

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

**ADMINISTRATIVE ORDER AND NOTICE OF RULE WAIVER AND ADOPTION
PURSUANT TO P.L. 2020, c. 18; N.J.S.A. 45:1-29**

**EMERGENCY LICENSURE OF MENTAL HEALTH GRADUATE LICENSEES AND
EXTENSION OF PSYCHOLOGIST TRAINEE PERMITS**

DCA Administrative Order No. 2020-12 and DCA Waiver No. W-2020-11

Administrative Order and Temporary Waiver adopted by Paul R. Rodríguez, Acting Director,
Division of Consumer Affairs

Date: July 13, 2020

Authority: P.L. 2020, c. 18; N.J.S.A. 45:1-29

Effective Date: July 13, 2020

Expiration Date: Concurrent with the end of the state of emergency or the public health emergency
declared pursuant to Executive Order No. 103 (EO 103), whichever is later.

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WHEREAS, on March 9, 2020, through EO 103, the facts and circumstances of which are
adopted by reference herein, the Governor declared both a public health emergency and a state of
emergency throughout the State due to the public health hazard posed by coronavirus disease 2019
(COVID-19); and

WHEREAS, the public health emergency declared in EO 103 has been extended, through
Executive Order No. 119 (2020), signed on April 7, 2020; through Executive Order No. 138
(2020), signed on May 6, 2020; through Executive Order No. 151, signed on June 4, 2020; and
through Executive Order No. 162, signed on July 2, 2020, and continues to exist today; and

WHEREAS, on April 14, 2020, Governor Murphy signed into law P.L. 2020, c. 18, which
permits the Director to issue an administrative order to suspend temporarily any provision of Title
45 of the Revised Statutes or suspend or modify temporarily any rule adopted pursuant to such
authority or to adopt temporarily any rule relating to the practice of any profession licensed by a
board in the Division, upon concurrence by the Attorney General, after determining that such order
is necessary to promote the public welfare and further such other purposes of the state of
emergency or public health emergency declared in EO 103; and

WHEREAS, on May 5, 2020, I issued DCA Administrative Order No. 2020-05 and DCA
Waiver No. W-2020-09, which allowed graduates of certain professional nursing, practical

nursing, physician assistant, pharmacy education, and respiratory care therapy training programs to obtain emergency graduate licenses without completing certain requirements including completion of licensure examinations and completion of criminal history background checks; and

WHEREAS, continued delays in the processing of criminal history background checks during the COVID-19 epidemic could unduly delay the issuance of licenses, leaving qualified prospective applicants unable to work in their chosen profession and unduly limiting the supply of mental health care workers; and

WHEREAS, the Board of Social Work Examiners (“Board”) licenses social workers (“LSW”) who may only engage in the practice of clinical social work under the supervision of licensed clinical social workers; and

WHEREAS, the Professional Counselor Examiners Committee of the Board of Marriage and Family Therapy Examiners (“Committee”) licenses associate counselors (“LAC”) who must practice under the direct supervision of licensed professional counselors; and

WHEREAS, the State Board of Psychological Examiners licenses practicing psychologists and issues temporary permits to practicing psychologists for a period not to exceed three years under the supervision of a qualified supervisor, while completing the experience requirements for licensure; and

WHEREAS, psychologists and social workers provide clients with an array of mental health services including assessment, psychotherapy, and client-centered advocacy, and professional counselors help clients develop an understanding of interpersonal and intrapersonal problems and implement a course of action to restore optimal functioning; and

WHEREAS, without a license, social workers and counselors are limited in their ability to provide mental health services that may only be provided by licensees, including work in agencies, hospitals or long-term care facilities; and

WHEREAS, due to the COVID-19 outbreak, licensing exams for social workers have been canceled or postponed, or are only being made available with less frequency and at fewer physical testing sites, and are unlikely to be readily available for the immediate future; and

WHEREAS, licensing exams for associate counselors are only offered twice per year, and due to COVID-19, the April 2020 examination was canceled and the October 2020 administration is uncertain; and

WHEREAS, aspiring social workers and associate counselors who have recently graduated from their professional education programs, and more who are anticipated to graduate in the coming months, will be unable to obtain licenses if they cannot take their licensing examinations; and

WHEREAS, during the public health emergency, psychology permit holders may have been hampered in their ability to complete the requisite supervised experience to qualify for

licensure during the period of permit validity, and thus would be unable to continue providing services upon the expiration of their permit; and

WHEREAS, waiver of the three year limitation on the duration of permit validity will allow psychologist permit holders to continue to serve their clients without interruption, while practicing under supervision, during the public health crisis; and

WHEREAS, it is in the public interest to expeditiously expand the supply of available mental health licensees permitted to treat New Jersey patients, by temporarily authorizing graduates of statutorily required educational programs in social work or counseling who have not yet taken and passed their licensing examinations, to become, respectively, licensed social workers, and licensed associate counselors, and to extend the validity of permits held by psychologists practicing under supervision while attaining the requisite experience to qualify for licensure, in order that those mental health care providers will be in a position to provide a full array of mental health services, including through telehealth, within their scope of practice and presently practice their professions in New Jersey; and

WHEREAS, waiver of this limitation on the duration of permit validity will allow psychologist permit holders to continue to serve their clients without interruption, while practicing under supervision, during the public health crisis; and

WHEREAS, the strict application of certain statutory and regulatory provisions that delay the State's efforts to rapidly respond to the mental health needs of patients during the public health emergency is detrimental to the public welfare;

NOW, THEREFORE, I, Paul R. Rodríguez, Acting Director of the Division of Consumer Affairs, by virtue of the authority vested in me by the statutes of this State, upon concurrence by the Attorney General, determine that this ORDER is necessary to promote the public welfare and further such other purposes for which the state of emergency and the public health emergency was declared in EO 103 and hereby ORDER:

Emergency Graduate Licenses for Mental Health Professionals

1. The Division may issue an emergency graduate license to an individual who has graduated within six months preceding the date of application with a master's degree or doctorate in social work from an educational program accredited by the Council on Social Work Education (CSWE) located in any state, or graduated with a master's degree or doctorate in counseling from a regionally accredited institution of higher education, or an institution accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) and who has initiated an application for a standard license, including but not limited to payment of the application fee for a standard license and submission of such information as the Division may require. For 90 days following entry of this Order, notwithstanding the six month limitation above, eligibility will be extended to include anyone otherwise eligible who graduated on or after December 1, 2019.

2. Emergency graduate licenses issued pursuant to this Order shall be available to applicants who have not yet taken the applicable examination, and to applicants who have taken and passed the applicable examination but who have not yet satisfied other requirements for licensure.
3. Emergency graduate licenses issued pursuant to this Order shall not be granted to applicants who have, since graduating from a program described in paragraph 1 of this Order, taken and failed to pass the applicable licensing examination.
4. Emergency graduate licenses issued pursuant to this Order will expire automatically upon any of the following events, whichever occurs first:
 - a. At the end of both the state of emergency and public health emergency declared in Executive Order No. 103;
 - b. When terminated by the Director; or
 - c. For individual holders of emergency graduate licenses, upon their failure of the applicable licensing examination.

If the Director intends to terminate the emergency graduate licenses issued pursuant to paragraph 4.b of this Order, the Director will notify emergency LSW graduate licensees that they must pass the applicable examination within 90 days, and must obtain their standard license within 120 days, in order to avoid a gap in licensure; and will notify emergency LAC graduate licensees that they must take and pass the next available examination, and obtain their standard license within 30 days thereafter.

5. Holders of emergency graduate licenses issued pursuant to this Order who intend to provide social work services must comply with all scope of practice and supervision requirements imposed upon LSWs by the Social Workers' Licensing Act of 1991, N.J.S.A. 45:15BB-1 through -13 and the regulations promulgated thereunder, N.J.A.C. 13:44G. Supervision of clinical social work services provided by emergency licensed LSWs must be provided by a New Jersey licensed clinical social worker (LCSW) who is compliant with the requirements of N.J.A.C. 13:44G-8.1. Emergency licensed LSWs who are providing social work services may submit to the Board of Social Work Examiners a plan of supervision for review. If the plan of supervision is approved by the Board, hours accrued under supervision may be counted towards the 3,000 hours of direct supervision required for licensure as an LCSW. If the applicant fails the licensing examination, the Board reserves the right to reject some or all of the hours accrued during the period of emergency licensure.
6. Holders of emergency graduate licenses issued pursuant to this Order who intend to provide counseling services must comply with all scope of practice and supervision requirements imposed upon LACs by the Professional Counselor Licensing Act, N.J.S.A. 45:8B-34 through -50, and the regulations promulgated thereunder, N.J.A.C. 13:34-10.1 through -19.27. Supervision must be provided consistent with the requirements of N.J.S.A. 45:8B-50, and N.J.A.C. 13:34-13.1 through 13.3. Hours accrued under supervision may be

counted toward licensure as a licensed professional counselor. If the applicant fails the licensing examination, the Professional Counselor Examiners Committee reserves the right to reject some or all of the hours accrued during the period of emergency licensure.

7. The Division may stop accepting applications for one or more types of emergency graduate licenses issued pursuant to this Order at any time.
8. Emergency graduate licenses issued pursuant to this Order shall confer only a temporary authorization to practice, are not plenary, and do not represent a vested or implied right to be further licensed.
9. Nothing in this Order shall preclude applicants for and holders of emergency graduate licenses issued pursuant to this Order from pursuing full licensure via standard license-application processes.
10. Applicants for an emergency graduate license pursuant to this Order shall not be required to pay a fee (other than the fee for a standard license) or complete a criminal history background check in order to obtain an emergency graduate license, but shall be required to submit such information and documents as the Division may require and to certify that their submissions are true and accurate.
11. The following statutory and regulatory provisions are waived with regard to individuals who graduated with a master's degree or doctorate in social work from an educational program accredited by the CSWE, for purposes of obtaining an emergency LSW license pursuant to this Order:
 - a. N.J.S.A. 45:1-29, which requires an applicant to submit to a criminal history background check as a condition of licensure;
 - b. N.J.S.A. 45:15BB-6b, which requires an applicant for LSW licensure to pass an examination prior to obtaining licensure; and
 - c. N.J.A.C. 13:44G-4.2(a)5, which requires an applicant for LSW licensure to submit proof of successful completion of the master's level examination administered by the Association of Social Work Boards (ASWB).
12. The following statutory and regulatory provisions are waived with regard to individuals who graduated with a master's degree or doctorate in counseling from a regionally accredited institution of higher education, or an institution accredited by CACREP, for purposes of obtaining an emergency LAC license pursuant to this Order:
 - a. N.J.S.A. 45:1-29, which requires an applicant to submit to a criminal history background check as a condition of licensure;

- b. N.J.S.A. 45:8B-40(e), to the extent it requires an applicant for LAC licensure to pass the National Counselor Examination (NCE) administered by the National Board for Certified Counselors (NBCC); and
- c. N.J.A.C. 13:34-11.6, to the extent it requires an applicant for LAC licensure to submit proof of successful completion of the NCE, or its successor, administered by the NBCC.

Extension of Psychologist Trainee Permits

- 13. Three-year supervised permits issued by the Board of Psychological Examiners that would otherwise expire on or after the effective date of this Order, shall remain valid for one year beyond their original expiration date. Three-year supervised permits issued by the Board that have expired since March 9, 2020, when the State of Emergency and Public Health Emergency were declared, shall be deemed revived and shall remain valid for one year beyond their original expiration date. Nothing in this paragraph shall affect the authority of the Board or Director to limit, suspend, or revoke a three-year temporary permit pursuant to N.J.S.A. 45:1-7 et seq., N.J.S.A. 45:14B-1, et seq., N.J.A.C. 13:42-3.3, or any other authority.
- 14. N.J.S.A. 45:14B-6(f) and N.J.A.C. 13:42-3.2 are hereby waived to the extent they are inconsistent with paragraph 13 of this Order.

This Order shall take effect immediately and shall remain in effect until the end of the state of emergency or public health emergency declared by the Governor in EO 103, whichever is later, unless expressly revoked or superseded by a subsequent Administrative Order issued by the Director of the Division of Consumer Affairs.



Date: July 13, 2020

Paul R. Rodríguez, Acting Director