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NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 34
SUBCHAPTERS 1 – 9A
BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS

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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) Application fee \$ 75.00
- 2) Initial license fee
 - i) If paid during the first year of a biennial renewal period \$250.00
 - ii) If paid during the second year of a biennial renewal period \$125.00
- 3) Examination fee
.....\$ 65.00 plus the fee charged by Professional Examination Service
- 4) Certification of licensure \$ 25.00
- 5) Temporary permit \$ 75.00
- 6) License renewal fee, biennial..... \$250.00
- 7) Reinstatement fee..... \$125.00
- 8) Late renewal fee \$ 50.00
- 9) Replacement wall certificate \$ 40.00
- 10) Duplicate license fee..... \$25.00
- 11) Change of address \$ 25.00

13:34-1.2 SCOPE OF PRACTICE

Marriage and family therapy is a specialized field of psychotherapy, which includes premarital counseling and therapy, pre- and post-divorce counseling and therapy and family therapy that may be with couples, families or individuals. The practice of marriage and family

therapy consists of the application of principles, methods and techniques of counseling and psychotherapy for the purpose of resolving psychological conflict, modifying perception and behavior, altering old attitudes and establishing new ones in the area of individual, marriage and family life. In its concern with the antecedents of marriage, with the vicissitudes of marriage and with the consequences of the failure of marriage, marriage and family therapy keeps in sight its objective of enabling clients to achieve the optimal adjustment consistent with their welfare as individuals, as members of a family and as citizens in society.

13:34-1.3 OFFICE LOCATION

The offices of the Board shall be at 124 Halsey Street, Newark, New Jersey 07101. The mailing address of the Board is PO Box 45007, Newark, New Jersey 07101. The website of the Board is www.njconsumeraffairs.gov/mft.

13:34-1.4 LICENSE LISTS

A current list of licensed New Jersey Marriage and Family Therapists shall be maintained and made available at the Board's office and on the Board's website at www.njconsumeraffairs.gov/pages/verification.aspx.

13:34-1.5 APPLICATIONS

Application forms and information regarding licensure of practicing marriage and family therapists may be obtained from the State Board of Marriage and Family Therapy Examiners, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101 and on the Board's website at www.njconsumeraffairs.gov/mft/pages/applications.aspx.

13:34-1.6 LICENSEE TO DISPLAY NOTICE

Every licensee shall prominently display in a conspicuous location in his or her office the following notice:

(Name of individual) is licensed by the State Board of Marriage and Family Therapy Examiners, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted should notice the State Board of Marriage and Family Therapy Examiners, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101, www.njconsumeraffairs.gov/mft/, or the New Jersey Division of

Consumer Affairs, PO Box 45027, 124 Halsey Street, Newark, New Jersey
07101, www.njconsumeraffairs.gov/.

13:34-1.7 HEARINGS TO CONFORM TO LAW

The conduct of all hearings shall conform to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as amended and supplemented.

13:34-1.8 NOTIFICATION OF ADDRESS; SERVICE OF PROCESS

- a) A licensee shall notify the Board in writing within 30 days of any change in the address on file with the Board 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 on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.
- c) A licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report to the Board in writing his or her receipt of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

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) Copies of two forms of identification, one of which shall be a United States government-issued or State government-issued photo identification.
- 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.

13:34-1.10 LICENSE RENEWAL

- a) The Board shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew, provided that the license is renewed within 60 days from the date the notice is sent, or within 30 days following the date of license or registration expiration, whichever is later.
- b) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall submit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:34-1.1, prior to the date of license expiration.
- c) A licensee may renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of marriage and family therapy, or hold herself or himself out as eligible to engage in the practice of marriage and family therapy, in New Jersey until such time as the license is returned to active status.
- d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:34-1.1. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.
- e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.
- f) A licensee who continues to engage in the practice of marriage and family therapy with a suspended license shall be deemed to be engaging in the unauthorized practice of marriage and family therapy and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:34-1.11 LICENSE REACTIVATION

- a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:34-1.10(c) may apply to the Board for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:
 - 1) A renewal application;
 - 2) A certification of employment listing each job held during the period the license, registration, or certification was inactive, which includes the name, address, and telephone number of each employer;

- 3) The renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:34-1.1.
 - i) If the renewal application is sent during the first year of the biennial period, the applicant shall submit the renewal fee as set forth in N.J.A.C. 13:34-1.1.
 - ii) If the renewal application is sent during the second year of the biennial period, the applicant shall submit one-half of the renewal fee as set forth in N.J.A.C. 13:34-1.1; and
- 4) Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:34-5.1 and 5.2.
 - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of marriage and family therapy and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph shall apply.
 - ii) To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reactivation is sought, the Board will allow applicants to take the courses within 12 months following reactivation.
- b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Board determines is necessary to assure that the applicant practices with reasonable skill and safety. The Board, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:
 - 1) Length of duration license was inactive;

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

13:34-1.12 LICENSE REINSTATEMENT

- a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:34-1.10(e) may apply to the Board for reinstatement. A licensee applying for reinstatement shall submit:
 - 1) A reinstatement application;
 - 2) A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone number of each employer;
 - 3) The renewal fee for the biennial period for which reinstatement is sought;
 - 4) The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
 - 5) The reinstatement fee set forth in N.J.A.C. 13:34-1.1; and
 - 6) Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:34-5.1 and 5.2.

- i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of marriage therapy and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph shall apply.
 - ii) To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reinstatement is sought, the Board will allow applicants to take the courses within 12 months following reinstatement.
- b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Board determines is necessary to assure that the applicant practices with reasonable skill and safety. The Board, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:
- 1) Length of duration license was suspended;
 - 2) Employment history;
 - 3) Professional history;
 - 4) Disciplinary history and any action taken against the applicant's license by any licensing board;
 - 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of marriage and family therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of a marriage and family therapy or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

SUBCHAPTER 2. REQUIREMENTS FOR LICENSURE; APPLICATION PROCEDURES

13:34-2.1 REQUIREMENTS FOR LICENSURE; LICENSURE PROCEDURE

- a) An applicant for licensure as a practicing marriage and family therapist shall satisfy the following requirements:
 - 1) 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. 13:34-2.2. An official transcript documenting satisfaction of the educational requirements shall be sent to the Board directly from the accredited institution and shall indicate the degree awarded, the applicant's field of study and the specific courses completed toward the degree;
 - 6) The applicant shall have satisfied the experience requirements set forth in N.J.A.C. 13:34-2.3. The applicant shall submit documentation of required clinical supervision to the Board;
 - 7) The applicant shall submit a Certification and Authorization Form for a Criminal History Background Check; and
 - 8) The applicant shall submit the application fee set forth in N.J.A.C. 13:34-1.1.

- b) Upon satisfaction of the requirements in (a) above, an applicant for licensure shall be authorized by the Board to take the National Marriage and Family Therapy Examination administered by the Association of Marital and Family Therapy Regulatory Boards or its successor.
- c) Upon successful passage of the National Marriage and Family Therapy Examination, and upon submission of the initial licensing fee set forth in N.J.A.C. 13:34-1.1, an applicant for licensure shall be granted a license by the Board.
- d) An application shall be deemed abandoned and closed if:
 - 1) The application has not been completed by the applicant within 12 months after it was received by the Board; or
 - 2) The applicant fails to sit for or pass the National Marriage and Family Therapy Examination within 12 months or any 12-month period thereafter upon written notification of eligibility to take the examination.
- e) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application and shall comply with the requirements of (a) above.

13:34-2.2 EDUCATIONAL REQUIREMENTS FOR LICENSURE

- a) An applicant for licensure shall have a minimum of a master's degree in marriage and family therapy, a master's degree in social work or a graduate degree in a related field. All applicants shall have obtained their degrees from regionally accredited institutions, so recognized at the time of the granting of the degrees. If the applicant has a graduate degree in a related field, the applicant shall demonstrate to the Board that he or she has completed substantial equivalents to the course work at the required levels as set out in (b) below. An applicant with a graduate degree in a related field which does not provide the training and course work substantially equivalent in content to those set out in (b) below shall be deemed to meet the educational requirements set forth in this section upon satisfactory completion of either a post graduate degree recognized by the Board, which includes the course work at the required levels as stated in (b) below or 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.
- 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) One course from Area IV as specified in (c) below;

- 3) One course from Area V as specified in (c) below; and
 - 4) One course taken in one semester from Area VI as specified in (c) below.
- c) An applicant for licensure shall satisfy the following required areas of course work:
- 1) Area I: Theoretical Foundations (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include topics which deal with the historical development, theoretical foundations and contemporary conceptual directions of the field of marriage and family therapy. Course work in this area shall enable students to conceptualize and distinguish the critical epistemological issues in marriage and family therapy. Course work shall be related conceptually to clinical concerns.
 - 2) Area II: Clinical Practice (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: Individual Development and Family Relations (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include:
 - i) Material on individual development, family development and family relationships;
 - ii) Material on issues of sexuality as they relate to marriage and family therapy theory and practice, including sexual dysfunctions and difficulties;
 - iii) Issues of gender and sexual orientation as they relate to marriage and family therapy theory and practice; an
 - iv) Material on issues of ethnicity, race, socioeconomic status and culture as they relate to marriage and family therapy theory and practice.
 - 4) Area IV: Professional Identity and Ethics (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) Area V: Research (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall include significant material on quantitative and qualitative research in marriage and family therapy. Course work in this area shall focus on research methodology, data analysis and the evaluation of research.
 - 6) Area VI: 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) The Board shall not base its determination as to whether it will recognize an educational institution's program solely on the failure of any professional organization of marriage and family therapists to accredit the program.

13:34-2.3 EXPERIENTIAL REQUIREMENTS FOR LICENSURE

- a) The following words and terms as used in this section and N.J.A.C. 13:34-5, shall have the following meanings, unless the context clearly indicates otherwise.

"Counseling experience" means the application of mental health and human development principles through client contact in order to facilitate human development and adjustment throughout the lifespan.

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

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

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

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

"Qualified supervisor" means an individual who has no less than five full-time years of professional marriage and family therapy practice experience or the equivalent and has either:

- 1) A New Jersey license to practice as a marriage and family therapist; or
 - 2) A New Jersey license to practice and is acting within the scope of the person's profession or occupation and obtained from an accredited institution a minimum of:
 - i. A master's degree in marriage and family therapy;
 - ii. A master's degree in social work;
 - iii. A graduate degree in a related field and has demonstrated to the Board that he or she has completed course work content and training substantially equivalent to a master's degree in marriage and family therapy; or
 - iv. A graduate degree in a related field which does not provide training and course work substantially equivalent in content to a master's degree in marriage and family therapy, and is either a post graduate degree recognized by the Board, or 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.
- b) An applicant for licensure as a marriage and family therapist shall submit to the Board documentation, on a form provided by the Board, establishing that the applicant has completed a minimum of two calendar years of supervised marriage and family therapy experience and one calendar year of counseling experience, which may be in marriage and family therapy, as set forth below:
- 1) Supervised marriage and family therapy experience for each calendar year shall consist of:
 - i) A minimum of 50 hours of face-to-face supervision, at the rate of one hour per week, of which not more than 25 hours may be in group supervision;
 - ii) A maximum of 1,150 hours of actual marriage and family therapy client contact; and
 - iii) A maximum of 300 hours of other work-related activities, such as preparing and maintaining client records as described in N.J.A.C. 13:34-8, report writing,

maintaining appointment schedules, communicating with other professionals, preparing for supervision, preparing and maintaining financial records in accordance with N.J.A.C. 13:34-3.4 and 6.1, any other activities the qualified supervisor deems appropriate, and any other activities deemed appropriate by the Board as set forth on the documentation of supervision forms required in N.J.A.C. 13:34-3.3(e) and available on the Board's website at www.njconsumeraffairs.gov/pages/verification.aspx; and

- 2) For the two calendar years of supervised marriage and family therapy experience and the one calendar year of counseling experience, no more than 30 hours of experience shall be earned in any one week, and no more than 125 hours of experience shall be earned in any one month.
- c) An applicant for licensure with a master's degree shall complete two of the three required calendar years of marriage and family therapy experience after the applicant has earned the master's degree.
- d) An applicant for licensure with a post-master's or doctoral degree shall complete one calendar year of marriage and family therapy experience after the applicant has earned the post-master's or doctoral degree.

13:34-2.4 LICENSURE BY CREDENTIALS

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

13:34-2.5 CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:34-2.2 and 2.3 may apply to the Board for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Board shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

b) The Board shall issue a license to the applicant, if the applicant presents evidence to the Board that:

- 1) 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 and 2.3.
 - 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 which provides the training and course work described in N.J.A.C. 13:34-2.2, shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to the educational requirements described and required for licensure under N.J.A.C. 13:34-2.2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those courses relevant to the practice of marriage and family therapy that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula.
 - iii) An applicant seeking credit for education courses completed while in the military who does not hold a post graduate degree recognized by the Board which includes the course work required in N.J.A.C. 13:34-2.2(b), or who has not completed a program of training and course work at an institute or training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, shall submit to the Board a Joint Services Transcript of his or her education, for a determination that the education courses completed are substantially equivalent in level, scope, and intent to a post graduate degree or a program of training and course work, as described and required for licensure under N.J.A.C. 13:34-2.2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those courses relevant to the practice of marriage and family therapy that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

- 3) The applicant complies with all other requirements for licensure as a professional counselor including successful completion of the National Marriage and Family Therapy Examination administered by the Association of Marital and Family Therapy Regulatory Boards or its successor as set forth in N.J.A.C. 13:34-2.1.
- c) 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. 13:34-2.2 and 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.
- f) An applicant who meets the educational requirements set forth in N.J.A.C. 13:34-2.2 and does not meet the experience requirements set forth in N.J.A.C. 13:34-2.3 may be eligible to apply for a temporary permit in accordance with N.J.A.C. 13:34-3.2.

SUBCHAPTER 3.

TEMPORARY PERMIT HOLDERS AND QUALIFIED SUPERVISORS

13:34-3.1 DEFINITIONS

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

13:34-3.2 TEMPORARY PERMIT APPLICATION PROCEDURE

- a) Pursuant to N.J.S.A. 45:8B-6(e) and 18(a), prior to the Board's approval of a three-year temporary permit, the applicant shall satisfy the following requirements:
 - 1) The applicant shall submit a completed permit application;
 - 2) The applicant shall have satisfied the educational requirements set forth in N.J.A.C. 13:34-2.2. An official transcript documenting satisfaction of the educational requirements

shall be sent to the Board directly from the accredited institution and shall indicate the degree awarded, the applicant's field of study and the specific courses completed toward the degree;

- 3) The applicant shall submit a clinical marriage and family therapy supervision plan, which shall include a detailed job description and the location(s) where client contact and supervision will occur;
- 4) The applicant shall submit the supervisor's resume or curriculum vitae, which shall document that the supervisor has no less than five full-time years of professional marriage and family therapy practice experience or the equivalent and holds either a current, active New Jersey license to practice as a marriage and family therapist or has satisfied the educational requirements set forth in N.J.A.C. 13:34-2.3;
- 5) The applicant shall submit his or her fingerprints and written consent for a criminal history record background check to be performed pursuant to N.J.S.A. 49:3-56(p) to determine whether criminal history record information exists, which may be considered by the Board in determining whether the applicant shall be licensed in the State; and
- 6) The applicant submits the permit application fee set forth in N.J.A.C. 13:34-1.1.

13:34-3.3 RESPONSIBILITIES OF QUALIFIED SUPERVISORS

- a) A qualified supervisor shall not supervise more than six permit holders 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 permit holder under the supervision of a qualified supervisor.
- c) A qualified supervisor shall retain full professional responsibility for determining how fees are assessed and collected from clients.
- d) A qualified supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the permit holder.
- e) 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 permit holder's progress.

- f) A qualified supervisor shall not supervise a permit holder with whom the qualified supervisor has a relationship that may compromise the objectivity of or impair the professional judgment of, the qualified supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, tenants, current and former clients, relatives, spouses, current students, or close friends.
- g) A qualified supervisor who wishes to terminate or is unable to provide supervision during the training period shall give the permit holder and the Board two weeks written notice to enable the permit holder to obtain another qualified supervisor. A qualified supervisor may not terminate supervision when termination would result in abandonment of the permit holder or permit holder's clients.
- h) A qualified supervisor whose license is subject to any pending disciplinary action or has been actively suspended or revoked by any licensing board shall immediately notify this Board.
- i) If, during the period of supervision, the qualified supervisor's license is suspended or revoked, the qualified supervisor shall immediately notify the permit holder and immediately cease supervision. The applicant may be granted credit for hours completed prior to the disciplinary action.

13:34-3.4 RESPONSIBILITIES OF PERMIT HOLDERS

- a) Documentation of supervision shall be filed with the Board by the permit holder every six months for evaluation of the permit holder's progress.
- b) A permit holder shall not engage in unsupervised or independent practice. A permit holder's clients shall include only those who have been approved, in advance, by the qualified supervisor(s).
- c) A permit holder may be compensated only through the qualified supervisor or the employing entity.
- d) A permit holder shall ensure that his or her qualified supervisor files the evaluations required by the Board every six months.

13:34-3.5 (RESERVED)**13:34-3.6 (RESERVED)****13:34-3.7 (RESERVED)**

**SUBCHAPTER 4.
UNLICENSED PERSONS-PERMISSIBLE ACTIVITIES**

13:34-4.1 EMPLOYEES OF CERTAIN ORGANIZATIONS; PERMISSIBLE ACTIVITIES

- a) For the purpose of N.J.S.A. 45:8B-6(a)(1), (2) and (3), employees of certain organizations may only perform marriage and family therapy functions at the employer's place of business and under the eligible organization's control.
- b) The right to practice under the conditions of (a) above does not confer the privilege of unsupervised, independent practice.

13:34-4.2 BONA FIDE COMMUNITY AGENCY DEFINED

- a) For the purpose of N.J.S.A. 45:8B-6(a)(2), legal incorporation as a not-for-profit organization shall not in itself be satisfactory evidence of a de facto clinic or bona fide community agency.
 - 1) Such corporations shall give other evidence of their status as a bona fide community agency, such as proof that the organization is supported wholly or in major part by public funds, before being permitted to advertise performance of marriage and family therapy services.
 - 2) Organizations determined to be bona fide community agencies by the Board will be permitted to make their services known to the public through phone listings and other media.

13:34-4.3 SUPERVISION OF EMPLOYEES AND INTERNS

- a) For purposes of this section, "intern" means a student of marriage and family therapy or a person preparing for the practice of marriage and family therapy under qualified supervision in a training institution or facility, as specified in N.J.S.A. 45:8B-6.
- b) For the purpose of N.J.S.A. 45:8B-6(a)(3) and 6(b), all licensed marriage and family therapists who have unlicensed individuals in employee or intern status shall seek the approval of their supervisory arrangement by the Board prior to the commencement of the employment or internship involving the practice of marriage and family therapy.

- c) Persons approved by the Board to supervise individuals in employee and intern status are required to exercise appropriate supervision over those persons in accordance with the requirements for supervised experience of candidates as detailed in N.J.A.C. 13:34-2.3.
- d) Licensees providing supervision of employees and interns shall not enter into any supervisory relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such prohibited supervisory relationships include, but are not limited to, the following: professional supervision of tenants, close friends, relatives, or spouses.

13:34-4.4 ADVERTISING BY UNLICENSED PERSONS

Advertising by or on behalf of an unlicensed individual who is authorized to practice marriage or family therapy pursuant to N.J.S.A. 45:8B-6 or N.J.S.A. 45:8B-8, shall disclose the name of the unlicensed individual and the fact of non-licensure.

13:34-4.5 (RESERVED)

13:34-4.6 (RESERVED)

13:34-4.7 (RESERVED)

SUBCHAPTER 5. CONTINUING EDUCATION

13:34-5.1 CONTINUING EDUCATION REQUIREMENT FOR LICENSE RENEWAL

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.

13:34-5.2 CONTACT HOUR REQUIREMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS

- a) A marriage and family therapist shall not be required to obtain continuing education contact hours during the period of initial licensure prior to the marriage and family therapist's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-5.1 for all subsequent biennial renewal periods.
- b) A marriage and family therapist applying for licensure renewal shall have completed a minimum of 40 contact hours of continuing education directly related to the profession of

marriage and family therapy during the biennial renewal period. At least 20 of the 40 contact hours of continuing education shall be obtained by a licensee through face-to-face instruction.

- c) A licensee shall complete at least five of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-5.1 in ethical and legal standards related to marriage and family therapy, regardless of the number of hours accrued during the biennial period.
- d) A licensee shall complete at least three of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-5.1 in the subject area of social and cultural competence. For the purposes of this subsection, social and cultural competence includes, but is not limited to, an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities including any of the following:
 - 1) 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) If a licensee 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.

13:34-5.3 APPROVAL OF CONTINUING EDUCATION PROGRAMS AND COURSES

- a) The following are acceptable sources of continuing education, as long as the course, program or article is applicable to marriage and family therapy or falls within the content areas set forth in (c) or (d) below:
- 1) Courses and programs approved by the following: the National Board for Certified Counselors (NBCC); the American Counseling Association (ACA); the American Psychological Association (APA); the American Psychiatric Association (APA); the National Association of Social Workers (NASW); the National Association of Social Workers-New Jersey (NASW-NJ); the American Association for Marriage and Family Therapy (AAMFT); the American Association for Marriage and Family Therapy of New Jersey, Inc. (AAMFT-NJ); the Commission on Rehabilitation Counselors Certification (CRCC); the American Ortho-Psychiatric Association; the American Medical Association (AMA); the American Nursing Association (ANA); the National Association of Drug Abuse Counselors (NADAC); a member of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.; the Commission of Accreditation for Marriage and Family Therapy Education (COAMFTE); the American Family Therapy Association (AFTA); the American Society of Addiction Medicine; the Association for Marriage and Family Therapy Regulatory Boards (AMFTRB); the International Family Therapy Association (IFTA); and the Council on Licensure, Enforcement and Regulation (CLEAR);
 - 2) Teaching or completing graduate coursework at a regionally accredited institution of higher education;
 - 3) Authoring an article published in a professional refereed journal within the preceding biennial period;
 - 4) Completing and having accepted a doctoral dissertation from a regionally accredited institution of higher education;
 - 5) Presenting a new course, program or workshop approved by one of the organizations listed in (a)1 above; and
 - 6) Developing and completing courses or programs that provide distance learning opportunities approved by one of the organizations listed in (a)1 above or a regionally accredited institution of higher education.
- b) If a licensee seeks approval of continuing education credit from the Board for attending or presenting a course or program that has not been approved by any of the organizations

listed in (a)1 above, the licensee shall first apply to and obtain approval from one of the listed organizations prior to seeking approval of continuing education credit from the Board.

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

- 1) Marriage and family therapy concepts, theory and practice of human behavior and family/social systems which provide basic theories, principles and techniques of therapy and their specific application to marriage and family therapy settings;
- 2) Professional ethics specifically related to the practice of marriage and family therapy, ethical and legal practice considerations, contractual agreements with clients (fees, payment plans, third party payers, treatment plans), confidentiality issues, recordkeeping, uses of computers and other technologies, distance and e-therapy, liabilities of practice and basic concepts in family law;
- 3) The helping relationship which provides broad understanding of philosophical bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client self-help, self-understanding, and self-development, and facilitation of client change;
- 4) Human growth, development and maladaptive behavior which provides 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;
- 5) Practice in theories of family systems, treatment approaches, assessment of family function and dysfunction, and specific system treatment options as both science and art;
- 6) Programs that address anger management, family violence, patterns of behavior and substance addiction;
- 7) Lifestyles and career development which provide a broad understanding of differing lifestyles, career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyles and career decision-making, career development program planning, resources, and career option identification;
- 8) Group dynamics, processes, counseling and consulting which provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group therapy methods and skills, and other approaches to work with groups;

- 9) Appraisals of individuals which provides broad understanding of group and individual 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 the helping process and the specific ability to administer and interpret tests and inventories that assess abilities, aptitudes, interest, and identify career options— within the regulations for licensed marriage and family therapist's scope of practice;
 - 10) Research and evaluation which provides a broad understanding of types of research, basic statistics, research and report development, research implementation, program evaluation, needs assessment, efficacy of treatment, publication of research information;
 - 11) Social and cultural foundations which provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, social policy, multi-cultural and pluralistic trends, differing lifestyles, and major societal concerns, and methods of alleviating these concerns; and
 - 12) The marriage and family therapy profession which provides a broad understanding of professional roles and function, business practices including finances, management and recordkeeping, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, professional credentialing, and supervised clinical training.
- d) A course or program in the subject area of social and cultural competence for the purpose of fulfilling the three-contact-hour continuing education requirement shall be obtained consistent with (a) above or shall be subject to the approval of the Board. A course or program in the subject area approved by the Board of Social Work Examiners, the Professional Counselor Examiners Committee or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Board.

13:34-5.4 CONTACT HOUR CALCULATIONS

- a) The Board shall grant credit only for continuing education courses or programs that are at least one contact hour long, and are directly related to the practice of marriage, family and individual therapy. For purposes of this subchapter, a contact hour represents a 60-minute clock hour containing no less than 50 minutes of content within the hour. Programs may include one 10-minute break for each contact hour.
- b) A licensee shall complete and be able to verify completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-5.3 in order to receive continuing education credit. The Board shall grant continuing education credit to a licensee in each biennial renewal period as follows:

- 1) Completing graduate or post-graduate coursework at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded beyond the required educational standards which an applicant must complete for licensure as set forth in N.J.S.A. 45:8B-18 and N.J.A.C. 13:34-2.2;
- 2) Teaching graduate or post-graduate courses or programs offered at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded for each new course which a licensee teaches. For the purposes of this subsection, "new" means a course that the licensee has not taught previously in any educational setting;
- 3) Authoring an article published in a professional refereed journal within the preceding biennial period: 15 contact hours of continuing education per article with a maximum of 30 contact hours of continuing education per biennial period;
- 4) Completion and acceptance of a doctoral dissertation verified by letter of committee chairperson accepting the dissertation for a doctoral degree in marriage and family therapy or a closely related field: 40 contact hours of continuing education per biennial period;
- 5) Attending conferences, programs, courses or workshops: one contact hour of continuing education for each hour of attendance, or the number of contact hours of continuing education as calculated by the organization, whichever is greater;
- 6) Presenting a course, program or workshop: one and one-half contact hours of continuing education for each new course, program or workshop, up to a maximum of nine contact hours of continuing education. For the purposes of this subsection, "new" means a course that the licensee has not taught previously in any educational setting; and
- 7) Developing and completing programs that provide distance learning opportunities, such as Internet, video, audio, or CD-Rom, through the use of integrated technology/communication systems, verified with details of the program, such as learning objectives, verification of assignments completed, achievements of stated learning objectives, inclusive dates and number of enrollees: the amount of continuing education contact hours as calculated by the endorsing organization, up to a maximum of 20 contact hours of continuing education per biennial period.

13:34-5.5 DOCUMENTATION OF CONTINUING EDUCATION CREDIT

- a) A licensee shall retain documentation of the continuing education hours which he or she completes in order to verify program attendance and activity completion. Each licensee shall submit such documentation to the Board upon its request. The Board may periodically audit

the records of licensees on a random basis to determine compliance with continuing education requirements of this subchapter.

- b) A licensee shall verify attendance at continuing education courses or programs by a certificate of attendance or by a written statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.
- c) A licensee shall verify continuing education activities by retaining the following:
 - 1) For publications, a copy of the published article;
 - 2) For program presentations, copies of the program, syllabus, outlines and bibliographies;
 - 3) For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-5.4(b)2;
 - 4) For distance learning, a certificate of successful completion from the endorsing professional organization; and
 - 5) For graduate coursework, an official transcript.
- d) A licensee shall maintain verification documentation for six years following the renewal period for which the Board has granted the licensee continuing education credit.
- e) Falsification of any information submitted with the renewal application, or the audit, or failure to complete continuing education requirements may result in disciplinary action by the Board.

13:34-5.6 WAIVER OF CONTINUING EDUCATION REQUIREMENTS

- a) The Board may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause as established by the licensee.
- b) A licensee who seeks a waiver of the continuing education requirements shall provide to the Board, in writing, during the biennial period for which waiver is sought, the specific reasons for requesting the waiver and such additional documentation as the Board may request in support of the waiver.

SUBCHAPTER 6. GENERAL OBLIGATIONS OF A LICENSEE

13:34-6.1 FINANCIAL ARRANGEMENTS WITH CLIENTS

- a) Fees for marriage and family therapy services shall be reasonable and commensurate with the status and experience of a licensee consistent with the provisions of N.J.A.C. 13:34-6.7 prohibiting excessive fees.
- b) When an appropriate fee schedule cannot be arranged, or the payment of the usual fee would be a hardship, a licensee shall refer the client to other sources for the provision of needed services.
- c) A licensee 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 licensee shall assist a client to understand financial arrangements. The information provided to the client shall include at least the following:
 - 1) The fee for services or the basis for determining the fee to be charged;
 - 2) Whether the licensee will accept installment payments or assignments from a third party payor;
 - 3) That insurance coverage may not be available in all circumstances; and
 - 4) The financial consequences, if any, of missed appointments.

13:34-6.2 CONFLICTS OF INTEREST

- a) A licensee providing marriage and family therapy 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, the following: professional treatment of employees, tenants, students, supervisees, close friends, spouses, or relatives.
- b) A licensee who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

- c) A licensee providing marriage and family therapy services shall not provide those services in circumstances that would be expected to limit the licensee's objectivity and impair professional judgment or increase the risk of exploitation.

13:34-6.3 TERMINATION OF SERVICE

- a) A licensee 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 licensee shall not abandon or 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 licensee who anticipates the termination or interruption of services to a client shall notify the client promptly and shall provide for the transfer, referral, or continuation of services in relation to the client's needs and preferences.
- d) A licensee who intends to cease to engage in practice or anticipates that he or she will remain out-of-practice for more than three months shall comply with the requirements set forth in N.J.A.C. 13:34-7.1(a)3ii.

13:34-6.4 SEXUAL MISCONDUCT AND HARASSMENT

- a) By this section, the Board is identifying for its licensees conduct which it shall deem to be violative of law as set forth in (j) below.
- b) As used in this section, the following terms have the following meanings unless the context indicates otherwise:
 - 1) "Client" means any person who is the recipient of a professional service rendered by a licensee for purposes of diagnosis, treatment or a consultation relating to treatment. "Client," for purposes of this section, also means a person who is the subject of professional examination or assessment even if the purpose of that examination or assessment is unrelated to treatment.
 - 2) "Client-therapist relationship" means the association between a therapist and a client wherein the therapist owes a continuing duty to the client to be available to render marriage and family therapy services consistent with his or her training and experience.
 - 3) "Harassment" means one egregious act or repeated comments, contacts, or gestures which are based upon the following and which have the purpose or effect of intimidating

or offending the individual based upon his or her race, religion, color, gender, national origin, marital status, sexual orientation, physical or mental disability.

- 4) "Licensee" means any person authorized by the State Board of Marriage and Family Therapy Examiners to engage in marriage and family therapy.
 - 5) "Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of the licensee's body upon a part of the patient's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or patient's body into or near the genital, anal or other opening of the other person's body.
 - 6) "Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of marriage and family therapy services that either: is unwelcome, offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, or supervisee, whether or not such individual is in a subordinate position to the licensee. "Sexual harassment" may include conduct of a non-sexual nature if it is based upon the sex of an individual.
- c) A licensee shall not seek, solicit or engage in sexual contact with a client with whom he or she has a current client-therapist relationship.
 - d) A licensee shall not seek, solicit or engage in sexual contact with a current client's immediate family member, a former client, a former client's immediate family member or a former student when marriage and family therapy services were rendered to the client, former client or former student in the immediately preceding 24 months, or with a current student, supervisee, supervisor or research participant.
 - 1) The 24-month rule shall not apply and the prohibition shall extend indefinitely in circumstances where the former client is or should be recognized by the licensee as clearly vulnerable by reason of emotional or cognitive disorder or exploitative influence by the licensee.
 - e) A licensee shall not seek or solicit sexual contact with any person in exchange for professional services.

- f) A licensee shall not accept as a client an individual who, within the immediately preceding 24 months, was the licensee's sexual partner.
- g) A licensee shall not engage in any discussion of an intimate sexual nature with a client that serves the licensee's prurient interests or is for the sexual arousal or the sexual gratification of the licensee or client, or constitutes sexual abuse of the client. Such discussion shall not include disclosure by the licensee of his or her own intimate sexual relationships.
- h) A licensee shall not condone or engage in any form of harassment in a professional setting including, but not limited to, an office, hospital or health care facility or outside the professional setting.
- i) A licensee shall not engage in any other activity (such as, but not limited to, voyeurism or exposure of the genitalia of the licensee) which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal or the sexual gratification of the licensee or client, or constitutes sexual abuse of the client.
- j) Violation of any of the prohibitions or directives set forth at (c) through (h) above shall be deemed to constitute malpractice pursuant to N.J.S.A. 45:1-21 (c) or (d) or professional misconduct pursuant to N.J.S.A. 45:1-21(e).
- k) It shall not be a defense to any action under this section that:
 - 1) The patient solicited or consented to sexual contact with the licensee; or
 - 2) The licensee was in love with or had affection for the patient.

13:34-6.5 REPORTING OF VIOLATIONS BY OTHER LICENSEES

- a) Except as provided below, a licensee shall promptly notify the Board when in possession of information which reasonably indicates that another licensee has demonstrated an impairment, gross incompetence, or unprofessional conduct which would present an imminent danger to a client, or to the public health, safety, or welfare.
 - 1) When the information is obtained in the course of a professional or consulting relationship with a client and the client is unwilling or unable to make the report, the licensee shall report the information only with the written permission of the client.

13:34-6.6 PROHIBITION ON SOLICITATION; UNETHICAL REFERRALS AND KICKBACKS

- a) A licensee 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 licensee from offering to the client all appropriate options upon termination of services by the client or the agency, including the continuation of services in private practice.
- b) A licensee shall not refer a client to a service in which the licensee and his or her immediate family has a financial interest as defined in the Health Care Cost Reduction Act, N.J.S.A. 45:9-22.4 et seq., including an equity or ownership interest in a practice or in a commercial entity holding itself out as offering a health care service.
- c) A licensee shall not prescribe goods or devices which the licensee sells or leases to the client in which the licensee has ownership or interest, unless the licensee advises the client of such ownership or interest.
- d) A licensee shall not pay or offer to pay any fee or other form of compensation for referral of a client for professional services or for referral of a client for the purchase of goods.
- e) A licensee shall not receive any fee or other form of compensation for referral of a client for professional services or for referral of a client for the purchase of goods.
- f) A licensee shall not permit the division of fees for professional services unless the licensee is engaged in a bona fide partnership, professional service corporation, or employment relationship.

13:34-6.7 PROHIBITION ON EXCESSIVE FEES

- a) The licensee 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) The time or effort required to perform the service or treatment;
 - 2) The skill required to properly perform the service or treatment;
 - 3) The nature and length of the professional relationship with the client;
 - 4) The experience, reputation, and ability of the licensee performing the services;

- 5) The nature and the circumstances under which services are provided; and
- 6) Whether the fee was set by an institution or agency.

13:34-6.8 (RESERVED)

**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) Willful or grossly negligent failure to comply with Federal, State or local laws, rules or regulations governing the practice of the profession.
 - 2) Failing to respond within 30 days 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 about the licensee's unprofessional conduct.
 - i) The period of 30 days 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 appearing in the last registration.
 - 3) Failing to maintain a record for each client, which accurately reflects the client contact with the practitioner.
 - i) Unless otherwise provided by law, all client records must be retained for at least seven years.
 - ii) If a licensee ceases to engage in practice or it is anticipated that he or she will remain out of practice for more than three months, the licensee or designee shall, consistent with the requirements of N.J.A.C. 13:34-8:
 - (1) Establish a procedure by which clients can obtain their records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming the responsibilities of that practice;

- (2) Publish a notice of the practice cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation; and
 - (3) Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for record retrieval.
- 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) Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate shall not be required as a condition for making such records available.
 - 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) This section shall not require release to the parent or guardian of a minor of records or information relating to sexually transmitted disease or abortion except with the minor's consent.
- 6) Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the client.
- 7) Using the word "Doctor" or otherwise misleading designation in offering to perform professional services when such title or designation has not been earned at an accredited educational institution or is not one which is recognized by the New Jersey State Board of Education.
- 8) Guaranteeing that satisfaction or a cure will result from the performance of professional services.
- 9) Claiming or using any secret or special method of treatment and/or diagnostic technique which the licensee refuses to divulge to the Board.

- 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.

13:34-7.2 PROFESSIONAL INTERACTIONS WITH CLIENTS

- a) Prior to commencing services, a licensee shall advise the client or the client's guardian, in terms that the client can understand, of the nature and purpose of the services to be rendered and the limits and obligations associated with such services.
- b) A licensee shall obtain written informed consent from clients before videotaping, audio recording, or permitting third-party observation of professional interactions with clients.
- c) A licensee shall not provide marriage and family therapy services while under the influence of alcohol or any other drug that may impair the delivery of services.
- d) A licensee shall obtain competent professional assistance in order to determine whether to voluntarily suspend, terminate, or limit the scope of the licensee's professional practice or research activities which are foreseeably likely to lead to inadequate performance or harm to the client, colleague, student, or research participant.
- e) When interacting with a research subject, a licensee shall observe research requirements consistent with accepted standards of practice.

SUBCHAPTER 8. CLIENT RECORDS; CONFIDENTIALITY

13:34-8.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS

- a) A licensee shall prepare and maintain separately for each client a contemporaneous, permanent client record that accurately reflects the client contact with the licensee whether in an office, hospital or other treatment, evaluation or consultation setting.
- b) The licensee shall include at least the following information in the client record:
 - 1) The client name (on each page of the record), address, and telephone number;
 - 2) The location and dates of all treatment, evaluation, or consultation settings;

- 3) The identity of each provider of treatment, evaluation, or consultation, and the supervisor, if any;
 - 4) The presenting situation;
 - 5) Significant medical and psychosocial history;
 - 6) Past and current medication, when appropriate;
 - 7) An assessment of current marriage and family lifestyle;
 - 8) A diagnostic assessment and prognosis;
 - 9) A treatment plan;
 - 10) Progress notes for each session;
 - i) A therapist may dictate progress and session notes for later transcription provided the transcription is dated and identified as preliminary pending the therapist's final review and approval.
 - 11) Information regarding referrals to other professionals and reports and records provided by other professionals;
 - 12) Fees charged and paid unless a separate financial record is kept; and
 - 13) A summary of the termination of services, in accordance with N.J.A.C. 13:34-6.3, including, but not limited to: the reason for termination of service, a summary of the information provided and topics discussed during the process of terminating services, the review of the treatment plan, follow-up and transitional services, communication with client about termination of services, and, as applicable, communication with other mental health professionals associated with the coordination of treatment.
- c) The licensee shall periodically review and update the treatment plan.
- d) The licensee shall retain the permanent client record for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a minor, the licensee shall retain the record until the minor reaches the age of 25.

- 1) This requirement shall not apply to a licensee employed in an agency setting if the agency's policy does not permit a licensee to control the retention of records.

13:34-8.2 USE OF PERSONAL OR OTHER COMPUTER TO PREPARE CLIENT RECORDS

- a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:
 - 1) Contains an internal permanently activated date and time recordation for all entries;
 - 2) Automatically prepares a back-up copy of the file; and
 - 3) Is designed in such manner that, after the licensee signs by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.
- b) The licensee shall include in the client record at least two forms of identification; for example, name and record number, or any other specific identifying information.
- c) The licensee shall finalize or sign the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner.
- 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) On the date of the first treatment, evaluation, or consultation subsequent to effective date of rule, and after each visit continuing to the date of the changeover, the licensee shall:
 - i) Print out a hard copy of the entire computer recorded client record; and
 - ii) Date and initial each page of the printout.
 - 2) The licensee shall retain all hard copies as a permanent part of the client record.
- e) A licensee shall document any addenda or corrections to a client's record in a separately dated, signed, and timed note.

13:34-8.3 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 9.
ADVERTISING**

13:34-9.1 DEFINITIONS

For purposes of this subchapter, the following terms shall have indicated 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 marriage and family therapy services, treatment, or goods related thereto.

"Certified" or "certifications" means that a licensee shall have fulfilled all requirements of the agency granting certification and shall have earned a certificate upon satisfactory completion of a program directly related to marriage and family therapy.

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

"Marriage and family therapy service" means a service which a marriage and family therapist or professional association performs or lawfully authorizes a person under supervision to perform.

"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. The term shall not include serial displays.

"Range of fees" means a statement of fees containing an upper and lower limit on the fees charged for services or goods offered by a licensee.

13:34-9.2 ADVERTISING; GENERAL REQUIREMENTS

- a) A licensee shall be able to substantiate the truthfulness of any material, objective assertion, or representation set forth in an advertisement.
- b) A licensee identified in an advertisement as offering marriage and family therapy services 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 on the advertisement.

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;
 - 2) The words "Licensed Marriage and Family Therapist" or "LMFT" followed by the 12-digit license number; and
 - 3) The street address and telephone number of the practice location.
- b) For good cause, 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 which shall include the maintenance of personal or client safety.

13:34-9.4 USE OF PROFESSIONAL CREDENTIALS AND CERTIFICATIONS

- a) A marriage and family therapist 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 marriage and family therapy and shall refer only to degrees obtained from accredited academic institutions.
- 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. 13:34-9.3, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:
 - 1) The highest academic degrees earned relating to the practice of marriage and family therapy shall appear immediately after the licensee's name;

- 2) Marriage and family therapy certifications; 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 this order only: highest academic degrees earned related to the practice of marriage and family therapy; licensure or certification status; and marriage and family therapy certifications.
- f) Nothing in this section shall preclude any truthful or nondeceptive statement in regard to education or experience in a particular area of marriage and family therapy.

13:34-9.5 ADVERTISEMENTS REGARDING FEES; REQUIRED DISCLOSURES

- a) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described marriage and family therapy services.
- b) A licensee who advertises a fee or range of fees shall include the following disclosures in any such advertisement:
- 1) All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. Unless the advertisement states otherwise, the stated fees shall be presumed to include everything ordinarily required for the advertised services;
 - 2) The additional services contemplated and the fee to be charged for such services. Unless the advertisement states otherwise, the licensee shall be prohibited from charging an additional fee for the advertised service; and
 - 3) The period during which the advertised fee will remain in effect. Unless the advertisement states otherwise, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.
- c) The advertisement of a fee shall not preclude the licensee from adjusting the fee downward or waiving a fee in individual circumstances.

13:34-9.6 PROHIBITED TYPES OR METHODS OF ADVERTISING

- a) A licensee shall not guarantee that satisfaction or a cure will result from the performance of marriage and family therapy services.

- 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 therapist 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.

13:34-9.7 USE OF TESTIMONIALS

- a) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a provider relationship with the therapist or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.
- b) Prior to using the testimonial, the licensee shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.
- c) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.
- d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.
- e) A licensee shall be able to substantiate any objective, verifiable statement of fact appearing in a testimonial.
- f) Where a licensee directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent: **COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL.**

13:34-9.8 RETENTION OF ADVERTISEMENTS

- a) The 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.

- b) Documentation related to the use of testimonials shall be retained for a period of three years from the date of the last use of the testimonial. Documentation shall include:
- 1) The name, address, and telephone number of the testimonial giver;
 - 2) The type and amount or value of compensation; and
 - 3) The notarized statement and release required pursuant to N.J.A.C. 13:34-9.7(b).

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

13:34-9A.1 PURPOSE AND SCOPE

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.

13:34-9A.2 QUALIFICATIONS

- a) A licensee shall be qualified to perform custody/parenting time evaluations and/or termination of parental rights evaluations through education, training, and/or supervised experience in all of the following categories:
- 1) Child growth and development;
 - 2) Parent-child bonding;
 - 3) Scope of parenting;
 - 4) Adult development and psychopathology;
 - 5) Family functioning;
 - 6) Child and family development;
 - 7) Child and family psychopathology;

- 8) The impact of divorce or family dissolution on children; and
 - 9) The impact of age, gender, race, ethnicity, national origin, language, culture, religion, sexual orientation/identity, disability, and socioeconomic status on custody/parenting time evaluations.
- b) When the topics in (b)1 through 5 below are involved, a licensee shall have education, training, and/or supervised experience in the specific topic(s) or the licensee shall refer the case to a licensed health care provider, or obtain a consultation with an expert who has the relevant education, training, and/or experience:
- 1) Physical, sexual, or psychological abuse of spouse or children;
 - 2) Neglect of children;
 - 3) Substance abuse or other addictions that impair the ability to parent;
 - 4) Medical, physical, and/or neurological impairment that affects the ability to parent; or
 - 5) Other areas beyond the licensee's expertise that are relevant to the custody/parenting time evaluation.
- c) Applicants for licensure who hold a temporary permit pursuant to N.J.A.C. 13:34-3 or interns shall not perform any part of custody/parenting time evaluations and/or termination of parental rights evaluations.
- d) A licensee shall maintain documentation that demonstrates the licensee's education, training, or supervised experience in the topics from (a) and (b) above.
- e) A licensee shall maintain documentation of the referral or the consultation, if a licensee refers a case to a licensed health care provider, or consults with an expert, pursuant to (b) above.

13:34-9A.3 DUAL RELATIONSHIPS

- a) If a licensee is, or has been, a treating therapist for any person who is part of the custody/parenting time evaluation and/or termination of parental rights evaluation, the treating therapist shall not assume either the role of an evaluator in the custody/parenting time evaluation and/or termination of parental rights evaluation, or the role of a parenting coordinator and shall advise any party or court of this prohibition.

- b) A licensee who is a treating therapist may report on a client's mental health status and treatment issues but shall not make any recommendations regarding custody or termination of parental rights.
- c) After the evaluation process is completed, a licensee, whose initial involvement with a case has been as an evaluator, may agree to function subsequently as a treating therapist or parent coordinator, but shall be precluded from functioning as an evaluator in the case.

13:34-9A.4 COMMUNICATIONS

- a) If a licensee is court-appointed, the licensee shall communicate any information only to the court and both parties, or their attorneys, simultaneously, either in writing or through a conference call.
- b) If a licensee is selected by both parties without a court appointment, the licensee shall communicate any information only to both parties, or their attorneys, simultaneously, either in writing or through a conference call.
- c) If a licensee is selected by only one party, the licensee shall communicate any information only to that party, or the party's attorney.

13:34-9A.5 REQUIRED DISCLOSURES

- a) A licensee shall provide information, in writing, to the parties to assist them in understanding the nature of the custody/parenting time evaluation and/or termination of parental rights evaluation and the terms of their agreement to participate. This information shall include the following:
 - 1) Purpose, procedures, and methods;
 - 2) Fees;
 - 3) Responsibility of parties for payment of the fees and whether payment will be required prior to the delivery of any report;
 - 4) Limits of confidentiality, including the limitations set forth in 42 CFR Part 2, which is incorporated herein by reference;
 - 5) Special policies pertaining to issues, such as canceled and/or missed appointments; and

6) Limitation on communications as set forth in N.J.A.C. 13:34-9A.4.

- b) A licensee shall inform the parties about the purpose of any assessment instruments, interview techniques, and the use of any information collected. The licensee shall provide this information, as appropriate, to children, to the extent that they are able to understand.

13:34-9A.6 FEES

- a) Before commencing the custody/parenting time evaluation and/or termination of parental rights evaluation, a licensee shall inform the party or parties responsible for paying the fees, in writing, of the estimated fees for all anticipated services and any additional fees, should the licensee be required, requested, or mandated to perform additional services.

- b) A licensee shall provide the party or parties responsible for paying the fees with complete documentation of all fees, itemizing time, charges, and services.

- c) A licensee may accept payment of fees by retainer or by a pre-arranged fee schedule.

1) If a partial retainer is accepted, a licensee shall inform the court, attorneys, and/or parties of the schedule for payment of the remainder and of any contingent relationship between complete payment and final delivery of services. A licensee shall inform the court, attorneys, and/or parties that payment in excess of the reasonable estimate is expected if delivery of services unforeseeably exceeds that anticipated. A licensee shall inform the court, attorneys, and/or parties that unused fees will be refunded as soon as possible upon completion of the professional services.

2) If payment by a fee schedule is accepted, a licensee shall provide a complete explanation of the expected per-visit payment or other scheduled costs.

- (d) A licensee may require payment for a report prior to its delivery provided that prior notification has been given to the parties under (a) above.

13:34-9A.7 REPORTS AND RECOMMENDATIONS

- a) A licensee's written report shall identify the party or parties on whose behalf the evaluation was prepared and list all individual(s) personally evaluated.

- b) A licensee shall complete written reports in a timely manner. Delays of more than two months from when all data has been collected relevant to the custody/parenting time evaluation and/or termination of parental rights evaluation are considered excessive. In the event of extenuating circumstances, such as an inability to collect final documents from

collateral contacts, the licensee shall provide the reasons for the delay, in writing, to the party to whom the report is due in accordance with (d), (e), and (f) below.

- c) A licensee shall not provide any opinion regarding any individual who has not been personally evaluated by the licensee. A licensee may report what an evaluated individual has stated or address theoretical issues or hypothetical questions, provided the limited basis of the information is explained.
- d) A licensee that is court-appointed shall submit the report only to the court and to both parties, or their attorneys, unless otherwise specified in a court order.
- e) A licensee selected by both parties shall submit the report only to both parties, or their attorneys, unless otherwise specified in a consent order.
- f) A licensee selected by only one party shall submit the report only to that party, or that party's attorney, unless the party notifies the licensee in writing that the party does not want to receive the report.