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RULE ADOPTIONS

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

State Board of Marriage and Family Therapy Examiners

Adopted Amendments: N.J.A.C. 13:34-9.2 and 9.

Continuing Education

Proposed: June 4, 2007 at 39 N.J.R. 2198(a).

Adopted: February 14, 2008 by the State Board of Marriage and Family Therapy Examiners, James Verser, Ed.S., Chairperson.

Filed: April 4, 2008 as R.2008 d.113, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:8B-13 and 24.1(b).

Effective Date: May 5, 2008.

Expiration Date: March 22, 2009.

Summary of Agency-Initiated Changes:

The Board has determined that the phrase "social and cultural diversity" does not accurately address the topics it believes must be covered in the three continuing education hours required by the amendments to N.J.A.C. 13:34-9.2 and 9.3. As indicated in the Summary statement of the proposal, the Board modeled the new requirements upon requirements imposed upon physicians by P.L. 2005, c. 53, which states that "[c]ultural awareness and cultural competence are essential skills for providing quality health care to a diverse patient population." The Board believes that cultural awareness and cultural competence will not be achieved if licensees are required to take classes in social and cultural diversity; they will be achieved if licensees are taking continuing education hours dedicated to incorporating knowledge of social and cultural diversity into their marriage and family therapy practice. The Board believes the term "social and cultural competence" more accurately indicates the type of continuing education hours licensees should complete. The Board, therefore, has changed N.J.A.C. 13:34-9.2 and 9.3, on adoption, to change the term "social and cultural diversity" to "social and cultural competence."

In addition, the Board has determined that a further change to N.J.A.C. 13:34-9.3(d) is necessary, on adoption, to clarify its intention with respect to how licensees may obtain the cultural competency continuing education that will now be required under N.J.A.C. 13:34-9.2. The Board did not intend N.J.A.C. 13:34-9.3(d), as proposed, to provide that licensees could only satisfy this new continuing education requirement by taking a Board-approved course in cultural competency. Rather, the Board intended the Board-approval of cultural competency courses set forth in N.J.A.C. 13:34-9.3(d) to serve as one avenue by which licensees could satisfy the required cultural competency continuing education. The Board believes that licensees should be permitted to obtain cultural competency continuing education through the sources of continuing education already deemed acceptable by the Board under existing rule N.J.A.C. 13:34-9.3(a). Those sources include continuing education courses or programs approved by the various national organizations referenced in subsection (a). The Board, therefore, is changing N.J.A.C. 13:34-9.3(d), on adoption, to provide that a course or program in the area of social and cultural competence, for the purpose of fulfilling the three contact hour cultural competency continuing education requirement, must be obtained consistent with the requirements of N.J.A.C. 13:34-9.3(a), or must be approved by the Board. As adopted, N.J.A.C. 13:34-9.3(d) continues to provide that a course or program in cultural competency that is approved by the Board of Social Work Examiners, the Professional Counselor Examiner Committee, or the Alcohol and Drug Counselor Committee will be deemed acceptable by the Board.

The Board believes that this change on adoption is not so substantive as to require reproposal in accordance with N.J.A.C. 13:34-6.3 because the change between proposal and adoption will cause no harm to licensees, providers of cultural competence continuing education courses, or to the Board. Adoption of the change will provide licensees with a greater number of courses to choose from, as well as additional avenues of study, in order to satisfy the new cultural competence continuing education requirement. Adoption of the change will also allow cultural competence course providers whose courses are approved by the entities recognized by the Board in N.J.A.C. 13:34-9.3(a) to forego obtaining Board approval of their courses. The change on adoption, however, does not preclude course providers from seeking Board approval of specific courses if they so desire. The change on adoption may decrease the Board's workload with respect to review and approval of cultural competence courses, to the extent that the change may result in fewer course providers seeking Board approval. Because of this change on adoption, the Board is making a technical amendment to N.J.A.C. 13:34-9.3(a) to clarify that acceptable sources of continuing education must concern the content areas set forth in subsections (c) or (d) of the rule. Currently, the rule refers to the content areas delineated in subsection (c) only.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are governed by State statute and are not subject to any Federal requirements or standards.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from the proposal indicated in brackets with asterisks ***[thus]***):

(Agency Note: The rule text below reflects the recodification of N.J.A.C. 13:34-8.2 and 8.3 as 9.2 and 9.3, respectively, effective March 17, 2008. See 40 N.J.R. 1674(a).)

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

(a)-(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-~~[8.1]~~***9.1*** in the subject area of social and cultural ~~[diversity]~~ ***competence***. For the purposes of this subsection, ***social and*** cultural ~~[diversity]~~ ***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. Multicultural and pluralistic trends, including characteristics and concerns between and within diverse groups nationally and internationally;
2. Attitudes, beliefs, understandings, and acculturative experiences, including specific experiential learning activities;
3. Individual, couple, family, group, and community strategies for working with diverse populations and ethnic groups;
4. Counselors' 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. Theories of multicultural counseling, theories of identity development and multicultural competencies; and
6. Ethical and legal considerations relating to issues of diversity.

(d) Beginning July 1, 2008, the three contact hours of continuing education in the subject area of social and cultural ~~[diversity]~~ ***competence*** shall be completed every biennial period and shall be in addition to the required five contact hours of continuing education in ethics and legal standards as set forth in (b) above.

(e) (No change in text.)

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.-6. (No change.)

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

(d) A course or program in the subject area of social and cultural ***[diversity]* ***competence***** for the purpose of fulfilling the three ***-*** contact ***-***hour ***[s of]*** continuing education requirement ***shall be obtained consistent with (a) above or*** shall be subject to the approval of the Board. A course or program in the subject area approved by the Board of Social Work Examiners, the Professional Counselor Examiners Committee or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Board.