

VOLUME 49, ISSUE 7  
ISSUE DATE: **APRIL 3, 2017**

## **RULE ADOPTIONS**

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

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

**Adopted Repeals and New Rules: N.J.A.C. 13:34-1.10, 1.11, 19.5, 19.6, 28.5, and 28.6**

**Adopted New Rules: N.J.A.C. 13:34-1.12, 19.7, and 28.7**

**Adopted Repeals: N.J.A.C. 13:34-14.2 and 15.3**

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

**Proposed:** October 17, 2016, at 48 N.J.R. 2102(a).

**Adopted:** January 12, 2017, by the State Board of Marriage and Family Therapy Examiners, Ben K. Beitin, Ph.D, President.

**Filed:** March 3, 2017, as R.2017 d.061, **without change**.

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

**Effective Dates:** March 3, 2017, Readoption;  
April 3, 2017, Amendments, Repeals, and New Rules.

**Expiration Date:** March 3, 2024.

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

The official comment period ended December 16, 2016. **The State Board of Marriage and Family Therapy Examiners (the Board) and the Professional Counselor Examiners Committee (the Committee) received no comments.**

#### **Federal Standards Statement**

A Federal standards analysis is not required because the readopted rules with amendments, repeals, and new rules are governed by N.J.S.A. 45:8B-1 et seq., and are not subject to any Federal requirements or standards. Although the rules in N.J.A.C. 13:34 are not subject to any Federal requirements or standards, where deemed appropriate, the Board has voluntarily required licensees to comply with applicable Federal laws and regulations. Specifically, recodified N.J.A.C. 13:34-7.1 provides that failure to comply with Federal laws

related to the practice of marriage and family therapy will be deemed professional misconduct. N.J.A.C. 13:34-8.3, 18.5, and 27.5 require licensed marriage and family therapists, professional counselors, associate counselors, and rehabilitation counselors to preserve the confidentiality of information obtained from a client in the course of professional treatment unless disclosure is required by Federal law. N.J.A.C. 13:34-18.4 and 27.4 require a professional counselor, associate counselor, or a rehabilitation counselor whose client has explicitly waived the counselor-client confidentiality privilege to release client information to a third-party payor whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA). N.J.A.C. 13:34-9A.5 and 31.6 require licensees to provide parties with information concerning the limits of confidentiality, including confidentiality limitations with respect to alcohol and drug abuse patient information imposed pursuant to 42 CFR Part 2.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:34.

**Full text** of the adopted amendments and new rules follows:

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 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.njconsumeraffairs.gov/mft](http://www.njconsumeraffairs.gov/mft).

##### 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.njconsumeraffairs.gov/pages/verification.aspx](http://www.njconsumeraffairs.gov/pages/verification.aspx).

##### 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.njconsumeraffairs.gov/mft/pages/applications.aspx](http://www.njconsumeraffairs.gov/mft/pages/applications.aspx).

##### 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.njconsumeraffairs.gov/mft/](http://www.njconsumeraffairs.gov/mft/), or

the New Jersey **Division of Consumer Affairs**, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, [www.njconsumeraffairs.gov/](http://www.njconsumeraffairs.gov/).

#### 13:34-1.10 License renewal

(a) The Board shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew, provided that the license is renewed within 60 days from the date the notice is sent, or within 30 days following the date of license or registration expiration, whichever is later.

(b) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall submit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:34-1.1, prior to the date of license expiration.

(c) A licensee may renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of marriage and family therapy, or hold herself or himself out as eligible to engage in the practice of marriage and family therapy, in New Jersey until such time as the license is returned to active status.

(d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:34-1.1. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.

(e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(f) A licensee who continues to engage in the practice of marriage and family therapy with a suspended license shall be deemed to be engaging in the unauthorized practice of marriage and family therapy and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

#### 13:34-1.11 License reactivation

(a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:34-1.10(c) may apply to the Board for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:

[page=656] 1. A renewal application;

2. A certification of employment listing each job held during the period the license, registration, or certification was inactive, which includes the name, address, and telephone number of each employer;

3. The renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:34-1.1.

i. If the renewal application is sent during the first year of the biennial period, the applicant shall submit the renewal fee as set forth in N.J.A.C. 13:34-1.1.

ii. If the renewal application is sent during the second year of the biennial period, the applicant shall submit one-half of the renewal fee as set forth in N.J.A.C. 13:34-1.1; and

4. Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:34-5.1 and 5.2.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of marriage and family therapy and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph shall apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reactivation is sought, the Board will allow applicants to take the courses within 12 months following reactivation.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Board determines is necessary to assure that the applicant practices with reasonable skill and safety. The Board, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:

1. Length of duration license was inactive;

2. Employment history;

3. Professional history;

4. Disciplinary history and any action taken against the applicant's license or registration by any licensing board;

5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of marriage and family therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any

other jurisdiction;

6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. Civil litigation related to the practice of marriage and family therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

#### 13:34-1.12 License reinstatement

(a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:34-1.10(e) may apply to the Board for reinstatement. A licensee applying for reinstatement shall submit:

1. A reinstatement application;

2. A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone number of each employer;

3. The renewal fee for the biennial period for which reinstatement is sought;

4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;

5. The reinstatement fee set forth in N.J.A.C. 13:34-1.1; and

6. Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:34-5.1 and 5.2.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of marriage therapy and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph shall apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reinstatement is sought, the Board will allow applicants to take the courses within 12 months following reinstatement.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the license. If that examination or assessment identifies deficiencies or

educational needs, the Board may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Board determines is necessary to assure that the applicant practices with reasonable skill and safety. The Board, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:

1. Length of duration license was suspended;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of marriage and family therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to the practice of a marriage and family therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

## SUBCHAPTER 2. REQUIREMENTS FOR LICENSURE; APPLICATION PROCEDURES

### 13:34-2.1 Requirements for licensure; licensure procedure

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

1.-4. (No change.)

5. The applicant shall have satisfied the educational requirements set forth in N.J.A.C.

13:34-2.2. 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;

[page=657] 6. The applicant shall have satisfied the experience requirements set forth in N.J.A.C. 13:34-2.3. The applicant shall submit documentation of required clinical supervision to the Board;

7. The applicant shall submit a Certification and Authorization Form for a Criminal History Background Check; and

8. (No change.)

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

(d) An application shall be deemed abandoned and closed if:

1. The application has not been completed by the applicant within 12 months after it was received by the Board; or

2. The applicant fails to sit for or pass the National Marriage and Family Therapy Examination within 12 months or any 12-month period thereafter upon written notification of eligibility to take the examination.

(e) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application and shall comply with the requirements of (a) above.

13:34-2.2 (No change in text.)

13:34-2.3 Experiential requirements for licensure

(a) The following words and terms as used in this section and N.J.A.C. 13:34-3, shall have the following meanings, unless the context clearly indicates otherwise.

...

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

...

"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. (No change.)

2. A New Jersey license to practice and is acting within the scope of the person's profession or occupation and obtained from an accredited institution a minimum of:

i.-iv. (No change.)

(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.-ii. (No change.)

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. 13:34-3.4 and 6.1, any other activities the qualified supervisor deems appropriate, and any other activities deemed appropriate by the Board as set forth on the documentation of supervision forms required in N.J.A.C. 13:34-3.3(e) and available on the Board's website at [www.njconsumeraffairs.gov/pages/verification.aspx](http://www.njconsumeraffairs.gov/pages/verification.aspx); and

2. (No change.)

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

13:34-2.4 (No change in text.)

13:34-2.5 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. 13:34-2.2 and 2.3 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. (No change.)

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. 13:34-2.2 and 2.3.

i. (No change.)

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. 13:34-2.2, 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. 13:34-2.2. 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. 13:34-2.2(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. 13:34-2.2. 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. 13:34-2.1.

(c) (No change.)

(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. 13:34-2.2 and 2.3 for the issuance of the license.

(e) (No change.)

(f) An applicant who meets the educational requirements set forth in N.J.A.C. 13:34-2.2 and does not meet the experience requirements set forth in N.J.A.C. 13:34-2.3 may be eligible to apply for a temporary permit in accordance with N.J.A.C. 13:34-3.2.

### SUBCHAPTER 3. TEMPORARY PERMIT HOLDERS AND QUALIFIED SUPERVISORS

#### 13:34-3.1 Definitions

Definitions of words and terms as used in this subchapter are set forth at N.J.A.C. 13:34-2.3(a).

### 13:34-3.2 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:

[page=658] 1. (No change.)

2. The applicant shall have satisfied the educational requirements set forth in N.J.A.C. 13:34-2.2. 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. (No change.)

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. 13:34-2.3;

5.-6. (No change.)

### 13:34-3.3 Responsibilities of qualified supervisors

(a)-(e) (No change.)

(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, tenants, current and former clients, relatives, spouses, current students, or close friends.

(g) (No change.)

(h) A qualified supervisor whose license is subject to any pending disciplinary action or has been actively suspended or revoked by any licensing board shall immediately notify this Board.

(i) (No change.)

Recodify existing N.J.A.C. 13:34-5.4, 5.5, 5.6, and 5.7 as 3.4, 3.5, 3.6, and 3.7 (No change in text.)

### SUBCHAPTER 4. UNLICENSED PERSONS-PERMISSIBLE ACTIVITIES

Recodify existing N.J.A.C. 13:34-3.1 and 3.2 as 4.1 and 4.2 (No change in text.)

### 13:34-4.3 Supervision of employees and interns

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

(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. 13:34-2.3.

(d) (No change.)

Recodify existing N.J.A.C. 13:34-3.4, 3.5, 3.6, and 3.7 as 4.4, 4.5, 4.6, and 4.7 (No change in text.)

## SUBCHAPTER 5. CONTINUING EDUCATION

Recodify existing N.J.A.C. 13:34-9.1 as 5.1 (No change in text.)

### 13:34-5.2 Contact hour requirement for licensed marriage and family therapists

(a) A marriage and family therapist shall not be required to obtain continuing education contact hours during the period of initial licensure prior to the marriage and family therapist's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-5.1 for all subsequent biennial renewal periods.

(b) (No change in text.)

(c) A licensee shall complete at least five of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-5.1 in ethical and legal standards related to marriage and family therapy, regardless of the number of hours accrued during the biennial period.

(d) A licensee shall complete at least three of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-5.1 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.-6. (No change.)

(e) (No change.)

### 13:34-5.3 Approval of continuing education programs and courses

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

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

1.-10. (No change.)

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, and methods of alleviating these concerns; and

12. (No change.)

(d) (No change.)

13: 34-5.4 Contact hour calculations

(a) (No change.)

(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: 34-5.3 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: 34-2.2;

2.-7. (No change.)

13: 34-5.5 Documentation of continuing education credit

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

(c) A licensee shall verify continuing education activities by retaining the following:

1.-2. (No change.)

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: 34-5.4(b)2;

4.-5. (No change.)

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

13: 34-5.6 (No change in text.)

## SUBCHAPTER 6. GENERAL OBLIGATIONS OF A LICENSEE

13: 34-6.3 Termination of service

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

(d) A licensee who intends to cease to engage in practice or anticipates that he or she will remain out-of-practice for more than three months shall comply with the requirements set forth in N.J.A.C. 13:34-7.1(a)3ii.

SUBCHAPTER 7. (NO CHANGE IN TEXT.)

SUBCHAPTER 8. CLIENT RECORDS; CONFIDENTIALITY

13:34-8.1 Preparation and maintenance of client records

(a) (No change.)

(b) The licensee shall include at least the following information in the client record:

1.-10. (No change.)

11. Information regarding referrals to other professionals and reports and records provided by other professionals;

12. Fees charged and paid unless a separate financial record is kept; and

13. A summary of the termination of services, in accordance with N.J.A.C. 13:34-6.3, including, but not limited to: the reason for termination of service, a summary of the information provided and topics discussed during the process of terminating services, the review of the treatment plan, follow-up and transitional services, communication with client about termination of services, and, as applicable, [page=659] communication with other mental health professionals associated with the coordination of treatment.

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

SUBCHAPTER 9. ADVERTISING

Recodify existing N.J.A.C. 13:34-7.1, 7.2, and 7.3 as 9.1, 9.2, and 9.3 (No change in text.)

13:34-9.4 Use of professional credentials and certifications

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

(d) In addition to the information required to appear pursuant to N.J.A.C. 13:34-9.3, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:

1.-3. (No change.)

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

Recodify existing N.J.A.C. 13:34-7.5, 7.6, and 7.7 as 9.5, 9.6, and 9.7 (No change in text.)

### 13:34-9.8 Retention of advertisements

(a) (No change.)

(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.-2. (No change.)

3. The notarized statement and release required pursuant to N.J.A.C. 13:34-9.7(b).

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

### 13:34-9A.2 Qualifications

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

(c) Applicants for licensure who hold a temporary permit pursuant to N.J.A.C. 13:34-3 or interns shall not perform any part of custody/parenting time evaluations and/or termination of parental rights evaluations.

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

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

### 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. (No change.)

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 (DSM), 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, within the scope of practice, for the purpose of establishing goals and objectives; and

4. (No change.)

...

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

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

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

1.-2. (No change.)

3. An official transcript(s) clearly indicating that the applicant has 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. (No change.)

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)-(8) (No change.)

(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; and

4. A Certification and Authorization Form for a Criminal History Background Check.

(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. (No change.)

2. Had obtained 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) (No change.)

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

(a) (No change.)

(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.

1. An applicant for licensure as a professional counselor who is a licensed associate counselor has six years from the date he or she was licensed as an associate counselor to satisfy the supervised professional counseling experience requirement.

2. An applicant for licensure as a professional counselor who, prior to October 5, 2011, completed the educational requirements set forth in N.J.A.C. 13:34-11.2 and began obtaining the supervised professional counseling experience set forth in this section has six years from the date his or her degree was conferred to satisfy the supervised professional counseling experience requirement.

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

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

1.-2. (No change.)

3. An official transcript(s) clearly indicating that the applicant has 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. (No change.)

[page=660] 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)-(8) (No change.)

(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; and

4. A Certification and Authorization Form for a Criminal History Background Check.

(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. (No change.)

2. Had obtained 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) (No change)

#### 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.

(b) An application shall be deemed abandoned and closed if:

1. The application has not been completed by the applicant within 12 months after it was received by the Committee;

2. The applicant fails to sit for or pass the National Counselor Examination, or its successor, within 12 months or any 12-month period thereafter upon written notification of eligibility to take the examination; or

3. The applicant fails to submit the licensing fee within six months following the date of notification from the Committee that his or her application for licensure has been approved.

(c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application and shall comply with all application requirements in this subchapter.

#### SUBCHAPTER 13. ASSOCIATE COUNSELORS: SUPERVISION

##### 13:34-13.2 Responsibilities of licensed associate counselors

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

(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.

1. Nothing in this subsection shall be construed to prohibit a licensed associate counselor from receiving from a client, on behalf of the supervisor or employing entity, fees for professional services.

(e) A licensed associate counselor who advertises professional services, shall comply with N.J.A.C. 13:34-29 and include the name(s) of his or her supervisor(s). A licensed associate counselor shall not advertise that he or she engages in independent practice.

#### SUBCHAPTER 14. PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS

### 13:34-14.1 Specialty designations

(a) A licensed professional counselor may utilize a professional specialty designation provided that the licensee holds a current NBCC specialty certification.

(b) A qualified professional counselor who holds and maintains a current NBCC specialty certification may claim or advertise that specialty by using only the specific specialty designation assigned to the specialty by the NBCC.

(c) (No change.)

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

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

(a) (No change.)

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

(d) The continuing education contact hours required by the NBCC to maintain the specialty certification, referred to in N.J.A.C. 13:34-14.1, may be used to satisfy the Committee's continuing education requirements for the licensed professional counselor set forth in this subchapter.

(e) (No change.)

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

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

(a)-(g) (No change.)

(h) The licensee shall establish reasonable procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement, termination from practice, death, or separation from a group practice, and shall establish reasonable procedures to assure the preservation of client records which shall include at a minimum:

1. Establishment of a procedure by which patients can obtain treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming the responsibilities of that practice; and

2. Making reasonable efforts to directly notify any patient treated during the six months preceding the cessation, and providing information concerning the established procedure for retrieval of records.

(i) (No change.)

13:34-18.2 Use of personal or other computer to prepare client records

(a)-(d) (No change.)

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

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

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

1. Professional counselors and associate counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the **Division of Consumer Affairs**. Any member of the consuming public 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.njconsumeraffairs.gov/pc](http://www.njconsumeraffairs.gov/pc), or the New Jersey **Division of Consumer Affairs**, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, [www.njconsumeraffairs.gov](http://www.njconsumeraffairs.gov).

2. (No change)

13:34-19.5 License renewal

(a) The Committee shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to [page=661] renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license or registration expiration, whichever is later.

(b) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall submit a renewal application to the Committee, along with the renewal fee set forth in N.J.A.C. 13:34-17.1, prior to the date of license expiration.

(c) A licensee may renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of a professional counselor or associate counselor, or hold herself or himself out as eligible to engage in the

practice of a professional counselor or associate counselor, in New Jersey until such time as the license is returned to active status.

(d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:34-17.1. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.

(e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(f) A licensee who continues to engage in the practice of a professional counselor or associate counselor with a suspended license shall be deemed to be engaging in the unauthorized practice of a professional counselor or associate counselor and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

#### 13:34-19.6 License reactivation

(a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:34-19.5(c) may apply to the Committee for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:

1. A renewal application;

2. A certification of employment listing each job held during the period the license, registration, or certification was inactive, which includes the name, address, and telephone number of each employer;

3. The renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:34-17.1.

i. If the renewal application is sent during the first year of the biennial period, the applicant shall submit the renewal fee as set forth in N.J.A.C. 13:34-17.1.

ii. If the renewal application is sent during the second year of the biennial period, the applicant shall submit one-half of the renewal fee as set forth in N.J.A.C. 13:34-17.1; and

4. Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:34-15.1 and 15.2.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of a professional counselor or associate counselor and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reactivation is sought, the Committee will allow applicants to take the courses within 12 months following reactivation.

(b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Committee may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:

1. Length of duration license was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license or registration by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of a professional counselor or associate counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to the practice of a professional counselor or associate counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

#### 13:34-19.7 License reinstatement

(a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:34-19.5(e) may apply to the Committee for reinstatement. A licensee applying for reinstatement shall submit:

1. A reinstatement application;

2. A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone number of each employer;

3. The renewal fee for the biennial period for which reinstatement is sought;

4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;

5. The reinstatement fee set forth in N.J.A.C. 13:34-17.1; and

6. Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:34-15.1 and 15.2.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of a professional counselor or associate counselor and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph shall apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reinstatement is sought, the Committee will allow applicants to take the courses within 12 months following reinstatement.

(b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Committee may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete any education or training [page=662] or to submit to any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:

1. Length of duration license was suspended;

2. Employment history;

3. Professional history;

4. Disciplinary history and any action taken against the applicant's license by any licensing

board;

5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of a professional counselor or associate counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. Civil litigation related to the practice of a professional counselor or associate counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

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

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

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

1.-2. (No change.)

3. An official transcript(s) indicating that the applicant has 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.-xi. (No change.)

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;

4. A supervisor's certification documenting that the applicant has met the supervision requirements for both the practicum and internship in rehabilitation counseling; and

5. A Certification and Authorization Form for a Criminal History Background Check.

(b) 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.

13:34-21.5 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.

(b) An application shall be deemed abandoned and closed if:

1. The application has not been completed by the applicant within 12 months after it was received by the Committee;
2. The applicant fails to sit for or pass the Certified Rehabilitation Counselor Examination within 12 months or any 12-month period thereafter upon written notification of eligibility to take the examination; or
3. The applicant fails to submit the licensing fee within six months following the date of notification from the Committee that his or her application for licensure has been approved.

(c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application and shall comply with all application requirements in this subchapter.

SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION

13:34-23.2 Responsibilities of supervisee

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

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

1. Nothing in this subsection shall be construed to prohibit a supervisee from receiving from a client, on behalf of the supervisor or employing entity, fees for professional services.

(e) (No change.)

SUBCHAPTER 24. REHABILITATION COUNSELORS: CONTINUING EDUCATION

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

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

(d) (No change in text.)

SUBCHAPTER 27. REHABILITATION COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY

13:34-27.1 Preparation and maintenance of client records

(a)-(g) (No change.)

(h) The licensee shall establish reasonable procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement, termination from practice, death, or separation from a group practice, and shall establish reasonable procedures to assure the preservation of client records which shall include at a minimum:

1. Establishment of a procedure by which patients can obtain treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming the responsibilities of that practice; and
2. Making reasonable efforts to directly notify any patient treated during the six months preceding the cessation, and providing information concerning the established procedure for retrieval of records.

(i) (No change.)

13:34-27.2 Use of personal or other computer to prepare client records

(a)-(d) (No change.)

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

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

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

1. Rehabilitation counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the **Division of Consumer Affairs**. Any member of the consuming public 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.njconsumeraffairs.gov/pc](http://www.njconsumeraffairs.gov/pc), or the New Jersey **Division of Consumer Affairs**, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, [www.njconsumeraffairs.gov](http://www.njconsumeraffairs.gov).

2. (No change.)

[page=663] 13:34-28.5 License renewal

(a) The Committee shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license or registration expiration, whichever is later.

(b) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall submit a renewal application to the Committee, along with the renewal fee set forth in N.J.A.C. 13:34-26.1, prior to the date of license expiration.

(c) A licensee may renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of a rehabilitation counselor, or hold herself or himself out as eligible to engage in the practice of a rehabilitation counselor, in New Jersey until such time as the license is returned to active status.

(d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:34-26.1. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.

(e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(f) A licensee who continues to engage in the practice of a rehabilitation counselor with a suspended license shall be deemed to be engaging in the unauthorized practice of a rehabilitation counselor and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

#### 13:34-28.6 License reactivation

(a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:34-28.5(c) may apply to the Committee for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:

1. A renewal application;
2. A certification of employment listing each job held during the period the license, registration, or certification was inactive, which includes the name, address, and telephone number of each employer;
3. The renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:34-26.1.
  - i. If the renewal application is sent during the first year of the biennial period, the applicant shall submit the renewal fee as set forth in N.J.A.C. 13:34-26.1.
  - ii. If the renewal application is sent during the second year of the biennial period, the applicant shall submit one-half of the renewal fee as set forth in N.J.A.C. 13:34-26.1; and
4. Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:34-24.1 and 24.2.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of a rehabilitation counselor and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reactivation is sought, the Committee will allow applicants to take the courses within 12 months following reactivation.

(b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Committee may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:

1. Length of duration license was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license or registration by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of a rehabilitation counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to the practice of a rehabilitation counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

(a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:34-28.5(e) may apply to the Committee for reinstatement. A licensee applying for reinstatement shall submit:

1. A reinstatement application;
2. A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone number of each employer;
3. The renewal fee for the biennial period for which reinstatement is sought;
4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
5. The reinstatement fee set forth in N.J.A.C. 13:34-26.1; and
6. Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:34-24.1 and 24.2.
  - i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of a rehabilitation counselor and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph apply.
  - ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reinstatement is sought, the Committee will allow applicants to take the courses within 12 months following reinstatement.

(b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Committee may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reinstatement [page=664] of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:

1. Length of duration license was suspended;

2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of a rehabilitation counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to the practice of a rehabilitation counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

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

13:34-30.1 Financial arrangements with clients

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