

## PLEASE READ

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NEW JERSEY ADMINISTRATIVE CODE  
TITLE 13  
LAW AND PUBLIC SAFETY  
CHAPTER 34  
BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS

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## SUBCHAPTER 1. GENERAL PROVISIONS

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### 13:34-1.1 LICENSE FEES AND CHARGES

a) There shall be paid to the State Board of Marriage and Family Therapy Examiners the following fees:

- 1) Application fee ..... \$ 75.00
- 2) Initial license fee
  - i) If paid during the first year of a biennial renewal period ..... \$250.00
  - ii) If paid during the second year of a biennial renewal period ..... \$125.00
- 3) Examination fee  
.....\$ 65.00 plus the fee charged by Professional Examination Service
- 4) Certification of licensure ..... \$ 25.00
- 5) Temporary permit ..... \$ 75.00
- 6) License renewal fee, biennial..... \$250.00
- 7) Reinstatement fee..... \$125.00
- 8) Late renewal fee ..... \$ 50.00
- 9) Replacement wall certificate ..... \$ 40.00
- 10) Duplicate license fee..... \$25.00
- 11) Change of address ..... \$ 25.00

### 13:34-1.2 SCOPE OF PRACTICE

Marriage and family therapy is a specialized field of 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, 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, 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, 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).

### **13:34-1.7 HEARINGS TO CONFORM TO LAW**

The conduct of all hearings shall conform to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as amended and supplemented.

### **13:34-1.8 NOTIFICATION OF ADDRESS; SERVICE OF PROCESS**

- a) A licensee shall notify the Board in writing within 30 days of any change in the address on file with the Board and shall specify whether the address is a residence or an employment address.
- b) Service of an administrative complaint or other process initiated by the Board, the Attorney General, or the Division of Consumer Affairs at the address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.
- c) A licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report to the Board in writing his or her receipt of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

### **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) Legal evidence of such change; and
  - 2) Copies of two forms of identification, one of which shall be a United States government-issued or State government-issued photo identification.
- b) Upon receipt of the items set forth in (a) above, the Board shall issue to the licensee a new license.
- c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Board.

**13:34-1.10 LICENSE RENEWAL; ACTIVE/INACTIVE STATUS**

- a) Licenses shall be renewed biennially upon a form provided by the Board. Each applicant shall attest that the continuing education requirements have been completed during the prior 24-month renewal period.
- 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 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, 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) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of marriage and family therapy, even if no notice of suspension has been provided to the individual.
- e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in marriage and family therapy within the State.
- f) 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 licensee to return to active 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.

### **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.

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## **SUBCHAPTER 2. PROFESSIONAL MISCONDUCT**

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### **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) Willful or grossly negligent failure to comply with Federal, State or local laws, rules or regulations governing the practice of the profession.
  - 2) Failing to respond within 30 days to written communications from the Board of Marriage and Family Therapy Examiners and make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct.
    - i) The period of 30 days shall commence on the date when such communication was sent from the Board by registered or certified mail, with return receipt requested, to the address appearing in the last registration.
  - 3) Failing to maintain a record for each client, which accurately reflects the client contact with the practitioner.
    - i) Unless otherwise provided by law, all client records must be retained for at least seven years.
    - 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) Establish a procedure by which clients can obtain their records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming the responsibilities of that practice;

- (2) Publish a notice of the practice 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; and
  - (3) Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for record retrieval.
- 4) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed marriage and family therapist.
- 5) Failing to make available to a client, the client's guardian or authorized representative, or, upon a client's request copies of reports or test records relating to the client which are in the possession or under the control of the licensee, or failing to complete forms or reports required for the reimbursement of a client by a third party.
  - i) Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate shall not be required as a condition for making such records available.
  - ii) A practitioner may withhold information from a client if he or she believes release of such information would adversely affect the client's mental or psychological health.
  - iii) This section shall not require release to the parent or guardian of a minor of records or information relating to sexually transmitted disease or abortion except with the minor's consent.
- 6) Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the client.
- 7) Using the word "Doctor" or otherwise misleading designation in offering to perform professional services when such title or designation has not been earned at an accredited educational institution or is not one which is recognized by the New Jersey State Board of Education.
- 8) Guaranteeing that satisfaction or a cure will result from the performance of professional services.
- 9) Claiming or using any secret or special method of treatment and/or diagnostic technique which the licensee refuses to divulge to the Board.

- 10) Failing to notify the Board of Marriage and Family Therapy Examiners in writing of any change of address or name from that currently registered with the Board and shown on the most recently issued license.
  - i) Such notice shall be given not later than 30 days following the change of address or name.

### **13:34-2.2 PROFESSIONAL INTERACTIONS WITH CLIENTS**

- a) Prior to commencing services, a licensee shall advise the client or the client's guardian, in terms that the client can understand, of the nature and purpose of the services to be rendered and the limits and obligations associated with such services.
- b) A licensee shall obtain written informed consent from clients before videotaping, audio recording, or permitting third-party observation of professional interactions with clients.
- c) A licensee shall not provide marriage and family therapy services while under the influence of alcohol or any other drug that may impair the delivery of services.
- d) A licensee shall obtain competent professional assistance in order to determine whether to voluntarily suspend, terminate, or limit the scope of the licensee's professional practice or research activities which are foreseeably likely to lead to inadequate performance or harm to the client, colleague, student, or research participant.
- e) When interacting with a research subject, a licensee shall observe research requirements consistent with accepted standards of practice.

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## **SUBCHAPTER 3. UNLICENSED PERSONS-PERMISSIBLE ACTIVITIES**

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### **13:34-3.1 EMPLOYEES OF CERTAIN ORGANIZATIONS; PERMISSIBLE ACTIVITIES**

- a) For the purpose of N.J.S.A. 45:8B-6(a)(1), (2) and (3), employees of certain organizations may only perform marriage and family therapy functions at the employer's place of business and under the eligible organization's control.
- b) The right to practice under the conditions of (a) above does not confer the privilege of unsupervised, independent practice.

**13:34-3.2 BONA FIDE COMMUNITY AGENCY DEFINED**

- a) For the purpose of N.J.S.A. 45:8B-6(a)(2), legal incorporation as a not-for-profit organization shall not in itself be satisfactory evidence of a de facto clinic or bona fide community agency.
  - 1) Such corporations shall give other evidence of their status as a bona fide community agency, such as proof that the organization is supported wholly or in major part by public funds, before being permitted to advertise performance of marriage and family therapy services.
  - 2) Organizations determined to be bona fide community agencies by the Board will be permitted to make their services known to the public through phone listings and other media.

**13:34-3.3 SUPERVISION OF EMPLOYEES AND INTERNS**

- a) For purposes of this section, "intern" means a student of marriage and family therapy or a person preparing for the practice of marriage and family therapy under qualified supervision in a training institution or facility, as specified in N.J.S.A. 45:8B-6.
- b) For the purpose of N.J.S.A. 45:8B-6(a)(3) and 6(b), all licensed marriage and family therapists who have unlicensed individuals in employee or intern status shall seek the approval of their supervisory arrangement by the Board prior to the commencement of the employment or internship involving the practice of marriage and family therapy.
- c) Persons approved by the Board to supervise individuals in employee and intern status are required to exercise appropriate supervision over those persons in accordance with the requirements for supervised experience of candidates as detailed in N.J.A.C. 13:34-4.3.
- d) Licensees providing supervision of employees and interns shall not enter into any supervisory relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such prohibited supervisory relationships include, but are not limited to, the following: professional supervision of tenants, close friends, relatives, or spouses.

**13:34-3.4 ADVERTISING BY UNLICENSED PERSONS**

Advertising by or on behalf of an unlicensed individual who is authorized to practice marriage or family therapy pursuant to N.J.S.A. 45:8B-6 or N.J.S.A. 45:8B-8, shall disclose the name of the unlicensed individual and the fact of non-licensure.

**13:34-3.5 (RESERVED)**

**13:34-3.6 (RESERVED)**

**13:34-3.7 (RESERVED)**

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

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**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) 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) An applicant for licensure shall complete a minimum of:
  - 1) Eight courses from Areas I, II and III as specified in (c) below;
  - 2) One course from Area IV as specified in (c) below;
  - 3) One course from Area V as specified in (c) below; and
  - 4) One course taken in one semester from Area VI as specified in (c) below.
- c) An applicant for licensure shall satisfy the following required areas of course work:
  - 1) Area I: Theoretical Foundations (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include topics which deal with the historical development, theoretical foundations and contemporary conceptual directions of the field of marriage and family therapy. Course work in this area shall enable students

to conceptualize and distinguish the critical epistemological issues in marriage and family therapy. Course work shall be related conceptually to clinical concerns.

- 2) Area II: Clinical Practice (a minimum of four, three semester hour or equivalent quarter hour, courses.) Course work in this area shall provide a comprehensive survey and substantive understanding of the major models of marriage and family therapy. Courses shall address marriage and family therapy practice and be related conceptually to theory. Course work in this area shall address a wide variety of presenting clinical problems and include assessment, marriage and family therapy methods and major mental health assessment methods and instruments.
- 3) Area III: Individual Development and Family Relations (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include:
  - i) Material on individual development, family development and family relationships;
  - ii) Material on issues of sexuality as they relate to marriage and family therapy theory and practice, including sexual dysfunctions and difficulties;
  - iii) Issues of gender and sexual orientation as they relate to marriage and family therapy theory and practice; an
  - iv) Material on issues of ethnicity, race, socioeconomic status and culture as they relate to marriage and family therapy theory and practice.
- 4) Area IV: Professional Identity and Ethics (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall include material on professional identity, including professional socialization, professional organizations, licensure, certification and ethical issues related to the practice and profession of marriage and family therapy. Generic courses in ethics shall not meet this requirement. Such course work shall inform applicants about legal responsibilities and liabilities of clinical practice and research, family law, confidentiality issues, ethics and the interface between therapist responsibility and the professional, social and political context of treatment.
- 5) Area V: Research (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall include significant material on quantitative and qualitative research in marriage and family therapy. Course work in this area shall focus on research methodology, data analysis and the evaluation of research.

- 6) Area VI: Additional Learning (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall be elective and chosen from a variety of disciplines. This area shall seek to augment an applicant's individual interest and background in marriage and family therapy. The applicant may choose courses from a variety of disciplines.
- d) The Board shall not base its determination as to whether it will recognize an educational institution's program solely on the failure of any professional organization of marriage and family therapists to accredit the program.

### **13:34-4.3 EXPERIENTIAL REQUIREMENTS FOR LICENSURE**

- a) The following words and terms as used in this section and N.J.A.C. 13:34-5, shall have the following meanings, unless the context clearly indicates otherwise.

"Counseling experience" means the application of mental health and human development principles through client contact in order to facilitate human development and adjustment throughout the lifespan.

"Group supervision" means the ongoing process of supervising between two and six interns and/or permit holders at one time in a group setting by a qualified supervisor.

"Marriage and family therapy experience" means the rendering of professional marriage and family therapy services under supervision to individuals, couples and families, singly or in groups, whether in the general public or in organizations, whether public or private.

"Marriage and family therapy supervision" or "supervised experience" means the ongoing process performed by a qualified marriage and family therapy supervisor who monitors the performance of the intern or permit holder and provides regular, documented, face-to-face consultation, guidance and instruction with the intern or permit holder with respect to the marriage and family therapy with individuals, couples and families and monitors the competencies of the intern or permit holder.

"One calendar year" means 1,500 hours over a 50-week period, which is considered full-time, or no less than 750 hours over two periods of 50 weeks, which is considered part-time, totaling of 1,500 hours for the two periods of 50 weeks.

"Qualified supervisor" means an individual who has no less than five full-time years of professional marriage and family therapy practice experience or the equivalent and has either:

1. A New Jersey license to practice as a marriage and family therapist; or
  2. Obtained from an accredited institution a minimum of:
    - i. A master's degree in marriage and family therapy;
    - ii. A master's degree in social work;
    - iii. A graduate degree in a related field and has demonstrated to the Board that he or she has completed course work content and training substantially equivalent to a master's degree in marriage and family therapy; or
    - iv. A graduate degree in a related field which does not provide training and course work substantially equivalent in content to a master's degree in marriage and family therapy, and is either a post graduate degree recognized by the Board, 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) An applicant for licensure as a marriage and family therapist shall submit to the Board documentation, on a form provided by the Board, establishing 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) Supervised marriage and family therapy experience for each calendar year shall consist of:
    - i) A minimum of 50 hours of face-to-face supervision, at the rate of one hour per week, of which not more than 25 hours may be in group supervision;
    - ii) A maximum of 1,150 hours of actual marriage and family therapy client contact; and
    - iii) A maximum of 300 hours of other work-related activities, such as preparing and maintaining client records as described in N.J.A.C. 13:34-8, report writing, maintaining appointment schedules, communicating with other professionals, preparing for supervision, preparing and maintaining financial records in accordance with N.J.A.C. 13:34-5.4 and 6.1, and any other activities the qualified supervisor deems appropriate; and
  - 2) For the two calendar years of supervised marriage and family therapy experience and the one calendar year of counseling experience, no more than 30 hours of experience shall be earned in any one week, and no more than 125 hours of experience shall be earned in any one month.

- c) An applicant for licensure with a master's degree shall complete two of the three required calendar years of marriage and family therapy experience after the applicant has earned the master's degree.
- d) An applicant for licensure with a post-master's or doctoral degree shall complete one calendar year of marriage and family therapy experience after the applicant has earned the post-master's or doctoral degree.

#### **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.

#### **13:34-4.5 CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES**

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:34-4.2 and 4.3 may apply to the Board for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Board shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.
- b) The Board shall issue a license to the applicant, if the applicant presents evidence to the Board that:
  - 1) The applicant has been honorably discharged from active military service;
  - 2) The relevant training, experience, and education the applicant has received in the military, together with any training, education, and experience obtained outside the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:34-4.2 and 4.3.

i. An applicant seeking credit for military training and experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.

ii. An applicant seeking credit for education courses and/or training completed while in the military, who does not hold a master's degree in marriage and family therapy or a master's degree in social work or a graduate degree in a related field from a regionally accredited institution which provides the training and course work described in N.J.A.C. 13:34-4.2, shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to the educational requirements described and required for licensure under N.J.A.C. 13:34-4.2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those courses relevant to the practice of marriage and family therapy that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula.

iii. An applicant seeking credit for education courses completed while in the military who does not hold a post graduate degree recognized by the Board which includes the course work required in N.J.A.C. 13:34-4.2(b), or who has not completed 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, shall submit to the Board a Joint Services Transcript of his or her education, for a determination that the education courses completed are substantially equivalent in level, scope, and intent to a post graduate degree or a program of training and course work, as described and required for licensure under N.J.A.C. 13:34-4.2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those courses relevant to the practice of marriage and family therapy that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3) The applicant complies with all other requirements for licensure as a professional counselor including successful completion of the National Marriage and Family Therapy

Examination administered by the Association of Marital and Family Therapy Regulatory Boards or its successor as set forth in N.J.A.C. 13:34-4.1.

- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training and experience gained in the military for review and consideration.
- d) If the applicant's military training, education, and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Board shall credit whatever portion of the military training, education, or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-4.2 and 4.3 for the issuance of the license.
- e) Satisfactory evidence of such education, training, and experience shall be assessed on a case-by-case basis.
- f) An applicant who meets the educational requirements set forth in N.J.A.C. 13:34-4.2 and does not meet the experience requirements set forth in N.J.A.C. 13:34-4.3 may be eligible to apply for a temporary permit in accordance with N.J.A.C. 13:34-5.2.

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

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### **13:34-5.1 DEFINITIONS**

Definitions of words and terms as used in this subchapter are set forth at N.J.A.C. 13:34-4.3(a).

### **13:34-5.2 TEMPORARY PERMIT APPLICATION PROCEDURE**

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

### **13:34-5.3 RESPONSIBILITIES OF QUALIFIED SUPERVISORS**

- a) A qualified supervisor shall not supervise more than six permit holders at one time.
- b) A qualified 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 a permit holder under the supervision of a qualified supervisor.
- c) A qualified supervisor shall retain full professional responsibility for determining how fees are assessed and collected from clients.
- d) A qualified supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the permit holder.
- e) A qualified supervisor is required to attest to compliance with supervision requirements by using forms provided by the Board. Documentation of supervision shall be filed with the Board by the qualified supervisor(s) every six months for evaluation of the permit holder's progress.

- f) A qualified supervisor shall not supervise a permit holder with whom the qualified supervisor has a relationship that may compromise the objectivity of or impair the professional judgment of, the qualified supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, relatives, current students, or close friends.
- g) A qualified supervisor who wishes to terminate or is unable to provide supervision during the training period shall give the permit holder and the Board two weeks written notice to enable the permit holder to obtain another qualified supervisor. A qualified supervisor may not terminate supervision when termination would result in abandonment of the permit holder or permit holder's clients.
- h) A qualified supervisor whose license has been actively suspended or revoked by any licensing board shall immediately notify this Board.
- i) If, during the period of supervision, the qualified supervisor's license is suspended or revoked, the qualified supervisor shall immediately notify the permit holder and immediately cease supervision. The applicant may be granted credit for hours completed prior to the disciplinary action.

#### **13:34-5.4 RESPONSIBILITIES OF PERMIT HOLDERS**

- a) Documentation of supervision shall be filed with the Board by the permit holder every six months for evaluation of the permit holder's progress.
- b) A permit holder shall not engage in unsupervised or independent practice. A permit holder's clients shall include only those who have been approved, in advance, by the qualified supervisor(s).
- c) A permit holder may be compensated only through the qualified supervisor or the employing entity.
- d) A permit holder shall ensure that his or her qualified supervisor files the evaluations required by the Board every six months.

**13:34-5.5 (RESERVED)**

**13:34-5.6 (RESERVED)**

**13:34-5.7 (RESERVED)**

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**SUBCHAPTER 6.  
GENERAL OBLIGATIONS OF A LICENSEE**

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**13:34-6.1 FINANCIAL ARRANGEMENTS WITH CLIENTS**

- a) Fees for marriage and family therapy services shall be reasonable and commensurate with the status and experience of a licensee consistent with the provisions of N.J.A.C. 13:34-6.7 prohibiting excessive fees.
- b) When an appropriate fee schedule cannot be arranged, or the payment of the usual fee would be a hardship, a licensee shall refer the client to other sources for the provision of needed services.
- c) A licensee providing marriage and family therapy services shall provide and maintain a written list of current fees for standard services and shall provide the list to a client prior to the commencement of services.
- d) Before engaging in a clinical relationship, a licensee shall assist a client to understand financial arrangements. The information provided to the client shall include at least the following:
  - 1) The fee for services or the basis for determining the fee to be charged;
  - 2) Whether the licensee will accept installment payments or assignments from a third party payor;
  - 3) That insurance coverage may not be available in all circumstances; and
  - 4) The financial consequences, if any, of missed appointments.

**13:34-6.2 CONFLICTS OF INTEREST**

- a) A licensee providing marriage and family therapy 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, the following: professional treatment of employees, tenants, students, supervisees, close friends, spouses, or relatives.

- b) A licensee who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.
- c) A licensee providing marriage and family therapy services shall not provide those services in circumstances that would be expected to limit the licensee's objectivity and impair professional judgment or increase the risk of exploitation.

### **13:34-6.3 TERMINATION OF SERVICE**

- a) A licensee shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.
- b) A licensee shall not abandon or neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.
- c) A licensee who anticipates the termination or interruption of services to a client shall notify the client promptly and shall provide for the transfer, referral, or continuation of services in relation to the client's needs and preferences.
- 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 MISCONDUCT AND HARASSMENT**

- a) By this section, the Board is identifying for its licensees conduct which it shall deem to be violative of law as set forth in (j) below.
- b) As used in this section, the following terms have the following meanings unless the context indicates otherwise:
  - 1) "Client" means any person who is the recipient of a professional service rendered by a licensee for purposes of diagnosis, treatment or a consultation relating to treatment. "Client," for purposes of this section, also means a person who is the subject of professional examination or assessment even if the purpose of that examination or assessment is unrelated to treatment.
  - 2) "Client-therapist relationship" means the association between a therapist and a client wherein the therapist owes a continuing duty to the client to be available to render marriage and family therapy services consistent with his or her training and experience.

- 3) "Harassment" means one egregious act or repeated comments, contacts, or gestures which are based upon the following and which have the purpose or effect of intimidating or offending the individual based upon his or her race, religion, color, gender, national origin, marital status, sexual orientation, physical or mental disability.
  - 4) "Licensee" means any person authorized by the State Board of Marriage and Family Therapy Examiners to engage in marriage and family therapy.
  - 5) "Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of the licensee's body upon a part of the patient's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or patient's body into or near the genital, anal or other opening of the other person's body.
  - 6) "Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of marriage and family therapy services that either: is unwelcome, offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, or supervisee, whether or not such individual is in a subordinate position to the licensee. "Sexual harassment" may include conduct of a non-sexual nature if it is based upon the sex of an individual.
- 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, solicit or engage in sexual contact with a current client's immediate family member, a former client, 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) The 24-month rule shall not apply and the prohibition shall extend indefinitely in circumstances where the former client is or should be recognized by the licensee as clearly vulnerable by reason of emotional or cognitive disorder or exploitative influence by the licensee.

- e) A licensee shall not seek or solicit sexual contact with any person in exchange for professional services.
- f) A licensee shall not accept as a client an individual who, within the immediately preceding 24 months, was the licensee's sexual partner.
- g) A licensee shall not engage in any discussion of an intimate sexual nature with a client that serves the licensee's prurient interests or is for the sexual arousal or the sexual gratification of the licensee or client, or constitutes sexual abuse of the client. Such discussion shall not include disclosure by the licensee of his or her own intimate sexual relationships.
- h) A licensee shall not condone or engage in any form of harassment in a professional setting including, but not limited to, an office, hospital or health care facility or outside the professional setting.
- i) A licensee shall not engage in any other activity (such as, but not limited to, voyeurism or exposure of the genitalia of the licensee) which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal or the sexual gratification of the licensee or client, or constitutes sexual abuse of the client.
- j) Violation of any of the prohibitions or directives set forth at (c) through (h) above shall be deemed to constitute malpractice pursuant to N.J.S.A. 45:1-21 (c) or (d) or professional misconduct pursuant to N.J.S.A. 45:1-21(e).
- k) It shall not be a defense to any action under this section that:
  - 1) The patient solicited or consented to sexual contact with the licensee; or
  - 2) The licensee was in love with or had affection for the patient.

### **13:34-6.5 REPORTING OF VIOLATIONS BY OTHER LICENSEES**

- a) Except as provided below, a licensee shall promptly notify the Board when in possession of information which reasonably indicates that another licensee has demonstrated an impairment, gross incompetence, or unprofessional conduct which would present an imminent danger to a client, or to the public health, safety, or welfare.
  - 1) When the information is obtained in the course of a professional or consulting relationship with a client and the client is unwilling or unable to make the report, the licensee shall report the information only with the written permission of the client.

**13:34-6.6 PROHIBITION ON SOLICITATION; UNETHICAL REFERRALS AND KICKBACKS**

- a) A licensee 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 licensee from offering to the client all appropriate options upon termination of services by the client or the agency, including the continuation of services in private practice.
- b) A licensee shall not refer a client to a service in which the licensee and his or her immediate family has a financial interest as defined in the Health Care Cost Reduction Act, N.J.S.A. 45:9-22.4 et seq., including an equity or ownership interest in a practice or in a commercial entity holding itself out as offering a health care service.
- c) A licensee shall not prescribe goods or devices which the licensee sells or leases to the client in which the licensee has ownership or interest, unless the licensee advises the client of such ownership or interest.
- d) A licensee shall not pay or offer to pay any fee or other form of compensation for referral of a client for professional services or for referral of a client for the purchase of goods.
- e) A licensee shall not receive any fee or other form of compensation for referral of a client for professional services or for referral of a client for the purchase of goods.
- f) A licensee shall not permit the division of fees for professional services unless the licensee is engaged in a bona fide partnership, professional service corporation, or employment relationship.

**13:34-6.7 PROHIBITION ON EXCESSIVE FEES**

- a) The licensee shall not charge an excessive fee for services. Factors that the Board shall consider in determining whether a fee is excessive include the following:
  - 1) The time or effort required to perform the service or treatment;
  - 2) The skill required to properly perform the service or treatment;
  - 3) The nature and length of the professional relationship with the client;
  - 4) The experience, reputation, and ability of the licensee performing the services;

- 5) The nature and the circumstances under which services are provided; and
- 6) Whether the fee was set by an institution or agency.

**13:34-6.8 (RESERVED)**

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**SUBCHAPTER 7.  
ADVERTISING**

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**13:34-7.1 DEFINITIONS**

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

"Advertisement" means an attempt, directly or indirectly by publication, dissemination or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase marriage and family therapy services, treatment, or goods related thereto.

"Certified" or "certifications" means that a licensee shall have fulfilled all requirements of the agency granting certification and shall have earned a certificate upon satisfactory completion of a program directly related to marriage and family therapy.

"Electronic media" includes radio, television, telephone, Internet, and other electronic means of communication.

"Marriage and family therapy service" means a service which a marriage and family therapist or professional association performs or lawfully authorizes a person under supervision to perform.

"Print media" includes business cards, newspapers, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, direct mail, match covers, and other items disseminated by means of the printed word. The term shall not include serial displays.

"Range of fees" means a statement of fees containing an upper and lower limit on the fees charged for services or goods offered by a licensee.

**13:34-7.2 ADVERTISING; GENERAL REQUIREMENTS**

- a) A licensee shall be able to substantiate the truthfulness of any material, objective assertion, or representation set forth in an advertisement.
- b) A licensee identified in an advertisement as offering marriage and family therapy services or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a licensee.
- c) A licensee shall assure that an advertisement does not misrepresent, suppress, omit, or conceal a material fact. Omission, suppression, or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the licensee knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth on the advertisement.

**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) 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
  - 3) The street address and telephone number of the practice location.
- b) For good cause, a licensee may petition the Board for a waiver of the requirement to list the street address of the practice location. A licensee shall submit a request for a waiver in writing which shall detail the reason for the request which shall include the maintenance of personal or client safety.

**13:34-7.4 USE OF PROFESSIONAL CREDENTIALS AND CERTIFICATIONS**

- a) A marriage and family therapist licensee shall accurately and objectively represent his or her competence, education, training, and experience, as of the time of the representations.
- b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of marriage and family therapy and shall refer only to degrees obtained from accredited academic institutions.

- c) An advertisement that includes information on certification shall include the full name of the institute or agency conferring the certification or the recognized name or abbreviation of the certification.
- d) In addition to the information required to appear pursuant to N.J.A.C. 13:34-7.3, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:
  - 1) The highest academic degrees earned relating to the practice of marriage and family therapy shall appear immediately after the licensee's name;
  - 2) Marriage and family therapy certifications; and
  - 3) Other licenses or certifications issued by another State or Federal agency.
- e) Letters or abbreviations appearing immediately following the licensee's name shall appear in this order only: highest academic degrees earned related to the practice of marriage and family therapy; licensure or certification status; and marriage and family therapy certifications.
- f) Nothing in this section shall preclude any truthful or nondeceptive statement in regard to education or experience in a particular area of marriage and family therapy.

### **13:34-7.5 ADVERTISEMENTS REGARDING FEES; REQUIRED DISCLOSURES**

- a) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described marriage and family therapy services.
- b) A licensee who advertises a fee or range of fees shall include the following disclosures in any such advertisement:
  - 1) All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. Unless the advertisement states otherwise, the stated fees shall be presumed to include everything ordinarily required for the advertised services;
  - 2) The additional services contemplated and the fee to be charged for such services. Unless the advertisement states otherwise, the licensee shall be prohibited from charging an additional fee for the advertised service; and

- 3) The period during which the advertised fee will remain in effect. Unless the advertisement states otherwise, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.
- c) The advertisement of a fee shall not preclude the licensee from adjusting the fee downward or waiving a fee in individual circumstances.

### **13:34-7.6 PROHIBITED TYPES OR METHODS OF ADVERTISING**

- a) A licensee shall not guarantee that satisfaction or a cure will result from the performance of marriage and family therapy services.
- b) A licensee shall not communicate information that may identify a client without the written consent of the client.
- c) A licensee shall not offer a professional service which the therapist knows or should know is beyond his or her ability to perform.
- d) A licensee shall not advertise or communicate in a manner which appears to intimidate, exert undue pressure, or unduly influence a prospective client.

### **13:34-7.7 USE OF TESTIMONIALS**

- a) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a provider relationship with the therapist or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.
- b) Prior to using the testimonial, the licensee shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.
- c) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.
- d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.
- e) A licensee shall be able to substantiate any objective, verifiable statement of fact appearing in a testimonial.

- f) Where a licensee directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent: COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL.

### **13:34-7.8 RETENTION OF ADVERTISEMENTS**

- a) The licensee shall retain, for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.
- b) Documentation related to the use of testimonials shall be retained for a period of three years from the date of the last use of the testimonial. Documentation shall include:
- 1) The name, address, and telephone number of the testimonial giver;
  - 2) The type and amount or value of compensation; and
  - 3) The notarized statement and release required pursuant to N.J.A.C. 13:34-7.7(b).

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## **SUBCHAPTER 8. CLIENT RECORDS; CONFIDENTIALITY**

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### **13:34-8.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS**

- a) A licensee shall prepare and maintain separately for each client a contemporaneous, permanent client record that accurately reflects the client contact with the licensee whether in an office, hospital or other treatment, evaluation or consultation setting.
- b) The licensee shall include at least the following information in the client record:
- 1) The client name (on each page of the record), address, and telephone number;
  - 2) The location and dates of all treatment, evaluation, or consultation settings;
  - 3) The identity of each provider of treatment, evaluation, or consultation, and the supervisor, if any;
  - 4) The presenting situation;

- 5) Significant medical and psychosocial history;
  - 6) Past and current medication, when appropriate;
  - 7) An assessment of current marriage and family lifestyle;
  - 8) A diagnostic assessment and prognosis;
  - 9) A treatment plan;
  - 10) Progress notes for each session;
    - i) A therapist may dictate progress and session notes for later transcription provided the transcription is dated and identified as preliminary pending the therapist's final review and approval.
  - 11) Information regarding referrals to other professionals and reports and records provided by other professionals; and
  - 12) Fees charged and paid unless a separate financial record is kept.
- c) The licensee shall periodically review and update the treatment plan.
- d) The licensee shall retain the permanent client record for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a minor, the licensee shall retain the record until the minor reaches the age of 25.
- 1) This requirement shall not apply to a licensee employed in an agency setting if the agency's policy does not permit a licensee to control the retention of records.

### **13:34-8.2 USE OF PERSONAL OR OTHER COMPUTER TO PREPARE CLIENT RECORDS**

- a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:
- 1) Contains an internal permanently activated date and time recordation for all entries;
  - 2) Automatically prepares a back-up copy of the file; and

- 3) Is designed in such manner that, after the licensee signs by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.
- b) The licensee shall include in the client record at least two forms of identification; for example, name and record number, or any other specific identifying information.
- c) The licensee shall finalize or sign the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner.
- d) A licensee wishing to continue a system of computerized client records that does not meet the requirements of this section shall promptly initiate arrangements for modification of the system. In the interim, the following will apply:
  - 1) On the date of the first treatment, evaluation, or consultation subsequent to effective date of rule, and after each visit continuing to the date of the changeover, the licensee shall:
    - i) Print out a hard copy of the entire computer recorded client record; and
    - ii) Date and initial each page of the printout.
  - 2) The licensee shall retain all hard copies as a permanent part of the client record.
- e) A licensee shall document any addenda or corrections to a client's record in a separately dated, signed, and timed note.

### **13:34-8.3 CONFIDENTIALITY**

- a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing marriage and family therapy services for the client, except in the following circumstances:
  - 1) Disclosure is required by Federal or State law or regulation;
  - 2) Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;
  - 3) Disclosure is required by a court of competent jurisdiction pursuant to an order;

- 4) The licensee has information that the client presents a clear and present danger to the health or safety of self and/or others;
  - 5) The licensee is a party defendant to a civil, criminal or disciplinary action arising from the marriage and family therapy services provided, in which case disclosure shall be limited to that action; or
  - 6) The patient or client agrees, in writing, to waive the privilege accorded by this section. In circumstances when more than one person in a family is receiving marriage and family therapy services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law, persons under the age of 18 years of age must agree to the waiver. Absent a waiver by each family member, a licensee shall not disclose any information received from any family member.
- b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.
- c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.

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## **SUBCHAPTER 9. CONTINUING EDUCATION**

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### **13:34-9.1 CONTINUING EDUCATION REQUIREMENT FOR LICENSE RENEWAL**

All licensed marriage and family therapists shall complete 40 contact hours of continuing education for license renewal. The licensed marriage and family therapist shall confirm on the renewal application that the licensee has completed the required continuing professional education programs, courses or articles as specified in this subchapter during the biennial period preceding the application for the renewal.

### **13:34-9.2 CONTACT HOUR REQUIREMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS**

- a) A marriage and family therapist applying for licensure renewal shall have completed a minimum of 40 contact hours of continuing education directly related to the profession of marriage and family therapy during 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) A licensee shall complete at least five of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-9.1 in ethical and legal standards related to marriage and family therapy, regardless of the number of hours accrued during the biennial period.
- 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) 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) 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) 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 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) If a licensee earns more than 40 contact hours of continuing education during a biennial period, the licensee may carry those extra hours, up to a maximum of 10 contact hours, into the next succeeding biennial period as long as those contact hours were earned within the last six months of the biennial period.

**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); the American Society of Addiction Medicine; the Association for Marriage and Family Therapy Regulatory Boards (AMFTRB); the International Family Therapy Association (IFTA); and the Council on Licensure, Enforcement and Regulation (CLEAR);
  - 2) Teaching or completing graduate coursework at a regionally accredited institution of higher education;
  - 3) Authoring an article published in a professional refereed journal within the preceding biennial period;
  - 4) Completing and having accepted a doctoral dissertation from a regionally accredited institution of higher education;
  - 5) Presenting a new course, program or workshop approved by one of the organizations listed in (a)1 above; and
  - 6) Developing and completing courses or programs that provide distance learning opportunities approved by one of the organizations listed in (a)1 above or a regionally accredited institution of higher education.
- b) If a licensee seeks approval of continuing education credit from the Board for attending or presenting a course or program that has not been approved by any of the organizations

listed in (a)1 above, the licensee shall first apply to and obtain approval from one of the listed organizations prior to seeking approval of continuing education credit from the Board.

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

- 1) Marriage and family therapy concepts, theory and practice of human behavior and family/social systems which provide basic theories, principles and techniques of therapy and their specific application to marriage and family therapy settings;
- 2) 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) The helping relationship which provides broad understanding of philosophical bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client self-help, self-understanding, and self-development, and facilitation of client change;
- 4) Human growth, development and maladaptive behavior which provides a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;
- 5) Practice in theories of family systems, treatment approaches, assessment of family function and dysfunction, and specific system treatment options as both science and art;
- 6) Programs that address anger management, family violence, patterns of behavior and substance addiction;
- 7) Lifestyles and career development which provide a broad understanding of differing lifestyles, career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyles and career decision-making, career development program planning, resources, and career option identification;
- 8) Group dynamics, processes, counseling and consulting which provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group therapy methods and skills, and other approaches to work with groups;

- 9) Appraisals of individuals which provides broad understanding of group and individual psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in the helping process and the specific ability to administer and interpret tests and inventories that assess abilities, aptitudes, interest, and identify career options— within the regulations for licensed marriage and family therapist's scope of practice;
  - 10) Research and evaluation which provides a broad understanding of types of research, basic statistics, research and report development, research implementation, program evaluation, needs assessment, efficacy of treatment, publication of research information;
  - 11) Social and cultural foundations which provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, social policy, multi-cultural and pluralistic trends, differing lifestyles, and major societal concerns including discrimination, domestic violence, person abuse, stress, substance abuse, and methods of alleviating these concerns; and
  - 12) The marriage and family therapy profession which provides a broad understanding of professional roles and function, business practices including finances, management and recordkeeping, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, professional credentialing, and supervised clinical training.
- d) A course or program in the subject area of social and cultural competence for the purpose of fulfilling the three-contact-hour 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.

### **13:34-9.4 CONTACT HOUR CALCULATIONS**

- a) The Board shall grant credit only for continuing education courses or programs that are at least one contact hour long, and are directly related to the practice of marriage, family and individual therapy. For purposes of this subchapter, a contact hour represents a 60-minute clock hour containing no less than 50 minutes of content within the hour. Programs may include one 10-minute break for each contact hour.
- b) A licensee shall complete and be able to verify completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-9.3 in order to receive continuing education credit. The Board shall grant continuing education credit to a licensee in each biennial renewal period as follows:

- 1) Completing graduate or post-graduate coursework at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded beyond the required educational standards which an applicant must complete for licensure as set forth in N.J.S.A. 45:8B-18 and N.J.A.C. 13:34-4.2;
- 2) Teaching graduate or post-graduate courses or programs offered at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded for each new course which a licensee teaches. For the purposes of this subsection, "new" means a course that the licensee has not taught previously in any educational setting;
- 3) Authoring an article published in a professional refereed journal within the preceding biennial period: 15 contact hours of continuing education per article with a maximum of 30 contact hours of continuing education per biennial period;
- 4) Completion and acceptance of a doctoral dissertation verified by letter of committee chairperson accepting the dissertation for a doctoral degree in marriage and family therapy or a closely related field: 40 contact hours of continuing education per biennial period;
- 5) Attending conferences, programs, courses or workshops: one contact hour of continuing education for each hour of attendance, or the number of contact hours of continuing education as calculated by the organization, whichever is greater;
- 6) Presenting a course, program or workshop: one and one-half contact hours of continuing education for each new course, program or workshop, up to a maximum of nine contact hours of continuing education. For the purposes of this subsection, "new" means a course that the licensee has not taught previously in any educational setting; and
- 7) Developing and completing programs that provide distance learning opportunities, such as Internet, video, audio, or CD-Rom, through the use of integrated technology/communication systems, verified with details of the program, such as learning objectives, verification of assignments completed, achievements of stated learning objectives, inclusive dates and number of enrollees: the amount of continuing education contact hours as calculated by the endorsing organization, up to a maximum of 20 contact hours of continuing education per biennial period.

### **13:34-9.5 DOCUMENTATION OF CONTINUING EDUCATION CREDIT**

- a) A licensee shall retain documentation of the continuing education hours which he or she completes in order to verify program attendance and activity completion. Each licensee shall submit such documentation to the Board upon its request. The Board may periodically audit

the records of licensees on a random basis to determine compliance with continuing education requirements of this subchapter.

- b) A licensee shall verify attendance at continuing education courses or programs by a certificate of attendance or by a written statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.
- c) A licensee shall verify continuing education activities by retaining the following:
  - 1) For publications, a copy of the published article;
  - 2) For program presentations, copies of the program, syllabus, outlines and bibliographies;
  - 3) For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-9.4(b)2;
  - 4) For distance learning, a certificate of successful completion from the endorsing professional organization; and
  - 5) For graduate coursework, an official transcript.
- d) A licensee shall maintain verification documentation for six years following the renewal period for which the Board has granted the licensee continuing education credit.
- e) Falsification of any information submitted with the renewal application, or the audit, or failure to complete continuing education requirements may result in disciplinary action by the Board.

### **13:34-9.6 WAIVER OF CONTINUING EDUCATION REQUIREMENTS**

- a) The Board may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause as established by the licensee.
- b) A licensee who seeks a waiver of the continuing education requirements shall provide to the Board, in writing, during the biennial period for which waiver is sought, the specific reasons for requesting the waiver and such additional documentation as the Board may request in support of the waiver.

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## **SUBCHAPTER 9A. CUSTODY/PARENTING TIME EVALUATIONS AND/OR TERMINATION OF PARENTAL RIGHTS EVALUATIONS**

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### **13:34-9A.1 PURPOSE AND SCOPE**

The rules in this subchapter set forth the minimum requirements for licensed marriage and family therapists who perform custody/parenting time evaluations and/or termination of parental rights evaluations.

### **13:34-9A.2 QUALIFICATIONS**

- a) A licensee shall be qualified to perform custody/parenting time evaluations and/or termination of parental rights evaluations through education, training, and/or supervised experience in all of the following categories:
- 1) Child growth and development;
  - 2) Parent-child bonding;
  - 3) Scope of parenting;
  - 4) Adult development and psychopathology;
  - 5) Family functioning;
  - 6) Child and family development;
  - 7) Child and family psychopathology;
  - 8) The impact of divorce or family dissolution on children; and
  - 9) The impact of age, gender, race, ethnicity, national origin, language, culture, religion, sexual orientation/identity, disability, and socioeconomic status on custody/parenting time evaluations.
- b) When the topics in (b)1 through 5 below are involved, a licensee shall have education, training, and/or supervised experience in the specific topic(s) or the licensee shall refer the case to a licensed health care provider, or obtain a consultation with an expert who has the relevant education, training, and/or experience:

- 1) Physical, sexual, or psychological abuse of spouse or children;
  - 2) Neglect of children;
  - 3) Substance abuse or other addictions that impair the ability to parent;
  - 4) Medical, physical, and/or neurological impairment that affects the ability to parent; or
  - 5) Other areas beyond the licensee's expertise that are relevant to the custody/parenting time evaluation.
- c) Applicants for licensure who hold a temporary permit pursuant to N.J.A.C. 13:34-5 or interns shall not perform any part of custody/parenting time evaluations and/or termination of parental rights evaluations.
- d) A licensee shall maintain documentation that demonstrates the licensee's education, training, or supervised experience in the topics from (a) and (b) above.
- e) A licensee shall maintain documentation of the referral or the consultation, if a licensee refers a case to a licensed health care provider, or consults with an expert, pursuant to (b) above.

### **13:34-9A.3 DUAL RELATIONSHIPS**

- a) If a licensee is, or has been, a treating therapist for any person who is part of the custody/parenting time evaluation and/or termination of parental rights evaluation, the treating therapist shall not assume either the role of an evaluator in the custody/parenting time evaluation and/or termination of parental rights evaluation, or the role of a parenting coordinator and shall advise any party or court of this prohibition.
- b) A licensee who is a treating therapist may report on a client's mental health status and treatment issues but shall not make any recommendations regarding custody or termination of parental rights.
- c) After the evaluation process is completed, a licensee, whose initial involvement with a case has been as an evaluator, may agree to function subsequently as a treating therapist or parent coordinator, but shall be precluded from functioning as an evaluator in the case.

**13:34-9A.4 COMMUNICATIONS**

- a) If a licensee is court-appointed, the licensee shall communicate any information only to the court and both parties, or their attorneys, simultaneously, either in writing or through a conference call.
- b) If a licensee is selected by both parties without a court appointment, the licensee shall communicate any information only to both parties, or their attorneys, simultaneously, either in writing or through a conference call.
- c) If a licensee is selected by only one party, the licensee shall communicate any information only to that party, or the party's attorney.

**13:34-9A.5 REQUIRED DISCLOSURES**

- a) A licensee shall provide information, in writing, to the parties to assist them in understanding the nature of the custody/parenting time evaluation and/or termination of parental rights evaluation and the terms of their agreement to participate. This information shall include the following:
  - 1) Purpose, procedures, and methods;
  - 2) Fees;
  - 3) Responsibility of parties for payment of the fees and whether payment will be required prior to the delivery of any report;
  - 4) Limits of confidentiality, including the limitations set forth in 42 CFR Part 2, which is incorporated herein by reference;
  - 5) Special policies pertaining to issues, such as canceled and/or missed appointments; and
  - 6) Limitation on communications as set forth in N.J.A.C. 13:34-9A.4.
- b) A licensee shall inform the parties about the purpose of any assessment instruments, interview techniques, and the use of any information collected. The licensee shall provide this information, as appropriate, to children, to the extent that they are able to understand.

**13:34-9A.6 FEES**

- a) Before commencing the custody/parenting time evaluation and/or termination of parental rights evaluation, a licensee shall inform the party or parties responsible for paying the fees, in writing, of the estimated fees for all anticipated services and any additional fees, should the licensee be required, requested, or mandated to perform additional services.
- b) A licensee shall provide the party or parties responsible for paying the fees with complete documentation of all fees, itemizing time, charges, and services.
- c) A licensee may accept payment of fees by retainer or by a pre-arranged fee schedule.
  - 1) If a partial retainer is accepted, a licensee shall inform the court, attorneys, and/or parties of the schedule for payment of the remainder and of any contingent relationship between complete payment and final delivery of services. A licensee shall inform the court, attorneys, and/or parties that payment in excess of the reasonable estimate is expected if delivery of services unforeseeably exceeds that anticipated. A licensee shall inform the court, attorneys, and/or parties that unused fees will be refunded as soon as possible upon completion of the professional services.
  - 2) If payment by a fee schedule is accepted, a licensee shall provide a complete explanation of the expected per-visit payment or other scheduled costs.
- (d) A licensee may require payment for a report prior to its delivery provided that prior notification has been given to the parties under (a) above.

**13:34-9A.7 REPORTS AND RECOMMENDATIONS**

- a) A licensee's written report shall identify the party or parties on whose behalf the evaluation was prepared and list all individual(s) personally evaluated.
- b) A licensee shall complete written reports in a timely manner. Delays of more than two months from when all data has been collected relevant to the custody/parenting time evaluation and/or termination of parental rights evaluation are considered excessive. In the event of extenuating circumstances, such as an inability to collect final documents from collateral contacts, the licensee shall provide the reasons for the delay, in writing, to the party to whom the report is due in accordance with (d), (e), and (f) below.
- c) A licensee shall not provide any opinion regarding any individual who has not been personally evaluated by the licensee. A licensee may report what an evaluated individual has stated or address theoretical issues or hypothetical questions, provided the limited basis of the information is explained.

- d) A licensee that is court-appointed shall submit the report only to the court and to both parties, or their attorneys, unless otherwise specified in a court order.
- e) A licensee selected by both parties shall submit the report only to both parties, or their attorneys, unless otherwise specified in a consent order.
- f) A licensee selected by only one party shall submit the report only to that party, or that party's attorney, unless the party notifies the licensee in writing that the party does not want to receive the report.

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

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**13:34-10.1 PURPOSE AND SCOPE**

- a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of counseling, as defined in N.J.A.C. 13:34-10.2, within the State of New Jersey.
- b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render counseling services, as defined in N.J.A.C. 13:34-10.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.
- 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 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" means the application of mental health and human development principles in order to:

1. Facilitate human development and adjustment throughout the lifespan;

2. Clinically assess and evaluate, using currently accepted diagnostic classifications including, but not limited to, the DSM-IV, 4th ed., c1994, and future editions of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, incorporated by reference as amended and supplemented, (obtainable from the American Psychiatric Publishing, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901), mental, emotional, behavioral and associated distresses which interfere with mental health and development;
3. Conduct assessments and evaluations for the purpose of establishing goals and objectives; and
4. Plan, implement and evaluate counseling interventions.

"Counseling interventions" means services specifically implemented in the context of a professional counseling relationship. Counseling interventions include, but are not limited to, developmental, preventive, facilitative and crisis intervention.

"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. 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; and
5. Research, defined as the conduct of qualitative or quantitative investigations into the nature of human and organizational behavior.

"Direct supervision" means the ongoing process of supervision by a qualified supervisor who is immediately available to assist the licensed associate counselor.

"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 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) The scope of practice of a licensed professional 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.
- 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. A licensed associate counselor 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.

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

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**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) A completed application form, which contains information concerning the applicant's educational and experiential background;
  - 2) The application fee set forth in N.J.A.C. 13:34-17.1;
  - 3) An official transcript(s) clearly indicating that the applicant has completed a minimum of 60 graduate semester hours and has obtained a master's degree or a doctorate in counseling in a planned educational program 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 that:
    - i) The degree awarded is a master's degree or doctorate in counseling. 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; and
    - ii) The applicant has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours shall be distributed in at least eight of the following areas:
      - (1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;
      - (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 client change;

- (3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;
- (4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;
- (5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;
- (6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;
- (7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
- (8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and
- (9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.

- b) An applicant shall be required to submit documentation that the coursework he or she has completed meets the education requirements set forth in (a) above, if the official transcript has not been issued by an educational institution, which at the time of the applicant's graduation:
- 1) Was accredited by the Council for the Accreditation of Counseling and Related Educational Programs (C AC REP) or its successor; or
  - 2) Had obtained program approval from the Committee, after its review of documentation, including course descriptions and syllabi, demonstrating that the curriculum meets the requirements set forth in (a) above.
- c) The master's or doctoral degrees required by (a)3 above shall be from programs that:
- 1) Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or
  - 2) Award a bachelor's degree in conjunction with the master's or doctoral degree.

### **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 45 hours distributed in the eight areas of 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 45 hours distributed in the eight areas of 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 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. 13:34-10.2. Professional counseling experience submitted to the Committee 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, unless the NCE is taken as part of the applicant's graduate degree program or in another state pursuant to that state's examination requirements.

#### **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) A completed application form which contains information concerning the applicant's educational and experiential background;
  - 2) The application fee set forth in N.J.A.C. 13:34-17.1;
  - 3) An official transcript(s) clearly indicating that the applicant has completed a minimum of 60 graduate semester hours and has obtained a master's degree or doctorate in counseling in a planned educational program 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 that:

- i) The degree awarded is a master's degree or doctorate in counseling. 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; and
- ii) The applicant 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) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;
  - (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 client change;
  - (3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;
  - (4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;
  - (5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;
  - (6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;

- (7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
  - (8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and
  - (9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.
- b) An applicant shall be required to submit documentation that the coursework he or she has completed meets the education requirements set forth in (a) above, if the official transcript has not been issued by an educational institution, which at the time of the applicant's graduation:
- 1) Was accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or its successor; or
  - 2) Had obtained program approval from the Committee, after its review of documentation, including course descriptions and syllabi, demonstrating that the curriculum meets the requirements set forth in (a) above.
- c) The master's or doctoral degrees required by (a)3 above shall be from programs that:
- 1) Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or
  - 2) Award a bachelor's degree in conjunction with the master's or doctoral degree.

### **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 Committee 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, unless the NCE is taken as part of the applicant's graduate degree program or in another state pursuant to that state's examination requirements.

### **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.

### **13:34-11.8 PROFESSIONAL COUNSELOR: CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES**

a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:34-11.2 and 11.3 may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

b) The Board shall issue a license as a professional counselor to the applicant, if the applicant presents evidence to the Committee that:

- 1) The applicant has been honorably discharged from active military service;
- 2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:34-11.2 and 11.3.

- i. An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.
  - ii. An applicant seeking credit for education courses and/or training completed while in the military, who does not hold a master's degree or a doctorate in counseling as described in N.J.A.C. 13:34-11.2, shall submit to the Committee a Joint Services Transcript of his or her education for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to a master's degree or doctorate in counseling as described and required for licensure under N.J.A.C. 13:34-11.2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those courses relevant to the practice of counseling that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and
- 3) The applicant complies with all other requirements for licensure as a professional counselor, including successful completion of the National Counselor Examination (NCE) or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor, as set forth in N.J.A.C. 13:34-11.4.
- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and experience gained in the military for review and consideration.
  - d) If the applicant's military training, education, and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure as a professional counselor, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-11.2 and 11.3 for the issuance of the license as a professional counselor.
  - e) Satisfactory evidence of such education, training, and experience shall be assessed on a case-by-case basis.

**13:34-11.9 ASSOCIATE COUNSELOR: CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES**

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:34-11.5 may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

b) The Board shall issue a license as an associate counselor to the applicant, if the applicant presents evidence to the Committee that:

1. The applicant has been honorably discharged from active military service;
  2. The relevant training, experience, and education the applicant has received in the military, together with any training, education, and experience obtained and outside of the Armed Forces, is substantially equivalent in scope and character to the training, education, and experience required for licensure under N.J.A.C. 13:34-11.5.
    - i. An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.
    - ii. An applicant seeking credit for education courses and/or training completed while in the military, who does not hold a master's degree or a doctorate in counseling as described in N.J.A.C. 13:34-11.5, shall submit to the Committee a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to a master's degree or a doctorate in counseling, as described and required for licensure under N.J.A.C. 13:34-11.5. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those courses relevant to the practice of counseling that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and
  3. The applicant complies with all other requirements for licensure as an associate counselor, including successful completion of the National Counselor Examination (NCE) or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor, as set forth in N.J.A.C. 13:34-11.6.
- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and experience gained in the military for review and consideration.
- d) If the applicant's military training, education, and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-11.5 for the issuance of the license as an associate counselor.
- e) Satisfactory evidence of such education, training or service shall be assessed on a case-by-case basis.

## SUBCHAPTER 12.

## 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 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.
- 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 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:
  - 1) 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 nine content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; and counseling in community settings. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement; and
  - 2) 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.

- e) The master's or doctoral degrees required by (c) above shall be from programs that:
- 1) Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or
  - 2) Award a bachelor's degree in conjunction with the master's or doctoral degree.
- f) 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.
- g) An applicant for licensure by endorsement shall have passed either the National Counselor Examination (NCE) or the Clinical Mental Health Counseling Examination (CMHCE).

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### **SUBCHAPTER 13. ASSOCIATE COUNSELORS: SUPERVISION**

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#### **13:34-13.1 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) On or after October 5, 2011, 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, or shall have completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.
- 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.
- 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.
- g) Prior to a 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. 13:34-10.2. 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.
- h) A qualified supervisor shall retain full professional responsibility for collecting fees from clients.
- i) A qualified supervisor shall be responsible for knowing the name and either the diagnosis or the nature of the problem 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 licensed associate counselor.
- j) A qualified supervisor shall ensure that the licensed associate counselor maintains, on an annual basis until the 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 this section and shall indicate the hours and dates during which the licensed associate counselor has been under supervision, the nature of the cases assigned and the proficiency rating earned by the licensed associate counselor.
- k) A qualified supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.

- 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 LICENSED ASSOCIATE COUNSELORS**

- a) The licensed associate counselor shall maintain documentation of supervised experience for each 52 week period of supervised experience until the licensed associate counselor is licensed as a professional counselor.
- b) A licensed associate counselor shall not engage in practice under supervision in any area for which the licensed associate counselor has not had appropriate education and training.
- c) A licensed associate counselor shall not engage in unsupervised or independent practice.
- d) A licensed associate counselor shall not receive a professional fee from a client. A licensed associate counselor may be compensated only through the supervisor or employing entity.
- e) A licensed associate counselor shall not advertise professional services.

### **13:34-13.3 SUPERVISED PROFESSIONAL COUNSELING EXPERIENCE ACQUIRED PRIOR TO APPLICATION**

- a) An applicant may be granted up to one calendar year of supervised professional counseling experience credit towards fulfillment of the supervised professional counseling experience requirements for licensure as a professional counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.
- 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 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. 13:34-10.2.
- c) An applicant may be granted credit towards the fulfillment of the supervised professional counseling experience requirement for licensure as a professional counselor if the experience hours occur as part of a planned post-master's degree program in counseling in

an accredited college or university designed to meet the requirements for licensure as a professional counselor.

- d) An applicant may purchase the services of a qualified supervisor if the supervision occurs in a professional counseling setting and the supervisor fulfills the activities and responsibilities of a supervisor as set forth in N.J.A.C. 13:34-13.1.

### **13:34-13.4 (RESERVED)**

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## **SUBCHAPTER 14. PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS**

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### **13:34-14.1 SPECIALTY DESIGNATIONS**

- a) A licensed professional counselor may utilize a professional specialty designation provided that the licensee:
- 1) Is certified in one of the following specialties by the NBCC or any successor:
    - i) Clinical mental health counselor pursuant to the requirements set forth in N.J.A.C. 13:34-14.2;
    - ii) Career counselor;
    - iii) Gerontological counselor;
    - iv) School counselor; or
    - v) Master addictions counselor; and
  - 2) Has satisfied the Committee that he or she has met the recognized minimum standards of the NBCC.
- b) A qualified professional counselor who the Committee determines satisfies the requirements of (a) above may claim or advertise that specialty by using only the specific specialty designation assigned to the specialty by the NBCC.
- c) A professional counselor shall post the NBCC certificate in a conspicuous place in a waiting room or other area where it will be visible to the professional counselor's clients.

- d) The Committee may approve other specialty designations through the rulemaking process. Consistent with the requirements for use of the designations outlined above in this subchapter, any additional approved specialty designations must meet nationally accepted standards as established by the NBCC.

### **13:34-14.2 CLINICAL MENTAL HEALTH COUNSELOR**

- a) A licensed professional counselor may utilize the specialty designation of clinical mental health counselor and be issued a specialty permit provided that the licensed professional counselor submits the following to the Committee:
- 1) A certificate that the applicant is a certified clinical mental health counselor from NBCC or any successor;
  - 2) Proof of passing the comprehensive qualifying examination prepared by NBCC or any successor;
  - 3) An official transcript clearly indicating that the applicant has completed a minimum of 60 graduate semester hours in a mental health field at an accredited institution of higher education; and
  - 4) Proof that the applicant has completed two years of post-master's degree field experience, which includes at least 3,000 hours of supervised clinical experience and 100 hours of face-to-face supervision of which no more than 20 hours may be group supervision.
- b) Upon biennial renewal of the specialty permit for a clinical mental health counselor, an applicant shall submit the following to the Committee:
- 1) Proof that the applicant is currently certified as a clinical mental health counselor from NBCC or any successor; and
  - 2) Proof that the applicant has completed at least 40 hours of continuing education in courses or programs directly related to the mental health field.

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

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**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.
- 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.

**13:34-15.2 CONTACT-HOUR REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS**

- a) A professional counselor shall not be required to obtain continuing education contact hours during the period of initial licensure prior to the professional counselor's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-15.1 for all subsequent biennial renewal periods.
- b) A licensed professional counselor shall complete at least five of the 40 contact hours required by N.J.A.C. 13:34-15.1 in ethical and legal standards in the counseling profession regardless of the number of contact hours accrued during the biennial period.
- c) A licensee shall complete at least three of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-15.1 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) 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 December 1, 2008, the three contact hours of continuing education in the subject area of social and cultural 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) If the licensed professional counselor earns more than 40 contact hours during a biennial period, the professional counselor may carry a maximum of 10 contact hours into the next succeeding biennial period.

### **13:34-15.3 CONTACT-HOUR REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS WITH A SPECIALTY PERMIT**

A holder of a specialty permit shall satisfy the specialty permit continuing education requirements of the National Board of Certified Counselors (NBCC). The required continuing education contact hours for the specialty permit may be used to satisfy the Committee's 40 contact hours of continuing education requirements for the licensed professional counselor set forth in 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 Ortho-psychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; the United States Psychiatric Rehabilitation Association; and the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.;
  - 2) Teaching or completing graduate coursework at a regionally accredited institution of higher education;
  - 3) Authoring a refereed article published in a professional journal within the preceding biennial period; and
  - 4) Presentation of a course or program approved by one of the organizations listed at N.J.A.C. 13:34-15.4(a)1.
- b) Prior to seeking approval of continuing education credit from the Committee for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the professional counselor shall first apply to and obtain approval from one of the listed organizations.
- c) The following are acceptable content areas for continuing education:
- 1) Counseling theory and practice which provide basic theories, principles and techniques of counseling and their application to professional counseling settings;
  - 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 client change;
  - 3) Human growth and development and maladaptive behavior which provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, lifespan theory, and learning theory within cultural contexts;
  - 4) Lifestyle and career development which provides a broad understanding of career development theories, occupational and educational information sources and systems,

career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;

- 5) Group dynamics, processes, counseling and consulting which provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;
  - 6) Appraisal of individuals which provides a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities, interests, and identify career options;
  - 7) Social and cultural foundations which provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
  - 8) Research and evaluation which provide a broad understanding of types of research, basic statistics, research and report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and
  - 9) The counseling profession which provides a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.
- d) A course or program in the subject area of social and cultural competence for the purpose of fulfilling the three contact hour continuing education requirement shall be obtained consistent with (a) above or shall be subject to the approval of the Committee. A course or program in the subject area approved by the Board of Marriage and Family Therapy Examiners, the Board of Social Work Examiners, or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Committee.

**13:34-15.5 CONTINUING EDUCATION CREDITS AND CONTACT-HOUR CALCULATION**

- a) The Committee shall grant credit only for continuing education courses and programs that are at least one contact hour long and are directly related to professional counseling practice. For purposes of this subchapter, a "contact hour" means a 60-minute clock hour with no less than 50 minutes of content within the hour. Courses and programs may include one 10-minute break for each contact hour.
  
- b) A professional counselor shall complete and be able to verify the completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-15.4 in order to receive continuing education credit. The Committee shall grant a professional counselor continuing education credit for each biennial renewal period as follows:
  - 1) Completing graduate coursework at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded beyond the required educational standards which the professional counselor must complete for licensure as set forth in N.J.A.C. 13:34-11.3;
  - 2) Teaching graduate courses offered at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded for each new course which a professional counselor teaches. For the purposes of this subsection, "new" means a course that the professional counselor has not taught previously in any educational setting;
  - 3) A refereed article published in a professional journal within the preceding biennial period: four continuing education contact hours per article with a maximum of eight contact hours per biennial period; and
  - 4) Course or program presentation: one and one-half continuing education contact hours for each hour of a new offering up to a maximum of nine continuing education contact hours. For the purposes of this subsection, "new" means a course or program that the professional counselor has not previously presented.

**13:34-15.6 DOCUMENTATION OF CONTINUING EDUCATION CREDIT**

- a) A professional counselor shall retain documentation of the continuing education hours which the professional counselor completes in order to verify program attendance or activity completion. Each professional counselor shall submit such documentation to the Committee upon its request. The Committee may periodically audit the records of professional counselors, on a random basis, to determine compliance with continuing education requirements of this subchapter.

- b) A professional counselor shall verify attendance at continuing education courses or programs by a certificate of attendance or by a statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.
- c) A professional counselor shall verify continuing education activities by retaining the following:
  - 1) For publications, a copy of the published article;
  - 2) For course or program presentations, copies of the program, syllabus, outlines and bibliographies;
  - 3) For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-15.5(b)2; and
  - 4) For graduate coursework, an official transcript.
- d) A professional counselor shall maintain verification documentation for five years following the renewal period for which the Committee has granted the professional counselor continuing education credit.
- e) Falsification of any information submitted with the renewal application or failure to meet the continuing education requirements may result in the Committee taking appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21.
- f) The Committee may reject any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of professional counseling in the State of New Jersey.

### **13:34-15.7 WAIVER OF CONTINUING EDUCATION REQUIREMENTS**

- a) The Committee may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause as established by the professional counselor.
- b) A professional counselor who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional documentation as the Committee may request in support of the waiver.

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**SUBCHAPTER 16.  
(RESERVED)**

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

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**13:34-17.1 FEES**

a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of professional counselors and associate counselors:

- 1) Application fee ..... \$75.00
- 2) Initial license fee:
  - i) Professional counselor:
    - (1) During the first year of a biennial renewal period ..... \$250.00
    - (2) During the second year of a biennial renewal period ..... \$125.00
  - ii) Associate counselor:
    - (1) During the first year of a biennial renewal period ..... \$180.00
    - (2) During the second year of a biennial renewal period ..... \$ 90.00
- 3) Biennial renewal:
  - i) Professional counselor ..... \$250.00
  - ii) Associate counselor ..... \$180.00
- 4) Late fee ..... \$100.00
- 5) Reinstatement Fee ..... \$150.00

- 6) Duplicate wall certificate ..... \$40.00
- 7) Change of address ..... \$25.00
- 8) Certification of licensure ..... \$40.00

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

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**13:34-18.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS**

- a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.
- b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.
- c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, which shall include:
  - 1) The client name, address and telephone number;
  - 2) The client complaint on intake;
  - 3) Medical history recognized as of potential significance;
  - 4) Past and current medications;
  - 5) Significant social history;
  - 6) Findings on appropriate examination;
  - 7) Raw data and interpretation of tests, if administered;
  - 8) Current functional impairments and rating levels thereof;

- 9) A diagnostic impression;
  - 10) Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
  - 11) Dates of all treatment, evaluation or consultation sessions;
  - 12) The location of treatment, evaluation or consultation;
  - 13) An evaluation of progress (if applicable);
  - 14) A prognosis;
  - 15) The client identity on each page;
  - 16) Fees charged and paid;
  - 17) The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);
  - 18) If services are rendered by an associate counselor, the written disclosure form signed by the client; and
  - 19) Information regarding referrals to other professionals.
- d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-13.2(b) and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.
- e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.
- f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.
- g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.

- h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.
- i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

### **13:34-18.2 USE OF PERSONAL OR OTHER COMPUTER TO PREPARE CLIENT RECORDS**

- a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:
  - 1) Contains an internal permanently activated date and time recordation for all entries;
  - 2) Automatically prepares a back-up copy of the file; and
  - 3) Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.
- b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.
- c) The licensee shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.
- d) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each person obtains a CPC and uses the program in the same manner.
- e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000, print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialled by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the change over of computer program, with each page initialled by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

**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.
- 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) below and in N.J.A.C. 13:34-18.5.
- c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.
- d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.
- e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.
- f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.
- g) A licensee may withhold information contained in the client record from a client or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:
  - 1) The client's attorney;
  - 2) Another licensed health care professional; or

- 3) The client's health insurance carrier.

### **13:34-18.4 ACCESS BY A MANAGED HEALTH CARE PLAN TO INFORMATION IN CLIENT RECORD**

- a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.
- b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payer whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

### **13:34-18.5 CONFIDENTIALITY**

- a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing professional counseling services for the client, except in the following circumstances:
  - 1) Disclosure is required by Federal or State law or regulation;
  - 2) Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;
  - 3) Disclosure is required by a court of competent jurisdiction pursuant to an order;
  - 4) The licensee has information that the client presents a clear and present danger to the health or safety of an individual;
  - 5) The licensee is a party defendant to a civil, criminal or disciplinary action arising from the professional counseling services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action; or
  - 6) The client agrees, in writing, to waive the privilege accorded by this section. In circumstances where more than one person in a family is receiving professional counseling services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law persons under the age of 18 years of age must agree to the waiver. Absent a waiver of each family member, a licensee shall not disclose any information received from any family member.

- b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.
- c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.
- 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.

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

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### **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 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) "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

### **13:34-19.2 NOTIFICATION OF CHANGE OF ADDRESS OR NAME; SERVICE OF PROCESS; DUTY TO NOTIFY**

- a) Each licensee shall notify the Committee, in writing, within 30 days of any change in address on file with the Committee and shall specify whether the address is a residence or employment address.
- 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.
- c) Service of an administrative complaint or other 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.
- 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 Committee in writing.

### **13:34-19.3 SEXUAL MISCONDUCT**

- a) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Client" means any person who is the recipient of a professional counseling service rendered by a licensee. "Client" for purposes of this section also means a person who is the

subject of professional assessment even if the purpose of that assessment is unrelated to treatment.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal, or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of professional counseling services, and that is either unwelcome, offensive to a reasonable person, or creates a hostile work place environment, and the licensee knows, should know, or is told this, or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act, or multiple acts, and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, supervisee or research subject, whether or not such individual is in a subordinate position to the licensee.

- b) A licensee shall not seek, solicit or engage in sexual contact with a client with whom he or she has a current client-counselor relationship.
- c) In circumstances where the client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.
- d) A licensee shall not engage in sexual harassment in a professional setting (including, but not limited to, an office, hospital or health care facility) or outside of the professional setting.
- e) A licensee shall not accept as a client a current or former sexual partner.
- f) A licensee shall not conduct or engage in therapy groups, activities which promote, allow, or involve physical contact of a sexual nature between the licensee and group members or between group members themselves.
- g) A licensee shall not engage in any discussion of an intimate sexual nature with a client unless that discussion is directly related to legitimate client needs and furthers the client's professional counseling treatment. At no time shall any such discussions include disclosure by the licensee to the client of his or her own intimate sexual relations or relationships.

- h) A licensee shall not engage in any other activity in a professional counseling relationship which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal, sexual gratification, or sexual abuse of the licensee or client.
- i) A licensee shall not seek, solicit or engage in sexual contact with a current client's immediate family member, a former client, 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. A licensee shall not seek, solicit, accept or participate in sexual contact with any person in exchange for professional services.
- j) Violation of any of the prohibitions or directives set forth in (b) through (i) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) and (d) respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).
- 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) Licenses shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the continuing education requirements have been completed during the prior 24-month renewal period.
- 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 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 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) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of professional counseling, even if no notice of suspension has been provided to the individual.
- e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in professional counseling within the State.
- f) A licensee who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Committee, the Committee permits the inactive licensee to return to active 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.

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

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**13:34-20.1 PURPOSE AND SCOPE**

- a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of rehabilitation counseling, as defined in N.J.A.C. 13:34-20.2, within the State of New Jersey.
- b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render rehabilitation counseling services, as defined in N.J.A.C. 13:34-20.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.
- 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 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:

"Clinical assessment and evaluation of persons with disabilities" means assessing, analyzing and evaluating physical and 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.

"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.

"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 psychiatric impairment that substantially limits one or more major life activities.

"Program evaluation" means the effort to determine what changes occur as a result of a planned program by comparing actual changes (results) with desired changes (stated goals), and by identifying the degree to which the activity (planned program) is responsible for those changes.

"Psychiatric disabilities" include mental or psychological disorders, such as mental retardation, organic brain syndrome, emotional or mental illness, developmental disabilities 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.

"Substantially limits one or more major life activities" means an impairment which substantially interferes with the accomplishment of a major life activity or activities when the person's major life activity or activities are restricted as to the conditions, manner, or duration under which they can be performed without impairment.

"Supervision" or "supervised" means the weekly interaction with a qualified supervisor who monitors the performance of the 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, rehabilitation counseling interventions, clinical assessment and evaluation of persons with disabilities, program evaluation, and rehabilitation counseling as those terms are defined in N.J.A.C. 13:34-20.2.

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

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**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) A completed application form, which contains information concerning the applicant's educational and experiential background;
  - 2) The application fee set forth in N.J.A.C. 13:34-26.1;
  - 3) An official transcript(s) indicating that the applicant has obtained a master's degree in a planned educational program 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 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 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) 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;
    - 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;

- 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;
- 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;
- 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;
- 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
- xii) Practicum and internship 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/or 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 documenting that the applicant has met the supervision requirements for both the practicum and internship in rehabilitation counseling.
  
- b) On or after October 5, 2012, 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) Three calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Hours of supervised rehabilitation 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. 13:34-21.2; or
  - 2) Two calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting. 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) An applicant for licensure may take up to a maximum of six years to satisfy the supervised rehabilitation counseling experience requirement within the definitions stated in N.J.A.C. 13:34-21.1. Rehabilitation counseling experience submitted to the Committee which 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.

**13:34-21.4 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, unless it is taken as part of the applicant's graduate degree program or it is taken in another state pursuant to that state's examination requirements.

**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.

**13:34-21.6 REHABILITATION COUNSELOR: CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES**

a) An applicant who has served in the Armed Forces of the United States (Armed Forces), and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C.13:34-21.2(b) and 21.3, may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

b) The Board shall issue a license as a rehabilitation counselor to the applicant, if the applicant presents evidence to the Committee that:

- 1) The applicant has been honorably discharged from active military service;
- 2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside the Armed

Forces, is substantially equivalent in scope and character to the training, education, and experience required for licensure under N.J.A.C. 13:34-21.2(b) and 21.3.

i. An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.

ii. An applicant seeking credit for education courses and/or training completed while in the military, who does not hold 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, shall submit to the Committee a Joint Services Transcript of his or her education for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to a CORE accredited program as required for licensure under N.J.A.C. 13:34-21.2(b). For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those education courses and/or training relevant to the practice of rehabilitation counseling that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3) The applicant complies with all other requirements for licensure as a professional counselor including successful completion of the Certified Rehabilitation Counselor examination administered by the Commission on Rehabilitation Counselor Certification as set forth in N.J.A.C. 13:34-21.4.

c) It is the applicant's responsibility to provide timely and complete evidence of the training, education, and experience gained in the military for review and consideration.

d) If the applicant's military training, education and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure as a rehabilitation counselor, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-21.2(b) and 21.3 for the issuance of the license as a rehabilitation counselor.

e) Satisfactory evidence of such training, education, and experience shall be assessed on a case-by-case basis.

SUBCHAPTER 22.  
(RESERVED)

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**SUBCHAPTER 23.  
REHABILITATION COUNSELORS: SUPERVISION**

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**13:34-23.1 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.
- g) Prior to a supervisee'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 a supervisee under the supervision of a rehabilitation counselor or a physician practicing rehabilitation medicine. 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 will be easily readable, clearly understood, signed by the client, and retained as part of the client record.

- h) A qualified supervisor shall retain full professional responsibility for collecting fees from clients.
- 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.
- j) 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.
- k) A qualified supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.
- 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 52-week period of supervised experience until the supervisee is licensed as a rehabilitation counselor.
- b) A supervisee shall not engage in practice under supervision in any area for which the supervisee has not had appropriate education and training.
- c) A supervisee shall not engage in unsupervised or independent practice.
- d) A supervisee shall not receive a professional fee from a client. A supervisee may be compensated only through the supervisor or employing entity.
- e) A supervisee shall not advertise professional services.

**13:34-23.3 SUPERVISED REHABILITATION COUNSELING EXPERIENCE ACQUIRED PRIOR TO APPLICATION**

- a) An applicant may be granted up to one calendar year of supervised rehabilitation counseling experience credit towards fulfillment of the supervised rehabilitation counseling experience requirements for licensure as a rehabilitation counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.
- b) An applicant may be granted supervised rehabilitation counseling experience credit towards the fulfillment of experience requirements for licensure as a rehabilitation counselor if the supervised experience occurred after the granting of the master's degree, in a rehabilitation counseling setting which is considered exempt as set forth in N.J.S.A. 45:8B-48(b) or (f), and the experience was supervised by a qualified supervisor as set forth in N.J.A.C. 13:34-21.1.
- c) An applicant may be granted credit towards the fulfillment of the supervised rehabilitation counseling experience requirement for licensure as a rehabilitation counselor if the experience hours occur as part of a planned post-master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a rehabilitation counselor.
- d) An applicant may purchase the services of a permissible supervisor if the supervision occurs in a rehabilitation counseling setting and the supervisor fulfills the activities and responsibilities of a supervisor as set forth in N.J.A.C. 13:34-23.1.

**13:34-23.4 (RESERVED)**

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

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**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.

**13:34-24.2 CONTACT-HOUR REQUIREMENTS FOR LICENSED REHABILITATION COUNSELORS**

- a) A rehabilitation counselor shall not be required to obtain continuing education contact hours required by N.J.A.C. 13:34-24.1 during the period of initial licensure prior to the rehabilitation counselor's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-24.1 for all subsequent biennial renewal periods.
- b) A licensed rehabilitation counselor shall complete at least five of the 40 contact hours in ethical and legal standards in the counseling profession regardless of the number of contact hours accrued during the biennial period.
- c) A licensee shall complete at least three of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-24.1 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) 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 December 1, 2008, the three contact hours of continuing education in the subject area of social and cultural 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) If the licensed rehabilitation counselor earns more than 40 contact hours during a biennial period, the rehabilitation counselor may carry a maximum of 10 contact hours into the next succeeding biennial period.

### **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:
  - 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; 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.; and the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists;
  - 2) Teaching or completing graduate coursework at a regionally accredited institution of higher education;
  - 3) Authoring a refereed article published in a professional journal within the preceding biennial period; and
  - 4) Presentation of a course or program approved by one of the organizations listed at N.J.A.C. 13:34-24.3(a)1.
- b) Prior to seeking approval of continuing education credit from the Committee for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the rehabilitation counselor shall first apply to and obtain approval from one of the listed organizations.
- c) The following are acceptable content areas for continuing education:

- 1) Counseling practices, theories and techniques;
  - 2) Personality theories;
  - 3) Psychosocial aspects of disability;
  - 4) Medical aspects of disability;
  - 5) Evaluation and assessment;
  - 6) Rehabilitation services and resources;
  - 7) Research methods;
  - 8) Practicums or internships; or
  - 9) Ethical and legal standards in the counseling profession.
- d) A course or program in the subject area of social and cultural competence for the purpose of fulfilling the three contact hour continuing education requirement shall be obtained consistent with (a) above or shall be subject to the approval of the Committee. A course or program in the subject area approved by the Board of Marriage and Family Therapy Examiners, the Board of Social Work Examiners, or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Committee.

### **13:34-24.4 CONTINUING EDUCATION CREDITS AND CONTACT-HOUR CALCULATION**

- a) The Committee shall grant credit only for continuing education courses and programs that are at least one contact hour long and are directly related to rehabilitation counseling practice. For purposes of this subchapter, a "contact hour" means a 60-minute clock hour with no less than 50 minutes of content within the hour. Courses and programs may include one 10-minute break for each contact hour.
- b) A rehabilitation counselor shall complete and be able to verify the completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-24.3 in order to receive continuing education credit. The Committee shall grant a rehabilitation counselor continuing education credit for each biennial renewal period as follows:

- 1) Completing graduate coursework at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded beyond the required educational standards which the rehabilitation counselor must complete for licensure as set forth in N.J.A.C. 13:34-21.2;
- 2) Teaching graduate courses offered at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded for each new course which a rehabilitation counselor teaches. For the purposes of this subsection, "new" means a course that the rehabilitation counselor has not taught previously in any educational setting;
- 3) A refereed article published in a professional journal within the preceding biennial period: four continuing education contact hours per article with a maximum of eight contact hours per biennial period; and
- 4) Course or program presentation: one and one-half continuing education contact hours for each hour of a new offering up to a maximum of nine continuing education contact hours. For the purposes of this subsection, "new" means a course or program that the rehabilitation counselor has not previously presented.

### **13:34-24.5 DOCUMENTATION OF CONTINUING EDUCATION CREDIT**

- a) A rehabilitation counselor shall retain documentation of the continuing education hours which the rehabilitation counselor completes in order to verify program attendance or activity completion. Each rehabilitation counselor shall submit such documentation to the Committee upon its request. The Committee may periodically audit the records of rehabilitation counselors, on a random basis, to determine compliance with continuing education requirements of this subchapter.
- b) A rehabilitation counselor shall verify attendance at continuing education courses or programs by a certificate of attendance or by a statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.
- c) A rehabilitation counselor shall verify continuing education activities by retaining the following:
  - 1) For publications, a copy of the published article;
  - 2) For course or program presentations, copies of the program, syllabus, outlines and bibliographies;

- 3) For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-24.4(b)2; and
  - 4) For graduate coursework, an official transcript.
- d) A rehabilitation counselor shall maintain verification documentation for five years following the renewal period for which the Committee has granted the rehabilitation counselor continuing education credit.
  - e) Falsification of any information submitted with the renewal application or failure to meet the continuing education requirements may result in the Committee taking appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21.
  - f) The Committee may reject any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of rehabilitation counseling in the State of New Jersey.

### **13:34-24.6 WAIVER OF CONTINUING EDUCATION REQUIREMENTS**

- a) The Committee may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause as established by the rehabilitation counselor.
- b) A rehabilitation counselor who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional documentation as the Committee may request in support of the waiver.

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## **SUBCHAPTER 25. (RESERVED)**

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

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### **13:34-26.1 FEES**

- a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of rehabilitation counselors:

- 1) Application fee ..... \$75.00
- 2) Initial license fee:
  - i) Rehabilitation counselor:
    - (1) During the first year of a biennial renewal period ..... \$250.00
    - (2) During the second year of a biennial renewal period. .... \$125.00
- 3) Biennial renewal:
  - i) Rehabilitation counselor ..... \$250.00
- 4) Late fee ..... \$100.00
- 5) Reinstatement Fee ..... \$150.00
- 6) Duplicate wall certificate ..... \$40.00
- 7) Change of address ..... \$25.00
- 8) Certification of licensure ..... \$40.00

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

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**13:34-27.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS**

- a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.
- b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.

- c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, which shall include:
- 1) The client name, address and telephone number;
  - 2) The client complaint on intake;
  - 3) Medical history recognized as of potential significance;
  - 4) Past and current medications;
  - 5) Significant social history;
  - 6) Findings on appropriate examination;
  - 7) Raw data and interpretation of tests, if administered;
  - 8) Current functional impairments and rating levels thereof;
  - 9) A diagnostic impression;
  - 10) Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
  - 11) Dates of all treatment, evaluation or consultation sessions;
  - 12) The location of treatment, evaluation or consultation;
  - 13) An evaluation of progress (if applicable);
  - 14) A prognosis;
  - 15) The client identity on each page;
  - 16) Fees charged and paid;
  - 17) The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);

- 18) If services are rendered by a supervisee, the written disclosure form signed by the client;  
and
  - 19) Information regarding referrals to other professionals.
- d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-23.2(b), and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.
  - e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.
  - f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.
  - g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.
  - h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.
  - i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

### **13:34-27.2 USE OF PERSONAL OR OTHER COMPUTER TO PREPARE CLIENT RECORDS**

- a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:
  - 1) Contains an internal permanently activated date and time recordation for all entries;
  - 2) Automatically prepares a back-up copy of the file; and
  - 3) Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

- b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.
- c) The licensee shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.
- d) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each person obtains a CPC and uses the program in the same manner.
- e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000 print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialed by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the changeover of computer program, with each page initialed by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

### **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 payer with whom the client has a contract, which provides that the third-party payer be given access to records to assess a claim for monetary damages or reimbursement.
- 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) below and in N.J.A.C. 13:34-27.5.
- c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.
- d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

- e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.
- f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.
- g) A licensee may withhold information contained in the client record or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:
  - 1) The client's attorney;
  - 2) Another licensed health care professional; or
  - 3) The client's health insurance carrier.

### **13:34-27.4 ACCESS BY A MANAGED HEALTH CARE PLAN TO INFORMATION IN CLIENT RECORD**

- a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.
- b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payer whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

### **13:34-27.5 CONFIDENTIALITY**

- a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing rehabilitation counseling services for the client, except in the following circumstances:

- 1) Disclosure is required by Federal or State law or regulation;
  - 2) Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;
  - 3) Disclosure is required by a court of competent jurisdiction pursuant to an order;
  - 4) The licensee has information that the client presents a clear and present danger to the health or safety of an individual;
  - 5) The licensee is a party defendant to a civil, criminal or disciplinary action arising from the rehabilitation counseling services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action; or
  - 6) The client agrees in writing to waive the privilege accorded by this section. In circumstances where more than one person in a family is receiving rehabilitation counseling services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law, persons under the age of 18 years of age must agree to the waiver. Absent a waiver of each family member, a licensee shall not disclose any information received from any family member.
- b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.
- c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.
- 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.

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

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**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 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](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) "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

**13:34-28.2 NOTIFICATION OF CHANGE OF ADDRESS OR NAME; SERVICE OF PROCESS; DUTY TO NOTIFY**

- a) Each licensee shall notify the Committee, in writing, within 30 days of any change in address on file with the Committee and shall specify whether the address is a residence or employment address.

- 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.
- c) Service of an administrative complaint or other documents front 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.
- 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 Committee in writing.

### **13:34-28.3 SEXUAL MISCONDUCT**

- a) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Client" means any person who is the recipient of a rehabilitation counseling service rendered by a licensee. "Client" for purposes of this section also means a person who is the subject of professional assessment even if the purpose of that assessment is unrelated to treatment.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal, or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of rehabilitation counseling services, and that is either unwelcome, offensive to a reasonable person, or creates a hostile work place environment, and the licensee knows, should know, or is told this, or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act, or multiple acts, and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, supervisee, or research subject, whether or not such individual is in a subordinate position to the licensee.

- b) A licensee shall not seek, solicit or engage in sexual contact with a client with whom he or she has a current client-counselor relationship.
- c) In circumstances where a client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.
- d) A licensee shall not engage in sexual harassment in a professional setting (including, but not limited to, an office, hospital or health care facility) or outside of the professional setting.
- e) A licensee shall not accept as a client a current or former sexual partner.
- f) A licensee shall not conduct or engage in therapy groups, activities which promote, allow, or involve physical contact of a sexual nature between the licensee and group members or between group members themselves.
- g) A licensee shall not engage in any discussion of an intimate sexual nature with a client, unless that discussion is directly related to legitimate client needs and furthers the client's rehabilitation counseling treatment. At no time shall any such discussions include disclosure by the licensee to the client of his or her own intimate sexual relations or relationships.
- h) A licensee shall not engage in any other activity in a rehabilitation counseling relationship which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal, sexual gratification, or sexual abuse of the licensee or client.
- i) A licensee shall not seek, solicit or engage in sexual contact with a current client's immediate family member, a former client, 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. A licensee shall not seek, solicit, accept or participate in sexual contact with any person in exchange for professional services.
- j) Violation of any of the prohibitions or directives set forth in (b) through (i) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) and (d) respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).
- 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) Licenses shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the continuing education requirements have been completed during the prior 24 month renewal period.
- 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 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 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) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of rehabilitation counseling, even if no notice of suspension has been provided to the individual.
- e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in rehabilitation counseling within the State.
- f) A licensee who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Committee, the Committee permits the inactive licensee to return to active 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 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.

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

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**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:

"Advertisement" means an attempt, directly or indirectly by publication, dissemination or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase professional or rehabilitation counseling services, treatment, or goods related thereto.

"Electronic media" includes, radio, television, telephone, Internet and other electronic means of communication.

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

"Print media" includes business cards, newspapers, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, direct mail, match covers, and other items disseminated by means of the printed word.

### **13:34-29.2 ADVERTISING; GENERAL REQUIREMENTS**

- a) A licensee shall be able to substantiate the truthfulness of any representation set forth in an advertisement.
- b) A licensee identified in an advertisement as offering professional or rehabilitation counseling or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a licensee.
- c) A licensee shall assure that an advertisement does not misrepresent, suppress, omit, or conceal a material fact. Omission, suppression, or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the licensee knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.

### **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) 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
  - 3) The street address and telephone number of the practice location.
- b) For maintenance of personal or client safety, a licensee may petition the Board for a waiver of the requirement to list the street address of the practice location. A licensee shall submit a request for a waiver in writing which shall detail the reason for the request.

### **13:34-29.4 USE OF PROFESSIONAL CREDENTIALS AND CERTIFICATIONS**

- a) A licensee shall accurately and objectively represent his or her competence, education, training, and experience, as of the time of the representations.
- b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of professional, associate or rehabilitation counseling and shall refer only to degrees obtained from a regionally accredited academic institution.
- c) An advertisement that includes information on certification shall include the full name of the institute or agency conferring the certification or the recognized name or abbreviation of the certification.
- 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) Professional specialty designations as defined in N.J.A.C. 13:34-4.1; and
  - 3) Other licenses or certifications issued by another State or Federal agency.
- e) Letters or abbreviations appearing immediately following the licensee's name shall appear in the following order only:
  - 1) Highest academic degrees earned from a regionally accredited institution related to the practice of professional, associate or rehabilitation counseling;

- 2) Licensure designation;
  - 3) Professional specialty designation as defined in N.J.A.C. 13:34-14.1; and
  - 4) Certifications.
- f) Nothing in this section shall preclude any truthful or nondeceptive statement in regard to education or experience in a particular area of professional, associate or rehabilitation counseling.

### **13:34-29.5 PROHIBITED TYPES OR METHODS OF ADVERTISING**

- a) A licensee shall not guarantee that satisfaction or a cure will result from the performance of professional, associate or rehabilitation counseling.
- b) A licensee shall not communicate information that may identify a client without the written consent of the client.
- c) A licensee shall not offer a professional service which the counselor knows or should know is beyond his or her ability to perform.
- d) A licensee shall not advertise or communicate in a manner which appears to intimidate, exert undue pressure, or unduly influence a prospective client.

### **13:34-29.6 RETENTION OF ADVERTISEMENTS**

A licensee shall retain, for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

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

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### **13:34-30.1 FINANCIAL ARRANGEMENTS WITH CLIENTS**

- a) Fees shall be reasonable and commensurate with the status and experience of the professional, associate or rehabilitation counselor when compared with fees of professional,

associate or rehabilitation counselors offering like services or treatment in the geographic area.

- 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 professional or rehabilitation counselor shall assist the client to understand financial arrangements. The information shall include, but not be limited to:
  - 1) The identity of the person or entity responsible for payment of the fee for services;
  - 2) The fee for services or the basis for determining the fee to be charged;
  - 3) Whether the professional or rehabilitation counselor will accept installment payments; and
  - 4) The financial consequences, if any, of missed appointments.
- d) The provisions of this section shall not apply to a counselor in an agency setting.

### **13:34-30.2 CLIENTS SERVED BY OTHERS**

If a client is receiving counseling services from another mental health professional, the 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 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), the professional, associate or rehabilitation counselor shall 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 professional, associate or rehabilitation counselor may be called

upon to perform conflicting roles, the professional, associate or rehabilitation counselor shall take appropriate steps to eliminate the conflict.

### **13:34-30.4 CONFLICTS OF INTEREST; DUAL RELATIONSHIPS**

- a) A professional, associate or rehabilitation counselor providing counseling services shall not provide those services in circumstances that would be expected to limit the counselor's objectivity and impair professional judgment or increase the risk of exploitation.
- 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, supervision of friends and relatives and receipt of any goods and/or services from a client.
- c) A professional, associate or rehabilitation counselor who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

### **13:34-30.5 TERMINATION OF SERVICES**

- a) A professional, associate or rehabilitation counselor shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.
- b) A professional, associate or rehabilitation counselor shall not abandon nor neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.
- 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) A professional, associate or rehabilitation counselor shall not refer a client to a service in which the counselor or his or her immediate family has a financial interest.
- c) A professional, associate or rehabilitation counselor shall not prescribe goods or devices which the counselor sells or leases to the client unless the counselor advises the client of the ownership or other interest in the goods or devices.
- d) A professional, associate or rehabilitation counselor shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.
- e) A professional or rehabilitation counselor shall not permit the division of fees for professional services unless the counselor is engaged in a bona fide partnership or professional service corporation or employment relationship

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## **SUBCHAPTER 31. PROFESSIONAL COUNSELORS: CUSTODY/PARENTING TIME EVALUATIONS AND/OR TERMINATION OF PARENTAL RIGHTS EVALUATIONS**

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### **13:34-31.1 PURPOSE AND SCOPE**

The rules in this subchapter set forth the minimum requirements for licensed professional counselors who perform custody/parenting time evaluations and/or termination of parental rights evaluations.

### **13:34-31.2 DEFINITIONS**

As used in this subchapter, "licensee" means a licensed professional counselor.

### **13:34-31.3 QUALIFICATIONS**

- a) A licensee shall be qualified to perform custody/parenting time evaluations and/or termination of parental rights evaluations through education, training, and/or supervised experience in all of the following categories:
  - 1) Child growth and development;
  - 2) Parent-child bonding;

- 3) Scope of parenting;
  - 4) Adult development and psychopathology;
  - 5) Family functioning;
  - 6) Child and family development;
  - 7) Child and family psychopathology;
  - 8) The impact of divorce or family dissolution on children; and
  - 9) The impact of age, gender, race, ethnicity, national origin, language, culture, religion, sexual orientation/identity, disability, and socioeconomic status on custody/parenting time evaluations.
- b) When the topics in (b)1 through 5 below are involved, a licensee shall have education, training, and/or supervised experience in the specific topic(s) or the licensee shall refer the case to a licensed health care provider, or obtain a consultation with an expert who has the relevant education, training, and/or experience:
- 1) Physical, sexual, or psychological abuse of spouse or children;
  - 2) Neglect of children;
  - 3) Substance abuse or other addictions that impair the ability to parent;
  - 4) Medical, physical, or neurological impairment that affects the ability to parent; or
  - 5) Other areas beyond the licensee's expertise that are relevant to the custody/parenting time evaluation.
- c) Licensed associate counselors, interns, and students shall not perform any part of custody/parenting time evaluations and/or termination of parental rights evaluations.
- d) A licensee shall maintain documentation that demonstrates the licensee's education, training or supervised experience in the topics from (a) and (b) above.

- e) A licensee shall maintain documentation of the referral or the consultation, if the licensee refers a case to a licensed health care provider, or consults with an expert, pursuant to (b) above.

### **13:34-31.4 DUAL RELATIONSHIPS**

- a) If a licensee is, or has been, a treating therapist for any person who is part of the custody/parenting time evaluation and/or termination of parental rights evaluation, the treating therapist shall not assume either the role of an evaluator in the custody/parenting time evaluation and/or termination of parental rights evaluation, or the role of a parenting coordinator, and shall advise any party or court of this prohibition.
- b) A licensee who is a treating therapist may report on a client's mental health status and treatment issues but shall not make any recommendations regarding custody or termination of parental rights.
- c) After the evaluation process is completed, a licensee, whose initial involvement with a case has been as an evaluator, may agree to function subsequently as a treating therapist or parent coordinator, but shall be precluded from functioning as an evaluator in the case.

### **13:34-31.5 COMMUNICATIONS**

- a) If a licensee is court-appointed, the licensee shall communicate any information only to the court and both parties, or their attorneys, simultaneously, either in writing or through a conference call.
- b) If a licensee is selected by both parties without a court appointment, the licensee shall communicate any information only to both parties, or their attorneys, simultaneously, either in writing or through a conference call.
- c) If a licensee is selected by only one party, the licensee shall communicate any information only to that party, or the party's attorney.

### **13:34-31.6 REQUIRED DISCLOSURES**

- a) A licensee shall provide information, in writing, to the parties to assist them in understanding the nature of the custody/parenting time evaluation and/or termination of parental rights evaluation and the terms of their agreement to participate. This information shall include the following:
  - 1) Purpose, procedures, and methods;
  - 2) Fees;

- 3) Responsibility of parties for payment of the fees and whether payment will be required prior to the delivery of any report;
  - 4) Limits of confidentiality, including the limitations set forth in 42 CFR Part 2, which is incorporated herein by reference;
  - 5) Special policies pertaining to issues, such as canceled and/or missed appointments; and
  - 6) Limitation on communications as set forth in N.J.A.C.13:34-31.5.
- b) A licensee shall inform the parties about the purpose of any assessment instruments, interview techniques, and the use of any information collected. The licensee shall provide this information, as appropriate, to children, to the extent that they are able to understand.

### **13:34-31.7 FEES**

- a) Before commencing the custody/parenting time evaluation and/or termination of parental rights evaluation, a licensee shall inform the party or parties responsible for paying the fees, in writing, of the estimated fees for all anticipated services and any additional fees, should the licensee be required, requested, or mandated to perform additional services.
- b) A licensee shall provide the party or parties responsible for paying the fees with complete documentation of all fees, itemizing time, charges, and services.
- c) A licensee may accept payment of fees by retainer or by a pre-arranged fee schedule.
- 1) If a partial retainer is accepted, a licensee shall inform the court, attorneys, and/or parties of the schedule for payment of the remainder and of any contingent relationship between complete payment and final delivery of services. A licensee shall inform the court, attorneys, and/or parties that payment in excess of the reasonable estimate is expected if delivery of services unforeseeably exceeds that anticipated. A licensee shall inform the court, attorneys, and/or parties that unused fees will be refunded as soon as possible upon completion of the professional services.
  - 2) If payment by a fee schedule is accepted, a licensee shall provide a complete explanation of the expected per-visit payment or other scheduled costs.
- d) A licensee may require payment for a report prior to its delivery provided that prior notification has been given to the parties under (a) above.

**13:34-31.8 REPORTS AND RECOMMENDATIONS**

- a) A licensee's written report shall identify the party or parties on whose behalf the evaluation was prepared and list all individual(s) personally evaluated.
- b) A licensee shall complete written reports in a timely manner. Delays of more than two months from when all data has been collected relevant to the custody/parenting time evaluation and/or termination of parental rights evaluation are considered excessive. In the event of extenuating circumstances, such as an inability to collect final documents from collateral contacts, the licensee shall provide the reasons for the delay, in writing, to the party to whom the report is due in accordance with (d), (e), and (f) below.
- c) A licensee shall not provide any opinion regarding any individual who has not been personally evaluated by the licensee. A licensee may report what an evaluated individual has stated or address theoretical issues or hypothetical questions, provided the limited basis of the information is explained.
- d) A licensee who is court-appointed shall submit the report only to the court and to both parties, or their attorneys, unless otherwise specified in a court order.
- e) A licensee who is selected by both parties shall submit the report only to both parties, or their attorneys, unless otherwise specified in a consent order.
- f) A licensee who is selected by only one party shall submit the report only to that party, or that party's attorney unless the party notifies the licensee in writing that the party does not want to receive the report.