

45 N.J.R. 130(a)

VOLUME 45, ISSUE 2

ISSUE DATE: **JANUARY 22, 2013**

**RULE ADOPTIONS**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PSYCHOLOGICAL EXAMINERS**

**Adopted Amendments: N.J.A.C. 13:42-1.3, 3.6, 4.1, and 4.4**

**Adopted Repeal and New Rule: N.J.A.C. 13:42-10.18**

**Employment by a Nonprofit Bona Fide Community Organization; Exemption from Licensure; Responsibilities of Applicant for One-Year Unsupervised and Three-Year Supervised Temporary Permits; Amount of Supervision Required; Responsibilities of Supervisor; Reinstatement**

Proposed: March 5, 2012 at 44 N.J.R. 554(a).

Adopted: August 6, 2012 by the State Board of Psychological Examiners, Nancy E. Friedman, Ph.D., Chair.

Filed: December 19, 2012 as R.2013 d.011, **without change**.

Authority: N.J.S.A. 45:14B-13.

Effective Date: January 22, 2013.

Expiration Date: July 2, 2016.

**Summary** of Public Comments and Agency Responses:

The official comment period ended May 4, 2012. The Board received comments from Barry Helfmann, PsyD, New Jersey Psychological Association, Director of Professional Affairs.

1. COMMENT: The commenter supports the amendments to N.J.A.C. 13:42-1.3, 3.6, and 4.4.

RESPONSE: The Board thanks the commenter for his support.

2. COMMENT: The commenter is concerned that the amendments to N.J.A.C. 13:42-10.18 could result in unfair treatment of licensees. The commenter contends that the reasons why a licensee may be suspended can range from minor to severe infractions and contends that these differing infractions are treated differently in other situations but not under N.J.A.C. 13:42-10.18. The commenter also contends that reinstatement fees are unfair and that the Board has no justification for requiring licensees suspended for more than five years to retake the Examination for Professional Practice in Psychology.

RESPONSE: The Board believes that the commenter may be confusing a disciplinary suspension, which may be based on infractions that range from minor to severe, and a suspension for failure to renew licensure pursuant to N.J.A.C. 13:42-10.17(c). The Board points out that N.J.A.C. 13:42-10.18 applies only to suspensions for failure to renew licensure. The reinstatement fees and the requirement that licensees retake the licensing examination are dictated by N.J.S.A. 45:1-7.1 and 7.2.

### **Federal Standards Statement**

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments, new rule or repeal.

**Full text** of the adoption follows:

#### **SUBCHAPTER 1. SCOPE OF PRACTICE; PERSONS REQUIRING LICENSURE; EXEMPTIONS FROM LICENSURE; UNLICENSED PRACTICE**

13:42-1.3 Employment by a nonprofit bona fide community organization; exemption from licensure

(a) Pursuant to N.J.S.A. 45:14B-6(a)3, an employee of a nonprofit organization which is a bona fide community agency supported wholly or in major part by public funds who, as part of his or her duties as an employee, does or performs psychological services is exempted from licensure provided the employee is under the direct supervision of a licensed practicing psychologist. For purposes of this section, "direct supervision" shall mean acts performed at a nonprofit bona fide community organization wherein he or she is constantly accessible, either on-site or through electronic communication, and available to render assistance when required and that the licensee shall retain full professional responsibility for client care and treatment.

(b)-(d) (No change.)

(e) At the time employment of the employee, who as part of his or her duties as an employee does or performs psychological services, commences, the exempt entity or exempt practitioner shall submit to the Board a notice specifying the following information:

1.-2. (No change.)

3. The name of each employee who as part of his or her duties as an employee does or performs psychological services. The employee shall not be an independent contractor.

(f)-(g) (No change.)

(h) An unlicensed employee who as part of his or her duties as an employee does or performs psychological services shall not identify him- or herself, or be identified by others, as a psychologist.

#### **SUBCHAPTER 3. ONE-YEAR UNSUPERVISED AND THREE-YEAR SUPERVISED TEMPORARY PERMITS FOR TRAINING PENDING ORAL EXAMINATIONS**

13:42-3.6 Responsibilities of applicant for one-year unsupervised and three-year supervised temporary permits

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

(c) An applicant for a one-year unsupervised or three-year supervised temporary permit shall not provide psychological services until a permit has been issued by the Board.

Recodify existing (c)-(k) as (d)-(l) (No change in text.)

#### SUBCHAPTER 4. SUPERVISION OF CANDIDATES FOR LICENSURE

##### 13:42-4.1 Amount of supervision required

(a) (No change.)

(b) The equivalent of one year of full-time supervised experience shall be a minimum of 1,750 hours. The 1,750 hours shall include:

1. One thousand client contact hours completed in accordance with the limitations provided in N.J.A.C. 13:42-3.6(f);

2.-3. (No change.)

##### 13:42-4.4 Responsibilities of supervisor

(a)-(h) (No change.)

(i) A supervisor shall not condone or knowingly permit an applicant for a three-year supervised temporary permit to provide psychological services prior to the Board issuing a permit to the applicant.

Recodify existing (i)-(j) as (j)-(k) (No change in text.)

(l) A supervisor shall be responsible for ensuring that a permit holder maintains client records consistent with the requirements of N.J.A.C. 13:42-8.1.

#### SUBCHAPTER 10. GENERAL OBLIGATIONS OF A LICENSEE

##### 13:42-10.18 Reinstatement

(a) A person seeking reinstatement within five years following the suspension of a license pursuant to N.J.A.C. 13:42-10.17(c) shall submit the following to the Board:

1. A completed reinstatement application;

2. Payment of the past delinquent renewal fees as set forth in N.J.A.C. 13:42-6.1;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:42-6.1; and

4. An affidavit of employment listing each job held during the period of suspension, which includes the names, addresses, and telephone numbers of each employer.

(b) A person seeking reinstatement after more than five years following the suspension of a license shall satisfy the requirements of (a) above and shall successfully complete the examination required for initial licensure pursuant to N.J.A.C. 13:42-5.1.