

52 N.J.R. 529(a)

VOLUME 52, ISSUE 6, MARCH 16, 2020

RULE ADOPTIONS

Reporter

52 N.J.R. 529(a)

NJ - New Jersey Register > 2020 > MARCH > MARCH 16, 2020 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

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

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:34-1.1, 1.8, 2, 3.1, 3.3, 3.4, 4.3, 5.1, 5.2, 6.1, 6.7, 7.1, 9.3, 9.4, 9.5, and 9A

Adopted New Rules: N.J.A.C. 13:34-2.2, 2.7, and 5.2A

Adopted Repeal: N.J.A.C. 13:34-3.2

Text

Licensed Associate Marriage and Family Therapist Rules; Continuing Education; Professional Misconduct

Proposed: August 19, 2019, at 51 N.J.R. 1337(a).

Adopted: November 14, 2019, by the State Board of Marriage and Family Therapy Examiners, Lorraine M. Barry, Ed.S., President.

Filed: February 19, 2020, as R.2020 d.034, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:8B-13; and P.L. 2017, c. 341 and P.L. 2017, c. 350.

Effective Date: March 16, 2020.

Expiration Date: March 3, 2024.

Summary of Public Comment and Agency Response:

The official comment period ended on October 18, 2019. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments, repeal, 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.

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

SUBCHAPTER 1. GENERAL PROVISIONS

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. (No change.)

2. Initial license fee

i. Marriage and family therapist

Recodify existing i.-ii. as (1)-(2) (No change in text.)

ii. Associate marriage and family therapist

(1) If paid during the first year of a biennial renewal period..... \$ 180.00

(2) If paid during the second year of a biennial renewal period..... \$ 90.00

***3. (Reserved) ***

4. (No change.)

5. (Reserved)

6. License renewal fee, biennial

- i. Marriage and family therapist..... \$ 250.00
- ii. Associate marriage and family therapist..... \$ 180.00

7.-11. (No change.)

13:34-1.8 Notification of address; service of process; notification of disciplinary action

(a) A licensee shall notify the Board in writing within 30 days of any change in the address of record 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 of record shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(c) (No change.)

(d) For purposes of this section, "address of record" means an address designated by a licensee that is part of the public record and may be disclosed upon request. "Address of record" may be a licensee's home, business, or mailing address, but shall not be a post office box, unless the licensee also provides another address that includes a street, city, state, and zip code.

SUBCHAPTER 2. REQUIREMENTS FOR LICENSURE; APPLICATION PROCEDURES

13:34-2.1 Marriage and family therapist: requirements for licensure; licensure procedure

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

13:34-2.2 Associate marriage and family therapist: requirements for licensure; licensure procedure

(a) An applicant for licensure as a practicing associate 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. 13:34-2.3. 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 submit a clinical marriage and family therapy plan of supervision, which shall include a detailed job description and the location(s) where client contact and supervision will occur;

7. 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. 13:34-2.4;

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

9. The applicant shall submit the application fee set forth at N.J.A.C. 13:34-1.1.

(b) An applicant for licensure shall submit the licensing fee set forth at N.J.A.C. 13:34-1.1 upon receipt of notification from the Board that his or her application for licensure has been approved.

(c) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within 12 months after it was received by the Board.

(d) 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.

(e) Pursuant to N.J.S.A. 45:8B-18.1, an associate marriage and family therapist license shall be renewed no more than two times.

13:34-2.3 Educational requirements for licensure

(a) (No change.)

(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. (No change.)

[page=530] 3. One course from Area V as specified in (c) below;

4. Two courses taken in two semesters from Area VI as specified in (c) below; and

5. One course taken in one semester from Area VII as specified in (c) below.

(c) An applicant for licensure shall satisfy the following required areas of course work:

1. (No change.)

2. Area II: Assessment and Treatment in Marriage and Family Therapy (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: Human Development and Family Studies (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include:

i.-iv. (No change.)

4. Area IV: Ethics and Professional Development (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. (No change.)

6. Area VI: Supervised Clinical Internship Practicum/Course (a minimum of two, three semester hour or equivalent quarter hour, course).

7. Area VII: 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) (No change.)

13:34-2.4 Experiential requirements for licensure as a licensed marriage and family therapist

(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.

. . .

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

. . .

"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 licensed associate marriage and family therapist and provides regular, documented, face-to-face consultation, guidance, and instruction with the intern or licensed associate marriage and family therapist with respect to the marriage and family therapy with individuals, couples, and families and monitors the competencies of the intern or licensed associate marriage and family therapist.

. . .

13:34-2.5 Licensure by credentials

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

13:34-2.6 Marriage and family therapist: 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. 13:34-2.3 and 2.4 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. 13:34-2.3 and 2.4.

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 that provides the training and course work described in N.J.A.C. 13:34-2.3, 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. 13:34-2.3. 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. 13:34-2.3(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. 13:34-2.3. 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 marriage and family therapist 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. 13:34-2.3 and 2.4 for the issuance of the license.

(e) (No change.)

[page=531] 13:34-2.7 Associate marriage and family therapist: 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 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. 13:34-2.2.

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 that provides the training and course work described in N.J.A.C. 13:34-2.3, 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. 13:34-2.3. 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 that includes the course work required in N.J.A.C. 13:34-2.3(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. 13:34-2.3. 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 an associate marriage and family therapist as set forth in N.J.A.C. 13:34-2.2.

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

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

SUBCHAPTER 3. SUPERVISION

13:34-3.1 Definitions

Definitions of words and terms as used in this subchapter are set forth at N.J.A.C. 13:34-2.4(a).

13:34-3.2 (Reserved)

13:34-3.3 Responsibilities of qualified supervisors

(a) A qualified supervisor shall not supervise more than the equivalent of six full-time mental health professionals 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 licensed associate marriage and family therapist under the supervision of a qualified supervisor.

(c) A qualified supervisor shall ensure that client records are prepared and maintained consistent with the requirements of N.J.A.C. 13:34-8.

(d) (No change in text.)

(e) A qualified supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the licensed associate marriage and family therapist.

(f) 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 licensed associate marriage and family therapist's progress.

(g) A qualified supervisor shall not supervise a licensed associate marriage and family therapist 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.

(h) A qualified supervisor who wishes to terminate or is unable to provide supervision during the training period shall give the licensed associate marriage and family therapist and the Board two weeks written notice to enable the licensed associate marriage and family therapist to obtain another qualified supervisor. A qualified supervisor may not terminate supervision when termination would result in abandonment of the licensed associate marriage and family therapist or licensed associate marriage and family therapist's clients.

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

(j) If, during the period of supervision, the qualified supervisor's license is suspended or revoked, the qualified supervisor shall immediately notify the licensed associate marriage and family therapist and immediately cease supervision. The applicant may be granted credit for hours completed prior to the disciplinary action.

13:34-3.4 Responsibilities of licensed associate marriage and family therapists

(a) Documentation of supervision shall be filed with the Board by the licensed associate marriage and family therapist every six months for evaluation of the licensed associate marriage and family therapist's progress.

(b) A licensed associate marriage and family therapist shall not engage in unsupervised or independent practice. A licensed associate marriage and family therapist's clients shall include only those who have been approved, in advance, by the qualified supervisor(s).

(c) A licensed associate marriage and family therapist may be compensated only through the qualified supervisor or the employing entity. A licensed associate marriage and family therapist shall not receive a professional fee from a client.

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

[page=532] (d) A licensed associate marriage and family therapist shall ensure that his or her qualified supervisor files the evaluations required by the Board every six months.

(e) A licensed associate marriage and family therapist shall not engage in practice under supervision in any area for which the licensed associate marriage and family therapist has not had appropriate education and training.

(f) A licensed associate marriage and family therapist who advertises professional services, shall comply with N.J.A.C. 13:34-9 and include the name(s) of his or her supervisor(s). A licensed associate marriage and family therapist shall not advertise that he or she engages in independent practice.

SUBCHAPTER 4. UNLICENSED PERSONS--PERMISSIBLE ACTIVITIES

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. 13:34-2.4.

(d) (No change.)

SUBCHAPTER 5. CONTINUING EDUCATION

13:34-5.1 Continuing education requirement for license renewal

(a) 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.

(b) All licensed associate marriage and family therapists shall complete 20 contact hours of continuing education for license renewal, consistent with the requirements of this subchapter. The licensed associate 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.

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

(a) Through and including the biennial renewal period ending on June 30, 2020, 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.)

(c) A marriage and family therapist 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 marriage and family therapist 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, and socioeconomic status; and unique characteristics of individuals, couples, families, and ethnic groups and communities, including any of the following:

1.-6. (No change.)

(e) If a marriage and family therapist 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.

(f) Commencing with the biennial renewal period beginning on December 1, 2018, at least one of the 40 contact hours of continuing education shall, pursuant to P.L. 2017, c. 341, be in educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion. This one credit shall not be eligible for carry-over as described in (e) above.

13:34-*[5.3]* ***5.2A*** Contact hour requirement for licensed associate marriage and family therapists

(a) An associate marriage and family therapist shall not be required to obtain continuing education contact hours during the period of initial licensure prior to the associate 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) An associate marriage and family therapist applying for licensure renewal shall have completed a minimum of 20 contact hours of continuing education directly related to the profession of marriage and family therapy during the biennial renewal period. At least 10 of the 20 contact hours of continuing education shall be obtained by a licensee through face-to-face instruction.

(c) An associate marriage and family therapist shall complete at least five of the 20 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) An associate marriage and family therapist shall complete at least three of the 20 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, and socioeconomic status; and unique characteristics of individuals, couples, families, and 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.

(e) An associate marriage and family therapist shall, pursuant to P.L. 2017, c. 341, complete at least one of the 20 contact hours of continuing education in educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion. This one credit shall not be eligible for carry-over as described in (f) below.

(f) If an associate marriage and family therapist earns more than 20 contact hours of continuing education during a biennial period, the licensee may carry those extra hours, up to a maximum of five 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.

SUBCHAPTER 6. GENERAL OBLIGATIONS OF A LICENSEE

13:34-6.1 Financial arrangements with clients

(a) (No change.)

(b) When an appropriate fee schedule cannot be arranged, or the payment of the usual fee would be a hardship, a licensed marriage and family therapist shall refer the client to other sources for the provision of needed services.

[page=533] (c) A licensed marriage and family therapist 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 licensed marriage and family therapist shall assist a client to understand financial arrangements. The information provided to the client shall include at least the following:

1. (No change.)

2. Whether the licensed marriage and family therapist will accept installment payments or assignments from a third-party payor;

3.-4. (No change.)

13:34-6.7 Prohibition on excessive fees

(a) The licensed marriage and family therapist 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.-6. (No change.)

SUBCHAPTER 7. PROFESSIONAL MISCONDUCT

13:34-7.1 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. (No change.)

2. Failing to respond within 30 days, or in a time period specified by the Board, 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.

i. The period in (a)2 above 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 of record, as defined at N.J.A.C. 13:34-1.8(d).

3. (No change.)

4. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed marriage and family therapist. For purposes of this paragraph, failing to exercise appropriate supervision shall include failing to ensure compliance with the requirements of (a)3 above.

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 that 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.-ii. (No change.)

iii. This paragraph shall not require release to the parent or guardian of a minor of records or information relating to sexually transmitted disease, abortion, or treatment considered confidential information in accordance with N.J.S.A. 9:17A-4, except with the minor's consent.

6.-10. (No change.)

SUBCHAPTER 9. ADVERTISING

13:34-9.3 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 or licensed associate marriage and family therapist, as applicable;

2. For licensed associated marriage and family therapists, the name(s) of the qualified supervisor(s);

3. The words "Licensed Marriage and Family Therapist" or "LMFT" or, as applicable, "Licensed Associate Marriage and Family Therapist" or "LAMFT" followed by the 12-digit license number; and

4. (No change in text.)

(b) (No change.)

13:34-9.4 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)-(f) (No change.)

13:34-9.5 Advertisements regarding fees; required disclosures

(a) (No change.)

(b) A licensed marriage and family therapist who advertises a fee or range of fees shall include the following disclosures in any such advertisement:

1. (No change.)

2. The additional services contemplated and the fee to be charged for such services. Unless the advertisement states otherwise, the licensed marriage and family therapist shall be prohibited from charging an additional fee for the advertised service; and

3. (No change.)

(c) The advertisement of a fee shall not preclude the licensed marriage and family therapist from adjusting the fee downward or waiving a fee in individual circumstances.

(d) A licensed associate marriage and family therapist shall not advertise fees for marriage and family services unless the advertising of fees is consistent with the requirements of (b) above and approved by the qualified supervisor.

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

13:34-9A.1 Purpose and scope; definitions

(a) 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.

(b) As used in this subchapter, "licensee" means a licensed marriage and family therapist.

13:34-9A.2 Qualifications

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

(c) Associate marriage and family therapists or interns shall not perform any part of custody/parenting time evaluations and/or termination of parental rights evaluations.

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