensee or designee shall, **consistent with the requirements of N.J.A.C. 13:34-8:**

(1)-(3) (No change.)

4.-10. (No change.)

**SUBCHAPTER 4. REQUIREMENTS FOR LICENSURE; APPLICATION PROCEDURES**

**13:34-4.1 Requirements for licensure; licensure procedure**

**(a) An applicant for licensure as a practicing marriage and family therapist shall satisfy the following requirements:**

**1. The applicant shall be at least 21 years of age;**

**2. The applicant shall submit a completed application for licensure;**

**3. The applicant shall submit evidence of good moral character, which shall be an ongoing requirement for licensure;**

**4. The applicant shall not be engaged in any practice or conduct upon which the Board shall have grounds to refuse to issue, suspend or revoke a license that it issues pursuant to *N.J.S.A. 45:1-21 et seq.*;**

**5. The applicant shall have satisfied the educational requirements set forth in *N.J.A.C. 13:34-4.2*. An official transcript documenting satisfaction of the educational requirements shall be sent to the Board directly from the accredited institution and shall indicate the degree awarded, the applicant's field of study and the specific courses completed toward the degree;**

**6. The applicant shall have satisfied the experience requirements set forth in *N.J.A.C. 13:34-4.3*. The applicant shall submit documentation of required clinical supervision to the Board;**

**7. The applicant shall submit his or her fingerprints and written consent for a criminal history record background check to be performed pursuant to *N.J.S.A. 49:3-56(p)* to determine whether criminal history record information exists, which may be considered by the Board in determining whether the applicant shall be licensed in the State; and**

**8. The applicant shall submit the application fee set forth in *N.J.A.C. 13:34-1.1*.**

**(b) Upon satisfaction of the requirements in (a) above, an applicant for licensure shall be authorized by the Board to take the National Marriage and Family Therapy Examination administered by the Association of Marital and Family Therapy Regulatory Boards or its successor.**

**(c) Upon successful passage of the National Marriage and Family Therapy Examination, and upon submission of the initial licensing fee set forth in *N.J.A.C. 13:34-1.1*, an applicant for licensure shall be granted a license by the Board.**

#### 13:34-4.2 Educational requirements **for licensure**

[a) Pursuant to *N.J.S.A. 45:8B-18(a)*, any person applying to the Board after January 1, 1970 shall be admitted to an examination if he or she meets the qualifications set forth in subsections (a), (b) and (c) of Section 14 of P.L. 1968, c.401 (45:8B-14) and provides evidence that he or she has met the following educational requirements, unless the person appears for examination in an obviously diminished state of mental faculty or otherwise demonstrates behavior which is inappropriate and offensive to the test-taking environment and to other examinees.]

[1.] **(a)** An applicant **for licensure** shall have a minimum of a master's degree in marriage and family therapy, a master's degree in social work or a graduate degree in a related field. All applicants shall have obtained their degrees from regionally accredited institutions, so recognized at the time of the granting of the degrees. If the applicant has a graduate degree in a related field, the applicant shall demonstrate to the Board that he or she has completed substantial equivalents to the course work at the required levels as set out in (b) below. An applicant with a graduate degree in a related field which does not provide the training and course work substantially equivalent in content to those set out in (b) below shall be deemed to meet the educational requirements set forth in this section upon satisfactory completion of either a post graduate degree recognized by the Board, which includes the course work at the required levels as stated in (b) below[,] or a program of training and course work at an institute or training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) [To satisfy the basic educational requirements for admission to an examination, an] **An applicant for licensure** shall complete a minimum of:

1.-4. (No change.)

(c) [The following are] **An applicant for licensure shall satisfy the following** required areas of course work [prior to admission to an examination]:

1.-6. (No change.)

(d) (No change.)

#### 13:34-4.3 Experiential requirements for licensure

(a) (No change.)

(b) [In addition to the requirements listed in *N.J.A.C. 13:34-4.2*, an] **An** applicant for licensure as a marriage and family therapist shall submit to the Board documentation, on a form provided by the Board, that the applicant has completed a minimum of two calendar years of supervised marriage and family therapy experience and one calendar year of counseling experience, which may be in marriage and family therapy, as set forth below:

1.-2. (No change.)

(c)-(d) (No change.)

[page=1957] **13:34-4.4 Licensure by credentials**

**The Board shall issue a license as a marriage and family therapist to an applicant who holds a current, active license or certification as a marriage and family therapist in another state, provided the licensing requirements in that state are substantially equivalent to the requirements set forth in this chapter.**

#### SUBCHAPTER 5. TEMPORARY PERMIT HOLDERS AND QUALIFIED SUPERVISORS

##### 13:34-5.2 Temporary permit application procedure

(a) Pursuant to *N.J.S.A. 45:8B-6(e)* and [45:8B-]18(a), prior to the Board's approval of a three-year temporary permit, the applicant shall [complete and submit the following on forms provided by the Board] **satisfy the following requirements:**

[1. An application form; and

2. A plan of supervision form which shall include evidence that the supervisor meets the requirements of a qualified supervisor as defined in *N.J.A.C. 13:34-4.3(a)*.]

**1. The applicant shall submit a completed permit application;**

**2. The applicant shall have satisfied the educational requirements set forth in *N.J.A.C. 13:34-4.2*. An official transcript documenting satisfaction of the educational requirements shall be sent to the Board directly from the accredited institution and shall indicate the degree awarded, the applicant's field of study and the specific courses completed toward the degree;**

**3. The applicant shall submit a clinical marriage and family therapy supervision plan, which shall include a detailed job description and the location(s) where client contact and supervision will occur;**

**4. The applicant shall submit the supervisor's resume or curriculum vitae, which shall document that the supervisor has no less than five full-time years of professional marriage and family therapy practice experience or the equivalent and holds either a current, active New Jersey license to practice as a marriage and family therapist or has satisfied the educational requirements set forth in *N.J.A.C. 13:34-4.3*;**

**5. The applicant shall submit his or her fingerprints and written consent for a criminal history record background check to be performed pursuant to *N.J.S.A. 49:3-56(p)* to determine whether criminal history record information exists, which may be considered by the Board in determining whether the applicant shall be licensed in the State; and**



**6. The applicant submits the permit application fee set forth in *N.J.A.C. 13:34-1.1*.**

SUBCHAPTER 6. GENERAL OBLIGATIONS OF A LICENSEE

13:34-6.3 Termination of service

(a)-(c) (No change.)

**(d) A licensee who intends to cease to engage in practice or anticipates that he or she will remain out-of-practice for more than three months shall comply with the requirements set forth in *N.J.A.C. 13:34-2.1(a)3ii*.**

13:34-6.4 Sexual [conduct] **misconduct** and harassment

(a)-(b) (No change.)

(c) A licensee shall not **seek, solicit or** engage in sexual contact with a client with whom he or she has a **current** client-therapist relationship.

(d) A licensee shall not seek, [or] solicit **or engage in** sexual contact with a [client with whom he or she has a current client-therapist relationship,] **current client's immediate family member**, a former client [to whom any], **a former client's immediate family member or a former student when** marriage and family therapy services were rendered **to the client, former client or former student** in the immediately preceding 24 months, or **with** a current student, supervisee, supervisor[,], or research participant.

1. (No change.)

(e)-(k) (No change.)

SUBCHAPTER 7. ADVERTISING

13:34-7.3 Minimum content

(a) A licensee shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards[,], and professional stationery:

[1. Name;

2. License number;

3. Licensure status; and]

**1. The name of licensed marriage and family therapist;**

**2. The words "Licensed Marriage and Family Therapist" or "LMFT" followed by the 12-digit license number; and**

[4.] **3. [Street] The street** address and telephone number of the practice location.

(b) (No change.)

## SUBCHAPTER 9. CONTINUING EDUCATION

## 13:34-9.2 Contact hour requirement for licensed marriage and family therapists

(a) A marriage and family therapist applying for **licensure** renewal [for the first renewal period following October 6, 2003] shall [complete] **have completed** a minimum of 40 contact hours of continuing education directly related to the profession of marriage and family therapy during [this] **the biennial** renewal period. **At least 20 of the 40 contact hours of continuing education shall be obtained by a licensee through face-to-face instruction.**

(b) (No change.)

(c) A licensee shall complete at least three of the 40 contact hours of continuing education as required by *N.J.A.C. 13:34-9.1* in the subject area of social and cultural competence. For the purposes of this subsection, social and cultural competence includes, but is not limited to, an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities including any of the following:

1.-3. (No change.)

4. [Counselors'] **Marriage and family therapists'** roles in social justice, advocacy and conflict resolution, cultural self-awareness, the nature of biases, prejudices, process of intentional and unintentional oppression and discrimination[,], and other culturally supported behaviors that are detrimental to the growth of the human spirit, mind[,], or body;

5.-6. (No change.)

(d)-(e) (No change.)

## 13:34-9.3 Approval of continuing education programs and courses

(a) The following are acceptable sources of continuing education, as long as the course, program[,], or article is applicable to marriage and family therapy or falls within the content areas set forth in (c) or (d) below:

1. Courses and programs approved by **the following**: the National Board for Certified Counselors (NBCC); the American Counseling Association (ACA); the American Psychological Association (APA); the American Psychiatric Association (APA); the National Association of Social Workers (NASW); the National Association of Social Workers-New Jersey (NASW-NJ); the American Association for Marriage and Family Therapy (AAMFT); the American Association for Marriage and Family Therapy of New Jersey, Inc. (AAMFT-NJ); the Commission on Rehabilitation Counselors Certification (CRCC); the American Ortho-Psychiatric Association; the American Medical Association (AMA); the American Nursing Association (ANA); the National Association of Drug Abuse Counselors (NADAC); a member of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.; the Commission of Accreditation for Marriage and Family Therapy Education (COAMFTE); the American Family Therapy Association (AFTA); [or] the American Society of Addiction Medicine; **the Association for Marriage and Family Therapy Regulatory Boards (AMFTRB); the International Family Therapy Association (IFTA);** [page=1958] **and the Council on Licensure, Enforcement and Regulation (CLEAR);**

2.-6. (No change.)

(b) (No change.)

(c) The following are acceptable content areas for continuing education:

1. (No change.)

2. [Personal and professional] **Professional** ethics **specifically related to the practice of marriage and family therapy**, ethical and legal practice considerations, contractual agreements with clients (fees, payment plans, third party payers, treatment plans), confidentiality issues, recordkeeping, uses of computers and other technologies, distance and e-therapy, liabilities of practice and basic concepts in family law;

3.-12. (No change.)

(d) (No change.)

#### SUBCHAPTER 10. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE

##### 13:34-10.1 Purpose and scope

(a)-(b) (No change.)

(c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to *N.J.S.A. 45:8B-48*, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as [possessing a license issued pursuant to the Act] **a professional or associate counselor**.

##### 13:34-10.2 Definitions

The following words and terms, as used in N.J.A.C. 13:34-10 through 19, shall have the following meanings, unless the context clearly indicates otherwise.

...

"Counseling procedures" means methods and techniques that may be performed only by a licensed professional counselor or a licensed associate counselor under supervision pursuant to the provisions of N.J.A.C. 13:34-13. Counseling procedures include, but are not limited to, the following:

1.-2. (No change.)

3. Consulting, defined as applying scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the [consultee(s)] **client(s)** may have in relation to an individual, a group or an organization;

4. Referral, defined as evaluating and identifying needs of a [counselee] **client** to determine the advisability of referral to other specialists, informing the [counselee] **client** of such judgment and communicating as requested or deemed appropriate to such referral sources; and

5. (No change.)

**"Direct supervision"** means the ongoing process of supervision by a qualified supervisor who is immediately available to oversee the provision of counseling services.

**"Group supervision"** means the ongoing process of supervising no more than six mental health counselors at one time in a group setting by a qualified supervisor.

**"Independent practice of counseling"** means providing counseling services in a private-for-profit setting by a licensed professional counselor or a licensed associate counselor working under the direct supervision of a qualified supervisor consistent with the requirements of *N.J.A.C. 13:34-10.3*.

**"One calendar year"** means a maximum of 1,500 hours of supervised counseling experience over a period of 52 weeks, which is considered full-time or no less than 750 hours of supervised counseling experience in each of two 52-week periods for a total of 1,500 hours of supervised counseling experience, which is considered part-time. No more than 30 hours of supervised counseling experience shall be obtained in any one week. No more than 125 hours of supervised counseling experience shall be earned in any one month.

**"Professional counseling experience"** means the rendering of professional counseling services while under the direct supervision of a qualified supervisor.

**"Professional counseling services"** means the application of mental health and human development principles in order to facilitate human development and adjustment throughout the lifespan; clinically assess and evaluate mental, emotional and associated distresses, which interfere with mental health and development; conduct assessments and evaluations for the purpose of establishing goals and objectives; and plan, implement and evaluate counseling interventions.

**"Qualified supervisor"** means an individual who holds a clinical license to provide mental health counseling services for a minimum of two years in the state where the services are being provided, and who has:

1. A clinical supervisor's certificate from the National Board for Certified Counselors Center for Credentialing and Education or its successor, the American Society of Addictive Medicine or its successor, the American Psychiatric Association or its successor or the American Association of Marriage and Family Therapy or its successor; or
2. Completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.

A "qualified supervisor" shall satisfy all requirements set forth in *N.J.A.C. 13:34-13.1*.

**"Supervision" or "supervised"** means the weekly interaction with a qualified supervisor who monitors the performance of the licensed associate counselor and provides weekly, documented, face-to-face consultation, guidance and instruction with respect to the counseling skills and competencies of the licensed associate counselor, which includes at least 50 hours of face-to-face supervision per one calendar year, at the rate of one hour per week, of which not more than 10 hours may be group supervision.

13:34-10.3 Scope of practice; professional counselor and associate counselor

(a) (No change.)

(b) The scope of practice of a licensed associate counselor includes, but is not limited to, counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities, as defined in *N.J.A.C. 13:34-10.2*,

under **direct** supervision pursuant to the provisions of N.J.A.C. 13:34-13. [An] **A licensed** associate counselor [shall not] **may only** engage in the independent practice of counseling **under the direct supervision of a qualified supervisor, consistent with the requirements of this section.**

**(c) An independent practice shall be owned and operated by a licensed professional counselor or a licensed healthcare professional that holds a clinical license to provide mental health counseling services.**

SUBCHAPTER 11. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS

**13:34-11.1 (Reserved)**

13:34-11.2 Professional counselor: application and educational requirements

(a) An applicant for licensure as a professional counselor shall submit the following to the Committee:

1.-2. (No change.)

3. An official transcript(s) clearly indicating that the applicant has [satisfied the educational requirements which include a graduate] **completed a minimum of 60 graduate semester hours and has obtained a master's degree or a doctorate** in counseling [from] **in** a planned educational program [at] **designed to prepare students for the professional practice of counseling from** a regionally accredited [page=1959] institution of higher education. The degree and official transcript(s) shall clearly indicate [the following] **that:**

i. [That the degree awarded is a master's degree or doctorate degree in counseling or a related area as deemed acceptable by the Committee. Until April 19, 2006, examples of acceptable graduate degrees include, but are not limited to, social work, psychology, counseling, pastoral counseling, rehabilitation counseling, applied family and child development, human development, counselor education, or marriage and family therapy. Beginning April 20, 2006, an acceptable graduate degree means that the] **The degree awarded is a master's degree or doctorate in counseling. The** word "Counseling" or the word "Counselor" **shall** appear[s] in the title of the graduate degree awarded and [that] the institution offering the degree **shall** state[s] in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling; **and**

ii. [That the] **The** applicant[, as part of his or her educational preparation which includes a master's degree or doctorate in counseling from a regionally accredited institution of higher education,] has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours [are] **shall be** distributed in at least eight of the following areas:

(1) (No change.)

(2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development[, and] facilitation or [consultee] **client** change;

(3)-(9) (No change.)

**(b) On or after (three years following effective date of this section), in order to be eligible for licensure, an applicant shall submit an official transcript(s) clearly indicating that the applicant has obtained a master's degree or doctorate from a counseling degree program accredited, at the time of the applicant's graduation, by the Council on the Accreditation of Counseling and Related Programs (CACREP) or its successor.**

## 13:34-11.3 Professional counselor: experience requirements

(a) In addition to the requirements listed in *N.J.A.C. 13:34-11.2*, an applicant for licensure as a professional counselor shall submit to the Committee documentation indicating that the applicant has met the supervised professional counseling experience requirements for licensure as set forth below:

1. Three calendar years of supervised professional counseling experience in a professional counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. **Two calendar years of supervised professional counseling experience shall have been obtained following licensure as an associate counselor.** Hours of supervised professional counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in *N.J.A.C. 13:34-11.2*; or

2. Two calendar years of supervised professional counseling experience **as a licensed associate counselor** in a professional counseling setting, provided that the applicant has earned, subsequent to completing the **60 graduate semester hours to include a** master's degree, an additional 30 graduate semester hours clearly related to counseling as contained in *N.J.A.C. 13:34-11.2(a)3ii(1)* through (9). Hours of supervised professional counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised professional counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in *N.J.A.C. 13:34-11.2*. No more than one calendar year of supervised professional counseling experience may be obtained prior to the [granting of the master's degree] **completion of the 60 graduate semester hours.**

(b) An applicant for licensure may take up to a maximum of six years to satisfy the supervised professional counseling experience requirement within the definitions stated in *N.J.A.C. 13:34-[11.1]10.2*. Professional counseling experience submitted to the Committee [which] **that** occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above, including supervision by a qualified supervisor.

## 13:34-11.4 Professional counselor: examination requirements

(a) An applicant for licensure as a professional counselor shall submit to the Committee, in addition to the requirements stated in *N.J.A.C. 13:34-11.2* and *11.3*, proof that the applicant has successfully passed the National Counselor Examination (NCE) **or its successor**, administered by the National Board for Certified Counselors (NBCC) or its successor.

**(b) The applicant shall only be admitted to the NCE upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework.**

## 13:34-11.5 Associate counselor: application and educational requirements

(a) An applicant for licensure as an associate counselor shall submit to the Committee:

1.-2. (No change.)

3. An official transcript(s) clearly indicating that the applicant has [satisfied the educational requirements which include a graduate] **completed a minimum of 60 graduate semester hours and has obtained a master's degree or doctorate** in counseling [from] **in** a planned educational program [at] **designed to prepare students for the professional practice of counseling from** a regionally accredited institution of higher education. The degree and official transcript(s)

shall clearly indicate [the following] **that**:

i. [That the degree awarded is a master's or doctorate degree in counseling or a related area as deemed acceptable by the Committee. Until April 19, 2006, examples of acceptable graduate degrees include but are not limited to social work, psychology, counseling, pastoral counseling, rehabilitation counseling, applied family and child development, human development, counselor education, or marriage and family therapy. Beginning April 20, 2006, an acceptable graduate degree means that the] **The degree awarded is a master's degree or doctorate in counseling. The word "Counseling" or the word "Counselor" [appears] shall appear** in the title of the graduate degree submitted and [that] the institution offering the degree [states] **shall state** in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling[.]; **and**

ii. [That the] **The** applicant[, as part of his or her educational preparation which includes a master's degree or doctorate in counseling from a regionally accredited institution of higher education,] has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours are distributed in at least eight of the following areas:

(1) (No change.)

(2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development[, and facilitation or [consultee] **client** change;

(3)-(9) (No change.)

**(b) On or after (three years following effective date of this section), in order to be eligible for licensure, an applicant shall submit an official transcript(s) clearly indicating that the applicant has obtained a master's degree or doctorate from a counseling degree program accredited, at the time of the applicant's graduation, by the Council on the Accreditation of Counseling and Related Programs (CACREP) or its successor.**

#### 13:34-11.6 Associate counselor: examination requirements

(a) In addition to the requirements listed in *N.J.A.C. 13:34-11.5*, an applicant for licensure as an associate counselor shall submit proof to the [Board] **Committee** that the applicant has successfully passed the [page=1960] National Counselors Examination (NCE), **or its successor**, administered by the National Board for Certified Counselors (NBCC) or its successor.

**(b) The applicant shall only be admitted to the NCE examination upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework.**

#### 13:34-11.7 Payment of licensing fee; abandonment of application

(a) **An applicant for licensure shall submit the licensing fee set forth in *N.J.A.C. 13:34-17.1* upon receipt of notification from the Committee that his or her application for licensure has been approved. Failure to submit the licensing fee within six months following the date of notification from the Committee shall result in the application for licensure being deemed abandoned.**

**(b) An applicant for licensure whose application has been deemed abandoned pursuant to (a) above shall submit a new application for licensure to the Committee and shall comply with all application requirements in this subchapter.**

### SUBCHAPTER 12. [(RESERVED)] PROFESSIONAL COUNSELORS: LICENSURE BY ENDORSEMENT

**13:34-12.1 Licensure by endorsement**

(a) Applicants licensed to practice professional counseling by a professional counseling licensing board in the United States may apply to the Committee for a license by endorsement as a licensed professional counselor. Applicants shall have been engaged in active licensed practice for a period of three years immediately preceding the date of application and shall satisfy the requirements of this section.

(b) Applicants for licensure by endorsement shall register with the National Credentials Registry or its successor, approved by the American Association of State Counseling Boards (AASCB).

(c) An applicant for licensure by endorsement shall hold a master's degree or doctorate in counseling from a counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP). The word "Counseling" or the word "Counselor" shall appear in the title of the graduate degree awarded and the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The degree shall consist of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and a course in substance abuse.

(d) If an applicant for licensure by endorsement has a master's degree or doctorate in counseling from a regionally accredited program related to the practice of counseling that is not accredited by CACREP, the word "Counseling" or the word "Counselor" shall appear in the title of the graduate degree awarded and the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The applicant shall establish that the coursework and practicum, internship, and/or fieldwork for the program consists of at least 60 semester hours or 80 quarter hours, and is consistent with the following minimum requirements:

i. Thirty-three semester hours or 44 quarter hours of graduate coursework, which shall include a minimum of three semester hours or four quarter hours of graduate-level coursework in each of the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; counseling in community settings; and substance abuse. Courses in research, thesis or dissertation work, practicums, internships or fieldwork may not be applied toward this requirement; and

ii. Three semester hours or four quarter hours of graduate-level coursework in legal, ethical and professional standards in the practice of mental health counseling, which includes goals, objectives and practices of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing and the role identity and professional obligations of mental health counselors. Courses in research, thesis or dissertation work, practicums, internships or fieldwork may not be applied toward this requirement; and

(e) An applicant for licensure by endorsement shall have 4,500 hours of work experience obtained over a period of time between three and six years.

(f) An applicant for licensure by endorsement shall have passed either the National Counselors Examination (NCE) or the Clinical Mental Health Counseling Examination (CMHCE).



13:34-13.1 [Responsibilities of] **Supervisor qualifications; supervisor responsibilities**

**(a) A qualified supervisor, as defined in *N.J.A.C. 13:34-10.2*, shall meet the following requirements prior to supervising the provision of professional counseling services:**

**1. The individual shall have obtained 3,000 hours of work experience subsequent to holding a clinical license to provide mental health counseling services. The 3,000 hours shall have been obtained over a minimum of two years, but no more than six years; and**

**2. The individual shall hold an approved clinical supervisor credential from the Center for Credentialing and Education of the National Board for Certified Counselors (NBCC) or an equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board, if applicable.**

**(b) A qualified supervisor shall be responsible for creating a written supervision plan with the licensed associate counselor. The supervision plan shall outline the work setting, the licensed associate counselor's job description, including the nature of his or her duties and his or her qualifications and the supervisor's responsibilities and qualifications. Supervision may be provided through live observation or through the review of videotapes, audiotapes and/or self-reporting of sessions with clients, consistent with the requirements of (d) below.**

**(c) The written supervision plan shall be approved by the Committee prior to the performance of counseling by the licensed associate counselor.**

**(d) A qualified supervisor shall perform and document the following activities with the licensed associate counselor:**

**1. The supervisor shall perform at least one of the following activities with the licensed associate counselor:**

- i. Work as a co-counselor with the licensed associate counselor;**
- ii. Observe the licensed associate counselor's sessions with clients;**
- iii. View videotapes of the licensed associate counselor's session with clients; or**
- iv. Listen to audiotapes of the licensed associate counselor's session with clients;**

**2. The supervisor shall perform at least one of the following activities with the licensed associate counselor:**

- i. React to case presentations given by the licensed associate counselor; or**
- ii. Conduct role-playing sessions with the licensed associate counselor; and**

**3. The supervisor shall perform all of the following activities:**

- i. Engage in problem-solving discussions with the licensed associate counselor concerning individual clients;**
- ii. Enter into problem-solving discussions concerning the licensed associate counselor's own problems that affect the licensed associate counselor's work with clients;**
- iii. Offer feedback to the licensed associate counselor concerning specific interventions utilized with clients;**

**iv. Offer feedback to the licensed associate counselor concerning the licensed associate counselor's personal qualities as they affect work with clients; and**

**v. Offer feedback to the licensed associate counselor concerning the supervision experience.**

[page=1961] (e) **A qualified supervisor shall maintain all documentation with respect to the supervision provided to licensed associate counselors for a minimum of three years. A qualified supervisor shall attest to compliance with the supervision requirements of this section by completing all forms provided by the Committee.**

**(f) A qualified supervisor shall not supervise more than a total of six mental health counselors at any one time.**

[(a)] **(g)** Prior to a [supervisee's] **licensed associate counselor's** commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by an associate counselor under the supervision of a professional counselor or a qualified supervisor as defined in *N.J.A.C. 13:34-11.1* **10.2**. If the written disclosure is included as part of another document provided for the client's information, the disclosure shall be set forth in a conspicuous manner, so that it shall be easily readable, clearly understood, signed by the client[,] and retained as part of the client record.

[(b)] **(h)** A **qualified** supervisor shall retain full professional responsibility for collecting fees from clients.

[(c)] **(i)** A **qualified supervisor shall be responsible for knowing the name and diagnosis of each client being treated by the licensed associate counselor.** A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the [supervisee] **licensed associate counselor**.

[(d)] **(j)** [The] A **qualified** supervisor shall ensure that the [supervisee] **licensed associate counselor** maintains, on an annual basis until the [supervisee] **licensed associate counselor** is licensed as a professional counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in [(a) above] **this section** and shall indicate the hours and dates during which the [supervisee] **licensed associate counselor** has been under [direct] supervision, the nature of the cases assigned[,] and the proficiency rating earned by the [supervisee] **licensed associate counselor**.

[(e)] **(k)** A **qualified** supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.

[(f)] **(l)** A **qualified** supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, **current employers**, relatives **of the supervisor, immediate relatives of current clients**, current students[,] or close friends.

#### 13:34-13.2 Responsibilities of [supervisee] **licensed associate counselors**

(a) The [supervisee] **licensed associate counselor** shall maintain documentation of supervised experience for each [50] **52** week period of supervised experience until the [supervisee] **licensed associate counselor** is licensed as a professional counselor.

(b) A [supervisee] **licensed associate counselor** shall not engage in practice under supervision in any area for which the [supervisee] **licensed associate counselor** has not had appropriate education and training.

(c) A [supervisee] **licensed associate counselor** shall not engage in unsupervised or independent practice.

(d) A [supervisee] **licensed associate counselor** shall not receive a professional fee from a client. A [supervisee] **licensed associate counselor** may be compensated only through the supervisor or employing entity.

(e) A [supervisee] **licensed associate counselor** shall not advertise professional services.

#### 13:34-13.3 Supervised professional counseling experience acquired prior to application

(a) (No change.)

(b) An applicant may be granted supervised professional counseling experience credit towards the fulfillment of experience requirements for licensure as a professional counselor if the supervised experience occurred after the granting of the master's degree[, in a professional counseling setting which is considered exempt as set forth in *N.J.S.A. 45:8B-48(b)* or (f),] **and after the applicant was licensed as an associate counselor** and the experience was supervised by a qualified supervisor as defined in *N.J.A.C. 13:34-[11.1]***10.2.**

(c)-(d) (No change.)

### SUBCHAPTER 15. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CONTINUING EDUCATION

#### 13:34-15.1 License renewal and continuing education requirement

(a) All licensed professional counselors shall complete 40 contact hours of continuing education for license renewal, **except during the period of initial licensure as provided in *N.J.A.C. 13:34-15.2(a)*.** The licensed professional counselor shall confirm on the renewal application that the licensee has completed all continuing education requirements pursuant to *N.J.A.C. 13:34-15.1* and *15.2* during the biennial period preceding application for renewal. [Except as set forth in *N.J.A.C. 13:34-15.2*, a professional counselor applying for renewal for the first renewal period following May 5, 2003 shall complete a minimum of 40 contact hours during this renewal period.]

**(b) For the biennial renewal period beginning December 1, 2008, and for all subsequent biennial renewal periods thereafter, an associate counselor licensed for two or more biennial renewal periods, shall complete 40 contact hours of continuing education for all subsequent renewals of his or her license, consistent with the requirements of this subchapter.**

#### 13:34-15.4 Approval of courses or programs

(a) The following are acceptable sources of continuing education courses, programs and articles, as long as the courses, programs or articles fall within the content areas set forth in (c) or (d) below or are directly related to professional counseling:

1. Courses and programs approved by the National Board for Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the Commission on Rehabilitation Counselors Certification; the American Orthopsychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; [or] **the United States Psychiatric Rehabilitation Association;** and the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.;

2.-4. (No change.)

(b) (No change.)

(c) The following are acceptable content areas for continuing education:

1. (No change.)

2. The helping relationship, which provides broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development[,], and facilitation or [consultee] **client** change;

3.-9. (No change.)

(d) (No change.)

#### SUBCHAPTER 17. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: FEES

#### SUBCHAPTER 18. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY

##### 13:34-18.1 Preparation and maintenance of client records

(a)-(b) (No change.)

(c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, [for example] **which shall include:**

1.-6. (No change.)

7. Raw data and interpretation of tests, **if** administered;

8.-19. (No change.)

[page=1962] (d)-(i) (No change.)

##### 13:34-18.3 Access to copy of client record

(a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third-party payor with whom the client has a contract, which provides that the third party be given access to records to assess a claim for monetary damages or reimbursement. [If the client is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.]

(b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) [and (h)] below and in *N.J.A.C. 13:34-18.5*.

(c)-(g) (No change.)

[(h) A licensee shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.]

#### 13:34-18.5 Confidentiality

(a)-(c) (No change.)

**(d) In the case of a client's death:**

**1. Confidentiality survives the client's death and a licensee shall preserve the confidentiality of information obtained from the client in the course of the licensee's teaching, practice or investigation;**

**2. The disclosure of information in a deceased client's records is governed by the same provisions for living clients set forth in *N.J.A.C. 13:34-18.3, 18.4* and *18.6*; and**

**3. A licensee shall retain a deceased client's record for at least seven years from the date of last entry, unless otherwise provided by law.**

**(e) A licensee may discuss the information obtained in clinical or consulting relationships, or in evaluating data concerning children, students, employees and others, only for professional purposes and only with persons clearly connected with the case, as provided under applicable State and Federal laws and regulations.**

**(f) A licensee may reveal, in writing, lectures or other public forums, personal information obtained during the course of professional work only as follows:**

**1. With prior consent of the clients or persons involved; or**

**2. Where the identity of the client or person involved is adequately disguised.**

#### 13:34-18.6 Minors

**(a) Unless otherwise ordered by a court, if the client is a minor, a parent or legal guardian will be deemed to be an authorized representative, as defined at *N.J.A.C. 13:34-18.3(a)*. When the client is more than 14 years of age, but has not yet reached the age of majority, the authorization shall be signed by the client and by the client's parent or legal guardian, pursuant to *N.J.S.A. 45:14B-36(e)*.**

**(b) This section shall not require a licensee to release to a minor's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse or any other information that in the reasonable exercise of the licensee's professional judgment may adversely affect the minor's health or welfare.**

**(c) Unless otherwise ordered by a court, at least one parent or guardian shall consent to the treatment of a minor. If one parent consents, a licensee may treat a minor even over the objection of the other parent.**

**(d) The provisions at *N.J.A.C. 13:34-18.3, 18.4* and *18.5*, concerning access to client records, access by a managed health care plan to information in client records and confidentiality of records, shall apply to minors.**

#### 13:34-18.7 Transfer or disposal of records

**(a) If a licensee ceases to engage in practice or it is anticipated that he or she will remain out-of-practice for more**

than three months, the licensee shall comply with the requirements concerning termination of services set forth at *N.J.A.C. 13:34-30.5(c)* and shall:

1. Establish a procedure by which clients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming responsibilities of the practice. However, a licensee shall not charge a client for a copy of the records, when the records will be used for purposes of continuing treatment or care;
2. Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records; and
3. If a licensee is unable to notify all clients, publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation.

SUBCHAPTER 19. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE

13:34-19.1 Posting of practice authorization and notification of availability of fee information

(a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:

1. Professional counselors and associate counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. [Any member of the consuming public may notify the Committee of any complaint relative to the practice conducted by a professional or associate counselor. The Committee's address is: Division of Consumer Affairs, Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101.] **Any member of the consuming public having a complaint relative to the practice conducted by a professional or associate counselor shall notify the Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101, [www.state.nj.us/lps/ca/medical/procounsel.htm](http://www.state.nj.us/lps/ca/medical/procounsel.htm), or the New Jersey Division of Consumer Affairs, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, [www.state.nj.us/lps/ca/comp.htm](http://www.state.nj.us/lps/ca/comp.htm).**

2. (No change.)

13:34-19.2 Notification of change of address **or name**; service of process; **duty to notify**

(a) (No change)

**(b) A licensee whose name has been legally changed shall forward to the Committee by certified mail, return receipt requested, no later than 30 days following the change of name, legal evidence of such change and copies of two forms of identification, one of which shall be an United States government-issued or State government-issued photo identification. Upon receipt of these items, the Committee shall issue to the licensee a new license. Upon receipt of the new license, the licensee shall immediately remit the original license to the Committee.**

[(b)] (c) Service of an administrative complaint or other [process initiated by] **documents from** the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

[(c)] **(d)** Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the [Board] **Committee** in writing.

#### 13:34-19.3 Sexual misconduct

(a) (No change.)

(b) A licensee shall not **seek, solicit or engage** in sexual contact with a [current] client[, a former client to whom professional counseling services were rendered within the immediately preceding 24 months, a [page=1963] current student, a current direct supervisee, or a current research subject] **with whom he or she has a current client-counselor relationship.**

(c)-(h) (No change.)

(i) A licensee shall not seek, [or] solicit **or engage in** sexual contact with a current client's **immediate family member**, a former client [to whom], **a former client's immediate family member or a former student when** counseling services were rendered **to the client, former client or former student** within the immediately preceding 24 months, **or with** a current student, a current direct **supervisor or** supervisee[,], or a current research subject. [and] **A licensee** shall not seek, solicit, accept[,], or participate in sexual contact with any person in exchange for professional services.

(j) (No change.)

(k) It shall not be a defense to any action under this section that:

1. The client, **the client's immediate family member**, former client, **the former client's immediate family member**, student, **supervisor**, supervisee[,], or research subject solicited or consented to sexual contact with the licensee; or
2. The licensee was in love with or had affection for the client, **the client's immediate family member**, former client, **the former client's immediate family**, student, **supervisor**, supervisee or research subject.

#### 13:34-19.4 Real estate arrangements

(a) A licensee may be an owner, investor or lessor in real estate utilized for the conduct of a professional practice, provided that rent, dividends or any other forms of remuneration are received solely on the basis of the investment or fair market value, as applicable to the circumstances.

(b) A licensee may lease space to or from another licensed health care professional to which clients are referred only where rent is a fixed fee determined by the fair market value, or less, and is for a regular term and not for sporadic use of the space.

(c) A licensee may lease professional space from a commercial entity on any arrangements consistent with standard business practice in the community, provided the arrangements do not affect the licensee's professional discretion in matters, including choice of clients, professional services offered or fees.

(d) The establishment of any lease, investment or other commercial relationship for the conduct of professional practice other than as set forth in this section shall require Committee approval for good cause shown.

#### 13:34-19.5 License renewal; active/inactive status

(a) (No change.)

(b) The Committee shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for [failure to timely renew] **any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.**

(c) Every holder of a license issued or renewed by the [Board] **Committee** who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d)-(e) (No change.)

(f) [An applicant] **A licensee** who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the [Board] **Committee**, the [Board] **Committee** permits the inactive [applicant] **licensee** to return to active status. [provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license. An applicant shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.] **A licensee who seeks to return to active status shall submit the following:**

**1. A completed renewal application;**

**2. The renewal fee for the current biennial period set forth in *N.J.A.C. 13:34-17.1*;**

**3. An affidavit of employment listing each job held during the period the licensee was inactive, including the name, address and telephone number of each employer; and**

**4. Evidence that the licensee has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The licensee shall complete the continuing education hours within three years prior to the date of application for the return to active status.**

(g) A licensee who returns to active status shall not use any continuing education credits completed pursuant to (f)4 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.

#### **13:34-19.6 Reinstatement**

(a) An applicant whose license has been suspended for failure to renew pursuant to *N.J.A.C. 13:34-19.5* for a period of five years or less shall be reinstated by the Committee upon submission of the following:

**1. A completed reinstatement application;**

**2. A reinstatement fee and all past delinquent biennial renewal fees set forth in *N.J.A.C. 13:34-17.1*;**

**3. An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer;**

**4. Any outstanding penalties imposed by the Committee; and**



**5. Evidence that the individual has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The applicant shall complete the continuing education hours within three years prior to the date of application for reinstatement.**

**(b) An applicant whose license has been suspended for failure to renew pursuant to *N.J.A.C. 13:34-19.5* for a period of more than five years shall be reinstated by the Committee upon successful completion of the licensing examination set forth in *N.J.A.C. 13:34-11.4* within six months of the date of application and upon submission of the following:**

- 1. A completed reinstatement application;**
- 2. Payment of the reinstatement fee and all past delinquent biennial renewal fees set forth in *N.J.A.C. 13:34-17.1*;**
- 3. An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer; and**
- 4. Any outstanding penalties imposed by the Committee.**

**(c) A licensee who is reinstated shall not use any continuing education credits completed pursuant to (a)5 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.**

#### SUBCHAPTER 20. REHABILITATION COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE

##### 13:34-20.1 Purpose and scope

(a)-(b) (No change.)

(c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to *N.J.S.A. 45:8B-48*, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as [possessing a license issued pursuant to the Act] **a rehabilitation counselor.**

##### 13:34-20.2 Definitions

The following words and terms, as used in N.J.A.C. 13:34-20 through 28, shall have the following meanings, unless the context clearly indicates otherwise:

[page=1964] ["Appraisal" means selecting, administering, scoring, and interpreting instruments designed to assess a person's attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, or behavioral disorders as well as the use of methods and techniques for understanding human behavior in relating to, adapting to, or changing life situations for persons with disabilities.

"Case management" means a systematic process merging counseling and managerial concepts and skills through the application of techniques derived from intuitive and researched methods, thereby advancing efficient and effective decision-making for functional control of self, client, setting, and other relevant factors for anchoring a proactive practice. In case management, the counselor's role is focused on interviewing, rehabilitation counseling, planning rehabilitation programs, coordinating services, interacting with significant others, placing clients and following up with them, monitoring progress, and solving problems.]

"Clinical assessment and evaluation of persons with disabilities" means assessing, analyzing[,] and evaluating physical and [mental impairments] **psychiatric disabilities** of persons with disabilities in terms of the vocational implications of disabilities[,] and medical aspects and implications of disabilities, including physical and functional capacities of the person and the psychosocial and cultural impact of disabilities for the purpose of exploring possible solutions, developing goals, and developing personalized plans for identified needs.

["Consultation" means the application of scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the consultee may have in relation to a third party, be it a person, group, or organization.]

**"Group supervision" means the ongoing process of supervising no more than six mental health counselors in a group setting by a permissible qualified supervisor.**

"Major life activities" include such activities as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning[,] and working, **consistent with the provisions of the Americans with Disabilities Act Code, 36 CFR 1191 et seq.**

["Mental impairments" include mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.]

**"One calendar year" means a maximum of 1,500 hours of supervised counseling experience over a period of 52 weeks, which is considered full-time or no less than 750 hours of supervised counseling experience in each of two 52 week periods for a total of 1,500 hours of supervised counseling experience, which is considered part-time. No more than 30 hours of supervised counseling experience shall be obtained in any one week. No more than 125 hours of supervised counseling experience shall be earned in any one month.**

"Persons with disabilities[:]" means persons who have a physical and/or [mental] **psychiatric** impairment that substantially limits one or more major life activities.

["Physical impairments" include physiological disorders or conditions, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.]

...

["Referral" means evaluating and identifying needs of a counselee to determine the advisability of referral to other specialists, informing the counselee of such judgment and communicating as requested or deemed appropriate to such referral sources.]

**"Psychiatric disabilities" include mental or psychological disorders, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.**

**"Qualified supervisor" means an individual who holds a clinical license to provide mental health counseling services for a minimum of two years in the state where the services are being provided, and who has:**

**1. A clinical supervisor's certificate from the National Board for Certified Counselors Center for Credentialing and Education or its successor, the American Society of Addictive Medicine or its successor, the American Psychiatric Association or its successor or the American Association of Marriage and Family Therapy or its**

successor; or

**2. Completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.**

**A "qualified supervisor" shall satisfy all requirements set forth in *N.J.A.C. 13:34-23.1*.**

"Rehabilitation counseling" means offering to assist or assisting, for a fee or other compensation, a person through a rehabilitation counseling relationship to develop an understanding of the personal, social[,] and vocational impact of their disabilities and to plan and implement a rehabilitation program, which may include training to help the person become more independent and employable. **Rehabilitation counseling entails the clinical assessment and evaluation of mental, emotional, behavioral and associated distresses, which interfere with mental health and development.**

**"Rehabilitation counseling experience" means the rendering of rehabilitation counseling services while under the supervision of a qualified supervisor.**

"Rehabilitation counseling interventions" means services implemented in the context of a rehabilitation counseling relationship between a rehabilitation counselor and persons with disabilities[,] and the application of individual and group counseling theories and strategies, career development and work adjustment theories and strategies, behavior and personality theories and strategies[,] and family counseling theories and strategies, specifically implemented for the purpose of helping persons with disabilities to understand and to deal with the personal, social[,] and vocational impact of their disabilities. **"Rehabilitation counseling interventions" include, but are not limited to, the following:**

**1. Appraisal and assessment, defined as:**

**i. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, personal characteristics, disabilities and mental, emotional and behavioral disorders; and**

**ii. Using methods and techniques for understanding human behavior in relation to coping with, adapting to or changing life situations;**

**2. Counseling, defined as assisting an individual or group through the counseling relationship to develop an understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting the client's needs, interests and abilities and to use informational and community resources as these methods are related to career development and adjustment and to mental, emotional, social, educational and existential issues;**

**3. Consulting, defined as applying scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the client(s) may have in relation to an individual, a group or an organization;**

**4. Referral, defined as evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client of such judgment and communicating as requested or deemed appropriate to such referral sources; sources; and**

**5. Research, defined as a systematic effort to collect, analyze and interpret quantitative or qualitative data that describe how social characteristics, behavior, emotions, cognition, disabilities, mental disorders and interpersonal transactions among persons and organizations interact.**

["Research" means a systematic effort to collect, analyze, and interpret quantitative or qualitative data that describe how social characteristics, behavior, emotions, cognition, disabilities, mental disorders, and interpersonal transactions among persons and organizations interact.]

...

**"Supervision" or "supervised" means the weekly interaction with a qualified supervisor who monitors the performance of the [page=1965] supervisee and provides weekly, documented face-to-face consultation, guidance and instruction with respect to the counseling skills and competencies of the supervisee and includes at least 50 hours of face-to-face supervision per one calendar year, at the rate of one hour per week, of which not more than 10 hours may be group supervision.**

**"Supervisee" means a person providing rehabilitation counseling services under the supervision of a qualified supervisor.**

13:34-20.3 Scope of practice; rehabilitation counselor

The scope of practice of a rehabilitation counselor includes, but is not limited to, [appraisal, case management, consultation] rehabilitation counseling interventions, clinical assessment and evaluation of persons with disabilities, program evaluation, [referral,] **and** rehabilitation counseling[, and research] as **those terms are** defined in *N.J.A.C. 13:34-20.2*.

## SUBCHAPTER 21. REHABILITATION COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS

### 13:34-21.1 (Reserved)

13:34-21.2 Rehabilitation counselor: application and educational requirements

(a) An applicant for licensure as a rehabilitation counselor shall submit the following to the Committee:

1.-2. (No change.)

3. An official transcript(s) indicating that the applicant has [satisfied the educational requirements which include] **obtained a master's degree in** a planned educational program [in rehabilitation counseling approved by the Committee, which includes a master's degree in rehabilitation counseling] **designed to prepare students for the professional practice of rehabilitation counseling** from a regionally accredited institution of higher education. **The degree and official transcript shall clearly indicate** [and which includes] coursework in the following areas:

i. Introduction to rehabilitation counseling **that includes: an overview of the history and philosophy of the counseling profession, including legislation and public policies that affect individuals with disabilities; rehabilitation counseling scope of practice; codes of ethics and ethical decision-making; and societal issues and trends affecting the counseling profession;**

ii. Counseling theories and [techniques] **practice that include the study of the major theories of counseling and personality, key concepts, the therapeutic process and applications in providing counseling services;**

[iii. Personality theories;]

[iv.] **iii. Psychosocial aspects of disability that examine medical, psychosocial, functional and environmental aspects of disabilities with an emphasis on psychiatric, developmental, cognitive and substance abuse disabilities**

**and includes techniques to facilitate adjustment and coping with disabilities for both individuals and families;**

[v.] **iv. Medical aspects of disability that examine medical, functional, environmental and psychosocial aspects of disabilities, including appropriate intervention resources, such as assistive technology and which focuses on the impact of physical and sensory disabilities on the individual, family and environment;**

[vi.] **v. Evaluation and assessment that provides a comprehensive overview of the theories, principles, procedures and practices of appraisal of individuals that includes: discussion of data and information gathering; reliability, validity and other psychometric statistics; factors influencing appraisals; administering and interpreting tests and measurements to assess abilities, interests and identify career options that could be useful in the counseling relationship;**

[vii. Vocational aspects of disability;

viii. Rehabilitation case management;]

**vi. Community counseling and resources that focus on the development of skills and provides information about systems resources to guide individuals successfully through the rehabilitation counseling process from referral to case closure and includes methods and practices for effective case management, case recording and documentation and interdisciplinary consultation in both public and private settings;**

[ix.] **vii. Research methods that provide an overview of basic statistics and types of research studies; research implementation and report development; program evaluation, including needs assessment, outcomes assessment, consumer satisfaction measures, research publication and ethical and legal considerations in research; [and]**

**viii. Group methods that focus on group leadership styles and techniques, group dynamics and group process and different types of groups for different purposes;**

**ix. Social and cultural diversity issues that focus on the development of the awareness, knowledge and skills needed to provide counseling services to clients from diverse backgrounds, including increasing self-knowledge of one's own personal cultural background, as well as developing a broad understanding of societal changes, trends and concerns and learning counseling skills to provide services in an environment of diversity;**

**x. Career development theory that focuses on theories of career and lifestyle development, including information about identifying career options, occupational and educational information and career decision making and planning;**

**xi. Career counseling and consultation that focuses on career development, advancement, getting and keeping employment, including approaches to working both with individuals seeking employment and with employers; and**

[x.] **xii. Practicum [or] and internship[; and] that are designed for students to learn and practice advanced counseling skills in the context of establishing and maintaining helping relationships. A minimum of 100 hours of supervised field-based experience in an approved agency is required for the practicum, and 600 hours for the internship. Students shall attend weekly group and individual supervision to increase client and helper self-understanding and development, as well as increase expertise in the facilitation of change; and**

4. A supervisor's certification [indicating] **documenting** that the applicant has met the supervision requirements [set forth in N.J.A.C. 13:34-23] **for both the practicum and internship in rehabilitation counseling.**

**(b) On or after (three years following effective date of this section), in order to be eligible for licensure, an applicant shall submit an official transcript(s) clearly indicating that the applicant has obtained a master's degree from a rehabilitation counseling degree program accredited, at the time of the applicant's graduation, by the Council on Rehabilitation Education (CORE ) or its successor.**

13:34-21.3 Rehabilitation counselor: experience requirements

(a) In addition to the requirements listed in *N.J.A.C. 13:34-21.2*, an applicant for licensure as a rehabilitation counselor shall submit to the Committee documentation indicating that the applicant has met the supervised rehabilitation counseling experience requirements for licensure as set forth below:

1. (No change.)

2. Two calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting[, provided that the applicant has earned, subsequent to completing the master's degree, an additional 30 graduate semester hours clearly related to counseling as contained in *N.J.A.C. 13:34-21.2(a)3i* through x]. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised rehabilitation counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in *N.J.A.C. 13:34-21.2*. No more than one calendar year of supervised professional counseling experience may be obtained prior to the granting of the master's degree.

(b) (No change.)

[page=1966] 13:34-21.4 Rehabilitation counselor: examination requirements

(a) In addition to the requirements stated in *N.J.A.C. 13:34-21.2* and *21.3*, an applicant for licensure as a rehabilitation counselor shall submit to the Committee proof that the applicant has successfully completed the Certified Rehabilitation Counselor Examination administered by the Commission on Rehabilitation Counselor Certification (CRCC), or its successor.

**(b) The applicant shall only be admitted to the Certified Rehabilitation Counselor Examination upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework.**

**13:34-21.5 Payment of licensing fee; abandonment of application**

**(a) An applicant for licensure shall submit the licensing fee set forth in *N.J.A.C. 13:34-26.1* upon receipt of notification from the Committee that his or her application for licensure has been approved. Failure to submit the licensing fee within six months following the date of notification from the Committee shall result in the application for licensure being deemed abandoned.**

**(b) An applicant for licensure whose application has been deemed abandoned pursuant to (a) above shall submit a new application for licensure to the Committee and shall comply with all application requirements in this subchapter.**

SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION

13:34-23.1 [Responsibilities of] **Supervisor qualifications; supervisor responsibilities**

**(a) A qualified supervisor, as defined in *N.J.A.C. 13:34-21.1*, shall meet the following requirements prior to**

**supervising the provision of professional counseling services:**

**1. The individual shall have obtained 3,000 hours of work experience subsequent to holding a clinical license to provide mental health counseling services. The 3,000 hours shall have been obtained over a minimum of two years, but no more than six years; and**

**2. The individual shall hold an approved clinical supervisor credential from the Center for Credentialing and Education of the National Board for Certified Counselors (NBCC) or an equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board, if applicable.**

**(b) A qualified supervisor shall be responsible for creating a written supervision plan with the supervisee. The supervision plan shall outline the work setting, the supervisee's job description, including the nature of his or her duties and his or her qualifications and the supervisor's responsibilities and qualifications. Supervision may be provided through live observation or through the review of videotapes, audiotapes and/or self-reporting of sessions with clients, consistent with the requirements of (d) below.**

**(c) The written supervision plan shall be approved by the Committee prior to the performance of counseling by the supervisee.**

**(d) A qualified supervisor shall perform and document the following activities with the supervisee:**

**1. The supervisor shall perform at least one of the following activities with the supervisee:**

- i. Work as a co-counselor with the supervisee;**
- ii. Observe the supervisee's sessions with clients;**
- iii. View videotapes of the supervisee's session with clients; or**
- iv. Listen to audiotapes of the supervisee's session with clients.**

**2. The supervisor shall perform at least one of the following activities with the supervisee:**

- i. React to case presentations given by the supervisee; or**
- ii. Conduct role-playing sessions with the supervisee.**

**3. The supervisor shall perform all of the following activities:**

- i. Engage in problem-solving discussions with the supervisee concerning individual clients;**
- ii. Enter into problem-solving discussions concerning the supervisee's own problems that affect the supervisee's work with clients;**
- iii. Offer feedback to the supervisee concerning specific interventions utilized with clients;**
- iv. Offer feedback to the supervisee concerning the supervisee's personal qualities as they affect work with clients; and**
- v. Offer feedback to the supervisee concerning the supervision experience.**

**(e) A qualified supervisor shall maintain all documentation with respect to the supervision provided to supervisees for a minimum of three years. A qualified supervisor shall attest to compliance with the supervision requirements of this section by completing all forms provided by the Committee.**

**(f) A qualified supervisor shall not supervise more than a total of six mental health counselors at any one time.**

[(a)] **(g)** (No change in text.)

[(b)] **(h)** A **qualified** supervisor shall retain full professional responsibility for collecting fees from clients.

[(c)] **(i)** A **qualified supervisor shall be responsible for knowing the name and diagnosis of each client being treated by a supervisee.** A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the supervisee.

[(d)] **(j)** [The] A **qualified** supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a rehabilitation counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. **The supervisor shall attest to compliance with the standards set forth in this section and shall indicate the hours and dates during which the supervisee has been under supervision, the nature of the cases being assigned, and the proficiency rating earned by the supervisee.**

[(e)] **(k)** A **qualified** supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.

[(f)] **(l)** A **qualified** supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, **current employers, relatives of the supervisor, immediate relatives of current clients,** current students[,] or close friends.

#### 13:34-23.2 Responsibilities of supervisee

(a) The supervisee shall maintain documentation of supervised experience for each [50] **52**-week period of supervised experience until the supervisee is licensed as a rehabilitation counselor.

(b)-(e) (No change.)

### SUBCHAPTER 24. **REHABILITATION COUNSELORS: CONTINUING EDUCATION**

#### 13:34-24.1 License renewal and continuing education requirement

All licensed rehabilitation counselors shall complete 40 contact hours of continuing education for license renewal, **except during the period of initial licensure as provided in *N.J.A.C. 13:34-24.2(a)*.** The licensed rehabilitation counselor shall confirm on the renewal application that the licensee has completed all continuing education requirements pursuant to *N.J.A.C. 13:34-24.1* and *24.2* during the biennial period preceding application for renewal. [Except as set forth in *N.J.A.C. 13:34-24.2*, a rehabilitation counselor applying for renewal for the first renewal period following May 5, 2003 shall complete a minimum of 40 contact hours during that renewal period.]

#### 13:34-24.2 Contact-hour requirements for licensed rehabilitation counselors

(a) (No change.)



(b) A licensed rehabilitation counselor shall complete at least five of the 40 contact hours in ethical and legal standards in the [rehabilitation] counseling profession regardless of the number of contact hours accrued during the biennial period.

(c)-(e) (No change.)

#### 13:34-24.3 Approval of courses or programs

(a) The following are acceptable sources of continuing education courses, programs and articles, as long as the courses, programs or articles fall within the content areas set forth in (c) or (d) below or are directly related to rehabilitation counseling:

[page=1967] 1. Courses or programs approved by the National Board for Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the Commission on Rehabilitation Counselors Certification; the American Orthopsychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; [and] **the United States Psychiatric Rehabilitation Association; the National Rehabilitation Association;** the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.; [or] **and** the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists;

2.-4. (No change.)

(b) (No change.)

(c) The following are acceptable content areas for continuing education:

1.-5. (No change.)

[6. Vocational aspects of disability;]

[7.] **6.** Rehabilitation [case management] **services and resources;**

Recodify existing 8.-9. as **7.-8.** (No change in text.)

[10.] **9.** Ethical and legal standards in the [rehabilitation] counseling profession.

(d) (No change.)

#### SUBCHAPTER 26. **REHABILITATION COUNSELORS: FEES**

#### SUBCHAPTER 27. **REHABILITATION COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY**

##### 13:34-27.1 Preparation and maintenance of client records

(a)-(b) (No change.)

(c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, [for example] **which shall include:**

1.-6. (No change.)

7. Raw data and interpretation of tests, **if** administered;

8.-19. (No change.)

(d)-(i) (No change.)

13:34-27.3 Access to copy of client record

(a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third-party payor with whom the client has a contract, which provides that the third-party payor be given access to records to assess a claim for monetary damages or reimbursement. [If the client is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.]

(b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) [and (h)] below and in *N.J.A.C. 13:34-27.5*.

(c)-(g) (No change.)

[(h) A licensee shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.]

13:34-27.5 Confidentiality

(a)-(c) (No change.)

**(d) In the case of a client's death:**

**1. Confidentiality survives the client's death and a licensee shall preserve the confidentiality of information obtained from the client in the course of the licensee's teaching, practice or investigation;**

**2. The disclosure of information in a deceased client's records is governed by the same provisions for living clients set forth in *N.J.A.C. 13:34-27.3, 27.4 and 27.6*; and**

**3. A licensee shall retain a deceased client's record for at least seven years from the date of last entry, unless otherwise provided by law.**

(e) A licensee may discuss the information obtained in clinical or consulting relationships or in evaluating data concerning children, students, employees and others, only for professional purposes and only with persons clearly connected with the case, as provided under applicable State and Federal laws and regulations.

(f) A licensee may reveal, in writing, lectures or other public forums, personal information obtained during the course of professional work only as follows:

**1. With prior consent of the clients or persons involved; or**

**2. Where the identity of the client or person involved is adequately disguised.**

**13:34-27.6 Minors**

(a) Unless otherwise ordered by a court, if the client is a minor, a parent or legal guardian will be deemed to be an authorized representative, as defined at *N.J.A.C. 13:34-27.3(a)*. When the client is more than 14 years of age, but has not yet reached the age of majority, the authorization shall be signed by the client and by the client's parent or legal guardian, pursuant to *N.J.S.A. 45:14B-36(e)*.

(b) This section shall not require a licensee to release to a minor's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse or any other information that in the reasonable exercise of the licensee's professional judgment may adversely affect the minor's health or welfare.

(c) Unless otherwise ordered by a court, at least one parent or guardian shall consent to the treatment of a minor. If one parent consents, a licensee may treat a minor even over the objection of the other parent.

(d) The provisions at *N.J.A.C. 13:34-27.3, 27.4 and 27.5*, concerning access to client records, access by a managed health care plan to information in client records and confidentiality of records, shall apply to minors.

**13:34-27.7 Transfer or disposal of records**

(a) If a licensee ceases to engage in practice or it is anticipated that he or she will remain out-of-practice for more than three months, the licensee shall comply with the requirements concerning termination of services set forth at *N.J.A.C. 13:34-30.5(c)* and shall:

1. Establish a procedure by which clients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming responsibilities of the practice. However, a licensee shall not charge a client for a copy of the records, when the records will be used for purposes of continuing treatment or care.
2. Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records; and
3. If a licensee is unable to notify all clients, publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation.

**SUBCHAPTER 28. REHABILITATION COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE**

**13:34-28.1 Posting of practice authorization and notification of availability of fee information**

(a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:

1. Rehabilitation counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. [Any member of the consuming public may notify the Committee of any complaint relative to the practice conducted by a rehabilitation counselor. [page=1968] The Committee's address is: Division of Consumer Affairs, Professional Counselor Examiners Committee,

PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101.] **Any member of the consuming public having a complaint relative to the practice conducted by a rehabilitation counselor shall notify the Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101, www.state.nj.us/lps/ca/medical/procounsel.htm, or the New Jersey Division of Consumer Affairs, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, www.state.nj.us/lps/ca/comp.htm.**

2. (No change.)

13:34-28.2 Notification of change of address **or name**; service of process; **duty to notify**

(a) (No change.)

**(b) A licensee whose name has been legally changed shall forward to the Committee by certified mail, return receipt requested, no later than 30 days following the change of name, legal evidence of such change and copies of two forms of identification, one of which shall be an United States government-issued or State government-issued photo identification. Upon receipt of these items, the Committee shall issue to the licensee a new license. Upon receipt of the new license, the licensee shall immediately remit the original license to the Committee.**

[(b)] (c) Service of an administrative complaint or other [process initiated by] **documents from** the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

[(c)] (d) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the [Board] **Committee** in writing.

13:34-28.3 Sexual misconduct

(a) (No change.)

(b) A licensee shall not **seek, solicit or engage in** sexual contact with a [current] client[, a former client to whom rehabilitation counseling services were rendered within the immediately preceding 24 months, a current student, a current direct supervisee, or a current research subject] **with whom he or she has a current client-counselor relationship.**

(c)-(h) (No change.)

(i) A licensee shall not seek, [or] solicit **or engage in** sexual contact with a current client's **immediate family member**, a former client [to whom], **a former client's immediate family member or a former student when** counseling services were rendered **to the client, former client or former student** within the immediately preceding 24 months, **or with** a current student, a current direct **supervisor or** supervisee, or a current research subject. [and] **A licensee** shall not seek, solicit, accept[, ] or participate in sexual contact with any person in exchange for professional services.

(j) (No change.)

(k) It shall not be a defense to any action under this section that:

1. The client, **the client's immediate family member**, former client, **the former client's immediate family member**, student, **supervisor**, supervisee[, ] or research subject solicited or consented to sexual contact with the licensee; or

2. The licensee was in love with or had affection for the client, **the client's immediate family member**, former client, **the former client's immediate family member**, student, **supervisor**, supervisee or research subject.

#### 13:34-28.4 Real estate arrangements

(a) A licensee may be an owner, investor or lessor in real estate utilized for the conduct of a professional practice, provided that rent, dividends or any other forms of remuneration are received solely on the basis of the investment or fair market value, as applicable to the circumstances.

(b) A licensee may lease space to or from another licensed health care professional to which clients are referred only where rent is a fixed fee determined by the fair market value or less, and is for a regular term and not for sporadic use of the space.

(c) A licensee may lease professional space from a commercial entity on any arrangements consistent with standard business practice in the community, provided the arrangements do not affect the licensee's professional discretion in matters, including choice of clients, professional services offered or fees.

(d) The establishment of any lease, investment or other commercial relationship for the conduct of professional practice other than as set forth in this section shall require Committee approval for good cause shown.

#### 13:34-28.5 License renewal; active/inactive status

(a) (No change.)

(b) The Committee shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for [failure to timely renew] **any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.**

(c) Every holder of a license issued or renewed by the [Board] **Committee**, who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d)-(e) (No change.)

(f) [An applicant] **A licensee** who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the [Board] **Committee**, the [Board] **Committee** permits the inactive [applicant] **licensee** to return to active status. [provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license. Applicants shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.] **A licensee who seeks to return to active status shall submit the following:**

**1. A completed renewal application;**

**2. The renewal fee for the current biennial period set forth in *N.J.A.C. 13:34-26.1*;**

**3. An affidavit of employment listing each job held during the period the licensee was inactive, including the name, address and telephone number of each employer; and**

**4. Evidence that the licensee has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The continuing education hours shall be completed by the applicant within three years prior to the date of application for the return to active status.**

(g) A licensee who returns to active status shall not use any continuing education credits completed pursuant to (f)4 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.

#### **13:34-28.6 Reinstatement**

(a) An applicant whose license has been suspended for failure to renew pursuant to *N.J.A.C. 13:34-28.5* for a period of five years or less shall be reinstated by the Committee upon submission of the following:

- 1. A completed reinstatement application;**
- 2. A reinstatement fee and all past delinquent biennial renewal fees set forth in *N.J.A.C. 13:34-26.1*;**
- 3. An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer;**
- 4. Any outstanding penalties imposed by the Committee; and**
- 5. Evidence that the individual has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The continuing education hours shall [page=1969] be completed by the applicant within three years prior to the date of application for reinstatement.**

(b) An applicant whose license has been suspended for failure to renew pursuant to *N.J.A.C. 13:34-28.5* for a period of more than five years shall be reinstated by the Committee upon successful completion of the licensing examination set forth in *N.J.A.C. 13:34-21.4* within one year of the date of application and upon submission of the following:

- 1. A completed reinstatement application;**
- 2. Payment of the reinstatement fee and all past delinquent biennial renewal fees set forth in *N.J.A.C. 13:34-26.1*;**
- 3. An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer; and**
- 4. Any outstanding penalties imposed by the Committee.**

(c) A licensee who is reinstated shall not use any continuing education credits completed pursuant to (a)5 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.

#### **SUBCHAPTER 29. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND REHABILITATION COUNSELORS: ADVERTISING**

##### **13:34-29.1 Definitions**

For the purposes of this subchapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

...

**"Licensee" means a licensed professional counselor, a licensed associate counselor and a licensed rehabilitation counselor.**

...

13:34-29.3 Minimum content

(a) A licensee shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards[,] and professional stationery:

- [1. Name;
- 2. License number;
- 3. Licensure status; and]

- 1. The name of the licensee;**
- 2. The words "Licensed Professional Counselor" or "LPC," "Licensed Associate Counselor" or "LAC" or "Licensed Rehabilitation Counselor" or "LRC," as applicable, followed by the 12-digit license number; and**

[4.] **3.** [Street] **The street** address and telephone number of the practice location.

(b) (No change.)

13:34-29.4 Use of professional credentials and certifications

(a)-(c) (No change.)

(d) In addition to the information required to appear pursuant to *N.J.A.C. 13:34-29.3*, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:

- 1. The highest academic degrees earned from a regionally accredited institution relating to the practice of professional or rehabilitation counseling. **A licensee shall not include any degree earned at an institution that is not regionally accredited;**

2.-3. (No change.)

(e)-(f) (No change.)

**SUBCHAPTER 30. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND REHABILITATION COUNSELORS: BUSINESS PRACTICES; PROFESSIONAL CONDUCT**

13:34-30.1 Financial arrangements with clients

(a) (No change.)

(b) Where payment of the usual and customary fee would be a hardship, a professional or rehabilitation counselor shall refer the client to other sources for provision of services[.], **reduce the usual and customary fee or provide the services without charge. A professional or rehabilitation counselor shall not accept goods and/or services from a client in lieu of payment for professional services.**

(c) Before providing counseling services, a [licensee] **professional or rehabilitation counselor** shall assist the client to understand financial arrangements. The information shall include, but not be limited to:

1.-2. (No change.)

3. Whether the [licensee] **professional or rehabilitation counselor** will accept installment payments; and

4. (No change.)

(d) (No change.)

#### 13:34-30.2 Clients served by others

If a client is receiving counseling services from another mental health professional, the [licensee] **professional, associate or rehabilitation counselor**, with the client's consent, shall inform the other mental health professional already involved and develop clear agreements to avoid confusion and conflict for the client.

#### 13:34-30.3 Multiple clients

When [licensees] **a professional, associate or rehabilitation counselor** agrees to provide counseling services to two or more persons who have a relationship (such as husband and wife[,], or parents and children), [licensees] **the professional, associate or rehabilitation counselor** shall [clarify] **disclose in writing** at the outset, which person or persons are clients and the nature of the relationships he or she will undertake with each involved person. **The disclosure shall be retained in the client record.** If it becomes apparent that the [licensee] **professional, associate or rehabilitation counselor** may be called upon to perform conflicting roles, the [licensee] **professional, associate or rehabilitation counselor** shall take appropriate steps to eliminate the conflict.

#### 13:34-30.4 Conflicts of interest; dual relationships

(a) (No change.)

(b) A professional, associate or rehabilitation counselor providing counseling services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, professional treatment of business or financial relationships, students, supervisors, friends or relatives, [and] supervision of friends and relatives **and receipt of any goods and/or services from a client.**

(c) (No change.)

#### 13:34-30.5 Termination of services

(a)-(b) (No change.)



(c) A professional, associate or rehabilitation counselor who anticipates the termination or interruption of services to a client shall notify the client promptly **in writing, shall comply with the requirements for transfer of records set forth at N.J.A.C. 13:34-18.7 or 27.7, as applicable** and **shall** seek the transfer, referral or continuation of service in relation to the client's needs and preferences.

**(d) Notifications sent to a client pursuant to this section shall be retained in the client record.**

13:34-30.6 Prohibition on solicitation; unethical referrals and kickbacks

(a) A professional, **associate** or rehabilitation counselor who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a counselor from offering to the client all appropriate options upon termination of services at the agency, including the continuation of services in private practice.

(b)-(e) (No change.)