

**50 N.J.R. 1163(a)**

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**RULE ADOPTIONS**

**Reporter**

50 N.J.R. 1163(a)

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**Agency**

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LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS > ALCOHOL AND DRUG COUNSELOR COMMITTEE

**Administrative Code Citation**

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**Adopted Amendment: N.J.A.C. 13:34C-5.2**

**Text**

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**Continuing Education Contact Hour Requirements: Legal Standards Related to the Practice of Alcohol and Drug Counseling in New Jersey**

Proposed: October 17, 2016, at 48 N.J.R. 2118(a).

Notice of Proposed Substantial Changes Upon Adoption to Proposed Amendments: October 2, 2017, at 49 N.J.R. 3329(a).

Adopted: February 8, 2018, by the State Board of Marriage and Family Therapy Examiners, Lorraine M. Barry, Ed.S., Chairperson.

Filed: March 15, 2018, as R.2018 d.092, **with substantial changes** to proposal after additional notice and public comment, pursuant to N.J.S.A. 52:14B-4.10.

Authority: N.J.S.A. 45:2D-1 et seq.

Effective Date: April 16, 2018.

Expiration Date: March 3, 2024.

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

The official comment period to the original notice of proposed amendments ended December 16, 2016 (see 48 N.J.R. 2118(a)). The State Board of Marriage and Family Therapy Examiners (Board), Alcohol and Drug Counselor Committee (Committee) received comments from:

1. Diane Utterer, MPA, CPS, CEO & Executive Director, and Anthony Polizzi, LCADC, Lead Trainer, New Jersey Prevention Network; and
2. Elizabeth A. Conte, LPC, LCADC, ACS, Doctoral Candidate, Montclair State University, Division of Mental and Addiction Services, Office of Treatment and Recovery Support, Clinical Workforce Development Specialist.

The official comment period to the notice of proposed substantial changes upon adoption ended December 1, 2017 (see 49 N.J.R. 3329(a)). The Board received one comment from Emil Affsa III, LPC, LCADC, CCS.

**1. Comments Received During Initial Comment Period Affecting Provision that Was Substantially Changed**

1. COMMENT: One commenter supported the proposed requirement for licensees and certificate holders to complete during each biannual renewal period six continuing education hours on legal standards related to the practice of alcohol and drug counseling in New Jersey.

RESPONSE: The Committee thanks the commenter for its support.

2. COMMENT: Two commenters noted that the number of approved trainers on this topic has diminished greatly over the course of the past decade. One of the commenters believes that, due to the recommended change, there will be a significant increase in the need for additional approved trainers. The commenter suggests that the Committee expand the roster of active, clinical, and diverse trainers on the approved list of continuing education providers.

RESPONSE: The Committee notes that it does not approve individual trainers and is aware that the number of offerings for this course has declined over the years. In accordance with N.J.A.C. 13:34C-5.4, the Committee recognizes the following continuing education courses and programs: those approved by a regionally accredited institution of higher learning, the APCBNJ or any other ICRC member board; NAADAC, the Association for Addiction Professionals; American Society on Addiction Medicine; National Board of Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the National Council on Compulsive Gambling; and the American Compulsive Gambling Counselor Certification Board. The Committee will work with

these sponsors and others to provide additional training and outreach so that all those interested in providing the continuing education hours in legal standards related to the practice of alcohol and drug counseling in New Jersey are able to do so.

**Summary of Agency-Initiated Changes Published in the Notice of Proposed Substantial Changes Upon Adoption:**

The Committee believes that during each biennial period licensees and certificate holders should take continuing education in legal standards related to the practice of alcohol and drug counseling in New Jersey. The Committee believes, however, that after the initial biennial period, licensees and certificate holders need to take, as a refresher, only three contact hours of the legal standards related to the practice of alcohol and drug counseling in New Jersey. In order to provide additional time to work with the sponsors and others to increase the number of offerings of this course, the Committee also proposes that the requirement for licensees and certificate holders to complete three contact hours of legal standards related to the practice of alcohol and drug counseling in New Jersey in each biennial period will begin with the biennial period commencing August 1, 2018. In addition, to provide licensees and certificate holders with more flexibility and more options throughout the State to take the required course, the Committee proposes to specify that in-person instruction includes webinars that are live (not previously recorded) and synchronous (the instructor and licensee or certificate holder interact with each other in real time). Consistent with its long-standing practice, the Committee also proposes to specify that the course in legal standards related to the practice of alcohol and drug counseling in New Jersey must be Committee-approved.

**2. Comments Received upon Publication of Notice of Proposed Substantial Changes upon Adoption to Proposed Amendments to N.J.A.C. 13:34C-5.2(d)**

3. COMMENT: The commenter stated that the Committee has the only regulations that require six initial hours in "legal standards related to the practice of alcohol and drug counseling" and then continues with three hours in the same subject for each biennial renewal period. The commenter recommended that the Committee change the requirement to be a minimum of five credits related to ethics in each biennial renewal period to be consistent with the requirements of the Professional [page=1164] Counselor Examiners Committee (five credits in ethical and legal standards in the counseling profession) and the State Board of Social Work Examiners (five credits related to ethics). The commenter believes that uniformity in the regulations regarding continuing education should be the goal, particularly since the Committee, like

that of the Professional Counselor Examiners Committee, is under the State Board of Marriage and Family Therapy Examiners.

RESPONSE: The Committee declines to change to five the number of continuing education contact hours for the legal standards related to the practice of alcohol and drug counseling in New Jersey required for each biennial renewal. The Committee believes that six contact hours in this subject matter is the appropriate amount that licensees and certificate holders should complete during the initial biennial period. In addition, the Committee believes that after the initial biennial period, licensees and certificate holders need to take, as a refresher, only three contact hours of the legal standards related to the practice of alcohol and drug counseling in New Jersey. The Committee notes that it requires three contact hours specific to the legal standards related to the practice of alcohol and drug counseling in New Jersey to ensure that licensees and certificate holders have an understanding of the current laws and regulations pertaining to the practice of alcohol and drug counseling. The Committee believes and expects that its licensees and certificate holders are practicing in an ethical manner and does not believe that it is necessary to mandate additional continuing education hours specifically in ethics. The Committee further notes that the existing rules pertaining to the practice of alcohol and drug counseling in New Jersey encompasses many of the ethical precepts governing the practice.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendment is governed by N.J.S.A. 45:2D-1 et seq., and is not subject to any Federal requirements or standards.

### **Regulations**

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**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 5. CONTINUING EDUCATION

##### 13:34C-5.2 Continuing education contract hour requirements

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

(d) All licensees and certificate holders shall complete at least six required contact hours of **\*a Committee-approved\*** continuing education **\*course\*** in legal standards related to the practice of alcohol and drug counseling in New Jersey **\*during the initial biennial period\*. \*Beginning August 1, 2018, for each biennial period after the**

**initial biennial period, all licensees and certificate holders shall complete at least three required contact hours of a Committee-approved continuing education course in legal standards related to the practice of alcohol and drug counseling in New Jersey.\***

**\*1.\*** These **\*[six]\*** contact hours may be used towards the required continuing education hours **\*set forth in N.J.A.C. 13:34C-5.1\*.**

**\*2.\*** These **\*[six]\*** contact hours shall focus on N.J.S.A. 45:1-1 through 45:1-**\*[32]\*\*55\*** and 45:2D-1 through 45:2D-17 and this chapter.

**\*3.** These contact hours shall require in-person instruction, which includes webinars that are live (not previously recorded) and synchronous (the instructor and licensee or certificate holder interact with each other in real time).

**\*4.\*** An individual is not precluded from completing **\*[this requirement]\*** **\*the six required contact hours for the initial biennial period\*** prior to applying for licensure or certification, but the fulfillment of this requirement shall not be substituted for N.J.A.C. 13:34C-2.3(b)4v(1) and/or (2).

(e) All licensees and certificate holders shall complete a minimum of three contact hours of the 40 or 60 contact hours of continuing education, as applicable, required by N.J.A.C. 13:34C-5.1 in the subject area of social and cultural competence in every biennial period. For the purposes of this subsection, 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.)

(f) (No change.)

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