

New Jersey Register
VOLUME 36, NUMBER 8
MONDAY, APRIL 19, 2004
RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS RULES

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

Adopted Repeals and New Rules: N.J.A.C. 13:34-7.3, 11.1, 11.2, 11.3, 18.5 and 21

Adopted Repeals: N.J.A.C. 13:34-1.2, 12, 13.1, 13.4, 22, 23.1 and 23.4

Proposed: November 17, 2003 at 35 N.J.R. 5228(a).

Adopted: February 19, 2004 by the State Board of Marriage and Family Therapy Examiners, Florence Schatten, President.

Filed: March 22, 2004 as R.2004 d.158, with technical 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 34.

Effective Dates: March 22, 2004, Readoption; April 19, 2004, Amendments, Repeals and New Rules. Expiration Date: March 22, 2009.

Summary of Public Comment and Agency Response:

The Board did not receive any comments.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments, repeals and new rules are consistent with State statutes governing the professional practice of marriage and family therapy, professional and rehabilitation counseling and there are no applicable Federal standards.

Full text of the readoption 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

<< NJ ADC 13:34-1.1 >>

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.-3. (No change.)

4. Certification of licensure \$25.00

5.-11. (No change.)

<< NJ ADC 13:34-1.9 >>

13:34-1.2 (Reserved)

13:34-1.9 Notification of change of name

(a) A licensee whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name the following:

1. Legal evidence of such change; and

2. A copy of the licensee's original license with proof, such as a copy of a passport or a social security card, that he or she is the same person to whom the Board issued the license.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue to the licensee a new license.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Board.

<< NJ ADC 13:34-1.10 >>

13:34-1.10 License renewal; active/inactive status

(a) Licenses shall be renewed biennially upon a form provided by the Board. Each applicant shall attest that the continuing education requirements have been completed during the prior 24-month renewal period.

(b) The Board shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) Every holder of a license issued or renewed by the Board, who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of marriage and family therapy, even if no notice of suspension has been provided to the individual.

(e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in marriage and family therapy within the State.

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license. Applicants shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.

<< NJ ADC 13:34-1.11 >>

13:34-1.11 Reinstatement

Pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-1 et seq., the Board may reinstate the license of an applicant whose license has been suspended for failure to renew provided that the applicant otherwise qualifies for licensure.

SUBCHAPTER 2. PROFESSIONAL MISCONDUCT

<< NJ ADC 13:34-2.1 >>

13:34-2.1 Misconduct defined

(a) Professional or occupational misconduct in the practice of marriage and family therapy by persons licensed by the State Board of Marriage and Family Therapy Examiners shall include, but not be limited to, the following:

1.-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.

5. Failing to make available to a client, the client's guardian or authorized representative, or, upon a client's request copies of reports or test records relating to the client which are in the possession or under the control of the licensee, or failing to complete forms or reports required for the reimbursement of a client by a third party.

i. (No change.)

ii. A practitioner may withhold information from a client if he or she believes release of such information would adversely affect the client's mental or psychological health.

iii. (No change.)

6.-9. (No change.)

10. Failing to notify the Board of Marriage and Family Therapy Examiners in writing of any change of address or name from that currently registered with the Board and shown on the most recently issued license.

i. Such notice shall be given not later than 30 days following the change of address or name.

<< NJ ADC 13:34-2.2 >>

13:34-2.2 Professional interactions with clients

(a) (No change.)

(b) A licensee shall obtain written informed consent from clients before videotaping, audio recording, or permitting third-party observation of professional interactions with clients.

Recodify existing (b)-(d) as (c)-(e) (No change in text.)

SUBCHAPTER 6. ADVERTISING

<< NJ ADC 13:34-6.1 >>

13:34-6.1 Definitions

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

...

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

...

SUBCHAPTER 7. CLIENT RECORDS; CONFIDENTIALITY

<< NJ ADC 13:34-7.2 >>

13:34-7.2 Use of personal or other computer to prepare client records

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

(d) A licensee wishing to continue a system of computerized client records that does not meet the requirements of this section shall promptly initiate arrangements for modification of the system. In the interim, the following will apply:

1.-2. (No change.)

(e) (No change.)

<< NJ ADC 13:34-7.3 >>

13:34-7.3 Confidentiality

(a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing marriage and family therapy services for the client, except in the following circumstances:

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

(b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.

(c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.

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

<< NJ ADC 13:34-10.2 >>

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, 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.-4. (No change.)

...

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

<< NJ ADC 13:34-11.1 >>

13:34-11.1 Definitions

(a) For purposes of this subchapter, the following words and terms shall have the following meanings:

"Group supervision" means the ongoing process of supervising no more than six persons in a group setting by a qualified supervisor.

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

"Professional counseling experience" means the rendering of professional counseling services as defined below or the provision of counselor education by a faculty member in a graduate program of counselor preparation in a regionally accredited institution of higher education.

"Professional counseling services" means the application of mental health and human development principles in order to facilitate human development and adjustment throughout the lifespan; clinically assess and evaluate mental, emotional, and associated distresses which interfere with mental health and development; conduct assessments and evaluations for the purpose of establishing goals and objectives; and plan, implement, and evaluate counseling interventions.

"Qualified supervisor" means a licensed professional counselor, a licensed psychologist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed physician practicing in the field of psychiatry or any other supervisor acceptable to the Committee, who has qualifications similar to these licensed professionals.

"Supervision" or "supervised" means the ongoing process performed by a qualified supervisor who monitors the performance of the supervisee and provides regular, documented, face-to-face consultation, guidance, and instruction with respect to the counseling skills and competencies of the supervisee which includes at least 50 hours of face-to-face supervision per one calendar year, at the rate of one hour per week, of which not more than 10 hours may be group supervision.

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

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

1. A completed application form, which contains information concerning the applicant's educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:34-17.1;
3. An official transcript(s) clearly indicating that the applicant has satisfied the educational requirements which include a graduate degree in counseling from a planned educational program at a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate the following:
 - i. That the degree awarded is a master's degree or doctorate degree in counseling or a related area as deemed acceptable by the Committee. Until <<-two years after the effective date of this section->> <<+April 19, 2006+>>, examples of acceptable graduate degrees include, but are not limited to, social work, psychology, counseling, pastoral counseling, rehabilitation counseling, applied family and child development, human development, counselor education, or marriage and family therapy. Beginning <<-the day following the two years after the effective date of this section->> <<+April 20, 2006+>>, an acceptable graduate degree means that the word "Counseling" or the word "Counselor" appears in the title of the graduate degree awarded and that the institution offering the degree states in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling;
 - ii. That the applicant, as part of his or her educational preparation which includes a master's degree or doctorate in counseling from a regionally accredited institution of higher education, has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours are distributed in at least eight of the following areas:
 - (1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;
 - (2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation or consultee change;
 - (3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;
 - (4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;
 - (5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;
 - (6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;

(7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;

(8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and

(9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.

<< NJ ADC 13:34-11.3 >>

13:34-11.3 Professional counselor: experience requirements

(a) In addition to the requirements listed in N.J.A.C. 13:34-11.2, an applicant for licensure as a professional counselor shall submit to the Committee documentation indicating that the applicant has met the supervised professional counseling experience requirements for licensure as set forth below:

1. Three calendar years of supervised professional counseling experience in a professional counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Hours of supervised professional counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-11.2; or

2. Two calendar years of supervised professional counseling experience in a professional counseling setting, provided that the applicant has earned, subsequent to completing the master's degree, an additional 30 graduate semester hours clearly related to counseling as contained in N.J.A.C. 13:34-11.2(a)3ii(1) through (9). Hours of supervised professional counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised professional counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-11.2. No more than one calendar year of supervised professional counseling experience may be obtained prior to the granting of the master's degree.

(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. 13:34-11.1. Professional counseling experience submitted to the Committee which occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above including supervision by a qualified supervisor.

<< NJ ADC 13:34-11.4 >>

13:34-11.4 Professional counselor: examination requirements

An applicant for licensure as a professional counselor shall submit to the Committee, in addition to the requirements stated in N.J.A.C. 13:34-11.2 and 11.3, proof that the applicant has successfully passed the National Counselor Examination administered by the National Board for Certified Counselors (NBCC) or its successor.

<< NJ ADC 13:34-11.5 >>

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

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

1. A completed application form which contains information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:34-17.1;

3. An official transcript(s) clearly indicating that the applicant has satisfied the educational requirements which include a graduate degree in counseling from a planned educational program at a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate the following:

i. That the degree awarded is a master's or doctorate degree in counseling or a related area as deemed acceptable by the Committee. Until <<-two years after the effective date of this section->> <<+April 19, 2006+>>, examples of acceptable graduate degrees include but are not limited to social work, psychology, counseling, pastoral counseling, rehabilitation counseling, applied family and child development, human development, counselor education, or marriage and family therapy. Beginning <<-the day following the two years after the effective date of this section->> <<+April 20, 2006+>>, an acceptable graduate degree means that the word "Counseling" or the word "Counselor" appears in the title of the graduate degree submitted and that the institution offering the degree states in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling.

ii. That the applicant, as part of his or her educational preparation which includes a master's degree or doctorate in counseling from a regionally accredited institution of higher education, has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours are distributed in at least eight of the following areas:

(1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;

(2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation or consultee change;

(3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;

(4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;

(5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;

(6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;

(7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;

(8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and

(9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.

<< NJ ADC 13:34-11.6 >>

13:34-11.6 Associate counselor: examination requirements

In addition to the requirements listed in N.J.A.C. 13:34-11.5, an applicant for licensure as an associate counselor shall submit proof to the Board that the applicant has successfully passed the National Counselors Examination administered by the National Board for Certified Counselors (NBCC) or its successor.

SUBCHAPTER 12. (RESERVED)

SUBCHAPTER 13. ASSOCIATE COUNSELORS: SUPERVISION

<< NJ ADC 13:34-13.1 >>

13:34-13.1 Responsibilities of supervisor

(a) Prior to a supervisee's commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by an associate counselor under the supervision of a professional counselor or a qualified supervisor as defined in N.J.A.C. 13:34-11.1. If the written disclosure is included as part of another document provided for the client's information, the disclosure shall be set forth in a conspicuous manner so that it shall be easily readable, clearly understood, signed by the client, and retained as part of the client record.

Recodify existing (d)-(g) as (b)-(e) (No change in text.)

(f) A supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, relatives, current students, or close friends.

<< NJ ADC 13:34-13.3 >>

13:34-13.2 (No change in text.)

13:34-13.3 Supervised professional counseling experience acquired prior to application

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

(b) An applicant may be granted supervised professional counseling experience credit towards the fulfillment of experience requirements for licensure as a professional counselor if the supervised experience occurred after the granting of the master's degree, in a professional counseling setting which is considered exempt as set forth in N.J.S.A. 45:8B-48(b) or (f), and the experience was supervised by a qualified supervisor as defined in N.J.A.C. 13:34-11.1.

(c) An applicant may be granted credit towards the fulfillment of the supervised professional counseling experience

requirement for licensure as a professional counselor if the experience hours occur as part of a planned post- master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a professional counselor.

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

SUBCHAPTER 17. FEES

<< NJ ADC 13:34-17.1 >>

13:34-17.1 Fees

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

1.-7. (No change.)

8. Certification of licensure \$40.00

9. Certification of specialty designation \$40.00

10.-11. (No change.)

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

<< NJ ADC 13:34-18.5 >>

13:34-18.5 Confidentiality

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

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

(b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.

(c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client

records.

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

<< NJ ADC 13:34-19.4 >>

13:34-19.4 Notification of change of name

(a) A licensee whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name, the following:

1. Legal evidence of such change; and

2. A copy of the licensee's original license with proof, such as a copy of a passport or a social security card, that he or she is the same person to whom the Board issued the license.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue to the licensee a new license.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Board.

<< NJ ADC 13:34-19.5 >>

13:34-19.5 License renewal; active/inactive status

(a) Licenses shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the continuing education requirements have been completed during the prior 24-month renewal period.

(b) The Committee shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to timely renew.

(c) Every holder of a license issued or renewed by the Board who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of professional counseling, even if no notice of suspension has been provided to the individual.

(e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in professional counseling within the State.

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license. An applicant shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.

<< NJ ADC 13:34-19.6 >>

13:34-19.6 Reinstatement

Pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-1 et seq., the Board may reinstate the license of an applicant whose license has been suspended for failure to renew provided that the applicant otherwise qualifies for licensure.

SUBCHAPTER 21. REHABILITATION COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS

<< NJ ADC 13:34-21.1 >>

13:34-21.1 Definitions

(a) For purposes of this subchapter, the following words and terms shall have the following meanings:

"Group supervision" means the ongoing process of supervising no more than six persons in a group setting by a permissible supervisor.

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

"Qualified supervisor" means a licensed rehabilitation counselor, a licensed physician practicing in the field of rehabilitation medicine, or any other supervisor acceptable to the Committee.

"Rehabilitation counseling experience" means rehabilitation counseling practice or the provision of rehabilitation counseling education.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face- to-face consultation, guidance and instruction with respect to the counseling skills and competencies of the person supervised and includes at least 50 hours of face-to-face supervision per year, a minimum of one hour per week, not more than 10 hours of which may be group supervision.

<< NJ ADC 13:34-21.2 >>

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

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

1. A completed application form, which contains information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:34-26.1;

3. An official transcript(s) indicating that the applicant has satisfied the educational requirements which include a planned educational program in rehabilitation counseling approved by the Committee, which includes a master's degree in rehabilitation counseling from a regionally accredited institution of higher education and which includes coursework in the following areas:

i. Introduction to rehabilitation counseling;

ii. Counseling theories and techniques;

iii. Personality theories;

iv. Psychosocial aspects of disability;

v. Medical aspects of disability;

vi. Evaluation and assessment;

vii. Vocational aspects of disability;

viii. Rehabilitation case management;

ix. Research methods; and

x. Practicum or internship; and

4. A supervisor's certification indicating that the applicant has met the supervision requirements set forth in N.J.A.C. 13:34-23.

<< NJ ADC 13:34-21.3 >>

13:34-21.3 Rehabilitation counselor: experience requirements

(a) In addition to the requirements listed in N.J.A.C. 13:34-21.2, an applicant for licensure as a rehabilitation counselor shall submit to the Committee documentation indicating that the applicant has met the supervised rehabilitation counseling experience requirements for licensure as set forth below:

1. Three calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-21.2; or

2. Two calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting, provided that the applicant has earned, subsequent to completing the master's degree, an additional 30 graduate semester hours clearly related to counseling as contained in N.J.A.C. 13:34-21.2(a)3i through x. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised rehabilitation counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-21.2. No more than one calendar year of supervised professional counseling experience may be obtained prior to the granting of the master's degree.

(b) An applicant for licensure may take up to a maximum of six years to satisfy the supervised rehabilitation counseling experience requirement within the definitions stated in N.J.A.C. 13:34-21.1. Rehabilitation counseling experience submitted to the Committee which occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above including supervision by a qualified supervisor.

<< NJ ADC 13:34-21.4 >>

13:34-21.4 Rehabilitation counselor: examination requirements

In addition to the requirements stated in N.J.A.C. 13:34-21.2 and 21.3, an applicant for licensure as a rehabilitation counselor shall submit to the Committee proof that the applicant has successfully completed the Certified Rehabilitation Counselor Examination administered by the Commission on Rehabilitation Counselor Certification (CRCC), or its successor.

SUBCHAPTER 22. (RESERVED) SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION

<< NJ ADC 13:34-23.1 >>

13:34-23.1 Responsibilities of supervisor

Recodify existing (c)-(e) as (a)-(c) (No change in text.)

(d) The supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a rehabilitation counselor, documentation of supervised experience, using forms provided by the Committee for that purpose.

(e) (No change in text.)

(f) A supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, relatives, current students, or close friends.

<< NJ ADC 13:34-23.3 >>

13:34-23.2 (No change in text.)

13:34-23.3 Supervised rehabilitation counseling experience acquired prior to application

(a) An applicant may be granted up to one calendar year of supervised rehabilitation counseling experience credit towards fulfillment of the supervised rehabilitation counseling experience requirements for licensure as a rehabilitation counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.

(b) An applicant may be granted supervised rehabilitation counseling experience credit towards the fulfillment of experience requirements for licensure as a rehabilitation counselor if the supervised experience occurred after the granting of the master's degree, in a rehabilitation counseling setting which is considered exempt as set forth in N.J.S.A. 45:8B-48(b) or (f), and the experience was supervised by a qualified supervisor as set forth in N.J.A.C. 13:34-21.1.

(c) An applicant may be granted credit towards the fulfillment of the supervised rehabilitation counseling experience requirement for licensure as a rehabilitation counselor if the experience hours occur as part of a planned post-master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a rehabilitation counselor.

(d) An applicant may purchase the services of a permissible supervisor if the supervision occurs in a rehabilitation counseling setting and the supervisor fulfills the activities and responsibilities of a supervisor as set forth in N.J.A.C. 13:34-23.1.

SUBCHAPTER 26. FEES

<< NJ ADC 13:34-26.1 >>

13:34-26.1 Fees

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

1.-7. (No change)

8. Certification of licensure \$40.00

SUBCHAPTER 27. REHABILITATION COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY

13:34-27.5 Confidentiality

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

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

(b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.

(c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.

SUBCHAPTER 28. REHABILITATION COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE

13:34-28.4 Notification of change of name

(a) A licensee whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name, the following:

1. Legal evidence of such change; and
2. A copy of the licensee's original license with proof, such as a copy of a passport or a social security card, that he or she is the same person to whom the Board issued the license.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue to the licensee a new license.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Board.

13:34-28.5 License renewal; active/inactive status

(a) Licenses shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the

continuing education requirements have been completed during the prior 24 month renewal period.

(b) The Committee shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to timely renew.

(c) Every holder of a license issued or renewed by the Board, who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of rehabilitation counseling, even if no notice of suspension has been provided to the individual.

(e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in rehabilitation counseling within the State.

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license. Applicants shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.

<< NJ ADC 13:34-28.6 >>

13:34-28.6 Reinstatement

Pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-1 et seq., the Board may reinstate the license of an applicant whose license has been suspended for failure to renew provided that the applicant otherwise qualifies for licensure.

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

<< NJ ADC 13:34-29.1 >>

13:34-29.1 Definitions

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

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

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

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

<< NJ ADC 13:34-29.2 >>

13:34-29.2 Advertising; general requirements

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

<< NJ ADC 13:34-29.3 >>

13:34-29.3 Minimum content

(a) A licensee shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards, and professional stationery:

1. Name;
2. License number;
3. Licensure status; and
4. Street address and telephone number of the practice location.

(b) For maintenance of personal or client safety, a licensee may petition the Board for a waiver of the requirement to list the street address of the practice location. A licensee shall submit a request for a waiver in writing which shall detail the reason for the request.

<< NJ ADC 13:34-29.4 >>

13:34-29.4 Use of professional credentials and certifications

(a) A licensee shall accurately and objectively represent his or her competence, education, training, and experience, as of the time of the representations.

(b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of professional, associate or rehabilitation counseling and shall refer only to degrees obtained from a regionally accredited academic institution.

(c) An advertisement that includes information on certification shall include the full name of the institute or agency conferring the certification or the recognized name or abbreviation of the certification.

(d) In addition to the information required to appear pursuant to N.J.A.C. 13:34-29.3, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:

1. The highest academic degrees earned from a regionally accredited institution relating to the practice of professional or rehabilitation counseling;
2. Professional specialty designations as defined in N.J.A.C. 13:34-4.1; and
3. Other licenses or certifications issued by another State or Federal agency.

(e) Letters or abbreviations appearing immediately following the licensee's name shall appear in the following order only:

1. Highest academic degrees earned from a regionally accredited institution related to the practice of professional, associate or rehabilitation counseling;
2. Licensure designation;
3. Professional specialty designation as defined in N.J.A.C. 13:34-14.1; and
4. Certifications.

(f) Nothing in this section shall preclude any truthful or nondeceptive statement in regard to education or experience in a particular area of professional, associate or rehabilitation counseling.

<< NJ ADC 13:34-29.5 >>

13:34-29.5 Prohibited types or methods of advertising

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

<< NJ ADC 13:34-29.6 >>

13:34-29.6 Retention of advertisements

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

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

<< NJ ADC 13:34-30.1 >>

13:34-30.1 Financial arrangements with clients

- (a) Fees shall be reasonable and commensurate with the status and experience of the professional, associate or rehabilitation counselor when compared with fees of professional, associate or rehabilitation counselors offering like services or treatment in the geographic area.
- (b) Where payment of the usual and customary fee would be a hardship, a professional or rehabilitation counselor shall refer the client to other sources for provision of services.
- (c) Before providing counseling services, a licensee shall assist the client to understand financial arrangements. The information shall include, but not be limited to:
 1. The identity of the person or entity responsible for payment of the fee for services;
 2. The fee for services or the basis for determining the fee to be charged;

3. Whether the licensee will accept installment payments; and

4. The financial consequences, if any, of missed appointments.

(d) The provisions of this section shall not apply to a counselor in an agency setting.

<< NJ ADC 13:34-30.2 >>

13:34-30.2 Clients served by others

If a client is receiving counseling services from another mental health professional, the licensee, with the client's consent, shall inform the other mental health professional already involved and develop clear agreements to avoid confusion and conflict for the client.

<< NJ ADC 13:34-30.3 >>

13:34-30.3 Multiple clients

When licensees agree to provide counseling services to two or more persons who have a relationship (such as husband and wife, or parents and children), licensees shall clarify at the outset which person or persons are clients and the nature of the relationships he or she will undertake with each involved person. If it becomes apparent that the licensee may be called upon to perform conflicting roles, the licensee shall take appropriate steps to eliminate the conflict.

<< NJ ADC 13:34-30.4 >>

13:34-30.4 Conflicts of interest; dual relationships

(a) A professional, associate or rehabilitation counselor providing counseling services shall not provide those services in circumstances that would be expected to limit the counselor's objectivity and impair professional judgment or increase the risk of exploitation.

(b) A professional, associate or rehabilitation counselor providing counseling services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, professional treatment of business or financial relationships, students, supervisors, friends or relatives and supervision of friends and relatives.

(c) A professional, associate or rehabilitation counselor who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

<< NJ ADC 13:34-30.5 >>

13:34-30.5 Termination of services

(a) A professional, associate or rehabilitation counselor shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.

(b) A professional, associate or rehabilitation counselor shall not abandon nor neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.

(c) A professional, associate or rehabilitation counselor who anticipates the termination or interruption of services to a client shall notify the client promptly and seek the transfer, referral or continuation of service in relation to the client's needs and preferences.

<< NJ ADC 13:34-30.6 >>

13:34-30.6 Prohibition on solicitation; unethical referrals and kickbacks

(a) A professional or rehabilitation counselor who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a counselor from offering to the client all appropriate options upon termination of services at the agency, including the continuation of services in private practice.

(b) A professional, associate or rehabilitation counselor shall not refer a client to a service in which the counselor or his or her immediate family has a financial interest.

(c) A professional, associate or rehabilitation counselor shall not prescribe goods or devices which the counselor sells or leases to the client unless the counselor advises the client of the ownership or other interest in the goods or devices.

(d) A professional, associate or rehabilitation counselor shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.

(e) A professional or rehabilitation counselor shall not permit the division of fees for professional services unless the counselor is engaged in a bona fide partnership or professional service corporation or employment relationship.