
NEW JERSEY ADMINISTRATIVE CODE

TITLE 13

LAW AND PUBLIC SAFETY

CHAPTER 34

BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS

SUBCHAPTERS 10-31

PROFESSIONAL COUNSELOR EXAMINERS
COMMITTEE

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 10. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE	6
13:34-10.1 Purpose and scope.....	6
13:34-10.2 Definitions.....	6
13:34-10.3 Scope of practice; professional counselor and associate counselor	9
SUBCHAPTER 11. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS.....	10
13:34-11.1 (Reserved).....	10
13:34-11.2 Professional counselor: application and educational requirements.....	10
13:34-11.3 Professional counselor: experience requirements.....	12
13:34-11.4 Professional counselor: examination requirements	13
13:34-11.5 Associate counselor: application and educational requirements	13
13:34-11.6 Associate counselor: examination requirements.....	16
13:34-11.7 Payment of licensing fee; abandonment of application.....	16
13:34-11.8 Professional counselor: credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces.....	17
13:34-11.9 Associate counselor: credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces.....	18
SUBCHAPTER 12. PROFESSIONAL COUNSELORS: LICENSURE BY ENDORSEMENT	19
13:34-12.1 Licensure by endorsement	19
SUBCHAPTER 13. ASSOCIATE COUNSELORS: SUPERVISION	21
13:34-13.1 Supervisor qualifications; supervisor responsibilities	21
13:34-13.2 Responsibilities of licensed associate counselors	24
13:34-13.3 Supervised professional counseling experience acquired prior to application.....	24
13:34-13.4 (Reserved).....	25
SUBCHAPTER 14. PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS	25
13:34-14.1 Specialty designations	25
13:34-14.2 (Reserved).....	25
SUBCHAPTER 15. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CONTINUING EDUCATION.....	25
13:34-15.1 License renewal and continuing education requirement.....	25
13:34-15.2 Contact-hour requirements for licensed professional counselors.....	26

13:34-15.3 (Reserved).....	27
13:34-15.4 Approval of courses or programs	27
13:34-15.5 Continuing education credits and contact-hour calculation	29
13:34-15.6 Documentation of continuing education credit	30
13:34-15.7 Waiver of continuing education requirements	31
SUBCHAPTER 16. (RESERVED)	31
SUBCHAPTER 17. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: FEES	31
13:34-17.1 Fees.....	31
SUBCHAPTER 18. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY	32
13:34-18.1 Preparation and maintenance of client records.....	32
13:34-18.2 Use of personal or other computer to prepare client records.....	34
13:34-18.3 Access to copy of client record.....	35
13:34-18.4 Access by a managed health care plan to information in client record	36
13:34-18.5 Confidentiality	36
13:34-18.6 Minors.....	38
13:34-18.7 Transfer or disposal of records.....	38
SUBCHAPTER 19. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE	39
13:34-19.1 Posting of practice authorization and notification of availability of fee information	39
13:34-19.2 Notification of change of address or name; service of process; duty to notify	39
13:34-19.3 Sexual misconduct	40
13:34-19.4 Real estate arrangements	42
13:34-19.5 License renewal	42
13:34-19.6 License reactivation.....	43
13:34-19.7 License reinstatement	45
SUBCHAPTER 20. REHABILITATION COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE	47
13:34-20.1 Purpose and scope.....	47
13:34-20.2 Definitions.....	47
13:34-20.3 Scope of practice; rehabilitation counselor.....	50
SUBCHAPTER 21. REHABILITATION COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS. 50	
13:34-21.1 (Reserved).....	50
13:34-21.2 Rehabilitation counselor: application and educational requirements	50
13:34-21.3 Rehabilitation counselor: experience requirements.....	53

13:34-21.4 Rehabilitation counselor: examination requirements.....	53
13:34-21.5 Payment of licensing fee; abandonment of application.....	54
13:34-21.6 Rehabilitation counselor: credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces.....	54
SUBCHAPTER 22. (RESERVED)	55
SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION	56
13:34-23.1 Supervisor qualifications; supervisor responsibilities	56
13:34-23.2 Responsibilities of supervisee.....	58
13:34-23.3 Supervised rehabilitation counseling experience acquired prior to application.....	59
13:34-23.4 (Reserved).....	59
SUBCHAPTER 24. REHABILITATION COUNSELORS: CONTINUING EDUCATION	59
13:34-24.1 License renewal and continuing education requirement.....	59
13:34-24.2 Contact-hour requirements for licensed rehabilitation counselors.....	60
13:34-24.3 Approval of courses or programs	61
13:34-24.4 Continuing education credits and contact-hour calculation	62
13:34-24.5 Documentation of continuing education credit	63
13:34-24.6 Waiver of continuing education requirements	64
SUBCHAPTER 25. (RESERVED)	64
SUBCHAPTER 26. REHABILITATION COUNSELORS: FEES.....	64
13:34-26.1 Fees.....	64
SUBCHAPTER 27. REHABILITATION COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY.....	65
13:34-27.1 Preparation and maintenance of client records.....	65
13:34-27.2 Use of personal or other computer to prepare client records.....	67
13:34-27.3 Access to copy of client record.....	68
13:34-27.4 Access by a managed health care plan to information in client record	69
13:34-27.5 Confidentiality	69
13:34-27.6 Minors.....	71
13:34-27.7 Transfer or disposal of records.....	71
SUBCHAPTER 28. REHABILITATION COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE ...	72
13:34-28.1 Posting of practice authorization and notification of availability of fee information	72
13:34-28.2 Notification of change of address or name; service of process; duty to notify	72
13:34-28.3 Sexual misconduct.....	73
13:34-28.4 Real estate arrangements	75
13:34-28.5 License renewal	75

13:34-28.6 License reactivation	76
13:34-28.7 License reinstatement	78

SUBCHAPTER 29. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND REHABILITATION COUNSELORS: ADVERTISING 80

13:34-29.1 Definitions.....	80
13:34-29.2 Advertising; general requirements.....	80
13:34-29.3 Minimum content.....	81
13:34-29.4 Use of professional credentials and certifications	81
13:34-29.5 Prohibited types or methods of advertising.....	82
13:34-29.6 Retention of advertisements.....	82

SUBCHAPTER 30. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND REHABILITATION COUNSELORS: BUSINESS PRACTICES; PROFESSIONAL CONDUCT 83

13:34-30.1 Financial arrangements with clients.....	83
13:34-30.2 Clients served by others	83
13:34-30.3 Multiple clients	84
13:34-30.4 Conflicts of interest; dual relationships.....	84
13:34-30.5 Termination of services	84
13:34-30.6 Prohibition on solicitation; unethical referrals and kickbacks	85

SUBCHAPTER 31. PROFESSIONAL COUNSELORS: CUSTODY/PARENTING TIME EVALUATIONS AND/OR TERMINATION OF PARENTAL RIGHTS EVALUATIONS..... 85

13:34-31.1 Purpose and scope.....	85
13:34-31.2 Definitions.....	85
13:34-31.3 Qualifications	86
13:34-31.4 Dual relationships	87
13:34-31.5 Communications	88
13:34-31.6 Required disclosures.....	88
13:34-31.7 Fees.....	89
13:34-31.8 Reports and recommendations	89
13:34-32.1 Purpose and scope.....	90
13:34-32.2 Definitions.....	91
13:34-32.3 Standard of care	92
13:34-32.4 Licensee-client relationship	93
13:34-32.5 Provision of professional counseling or rehabilitation counseling, as applicable, through telemedicine or telehealth.....	94
13:34-32.6 Records	95
13:34-32.7 Prevention of fraud and abuse	95
13:34-32.8 Privacy and notice to clients.....	96

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

13:34-10.1 PURPOSE AND SCOPE

- a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of counseling, as defined in N.J.A.C. 13:34-10.2, within the State of New Jersey.
- b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render counseling services, as defined in N.J.A.C. 13:34-10.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.
- c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to N.J.S.A. 45:8B-48, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as a professional or associate counselor.

13:34-10.2 DEFINITIONS

The following words and terms, as used in N.J.A.C. 13:34-10 through 19, shall have the following meanings, unless the context clearly indicates otherwise.

"Counseling" means the application of mental health and human development principles in order to:

- 1) Facilitate human development and adjustment throughout the lifespan;
- 2) Clinically assess and evaluate, using currently accepted diagnostic classifications including, but not limited to, the DSM-IV, 4th ed., c1994, and future editions of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM), incorporated by reference as amended and supplemented, (obtainable from the American Psychiatric Publishing, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901), mental, emotional, behavioral and associated distresses which interfere with mental health and development;

- 3) Conduct assessments and evaluations, within the scope of practice, for the purpose of establishing goals and objectives; and
- 4) Plan, implement and evaluate counseling interventions.

"Counseling interventions" means services specifically implemented in the context of a professional counseling relationship. Counseling interventions include, but are not limited to, developmental, preventive, facilitative and crisis intervention.

"Counseling procedures" means methods and techniques that may be performed only by a licensed professional counselor or a licensed associate counselor under supervision pursuant to the provisions of N.J.A.C. 13:34-13. Counseling procedures include, but are not limited to, the following:

1. Appraisal and assessment, defined as:
 - i. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, personal characteristics, disabilities and mental, emotional and behavioral disorders; and
 - ii. Using methods and techniques for understanding human behavior in relation to coping with, adapting to or changing life situations;
2. Counseling, defined as assisting an individual or group through the counseling relationship to develop an understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting the client's needs, interests, and abilities, and to use informational and community resources as these methods are related to career development and adjustment and to mental, emotional, social, educational and existential issues;
3. Consulting, defined as applying scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the client(s) may have in relation to an individual, a group or an organization;
4. Referral, defined as evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client of such judgment and communicating as requested or deemed appropriate to such referral sources; and
5. Research, defined as the conduct of qualitative or quantitative investigations into the nature of human and organizational behavior.

"Direct supervision" means the ongoing process of supervision by a qualified supervisor who is immediately available to assist the licensed associate counselor.

"Group supervision" means the ongoing process of supervising no more than six mental health counselors at one time in a group setting by a qualified supervisor.

"Independent practice of counseling" means providing counseling services in a private-for-profit setting by a licensed professional counselor or a licensed associate counselor, working under the direct supervision of a qualified supervisor consistent with the requirements of N.J.A.C. 13:34-10.3.

"One calendar year" means a maximum of 1,500 hours of supervised counseling experience over a period of 52 weeks, which is considered full-time or no less than 750 hours of supervised counseling experience in each of two 52-week periods for a total of 1,500 hours of supervised counseling experience, which is considered part-time. No more than 30 hours of supervised counseling experience shall be obtained in any one week. No more than 125 hours of supervised counseling experience shall be earned in any one month.

"Professional counseling experience" means the rendering of professional counseling services while under the direct supervision of a qualified supervisor.

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

"Qualified supervisor" means an individual who holds a clinical license to engage in the practice of professional counseling, marriage and family therapy, psychology, psychiatry, or social work for a minimum of three years in the state where the services are being provided, and who has:

1. A clinical supervisor's certificate from the National Board for Certified Counselors Center for Credentialing and Education;

2. An equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board; or
3. Completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.

A "qualified supervisor" shall satisfy all requirements set forth in N.J.A.C. 13:34-13.1.

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

13:34-10.3 SCOPE OF PRACTICE; PROFESSIONAL COUNSELOR AND ASSOCIATE COUNSELOR

- a) The scope of practice of a licensed professional counselor includes, but is not limited to, counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities, as defined in N.J.A.C. 13:34-10.2.
- b) The scope of practice of a licensed associate counselor includes, but is not limited to, counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities, as defined in N.J.A.C. 13:34-10.2, under direct supervision pursuant to the provisions of N.J.A.C. 13:34-13. A licensed associate counselor may only engage in the independent practice of counseling under the direct supervision of a qualified supervisor, consistent with the requirements of this section.
- c) An independent practice shall be owned and operated by a licensed professional counselor or a licensed healthcare professional that holds a clinical license to provide mental health counseling services.

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

13:34-11.1 (RESERVED)

13:34-11.2 PROFESSIONAL COUNSELOR: APPLICATION AND EDUCATIONAL REQUIREMENTS

- a) An applicant for licensure as a professional counselor shall submit the following to the Committee:
- 1) A completed application form, which contains information concerning the applicant's educational and experiential background;
 - 2) The application fee set forth in N.J.A.C. 13:34-17.1;
 - 3) An official transcript(s) clearly indicating that the applicant has completed a minimum of 60 graduate semester hours and has obtained a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling from a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate that:
 - i) The degree awarded is a master's degree or doctorate in counseling. The institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling; and
 - ii) The applicant has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours shall be distributed in at least eight of the following areas:
 - (1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;
 - (2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development and facilitation or client change;

- (3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;
 - (4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;
 - (5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;
 - (6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;
 - (7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
 - (8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and
 - (9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, and professional credentialing; and
- 4) A Certification and Authorization Form for a Criminal History Background Check.

- b) An applicant shall be required to submit documentation that the coursework he or she has completed meets the education requirements set forth in (a) above, if the official transcript has not been issued by an educational institution, which at the time of the applicant's graduation:
- 1) Was accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or its successor; or
 - 2) Had obtained approval from the Committee, after its review of documentation, including course descriptions and syllabi, demonstrating that the curriculum meets the requirements set forth in (a) above.
- c) The master's or doctoral degrees required by (a)3 above shall be from programs that:
- 1) Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or
 - 2) Award a bachelor's degree in conjunction with the master's or doctoral degree.

13:34-11.3 PROFESSIONAL COUNSELOR: EXPERIENCE REQUIREMENTS

- a) In addition to the requirements listed in N.J.A.C. 13:34-11.2, an applicant for licensure as a professional counselor shall submit to the Committee documentation indicating that the applicant has met the supervised professional counseling experience requirements for licensure as set forth below:
- 1) Three calendar years of supervised professional counseling experience in a professional counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Two calendar years of supervised professional counseling experience shall have been obtained following licensure as an associate counselor. Hours of supervised professional counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the 45 hours distributed in the eight areas of the educational requirements for licensure as set forth in N.J.A.C. 13:34-11.2; or
 - 2) Two calendar years of supervised professional counseling experience as a licensed associate counselor in a professional counseling setting, provided that the applicant has earned, subsequent to completing the 60 graduate semester hours to include a master's degree, an additional 30 graduate semester hours clearly related to counseling as contained in N.J.A.C. 13:34-11.2(a)3ii(1) through (9). Hours of supervised professional

counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised professional counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the 45 hours distributed in the eight areas of the educational requirements for licensure as set forth in N.J.A.C. 13:34-11.2. No more than one calendar year of supervised professional counseling experience may be obtained prior to the completion of the 60 graduate semester hours.

- b) An applicant for licensure may take up to a maximum of six years to satisfy the supervised professional counseling experience requirement within the definitions stated in N.J.A.C. 13:34-10.2. Professional counseling experience submitted to the Committee that occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above, including supervision by a qualified supervisor.
- 1) An applicant for licensure as a professional counselor who is a licensed associate counselor has six years from the date he or she was licensed as an associate counselor to satisfy the supervised professional counseling experience requirement.
 - 2) An applicant for licensure as a professional counselor who, prior to October 5, 2011, completed the educational requirements set forth in N.J.A.C. 13:34-11.2 and began obtaining the supervised professional counseling experience set forth in this section has six years from the date his or her degree was conferred to satisfy the supervised professional counseling experience requirement.

13:34-11.4 PROFESSIONAL COUNSELOR: EXAMINATION REQUIREMENTS

- a) An applicant for licensure as a professional counselor shall submit to the Committee, in addition to the requirements stated in N.J.A.C. 13:34-11.2 and 11.3, proof that the applicant has successfully passed the National Counselor Examination (NCE) or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor.
- b) The applicant shall only be admitted to the NCE upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework, unless the NCE is taken as part of the applicant's graduate degree program or in another state pursuant to that state's examination requirements.

13:34-11.5 ASSOCIATE COUNSELOR: APPLICATION AND EDUCATIONAL REQUIREMENTS

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

- 1) A completed application form which contains information concerning the applicant's educational and experiential background;
- 2) The application fee set forth in N.J.A.C. 13:34-17.1;
- 3) An official transcript(s) clearly indicating that the applicant has completed a minimum of 60 graduate semester hours and has obtained a master's degree or doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling from a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate that:
 - i) The degree awarded is a master's degree or doctorate in counseling. The institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling; and
 - ii) The applicant has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours are distributed in at least eight of the following areas:
 - (1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;
 - (2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development and facilitation or client change;
 - (3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;
 - (4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;
 - (5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group

counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;

- (6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;
 - (7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
 - (8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and
 - (9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing; and
- 4) A Certification and Authorization Form for a Criminal History Background Check.
- b) An applicant shall be required to submit documentation that the coursework he or she has completed meets the education requirements set forth in (a) above, if the official transcript has not been issued by an educational institution, which at the time of the applicant's graduation:
- 1) Was accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or its successor; or
 - 2) Had obtained approval from the Committee, after its review of documentation, including course descriptions and syllabi, demonstrating that the curriculum meets the requirements set forth in (a) above.

- c) The master's or doctoral degrees required by (a)3 above shall be from programs that:
 - 1) Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or
 - 2) Award a bachelor's degree in conjunction with the master's or doctoral degree.

13:34-11.6 ASSOCIATE COUNSELOR: EXAMINATION REQUIREMENTS

- a) In addition to the requirements listed in N.J.A.C. 13:34-11.5, an applicant for licensure as an associate counselor shall submit proof to the Committee that the applicant has successfully passed the National Counselor Examination (NCE), or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor.
- b) The applicant shall only be admitted to the NCE upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework, unless the NCE is taken as part of the applicant's graduate degree program or in another state pursuant to that state's examination requirements.

13:34-11.7 PAYMENT OF LICENSING FEE; ABANDONMENT OF APPLICATION

- a) An applicant for licensure shall submit the licensing fee set forth in N.J.A.C. 13:34-17.1 upon receipt of notification from the Committee that his or her application for licensure has been approved.
- b) 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 Committee;
 - 2) The applicant fails to sit for or pass the National Counselor Examination, or its successor, within 12 months or any 12-month period thereafter upon written notification of eligibility to take the examination; or
 - 3) The applicant fails to submit the licensing fee within six months following the date of notification from the Committee that his or her application for licensure has been approved.
- c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application and shall comply with all application requirements in this subchapter.

13:34-11.8 PROFESSIONAL COUNSELOR: 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. 13:34-11.2 and 11.3 may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee 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 as a professional counselor to the applicant, if the applicant presents evidence to the Committee that:
 - 1) The applicant has been honorably discharged from active military service;

 - 2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:34-11.2 and 11.3.
 - i) An applicant seeking credit for military training and experience shall submit to the Committee 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 or a doctorate in counseling as described in N.J.A.C. 13:34-11.2, shall submit to the Committee a Joint Services Transcript of his or her education for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to a master's degree or doctorate in counseling as described and required for licensure under N.J.A.C. 13:34-11.2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those courses relevant to the practice of counseling that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

 - iii) The applicant complies with all other requirements for licensure as a professional counselor, including successful completion of the National Counselor Examination (NCE) or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor, as set forth in N.J.A.C. 13:34-11.4.

- 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 as a professional counselor, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-11.2 and 11.3 for the issuance of the license as a professional counselor.
- e) Satisfactory evidence of such education, training, and experience shall be assessed on a case-by-case basis.

13:34-11.9 ASSOCIATE COUNSELOR: 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. 13:34-11.5 may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee 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 as an associate counselor to the applicant, if the applicant presents evidence to the Committee 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 and outside of the Armed Forces, is substantially equivalent in scope and character to the training, education, and experience required for licensure under N.J.A.C. 13:34-11.5.
 - i) An applicant seeking credit for military training and experience shall submit to the Committee 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 or a doctorate in counseling as described in N.J.A.C. 13:34-11.5, shall submit to the Committee 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 a master's degree or a doctorate in counseling, as described and required for licensure under N.J.A.C. 13:34-11.5. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those courses relevant to the practice of counseling that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and
- 3) The applicant complies with all other requirements for licensure as an associate counselor, including successful completion of the National Counselor Examination (NCE) or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor, as set forth in N.J.A.C. 13:34-11.6.
- 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 Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-11.5 for the issuance of the license as an associate counselor.
 - e) Satisfactory evidence of such education, training or service shall be assessed on a case-by-case basis.

SUBCHAPTER 12.

PROFESSIONAL COUNSELORS: LICENSURE BY ENDORSEMENT

13:34-12.1 LICENSURE BY ENDORSEMENT

- a) Applicants licensed to practice professional counseling by a professional counseling licensing board in the United States may apply to the Committee for a license by endorsement as a licensed professional counselor. Applicants shall have been engaged in active licensed practice for a period of three years immediately preceding the date of application and shall satisfy the requirements of this section.
- b) Applicants for licensure by endorsement shall register with the National Credentials Registry or its successor, approved by the American Association of State Counseling Boards (AASCB).
- c) An applicant for licensure by endorsement shall hold a master's degree or doctorate in counseling from a counseling program accredited by the Council for the Accreditation of

Counseling and Related Educational Programs (CACREP). The institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The degree shall consist of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction.

- d) If an applicant for licensure by endorsement has a master's degree or doctorate in counseling from a regionally accredited program related to the practice of counseling that is not accredited by CACREP, the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The applicant shall establish that the coursework and practicum, internship, and and/or fieldwork for the program consists of at least 60 semester hours or 80 quarter hours, and is consistent with the following minimum requirements:
- 1) Thirty-three semester hours or 44 quarter hours of graduate coursework, which shall include a minimum of three semester hours or four quarter hours of graduate-level coursework in each of the following nine content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; and counseling in community settings. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement; and
 - 2) Three semester hours or four quarter hours of graduate-level coursework in legal, ethical, and professional standards in the practice of mental health counseling, which includes goals, objectives, and practices of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity and professional obligations of mental health counselors. Courses in research, thesis or dissertation work, practicums, internships or fieldwork may not be applied toward this requirement.
- e) The master's or doctoral degrees required by (c) above shall be from programs that:
- 1) Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or
 - 2) Award a bachelor's degree in conjunction with the master's or doctoral degree.
- f) An applicant for licensure by endorsement shall have 4,500 hours of work experience obtained over a period of time between three and six years.

- g) An applicant for licensure by endorsement shall have passed either the National Counselor Examination (NCE) or the Clinical Mental Health Counseling Examination (CMHCE).

**SUBCHAPTER 13.
ASSOCIATE COUNSELORS: SUPERVISION**

13:34-13.1 SUPERVISOR QUALIFICATIONS; SUPERVISOR RESPONSIBILITIES

- a) A qualified supervisor, as defined in N.J.A.C. 13:34-10.2, shall meet the following requirements prior to supervising the provision of professional counseling services:
- 1) The individual shall have obtained 4,500 hours of work experience subsequent to holding a clinical license to provide mental health counseling services. The 4,500 hours shall have been obtained over a minimum of three years, but no more than six years; and
 - 2) The individual shall hold an approved clinical supervisor credential from the Center for Credentialing and Education of the National Board for Certified Counselors (NBCC) or an equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board, if applicable, or shall have completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.
- b) Notwithstanding (a) above, or the definition of "qualified supervisor," an individual who, as of April 5, 2021, was deemed a qualified supervisor by the Committee shall continue to be allowed to supervise the provision of professional counseling services in accordance with this chapter.
- c) A qualified supervisor shall be responsible for creating a written supervision plan with the licensed associate counselor. The supervision plan shall outline the work setting, the licensed associate counselor's job description, including the nature of his or her duties and his or her qualifications and the supervisor's responsibilities and qualifications. Supervision may be provided through live observation or through the review of videotapes, audiotapes and/or self-reporting of sessions with clients, consistent with the requirements of (d) below.
- d) The written supervision plan shall be approved by the Committee prior to the performance of counseling by the licensed associate counselor.
- e) A qualified supervisor shall perform and document the following activities with the licensed associate counselor:

- 1) The supervisor shall perform at least one of the following activities with the licensed associate counselor:
 - i) Work as a co-counselor with the licensed associate counselor;
 - ii) Observe the licensed associate counselor's sessions with clients;
 - iii) View videotapes of the licensed associate counselor's session with clients; or
 - iv) Listen to audiotapes of the licensed associate counselor's session with clients;
- 2) The supervisor shall perform at least one of the following activities with the licensed associate counselor:
 - i) React to case presentations given by the licensed associate counselor; or
 - ii) Conduct role-playing sessions with the licensed associate counselor; and
- 3) The supervisor shall perform all of the following activities:
 - i) Engage in problem-solving discussions with the licensed associate counselor concerning individual clients;
 - ii) Enter into problem-solving discussions concerning the licensed associate counselor's own problems that affect the licensed associate counselor's work with clients;
 - iii) Offer feedback to the licensed associate counselor concerning specific interventions utilized with clients;
 - iv) Offer feedback to the licensed associate counselor concerning the licensed associate counselor's personal qualities as they affect work with clients; and
 - v) Offer feedback to the licensed associate counselor concerning the supervision experience.
- f) A qualified supervisor shall maintain all documentation with respect to the supervision provided to licensed associate counselors for a minimum of three years. A qualified supervisor shall attest to compliance with the supervision requirements of this section by completing all forms provided by the Committee.

- g) A qualified supervisor shall not supervise more than a total of six mental health counselors at any one time. For purposes of this subsection, mental health professionals shall not include those mental health professionals who are licensed to engage in independent practice.
- h) Prior to a licensed associate counselor's commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by an associate counselor under the supervision of a professional counselor or a qualified supervisor as defined in N.J.A.C. 13:34-10.2. If the written disclosure is included as part of another document provided for the client's information, the disclosure shall be set forth in a conspicuous manner, so that it shall be easily readable, clearly understood, signed by the client and retained as part of the client record.
- i) A qualified supervisor shall retain full professional responsibility for collecting fees from clients.
- j) A qualified supervisor shall be responsible for knowing the name and either the diagnosis or the nature of the problem of each client being treated by the licensed associate counselor. A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the licensed associate counselor.
- k) A qualified supervisor shall ensure that the licensed associate counselor maintains, on an annual basis until the licensed associate counselor is licensed as a professional counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in this section and shall indicate the hours and dates during which the licensed associate counselor has been under supervision, the nature of the cases assigned and the proficiency rating earned by the licensed associate counselor.
- l) A qualified supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.
- m) A qualified supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, current employers, relatives of the supervisor, immediate relatives of current clients, current students or close friends.

13:34-13.2 RESPONSIBILITIES OF LICENSED ASSOCIATE COUNSELORS

- a) The licensed associate counselor shall maintain documentation of supervised experience for each 52 week period of supervised experience until the licensed associate counselor is licensed as a professional counselor.
- b) A licensed associate counselor shall not engage in practice under supervision in any area for which the licensed associate counselor has not had appropriate education and training.
- c) A licensed associate counselor shall not engage in unsupervised or independent practice.
- d) A licensed associate counselor shall not receive a professional fee from a client. A licensed associate counselor may be compensated only through the supervisor or employing entity.
 - 1) Nothing in this subsection shall be construed to prohibit a licensed associate counselor from receiving from a client, on behalf of the supervisor or employing entity, fees for professional services.
- e) A licensed associate counselor who advertises professional services, shall comply with N.J.A.C. 13:34-29 and include the name(s) of his or her supervisor(s). A licensed associate counselor shall not advertise that he or she engages in independent practice.

13:34-13.3 SUPERVISED PROFESSIONAL COUNSELING EXPERIENCE ACQUIRED PRIOR TO APPLICATION

- a) An applicant may be granted up to one calendar year of supervised professional counseling experience credit towards fulfillment of the supervised professional counseling experience requirements for licensure as a professional counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.
- b) An applicant may be granted supervised professional counseling experience credit towards the fulfillment of experience requirements for licensure as a professional counselor if the supervised experience occurred after the granting of the master's degree and after the applicant was licensed as an associate counselor and the experience was supervised by a qualified supervisor as defined in N.J.A.C. 13:34-10.2.
- c) An applicant may be granted credit towards the fulfillment of the supervised professional counseling experience requirement for licensure as a professional counselor if the experience hours occur as part of a planned post-master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a professional counselor.

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

13:34-13.4 (RESERVED)

**SUBCHAPTER 14.
PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS**

13:34-14.1 SPECIALTY DESIGNATIONS

- a) A licensed professional counselor may utilize a professional specialty designation provided that the licensee holds a current NBCC specialty certification.
- b) A qualified professional counselor who holds and maintains a current NBCC specialty certification may claim or advertise that specialty by using only the specific specialty designation assigned to the specialty by the NBCC.
- c) A professional counselor shall post the NBCC certificate in a conspicuous place in a waiting room or other area where it will be visible to the professional counselor's clients.

13:34-14.2 (RESERVED)

**SUBCHAPTER 15.
PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS:
CONTINUING EDUCATION**

13:34-15.1 LICENSE RENEWAL AND CONTINUING EDUCATION REQUIREMENT

- a) All licensed professional counselors shall complete 40 contact hours of continuing education for license renewal (effective the biennial renewal period commencing on December 1, 2020). The licensed professional counselor shall confirm on the renewal application that the licensee has completed all continuing education requirements pursuant to N.J.A.C. 13:34-15.2 and this section during the biennial period preceding application for renewal.
- b) An associate counselor licensed for two or more biennial renewal periods, shall complete 40 contact hours of continuing education for all subsequent renewals of his or her license, consistent with the requirements of this subchapter.

13:34-15.2 CONTACT-HOUR REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS

- a) A licensed professional counselor shall complete at least five of the 40 contact hours required by N.J.A.C. 13:34-15.1 in ethical and legal standards in the counseling profession regardless of the number of contact hours accrued during the biennial period.

- b) A licensee shall complete at least three of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-15.1 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) Counselors' 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.

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

- d) The continuing education contact hours required by the NBCC to maintain the specialty certification, referred to in N.J.A.C. 13:34-14.1, may be used to satisfy the Committee's continuing education requirements for the licensed professional counselor set forth in this subchapter.
- e) If the licensed professional counselor earns more than 40 contact hours during a biennial period, the professional counselor may carry a maximum of 10 contact hours into the next succeeding biennial period.

13:34-15.3 (RESERVED)

13:34-15.4 APPROVAL OF COURSES OR PROGRAMS

- a) The following are acceptable sources of continuing education courses, programs and articles, as long as the courses, programs or articles fall within the content areas set forth in (c) or (d) below or are directly related to professional counseling:
 - 1) Courses and programs approved by the National Board for Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the Commission on Rehabilitation Counselors Certification; the American Ortho-psychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; the United States Psychiatric Rehabilitation Association; and the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.;
 - 2) Teaching or completing graduate coursework at a regionally accredited institution of higher education;
 - 3) Authoring a refereed article published in a professional journal within the preceding biennial period; and
 - 4) Presentation of a course or program approved by one of the organizations listed at N.J.A.C. 13:34-15.4(a)1.
- b) Prior to seeking approval of continuing education credit from the Committee for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the professional counselor shall first apply to and obtain approval from one of the listed organizations.
- c) The following are acceptable content areas for continuing education:

- 1) Counseling theory and practice which provide basic theories, principles and techniques of counseling and their application to professional counseling settings;
- 2) The helping relationship, which provides broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development and facilitation or client change;
- 3) Human growth and development and maladaptive behavior which provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, lifespan theory, and learning theory within cultural contexts;
- 4) Lifestyle and career development which provides a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;
- 5) Group dynamics, processes, counseling and consulting which provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;
- 6) Appraisal of individuals which provides a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities, interests, and identify career options;
- 7) Social and cultural foundations which provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
- 8) Research and evaluation which provide a broad understanding of types of research, basic statistics, research and report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and

- 9) The counseling profession which provides a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.
- 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 Committee. A course or program in the subject area approved by the Board of Marriage and Family Therapy Examiners, the Board of Social Work Examiners, or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Committee.

13:34-15.5 CONTINUING EDUCATION CREDITS AND CONTACT-HOUR CALCULATION

- a) The Committee shall grant credit only for continuing education courses and programs that are at least one contact hour long and are directly related to professional counseling practice. For purposes of this subchapter, a "contact hour" means a 60-minute clock hour with no less than 50 minutes of content within the hour. Courses and programs may include one 10-minute break for each contact hour.
- b) A professional counselor shall complete and be able to verify the completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-15.4 in order to receive continuing education credit. The Committee shall grant a professional counselor continuing education credit for each biennial renewal period as follows:
 - 1) Completing graduate coursework at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded beyond the required educational standards which the professional counselor must complete for licensure as set forth in N.J.A.C. 13:34-11.3;
 - 2) Teaching graduate courses offered at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded for each new course which a professional counselor teaches. For the purposes of this subsection, "new" means a course that the professional counselor has not taught previously in any educational setting;
 - 3) A refereed article published in a professional journal within the preceding biennial period: four continuing education contact hours per article with a maximum of eight contact hours per biennial period; and

- 4) Course or program presentation: one and one-half continuing education contact hours for each hour of a new offering up to a maximum of nine continuing education contact hours. For the purposes of this subsection, "new" means a course or program that the professional counselor has not previously presented.

13:34-15.6 DOCUMENTATION OF CONTINUING EDUCATION CREDIT

- a) A professional counselor shall retain documentation of the continuing education hours which the professional counselor completes in order to verify program attendance or activity completion. Each professional counselor shall submit such documentation to the Committee upon its request. The Committee may periodically audit the records of professional counselors, on a random basis, to determine compliance with continuing education requirements of this subchapter.
- b) A professional counselor shall verify attendance at continuing education courses or programs by a certificate of attendance or by a 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 professional counselor shall verify continuing education activities by retaining the following:
 - 1) For publications, a copy of the published article;
 - 2) For course or 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. 13:34-15.5(b)2; and
 - 4) For graduate coursework, an official transcript.
- d) A professional counselor shall maintain verification documentation for five years following the renewal period for which the Committee has granted the professional counselor continuing education credit.
- e) Falsification of any information submitted with the renewal application or failure to meet the continuing education requirements may result in the Committee taking appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21.

- f) The Committee may reject any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of professional counseling in the State of New Jersey.

13:34-15.7 WAIVER OF CONTINUING EDUCATION REQUIREMENTS

- a) The Committee 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 professional counselor.
- b) A professional counselor who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional documentation as the Committee may request in support of the waiver.

**SUBCHAPTER 16.
(RESERVED)**

**SUBCHAPTER 17.
PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: FEES**

13:34-17.1 FEES

- a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of professional counselors and associate counselors:
 - 1) Application fee \$75.00
 - 2) Initial license fee:
 - i) Professional counselor:
 - (1) During the first year of a biennial renewal period..... \$250.00
 - (2) During the second year of a biennial renewal period \$125.00
 - ii) Associate counselor:
 - (1) During the first year of a biennial renewal period..... \$180.00

- (2) During the second year of a biennial renewal period \$ 90.00
- 3) Biennial renewal:
- i) Professional counselor \$250.00
- ii) Associate counselor \$180.00
- 4) Late fee \$100.00
- 5) Reinstatement Fee \$150.00
- 6) Duplicate wall certificate \$40.00
- 7) Change of address \$25.00
- 8) Certification of licensure \$40.00

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

13:34-18.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS

- a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.
- b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.
- c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, which shall include:
- 1) The client name, address and telephone number;
 - 2) The client complaint on intake;

- 3) Medical history recognized as of potential significance;
- 4) Past and current medications;
- 5) Significant social history;
- 6) Findings on appropriate examination;
- 7) Raw data and interpretation of tests, if administered;
- 8) Current functional impairments and rating levels thereof;
- 9) A diagnostic impression;
- 10) Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
- 11) Dates of all treatment, evaluation or consultation sessions;
- 12) The location of treatment, evaluation or consultation;
- 13) An evaluation of progress (if applicable);
- 14) A prognosis;
- 15) The client identity on each page;
- 16) Fees charged and paid;
- 17) The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);
- 18) If services are rendered by an associate counselor, the written disclosure form signed by the client; and
- 19) Information regarding referrals to other professionals.

- d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-13.2(b) and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.
- e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.
- f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.
- g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.
- h) The licensee shall establish reasonable procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement, termination from practice, death, or separation from a group practice, and shall establish reasonable procedures to assure the preservation of client records which shall include at a minimum:
 - 1) Establishment of a procedure by which patients can obtain treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming the responsibilities of that practice; and
 - 2) Making reasonable efforts to directly notify any patient treated during the six months preceding the cessation, and providing information concerning the established procedure for retrieval of records.
- i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

13:34-18.2 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) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.
- c) 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.
- d) 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 person obtains a CPC and uses the program in the same manner.

13:34-18.3 ACCESS TO COPY OF CLIENT RECORD

- a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third-party payor with whom the client has a contract, which provides that the third party be given access to records to assess a claim for monetary damages or reimbursement.
- b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) below and in N.J.A.C. 13:34-18.5.
- c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.
- d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.
- e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.

- f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.
- g) A licensee may withhold information contained in the client record from a client or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:
 - 1) The client's attorney;
 - 2) Another licensed health care professional; or
 - 3) The client's health insurance carrier.

13:34-18.4 ACCESS BY A MANAGED HEALTH CARE PLAN TO INFORMATION IN CLIENT RECORD

- a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.
- b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payer whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

13:34-18.5 CONFIDENTIALITY

- a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing professional counseling services for the client, except in the following circumstances:
 - 1) Disclosure is required by Federal or State law or regulation;
 - 2) Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;

- 3) Disclosure is required by a court of competent jurisdiction pursuant to an order;
 - 4) The licensee has information that the client presents a clear and present danger to the health or safety of an individual;
 - 5) The licensee is a party defendant to a civil, criminal or disciplinary action arising from the professional counseling services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action; or
 - 6) The client agrees, in writing, to waive the privilege accorded by this section. In circumstances where more than one person in a family is receiving professional counseling services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law persons under the age of 18 years of age must agree to the waiver. Absent a waiver of each family member, a licensee shall not disclose any information received from any family member.
- b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.
- c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.
- d) In the case of a client's death:
- 1) Confidentiality survives the client's death and a licensee shall preserve the confidentiality of information obtained from the client in the course of the licensee's teaching, practice or investigation;
 - 2) The disclosure of information in a deceased client's records is governed by the same provisions for living clients set forth in N.J.A.C. 13:34-18.3, 18.4 and 18.6; and
 - 3) A licensee shall retain a deceased client's record for at least seven years from the date of last entry, unless otherwise provided by law.
- e) A licensee may discuss the information obtained in clinical or consulting relationships, or in evaluating data concerning children, students, employees and others, only for professional purposes and only with persons clearly connected with the case, as provided under applicable State and Federal laws and regulations.

- f) A licensee may reveal, in writing, lectures or other public forums, personal information obtained during the course of professional work only as follows:
- 1) With prior consent of the clients or persons involved; or
 - 2) Where the identity of the client or person involved is adequately disguised.

13:34-18.6 MINORS

- a) Unless otherwise ordered by a court, if the client is a minor, a parent or legal guardian will be deemed to be an authorized representative, as defined at N.J.A.C. 13:34-18.3(a). Except as provided for at N.J.S.A. 9:17A-4, when the client is more than 14 years of age, but has not yet reached the age of majority, the authorization shall be signed by the client and by the client's parent or legal guardian, pursuant to N.J.S.A. 45:14B-36(e).
- b) This section shall not require a licensee to release to a minor's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse, treatment considered confidential information in accordance with N.J.S.A. 9:17A-4, or any other information that in the reasonable exercise of the licensee's professional judgment may adversely affect the minor's health or welfare.
- c) Unless otherwise ordered by a court, at least one parent or guardian shall consent to the treatment of a minor. If one parent consents, a licensee may treat a minor even over the objection of the other parent.
- d) The provisions at N.J.A.C. 13:34-18.3, 18.4 and 18.5, concerning access to client records, access by a managed health care plan to information in client records and confidentiality of records, shall apply to minors.

13:34-18.7 TRANSFER OR DISPOSAL OF RECORDS

- a) 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 shall comply with the requirements concerning termination of services set forth at N.J.A.C. 13:34-30.5(c) and shall:
- 1) Establish a procedure by which clients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming responsibilities of the practice. However, a licensee shall not charge a client for a copy of the records, when the records will be used for purposes of continuing treatment or care;

- 2) Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records; and
- 3) If a licensee is unable to notify all clients, publish a notice of the 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.

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

13:34-19.1 POSTING OF PRACTICE AUTHORIZATION AND NOTIFICATION OF AVAILABILITY OF FEE INFORMATION

- a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:
 - 1) Professional counselors and associate counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public having a complaint relative to the practice conducted by a professional or associate counselor shall notify the Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101, www.njconsumeraffairs.gov/pc, or the New Jersey Division of Consumer Affairs, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, www.njconsumeraffairs.gov.
 - 2) "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

13:34-19.2 NOTIFICATION OF CHANGE OF ADDRESS OR NAME; SERVICE OF PROCESS; DUTY TO NOTIFY

- a) Each licensee shall notify the Committee, in writing, within 30 days of any change in address on file with the Committee and shall specify whether the address is a residence or employment address.
- b) A licensee whose name has been legally changed shall forward to the Committee by certified mail, return receipt requested, no later than 30 days following the change of name, legal evidence of such change and copies of two forms of identification, one of which shall be an United States government-issued or State government-issued photo identification. Upon

receipt of these items, the Committee shall issue to the licensee a new license. Upon receipt of the new license, the licensee shall immediately remit the original license to the Committee.

- c) Service of an administrative complaint or other documents from the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.
- d) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Committee in writing.

13:34-19.3 SEXUAL MISCONDUCT

- a) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Client" means any person who is the recipient of a professional counseling service rendered by a licensee. "Client" for purposes of this section also means a person who is the subject of professional assessment even if the purpose of that assessment is unrelated to treatment.

"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 a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal, or other opening of the other person's body.

"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 professional counseling services, and that is either unwelcome, offensive to a reasonable person, or creates a hostile work place 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 multiple acts, and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, supervisee or research subject, whether or not such individual is in a subordinate position to the licensee.

- b) A licensee shall not seek, solicit or engage in sexual contact with a client with whom he or she has a current client-counselor relationship.

- c) In circumstances where the client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.
- d) A licensee shall not engage in sexual harassment in a professional setting (including, but not limited to, an office, hospital or health care facility) or outside of the professional setting.
- e) A licensee shall not accept as a client a current or former sexual partner.
- f) A licensee shall not conduct or engage in therapy groups, activities which promote, allow, or involve physical contact of a sexual nature between the licensee and group members or between group members themselves.
- g) A licensee shall not engage in any discussion of an intimate sexual nature with a client unless that discussion is directly related to legitimate client needs and furthers the client's professional counseling treatment. At no time shall any such discussions include disclosure by the licensee to the client of his or her own intimate sexual relations or relationships.
- h) A licensee shall not engage in any other activity in a professional counseling relationship which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal, sexual gratification, or sexual abuse of the licensee or client.
- i) 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 counseling services were rendered to the client, former client or former student within the immediately preceding 24 months, or with a current student, a current direct supervisor or supervisee or a current research subject. A licensee shall not seek, solicit, accept or participate in sexual contact with any person in exchange for professional services.
- j) Violation of any of the prohibitions or directives set forth in (b) through (i) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) and (d) respectively, 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 client, the client's immediate family member, former client, the former client's immediate family member, student, supervisor, supervisee or research subject solicited or consented to sexual contact with the licensee; or

- 2) The licensee was in love with or had affection for the client, the client's immediate family member, former client, the former client's immediate family, student, supervisor, supervisee or research subject.

13:34-19.4 REAL ESTATE ARRANGEMENTS

- a) A licensee may be an owner, investor or lessor in real estate utilized for the conduct of a professional practice, provided that rent, dividends or any other forms of remuneration are received solely on the basis of the investment or fair market value, as applicable to the circumstances.
- b) A licensee may lease space to or from another licensed health care professional to which clients are referred only where rent is a fixed fee determined by the fair market value, or less, and is for a regular term and not for sporadic use of the space.
- c) A licensee may lease professional space from a commercial entity on any arrangements consistent with standard business practice in the community, provided the arrangements do not affect the licensee's professional discretion in matters, including choice of clients, professional services offered or fees.
- d) The establishment of any lease, investment or other commercial relationship for the conduct of professional practice other than as set forth in this section shall require Committee approval for good cause shown.

13:34-19.5 LICENSE RENEWAL

- a) The Committee 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 Committee, along with the renewal fee set forth in N.J.A.C. 13:34-17.1, 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 a professional counselor or associate counselor, or hold herself or himself out as eligible to engage in the practice of a professional counselor or associate counselor, 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. 13:34-17.1. 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 a professional counselor or associate counselor with a suspended license shall be deemed to be engaging in the unauthorized practice of a professional counselor or associate counselor 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.

13:34-19.6 LICENSE REACTIVATION

- a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:34-19.5(c) may apply to the Committee 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. 13:34-17.1.
 - 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. 13:34-17.1.
 - 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. 13:34-17.1; 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. 13:34-15.1 and 15.2.

- i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of a professional counselor or associate counselor 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 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 Committee will allow applicants to take the courses within 12 months following reactivation.
- b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Committee 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 Committee prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee 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 Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee 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 a professional counselor or associate counselor 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 professional counselor or associate counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:34-19.7 LICENSE REINSTATEMENT

- a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:34-19.5(e) may apply to the Committee 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. 13:34-17.1; 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. 13:34-15.1 and 15.2.
 - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of a professional counselor or associate counselor 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 Committee will allow applicants to take the courses within 12 months following reinstatement.

- b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Committee 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 Committee prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee 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 Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee 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 a professional counselor or associate counselor 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 professional counselor or associate counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

**SUBCHAPTER 20.
REHABILITATION COUNSELORS: PURPOSE AND SCOPE;
DEFINITIONS; SCOPE OF PRACTICE**

13:34-20.1 PURPOSE AND SCOPE

- a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of rehabilitation counseling, as defined in N.J.A.C. 13:34-20.2, within the State of New Jersey.
- b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render rehabilitation counseling services, as defined in N.J.A.C. 13:34-20.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.
- c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to N.J.S.A. 45:8B-48, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as a rehabilitation counselor.

13:34-20.2 DEFINITIONS

The following words and terms, as used in N.J.A.C. 13:34-20 through 28, shall have the following meanings, unless the context clearly indicates otherwise:

"Clinical assessment and evaluation of persons with disabilities" means assessing, analyzing and evaluating physical and psychiatric disabilities of persons with disabilities in terms of the vocational implications of disabilities and medical aspects and implications of disabilities, including physical and functional capacities of the person and the psychosocial and cultural impact of disabilities for the purpose of exploring possible solutions, developing goals, and developing personalized plans for identified needs.

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

"Major life activities" include such activities as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, consistent with the provisions of the Americans with Disabilities Act Code, 36 CFR 1191 et seq.

"One calendar year" means a maximum of 1,500 hours of supervised counseling experience over a period of 52 weeks, which is considered full-time or no less than 750 hours of supervised counseling experience in each of two 52 week periods for a total of 1,500 hours of supervised counseling experience, which is considered part-time. No more than 30 hours of supervised counseling experience shall be obtained in any one week. No more than 125 hours of supervised counseling experience shall be earned in any one month.

"Persons with disabilities" means persons who have a physical and/or psychiatric impairment that substantially limits one or more major life activities.

"Program evaluation" means the effort to determine what changes occur as a result of a planned program by comparing actual changes (results) with desired changes (stated goals), and by identifying the degree to which the activity (planned program) is responsible for those changes.

"Psychiatric disabilities" include mental or psychological disorders, such as mental retardation, organic brain syndrome, emotional or mental illness, developmental disabilities and specific learning disabilities.

"Qualified supervisor" means an individual who holds a clinical license to provide mental health counseling services for a minimum of two years in the state where the services are being provided, and who has:

1. A clinical supervisor's certificate from the National Board for Certified Counselors Center for Credentialing and Education or its successor, the American Society of Addictive Medicine or its successor, the American Psychiatric Association or its successor or the American Association of Marriage and Family Therapy or its successor; or
2. Completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.

A "qualified supervisor" shall satisfy all requirements set forth in N.J.A.C. 13:34-23.1.

"Rehabilitation counseling" means offering to assist or assisting, for a fee or other compensation, a person through a rehabilitation counseling relationship to develop an understanding of the personal, social and vocational impact of their disabilities and to plan and implement a rehabilitation program, which may include training to help the person become more

independent and employable. Rehabilitation counseling entails the clinical assessment and evaluation of mental, emotional, behavioral and associated distresses, which interfere with mental health and development.

"Rehabilitation counseling experience" means the rendering of rehabilitation counseling services while under the supervision of a qualified supervisor.

"Rehabilitation counseling interventions" means services implemented in the context of a rehabilitation counseling relationship between a rehabilitation counselor and persons with disabilities and the application of individual and group counseling theories and strategies, career development and work adjustment theories and strategies, behavior and personality theories and strategies and family counseling theories and strategies, specifically implemented for the purpose of helping persons with disabilities to understand and to deal with the personal, social and vocational impact of their disabilities. "Rehabilitation counseling interventions" include, but are not limited to, the following:

1. Appraisal and assessment, defined as:
 - i. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, personal characteristics, disabilities and mental, emotional and behavioral disorders; and
 - ii. Using methods and techniques for understanding human behavior in relation to coping with, adapting to or changing life situations;
2. Counseling, defined as assisting an individual or group through the counseling relationship to develop an understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting the client's needs, interests and abilities and to use informational and community resources as these methods are related to career development and adjustment and to mental, emotional, social, educational and existential issues;
3. Consulting, defined as applying scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the client(s) may have in relation to an individual, a group or an organization;
4. Referral, defined as evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client of such judgment and communicating as requested or deemed appropriate to such referral sources; sources; and

5. Research, defined as a systematic effort to collect, analyze and interpret quantitative or qualitative data that describe how social characteristics, behavior, emotions, cognition, disabilities, mental disorders and interpersonal transactions among persons and organizations interact.

"Substantially limits one or more major life activities" means an impairment which substantially interferes with the accomplishment of a major life activity or activities when the person's major life activity or activities are restricted as to the conditions, manner, or duration under which they can be performed without impairment.

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

"Supervisee" means a person providing rehabilitation counseling services under the supervision of a qualified supervisor.

13:34-20.3 SCOPE OF PRACTICE; REHABILITATION COUNSELOR

The scope of practice of a rehabilitation counselor includes, but is not limited to, rehabilitation counseling interventions, clinical assessment and evaluation of persons with disabilities, program evaluation, and rehabilitation counseling as those terms are defined in N.J.A.C. 13:34-20.2.

SUBCHAPTER 21. REHABILITATION COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS

13:34-21.1 (RESERVED)

13:34-21.2 REHABILITATION COUNSELOR: APPLICATION AND EDUCATIONAL REQUIREMENTS

- a) An applicant for licensure as a rehabilitation counselor shall submit the following to the Committee:
 - 1) A completed application form, which contains information concerning the applicant's educational and experiential background;

- 2) The application fee set forth in N.J.A.C. 13:34-26.1;
- 3) An official transcript(s) indicating that the applicant has obtained a master's degree in a planned educational program designed to prepare students for the professional practice of rehabilitation counseling from a regionally accredited institution of higher education. The degree and official transcript shall clearly indicate coursework in the following areas:
 - i) Introduction to rehabilitation counseling that includes: an overview of the history and philosophy of the counseling profession, including legislation and public policies that affect individuals with disabilities; rehabilitation counseling scope of practice; codes of ethics and ethical decision-making; and societal issues and trends affecting the counseling profession;
 - ii) Counseling theories and practice that include the study of the major theories of counseling and personality, key concepts, the therapeutic process and applications in providing counseling services;
 - iii) Psychosocial aspects of disability that examine medical, psychosocial, functional and environmental aspects of disabilities with an emphasis on psychiatric, developmental, cognitive and substance abuse disabilities and includes techniques to facilitate adjustment and coping with disabilities for both individuals and families;
 - iv) Medical aspects of disability that examine medical, functional, environmental and psychosocial aspects of disabilities, including appropriate intervention resources, such as assistive technology and which focuses on the impact of physical and sensory disabilities on the individual, family and environment;
 - v) Evaluation and assessment that provides a comprehensive overview of the theories, principles, procedures and practices of appraisal of individuals that includes: discussion of data and information gathering; reliability, validity and other psychometric statistics; factors influencing appraisals; administering and interpreting tests and measurements to assess abilities, interests and identify career options that could be useful in the counseling relationship;
 - vi) Community counseling and resources that focus on the development of skills and provides information about systems resources to guide individuals successfully through the rehabilitation counseling process from referral to case closure and includes methods and practices for effective case management, case recording and documentation and interdisciplinary consultation in both public and private settings;

- vii) Research methods that provide an overview of basic statistics and types of research studies; research implementation and report development; program evaluation, including needs assessment, outcomes assessment, consumer satisfaction measures, research publication and ethical and legal considerations in research;
 - viii) Group methods that focus on group leadership styles and techniques, group dynamics and group process and different types of groups for different purposes;
 - ix) Social and cultural diversity issues that focus on the development of the awareness, knowledge and skills needed to provide counseling services to clients from diverse backgrounds, including increasing self-knowledge of one's own personal cultural background, as well as developing a broad understanding of societal changes, trends and concerns and learning counseling skills to provide services in an environment of diversity;
 - x) Career development theory that focuses on theories of career and lifestyle development, including information about identifying career options, occupational and educational information and career decision making and planning;
 - xi) Career counseling and consultation that focuses on career development, advancement, getting and keeping employment, including approaches to working both with individuals seeking employment and with employers; and
 - xii) Practicum and internship that are designed for students to learn and practice advanced counseling skills in the context of establishing and maintaining helping relationships. A minimum of 100 hours of supervised field-based experience in an approved agency is required for the practicum, and 600 hours for the internship. Students shall attend weekly group and/or individual supervision to increase client and helper self-understanding and development, as well as increase expertise in the facilitation of change;
- 4) A supervisor's certification documenting that the applicant has met the supervision requirements for both the practicum and internship in rehabilitation counseling; and
 - 5) A Certification and Authorization Form for a Criminal History Background Check.
- b) In order to be eligible for licensure, an applicant shall submit an official transcript(s) clearly indicating that the applicant has obtained a master's degree from a rehabilitation counseling degree program accredited, at the time of the applicant's graduation, by the Council on Rehabilitation Education (CORE) or its successor.

13:34-21.3 REHABILITATION COUNSELOR: EXPERIENCE REQUIREMENTS

- a) In addition to the requirements listed in N.J.A.C. 13:34-21.2, an applicant for licensure as a rehabilitation counselor shall submit to the Committee documentation indicating that the applicant has met the supervised rehabilitation counseling experience requirements for licensure as set forth below:
- 1) Three calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-21.2; or
 - 2) Two calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised rehabilitation counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-21.2. No more than one calendar year of supervised professional counseling experience may be obtained prior to the granting of the master's degree.
- b) An applicant for licensure may take up to a maximum of six years to satisfy the supervised rehabilitation counseling experience requirement within the definitions stated in N.J.A.C. 13:34-21.1. Rehabilitation counseling experience submitted to the Committee which occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above including supervision by a qualified supervisor.

13:34-21.4 REHABILITATION COUNSELOR: EXAMINATION REQUIREMENTS

- a) In addition to the requirements stated in N.J.A.C. 13:34-21.2 and 21.3, an applicant for licensure as a rehabilitation counselor shall submit to the Committee proof that the applicant has successfully completed the Certified Rehabilitation Counselor Examination administered by the Commission on Rehabilitation Counselor Certification (CRCC), or its successor.
- b) The applicant shall only be admitted to the Certified Rehabilitation Counselor Examination upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework, unless it is taken as part of the applicant's graduate degree program or it is taken in another state pursuant to that state's examination requirements.

13:34-21.5 PAYMENT OF LICENSING FEE; ABANDONMENT OF APPLICATION

- a) An applicant for licensure shall submit the licensing fee set forth in N.J.A.C. 13:34-26.1 upon receipt of notification from the Committee that his or her application for licensure has been approved.
- b) 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 Committee;
 - 2) The applicant fails to sit for or pass the Certified Rehabilitation Counselor Examination within 12 months or any 12-month period thereafter upon written notification of eligibility to take the examination; or
 - 3) The applicant fails to submit the licensing fee within six months following the date of notification from the Committee that his or her application for licensure has been approved.
- c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application and shall comply with all application requirements in this subchapter.

13:34-21.6 REHABILITATION COUNSELOR: 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.13:34-21.2(b) and 21.3, may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee 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 as a rehabilitation counselor to the applicant, if the applicant presents evidence to the Committee that:
 - 1) The applicant has been honorably discharged from active military service;
 - 2) The relevant training, experience, and education the applicant 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, education, and experience required for licensure under N.J.A.C. 13:34-21.2(b) and 21.3.

- i) An applicant seeking credit for military training and experience shall submit to the Committee 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 from a rehabilitation counseling degree program accredited, at the time of the applicant's graduation, by the Council on Rehabilitation Education (CORE) or its successor, shall submit to the Committee a Joint Services Transcript of his or her education for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to a CORE accredited program as required for licensure under N.J.A.C. 13:34-21.2(b). For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those education courses and/or training relevant to the practice of rehabilitation counseling 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 Certified Rehabilitation Counselor examination administered by the Commission on Rehabilitation Counselor Certification as set forth in N.J.A.C. 13:34-21.4.
- c) It is the applicant's responsibility to provide timely and complete evidence of the training, education, 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 as a rehabilitation counselor, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-21.2(b) and 21.3 for the issuance of the license as a rehabilitation counselor.
- e) Satisfactory evidence of such training, education, and experience shall be assessed on a case-by-case basis.

**SUBCHAPTER 22.
(RESERVED)**

SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION

13:34-23.1 SUPERVISOR QUALIFICATIONS; SUPERVISOR RESPONSIBILITIES

- a) A qualified supervisor, as defined in N.J.A.C. 13:34-21.1, shall meet the following requirements prior to supervising the provision of professional counseling services:
- 1) The individual shall have obtained 3,000 hours of work experience subsequent to holding a clinical license to provide mental health counseling services. The 3,000 hours shall have been obtained over a minimum of two years, but no more than six years; and
 - 2) The individual shall hold an approved clinical supervisor credential from the Center for Credentialing and Education of the National Board for Certified Counselors (NBCC) or an equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board, if applicable.
- b) A qualified supervisor shall be responsible for creating a written supervision plan with the supervisee. The supervision plan shall outline the work setting, the supervisee's job description, including the nature of his or her duties and his or her qualifications and the supervisor's responsibilities and qualifications. Supervision may be provided through live observation or through the review of videotapes, audiotapes and/or self-reporting of sessions with clients, consistent with the requirements of (d) below.
- c) The written supervision plan shall be approved by the Committee prior to the performance of counseling by the supervisee.
- d) A qualified supervisor shall perform and document the following activities with the supervisee:
- 1) The supervisor shall perform at least one of the following activities with the supervisee:
 - i) Work as a co-counselor with the supervisee;
 - ii) Observe the supervisee's sessions with clients;
 - iii) View videotapes of the supervisee's session with clients; or
 - iv) Listen to audiotapes of the supervisee's session with clients.

- 2) The supervisor shall perform at least one of the following activities with the supervisee:
 - i) React to case presentations given by the supervisee; or
 - ii) Conduct role-playing sessions with the supervisee.
- 3) The supervisor shall perform all of the following activities:
 - i) Engage in problem-solving discussions with the supervisee concerning individual clients;
 - ii) Enter into problem-solving discussions concerning the supervisee's own problems that affect the supervisee's work with clients;
 - iii) Offer feedback to the supervisee concerning specific interventions utilized with clients;
 - iv) Offer feedback to the supervisee concerning the supervisee's personal qualities as they affect work with clients; and
 - v) Offer feedback to the supervisee concerning the supervision experience.
- e) A qualified supervisor shall maintain all documentation with respect to the supervision provided to supervisees for a minimum of three years. A qualified supervisor shall attest to compliance with the supervision requirements of this section by completing all forms provided by the Committee.
- f) A qualified supervisor shall not supervise more than a total of six mental health counselors at any one time.
- g) Prior to a supervisee's commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by a supervisee under the supervision of a rehabilitation counselor or a physician practicing rehabilitation medicine. If the written disclosure is included as part of another document provided for the client's information, the disclosure shall be set forth in a conspicuous manner so that it will be easily readable, clearly understood, signed by the client, and retained as part of the client record.

- h) A qualified supervisor shall retain full professional responsibility for collecting fees from clients.
- i) A qualified supervisor shall be responsible for knowing the name and diagnosis of each client being treated by a supervisee. A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the supervisee.
- j) A qualified supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a rehabilitation counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in this section and shall indicate the hours and dates during which the supervisee has been under supervision, the nature of the cases being assigned, and the proficiency rating earned by the supervisee.
- k) A qualified supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.
- l) A qualified supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, current employers, relatives of the supervisor, immediate relatives of current clients, current students or close friends.

13:34-23.2 RESPONSIBILITIES OF SUPERVISEE

- a) The supervisee shall maintain documentation of supervised experience for each 52-week period of supervised experience until the supervisee is licensed as a rehabilitation counselor.
- b) A supervisee shall not engage in practice under supervision in any area for which the supervisee has not had appropriate education and training.
- c) A supervisee shall not engage in unsupervised or independent practice.
- d) A supervisee shall not receive a professional fee from a client. A supervisee may be compensated only through the supervisor or employing entity.
 - 1) Nothing in this subsection shall be construed to prohibit a supervisee from receiving from a client, on behalf of the supervisor or employing entity, fees for professional services.
- e) A supervisee shall not advertise professional services.

13:34-23.3 SUPERVISED REHABILITATION COUNSELING EXPERIENCE ACQUIRED PRIOR TO APPLICATION

- a) An applicant may be granted up to one calendar year of supervised rehabilitation counseling experience credit towards fulfillment of the supervised rehabilitation counseling experience requirements for licensure as a rehabilitation counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.
- b) An applicant may be granted supervised rehabilitation counseling experience credit towards the fulfillment of experience requirements for licensure as a rehabilitation counselor if the supervised experience occurred after the granting of the master's degree, in a rehabilitation counseling setting which is considered exempt as set forth in N.J.S.A. 45:8B-48(b) or (f), and the experience was supervised by a qualified supervisor as set forth in N.J.A.C. 13:34-21.1.
- c) An applicant may be granted credit towards the fulfillment of the supervised rehabilitation counseling experience requirement for licensure as a rehabilitation counselor if the experience hours occur as part of a planned post-master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a rehabilitation counselor.
- d) An applicant may purchase the services of a permissible supervisor if the supervision occurs in a rehabilitation counseling setting and the supervisor fulfills the activities and responsibilities of a supervisor as set forth in N.J.A.C. 13:34-23.1.

13:34-23.4 (RESERVED)

**SUBCHAPTER 24.
REHABILITATION COUNSELORS: CONTINUING EDUCATION**

13:34-24.1 LICENSE RENEWAL AND CONTINUING EDUCATION REQUIREMENT

All licensed rehabilitation counselors shall complete 40 contact hours of continuing education for license renewal, except during the period of initial licensure as provided in N.J.A.C. 13:34-24.2(a). The licensed rehabilitation counselor shall confirm on the renewal application that the licensee has completed all continuing education requirements pursuant to N.J.A.C. 13:34-24.1 and 24.2 during the biennial period preceding application for renewal.

13:34-24.2 CONTACT-HOUR REQUIREMENTS FOR LICENSED REHABILITATION COUNSELORS

- a) A rehabilitation counselor shall not be required to obtain continuing education contact hours required by N.J.A.C. 13:34-24.1 during the period of initial licensure prior to the rehabilitation counselor's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-24.1 for all subsequent biennial renewal periods.
- b) A licensed rehabilitation counselor shall complete at least five of the 40 contact hours in ethical and legal standards in the counseling profession regardless of the number of contact hours accrued during the biennial period.
- c) A licensee shall complete at least three of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-24.1 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) Counselors' 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.
- d) Commencing with the biennial renewal period beginning on December 1, 2018, at least one of the 40 contact hours of continuing education shall, pursuant to P.L. 2017, c. 341, be in

educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion. This one credit shall not be eligible for carry-over as described in (e) below.

- e) If the licensed rehabilitation counselor earns more than 40 contact hours during a biennial period, the rehabilitation counselor may carry a maximum of 10 contact hours into the next succeeding biennial period.

13:34-24.3 APPROVAL OF COURSES OR PROGRAMS

- a) The following are acceptable sources of continuing education courses, programs and articles, as long as the courses, programs or articles fall within the content areas set forth in (c) or (d) below or are directly related to rehabilitation counseling:
- 1) Courses or programs approved by the National Board for Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the Commission on Rehabilitation Counselors Certification; the American Orthopsychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; the United States Psychiatric Rehabilitation Association; the National Rehabilitation Association; the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.; and the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists;
 - 2) Teaching or completing graduate coursework at a regionally accredited institution of higher education;
 - 3) Authoring a refereed article published in a professional journal within the preceding biennial period; and
 - 4) Presentation of a course or program approved by one of the organizations listed at N.J.A.C. 13:34-24.3(a)1.
- b) Prior to seeking approval of continuing education credit from the Committee for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the rehabilitation counselor shall first apply to and obtain approval from one of the listed organizations.
- c) The following are acceptable content areas for continuing education:

- 1) Counseling practices, theories and techniques;
 - 2) Personality theories;
 - 3) Psychosocial aspects of disability;
 - 4) Medical aspects of disability;
 - 5) Evaluation and assessment;
 - 6) Rehabilitation services and resources;
 - 7) Research methods;
 - 8) Practicums or internships; or
 - 9) Ethical and legal standards in the counseling profession.
- 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 Committee. A course or program in the subject area approved by the Board of Marriage and Family Therapy Examiners, the Board of Social Work Examiners, or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Committee.

13:34-24.4 CONTINUING EDUCATION CREDITS AND CONTACT-HOUR CALCULATION

- a) The Committee shall grant credit only for continuing education courses and programs that are at least one contact hour long and are directly related to rehabilitation counseling practice. For purposes of this subchapter, a "contact hour" means a 60-minute clock hour with no less than 50 minutes of content within the hour. Courses and programs may include one 10-minute break for each contact hour.
- b) A rehabilitation counselor shall complete and be able to verify the completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-24.3 in order to receive continuing education credit. The Committee shall grant a rehabilitation counselor continuing education credit for each biennial renewal period as follows:

- 1) Completing graduate coursework at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded beyond the required educational standards which the rehabilitation counselor must complete for licensure as set forth in N.J.A.C. 13:34-21.2;
- 2) Teaching graduate courses offered at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded for each new course which a rehabilitation counselor teaches. For the purposes of this subsection, "new" means a course that the rehabilitation counselor has not taught previously in any educational setting;
- 3) A refereed article published in a professional journal within the preceding biennial period: four continuing education contact hours per article with a maximum of eight contact hours per biennial period; and
- 4) Course or program presentation: one and one-half continuing education contact hours for each hour of a new offering up to a maximum of nine continuing education contact hours. For the purposes of this subsection, "new" means a course or program that the rehabilitation counselor has not previously presented.

13:34-24.5 DOCUMENTATION OF CONTINUING EDUCATION CREDIT

- a) A rehabilitation counselor shall retain documentation of the continuing education hours which the rehabilitation counselor completes in order to verify program attendance or activity completion. Each rehabilitation counselor shall submit such documentation to the Committee upon its request. The Committee may periodically audit the records of rehabilitation counselors, on a random basis, to determine compliance with continuing education requirements of this subchapter.
- b) A rehabilitation counselor shall verify attendance at continuing education courses or programs by a certificate of attendance or by a 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 rehabilitation counselor shall verify continuing education activities by retaining the following:
 - 1) For publications, a copy of the published article;
 - 2) For course or 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. 13:34-24.4(b)2; and
- 4) For graduate coursework, an official transcript.
- d) A rehabilitation counselor shall maintain verification documentation for five years following the renewal period for which the Committee has granted the rehabilitation counselor continuing education credit.
- e) Falsification of any information submitted with the renewal application or failure to meet the continuing education requirements may result in the Committee taking appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21.
- f) The Committee may reject any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of rehabilitation counseling in the State of New Jersey.

13:34-24.6 WAIVER OF CONTINUING EDUCATION REQUIREMENTS

- a) The Committee 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 rehabilitation counselor.
- b) A rehabilitation counselor who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional documentation as the Committee may request in support of the waiver.

SUBCHAPTER 25. (RESERVED)

SUBCHAPTER 26. REHABILITATION COUNSELORS: FEES

13:34-26.1 FEES

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

- 1) Application fee \$75.00
- 2) Initial license fee:
 - i) Rehabilitation counselor:
 - (1) During the first year of a biennial renewal period..... \$250.00
 - (2) During the second year of a biennial renewal period. \$125.00
- 3) Biennial renewal:
 - i) Rehabilitation counselor..... \$250.00
- 4) Late fee \$100.00
- 5) Reinstatement Fee \$150.00
- 6) Duplicate wall certificate \$40.00
- 7) Change of address \$25.00
- 8) Certification of licensure \$40.00

**SUBCHAPTER 27.
REHABILITATION COUNSELORS: CLIENT RECORDS;
CONFIDENTIALITY**

13:34-27.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS

- a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.
- b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.

- c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, which shall include:
- 1) The client name, address and telephone number;
 - 2) The client complaint on intake;
 - 3) Medical history recognized as of potential significance;
 - 4) Past and current medications;
 - 5) Significant social history;
 - 6) Findings on appropriate examination;
 - 7) Raw data and interpretation of tests, if administered;
 - 8) Current functional impairments and rating levels thereof;
 - 9) A diagnostic impression;
 - 10) Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
 - 11) Dates of all treatment, evaluation or consultation sessions;
 - 12) The location of treatment, evaluation or consultation;
 - 13) An evaluation of progress (if applicable);
 - 14) A prognosis;
 - 15) The client identity on each page;
 - 16) Fees charged and paid;
 - 17) The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);

- 18) If services are rendered by a supervisee, the written disclosure form signed by the client;
and
- 19) Information regarding referrals to other professionals.
- d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-23.2(b), and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.
- e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.
- f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.
- g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.
- h) The licensee shall establish reasonable procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement, termination from practice, death, or separation from a group practice, and shall establish reasonable procedures to assure the preservation of client records which shall include at a minimum:
- 1) Establishment of a procedure by which patients can obtain treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming the responsibilities of that practice; and
 - 2) Making reasonable efforts to directly notify any patient treated during the six months preceding the cessation, and providing information concerning the established procedure for retrieval of records.
- i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

13:34-27.2 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) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.
- c) 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.
- d) 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 person obtains a CPC and uses the program in the same manner.

13:34-27.3 ACCESS TO COPY OF CLIENT RECORD

- a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third-party payer with whom the client has a contract, which provides that the third-party payer be given access to records to assess a claim for monetary damages or reimbursement.
- b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) below and in N.J.A.C. 13:34-27.5.
- c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.
- d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

- e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.
- f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.
- g) A licensee may withhold information contained in the client record or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:
 - 1) The client's attorney;
 - 2) Another licensed health care professional; or
 - 3) The client's health insurance carrier.

13:34-27.4 ACCESS BY A MANAGED HEALTH CARE PLAN TO INFORMATION IN CLIENT RECORD

- a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.
- b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payer whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

13:34-27.5 CONFIDENTIALITY

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

- 1) Disclosure is required by Federal or State law or regulation;
 - 2) Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;
 - 3) Disclosure is required by a court of competent jurisdiction pursuant to an order;
 - 4) The licensee has information that the client presents a clear and present danger to the health or safety of an individual;
 - 5) The licensee is a party defendant to a civil, criminal or disciplinary action arising from the rehabilitation counseling services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action; or
 - 6) The client agrees in writing to waive the privilege accorded by this section. In circumstances where more than one person in a family is receiving rehabilitation counseling services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law, persons under the age of 18 years of age must agree to the waiver. Absent a waiver of each family member, a licensee shall not disclose any information received from any family member.
- b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.
- c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.
- d) In the case of a client's death:
- 1) Confidentiality survives the client's death and a licensee shall preserve the confidentiality of information obtained from the client in the course of the licensee's teaching, practice or investigation;
 - 2) The disclosure of information in a deceased client's records is governed by the same provisions for living clients set forth in N.J.A.C. 13:34-27.3, 27.4 and 27.6; and
 - 3) A licensee shall retain a deceased client's record for at least seven years from the date of last entry, unless otherwise provided by law.

- e) A licensee may discuss the information obtained in clinical or consulting relationships or in evaluating data concerning children, students, employees and others, only for professional purposes and only with persons clearly connected with the case, as provided under applicable State and Federal laws and regulations.
- f) A licensee may reveal, in writing, lectures or other public forums, personal information obtained during the course of professional work only as follows:
 - 1) With prior consent of the clients or persons involved; or
 - 2) Where the identity of the client or person involved is adequately disguised.

13:34-27.6 MINORS

- a) Unless otherwise ordered by a court, if the client is a minor, a parent or legal guardian will be deemed to be an authorized representative, as defined at N.J.A.C. 13:34-27.3(a). Except as provided for at N.J.S.A. 9:17A-4, when the client is more than 14 years of age, but has not yet reached the age of majority, the authorization shall be signed by the client and by the client's parent or legal guardian, pursuant to N.J.S.A. 45:14B-36(e).
- b) This section shall not require a licensee to release to a minor's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse, treatment considered confidential information in accordance with N.J.S.A. 9:17A-4, or any other information that in the reasonable exercise of the licensee's professional judgment may adversely affect the minor's health or welfare.
- c) Unless otherwise ordered by a court, at least one parent or guardian shall consent to the treatment of a minor. If one parent consents, a licensee may treat a minor even over the objection of the other parent.
- d) The provisions at N.J.A.C. 13:34-27.3, 27.4 and 27.5, concerning access to client records, access by a managed health care plan to information in client records and confidentiality of records, shall apply to minors.

13:34-27.7 TRANSFER OR DISPOSAL OF RECORDS

- a) 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 shall comply with the requirements concerning termination of services set forth at N.J.A.C. 13:34-30.5(c) and shall:
 - 1) Establish a procedure by which clients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another licensee or health care professional

who is assuming responsibilities of the practice. However, a licensee shall not charge a client for a copy of the records, when the records will be used for purposes of continuing treatment or care.

- 2) Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records; and
- 3) If a licensee is unable to notify all clients, publish a notice of the 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.

**SUBCHAPTER 28.
REHABILITATION COUNSELORS: GENERAL OBLIGATIONS OF A
LICENSEE**

13:34-28.1 POSTING OF PRACTICE AUTHORIZATION AND NOTIFICATION OF AVAILABILITY OF FEE INFORMATION

- a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:
 - 1) Rehabilitation counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public having a complaint relative to the practice conducted by a rehabilitation counselor shall notify the Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101, www.njconsumeraffairs.gov/pc, or the New Jersey Division of Consumer Affairs, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, www.njconsumeraffairs.gov.
 - 2) "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

13:34-28.2 NOTIFICATION OF CHANGE OF ADDRESS OR NAME; SERVICE OF PROCESS; DUTY TO NOTIFY

- a) Each licensee shall notify the Committee, in writing, within 30 days of any change in address on file with the Committee and shall specify whether the address is a residence or employment address.

- b) A licensee whose name has been legally changed shall forward to the Committee by certified mail, return receipt requested, no later than 30 days following the change of name, legal evidence of such change and copies of two forms of identification, one of which shall be an United States government-issued or State government-issued photo identification. Upon receipt of these items, the Committee shall issue to the licensee a new license. Upon receipt of the new license, the licensee shall immediately remit the original license to the Committee.
- c) Service of an administrative complaint or other documents front the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.
- d) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Committee in writing.

13:34-28.3 SEXUAL MISCONDUCT

- a) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Client" means any person who is the recipient of a rehabilitation counseling service rendered by a licensee. "Client" for purposes of this section also means a person who is the subject of professional assessment even if the purpose of that assessment is unrelated to treatment.

"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 a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal, or other opening of the other person's body.

"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 rehabilitation counseling services, and that is either unwelcome, offensive to a reasonable person, or creates a hostile work place 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 multiple acts, and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, supervisee, or research subject, whether or not such individual is in a subordinate position to the licensee.

- b) A licensee shall not seek, solicit or engage in sexual contact with a client with whom he or she has a current client-counselor relationship.
- c) In circumstances where a client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.
- d) A licensee shall not engage in sexual harassment in a professional setting (including, but not limited to, an office, hospital or health care facility) or outside of the professional setting.
- e) A licensee shall not accept as a client a current or former sexual partner.
- f) A licensee shall not conduct or engage in therapy groups, activities which promote, allow, or involve physical contact of a sexual nature between the licensee and group members or between group members themselves.
- g) A licensee shall not engage in any discussion of an intimate sexual nature with a client, unless that discussion is directly related to legitimate client needs and furthers the client's rehabilitation counseling treatment. At no time shall any such discussions include disclosure by the licensee to the client of his or her own intimate sexual relations or relationships.
- h) A licensee shall not engage in any other activity in a rehabilitation counseling relationship which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal, sexual gratification, or sexual abuse of the licensee or client.
- i) 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 counseling services were rendered to the client, former client or former student within the immediately preceding 24 months, or with a current student, a current direct supervisor or supervisee, or a current research subject. A licensee shall not seek, solicit, accept or participate in sexual contact with any person in exchange for professional services.
- j) Violation of any of the prohibitions or directives set forth in (b) through (i) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) and (d) respectively, 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 client, the client's immediate family member, former client, the former client's immediate family member, student, supervisor, supervisee or research subject solicited or consented to sexual contact with the licensee; or
- 2) The licensee was in love with or had affection for the client, the client's immediate family member, former client, the former client's immediate family member, student, supervisor, supervisee or research subject.

13:34-28.4 REAL ESTATE ARRANGEMENTS

- a) A licensee may be an owner, investor or lessor in real estate utilized for the conduct of a professional practice, provided that rent, dividends or any other forms of remuneration are received solely on the basis of the investment or fair market value, as applicable to the circumstances.
- b) A licensee may lease space to or from another licensed health care professional to which clients are referred only where rent is a fixed fee determined by the fair market value or less, and is for a regular term and not for sporadic use of the space.
- c) A licensee may lease professional space from a commercial entity on any arrangements consistent with standard business practice in the community, provided the arrangements do not affect the licensee's professional discretion in matters, including choice of clients, professional services offered or fees.
- d) The establishment of any lease, investment or other commercial relationship for the conduct of professional practice other than as set forth in this section shall require Committee approval for good cause shown.

13:34-28.5 LICENSE RENEWAL

- a) The Committee 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 Committee, along with the renewal fee set forth in N.J.A.C. 13:34-26.1, 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 a rehabilitation counselor, or hold herself or himself out as eligible to engage in the practice of a rehabilitation counselor, 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. 13:34-26.1. 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 a rehabilitation counselor with a suspended license shall be deemed to be engaging in the unauthorized practice of a rehabilitation counselor 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.

13:34-28.6 LICENSE REACTIVATION

- a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:34-28.5(c) may apply to the Committee 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. 13:34-26.1.
 - 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. 13:34-26.1.
 - 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. 13:34-26.1; 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. 13:34-24.1 and 24.2.
 - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of a rehabilitation counselor 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 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 Committee will allow applicants to take the courses within 12 months following reactivation.
- b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Committee 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 Committee prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee 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 Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee 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 a rehabilitation counselor 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 rehabilitation counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction

13:34-28.7 LICENSE REINSTATEMENT

- a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:34-28.5(e) may apply to the Committee 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. 13:34-26.1; 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. 13:34-24.1 and 24.2.
 - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of a rehabilitation counselor 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 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 Committee will allow applicants to take the courses within 12 months following reinstatement.

- b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Committee 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 Committee prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee 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 Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee 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 a rehabilitation counselor 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 rehabilitation counselor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

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

13:34-29.1 DEFINITIONS

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

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

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

"Licensee" means a licensed professional counselor, a licensed associate counselor and a licensed rehabilitation counselor.

"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.

13:34-29.2 ADVERTISING; GENERAL REQUIREMENTS

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

13:34-29.3 MINIMUM CONTENT

- a) A licensee shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards and professional stationery:
 - 1) The name of the licensee;
 - 2) The words "Licensed Professional Counselor" or "LPC," "Licensed Associate Counselor" or "LAC" or "Licensed Rehabilitation Counselor" or "LRC," as applicable, followed by the 12-digit license number; and
 - 3) The street address and telephone number of the practice location.
- b) For maintenance of personal or client safety, a licensee may petition the Board for a waiver of the requirement to list the street address of the practice location. A licensee shall submit a request for a waiver in writing which shall detail the reason for the request.

13:34-29.4 USE OF PROFESSIONAL CREDENTIALS AND CERTIFICATIONS

- a) A licensee shall accurately and objectively represent his or her competence, education, training, and experience, as of the time of the representations.
- b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of professional, associate or rehabilitation counseling and shall refer only to degrees obtained from a regionally accredited academic institution.
- c) An advertisement that includes information on certification shall include the full name of the institute or agency conferring the certification or the recognized name or abbreviation of the certification.
- d) In addition to the information required to appear pursuant to N.J.A.C. 13:34-29.3, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:
 - 1) The highest academic degrees earned from a regionally accredited institution relating to the practice of professional or rehabilitation counseling. A licensee shall not include any degree earned at an institution that is not regionally accredited;
 - 2) Professional specialty designations as defined in N.J.A.C. 13:34-4.1; and

- 3) Other licenses or certifications issued by another State or Federal agency.
- e) Letters or abbreviations appearing immediately following the licensee's name shall appear in the following order only:
- 1) Highest academic degrees earned from a regionally accredited institution related to the practice of professional, associate or rehabilitation counseling;
 - 2) Licensure designation;
 - 3) Professional specialty designation as defined in N.J.A.C. 13:34-14.1; and
 - 4) Certifications.
- f) Nothing in this section shall preclude any truthful or nondeceptive statement in regard to education or experience in a particular area of professional, associate or rehabilitation counseling.

13:34-29.5 PROHIBITED TYPES OR METHODS OF ADVERTISING

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

13:34-29.6 RETENTION OF ADVERTISEMENTS

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

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

13:34-30.1 FINANCIAL ARRANGEMENTS WITH CLIENTS

- a) Fees shall be reasonable and commensurate with the status and experience of the professional, associate or rehabilitation counselor when compared with fees of professional, associate or rehabilitation counselors offering like services or treatment in the geographic area.

- b) Where payment of the usual and customary fee would be a hardship, a professional or rehabilitation counselor shall refer the client to other sources for provision of services, reduce the usual and customary fee or provide the services without charge. A professional or rehabilitation counselor shall not accept goods and/or services from a client in lieu of payment for professional services.

- c) Before providing counseling services, a professional or rehabilitation counselor shall assist the client to understand financial arrangements. The information shall include, but not be limited to:
 - 1) The identity of the person or entity responsible for payment of the fee for services;

 - 2) The fee for services or the basis for determining the fee to be charged;

 - 3) Whether the professional or rehabilitation counselor will accept installment payments;
and

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

13:34-30.2 CLIENTS SERVED BY OTHERS

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

13:34-30.3 MULTIPLE CLIENTS

When a professional, associate or rehabilitation counselor agrees to provide counseling services to two or more persons who have a relationship (such as husband and wife or parents and children), the professional, associate or rehabilitation counselor shall disclose in writing at the outset, which person or persons are clients and the nature of the relationships he or she will undertake with each involved person. The disclosure shall be retained in the client record. If it becomes apparent that the professional, associate or rehabilitation counselor may be called upon to perform conflicting roles, the professional, associate or rehabilitation counselor shall take appropriate steps to eliminate the conflict.

13:34-30.4 CONFLICTS OF INTEREST; DUAL RELATIONSHIPS

- a) A professional, associate or rehabilitation counselor providing counseling services shall not provide those services in circumstances that would be expected to limit the counselor's objectivity and impair professional judgment or increase the risk of exploitation.
- b) A professional, associate or rehabilitation counselor providing counseling services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, professional treatment of business or financial relationships, students, supervisors, friends or relatives, supervision of friends and relatives and receipt of any goods and/or services from a client.
- c) A professional, associate or rehabilitation counselor who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

13:34-30.5 TERMINATION OF SERVICES

- a) A professional, associate or rehabilitation counselor shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.
- b) A professional, associate or rehabilitation counselor shall not abandon nor neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.
- c) A professional, associate or rehabilitation counselor who anticipates the termination or interruption of services to a client shall notify the client promptly in writing, shall comply with the requirements for transfer of records set forth at N.J.A.C. 13:34-18.7 or 27.7, as applicable and shall seek the transfer, referral or continuation of service in relation to the client's needs and preferences.

- d) Notifications sent to a client pursuant to this section shall be retained in the client record.

13:34-30.6 PROHIBITION ON SOLICITATION; UNETHICAL REFERRALS AND KICKBACKS

- a) A professional, associate or rehabilitation counselor who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a counselor from offering to the client all appropriate options upon termination of services at the agency, including the continuation of services in private practice.
- b) A professional, associate or rehabilitation counselor shall not refer a client to a service in which the counselor or his or her immediate family has a financial interest.
- c) A professional, associate or rehabilitation counselor shall not prescribe goods or devices which the counselor sells or leases to the client unless the counselor advises the client of the ownership or other interest in the goods or devices.
- d) A professional, associate or rehabilitation counselor shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.
- e) A professional or rehabilitation counselor shall not permit the division of fees for professional services unless the counselor is engaged in a bona fide partnership or professional service corporation or employment relationship

SUBCHAPTER 31. PROFESSIONAL COUNSELORS: CUSTODY/PARENTING TIME EVALUATIONS AND/OR TERMINATION OF PARENTAL RIGHTS EVALUATIONS

13:34-31.1 PURPOSE AND SCOPE

The rules in this subchapter set forth the minimum requirements for licensed professional counselors who perform custody/parenting time evaluations and/or termination of parental rights evaluations.

13:34-31.2 DEFINITIONS

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

“Custody/parenting time evaluation” means the analysis performed by a licensed professional counselor to provide comprehensive, objective, and impartial information to the court or to attorneys, which assists in making decisions as to custody/parenting time arrangements that will best provide for the needs of the minor child(ren) involved.

“Licensee” means a licensed professional counselor.

13:34-31.3 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, 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) Licensed associate counselors, interns, and students 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 the licensee refers a case to a licensed health care provider, or consults with an expert, pursuant to (b) above.

13:34-31.4 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.

13:34-31.5 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.

13:34-31.6 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.13:34-31.5.
- 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.

13:34-31.7 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.

13:34-31.8 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 who 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 who is 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 who is 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.

SUBCHAPTER 32. TELEMEDICINE AND TELEHEALTH

13:34-32.1 PURPOSE AND SCOPE

- a) The purpose of this subchapter is to implement the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.), which authorizes healthcare providers to engage in telemedicine and telehealth.
- b) This subchapter shall apply to all persons who are licensed by the Committee.
- c) Pursuant to N.J.S.A. 45:1-62, a professional counselor, associate counselor, or rehabilitation counselor must hold a license issued by the Committee, if he or she:
 - 1) Is located in New Jersey and provides professional counseling or rehabilitation counseling, as applicable, to any client located in or out of New Jersey by means of telemedicine or telehealth; or
 - 2) Is located outside of New Jersey and provides professional counseling or rehabilitation counseling, as applicable, to any client located in New Jersey by means of telemedicine or telehealth.
- d) Notwithstanding N.J.S.A. 45:1-62 and (c) above, a healthcare provider located in another state who consults with a licensee in New Jersey through the use of information and communications technologies, but does not direct client care, will not be considered as providing healthcare services to a client in New Jersey consistent with N.J.S.A. 45:8B-34 et seq., and will not be required to obtain licensure in New Jersey in order to provide such consultation.

13:34-32.2 DEFINITIONS

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Asynchronous store-and-forward” means the acquisition and transmission of images, diagnostics, data, and medical information either to or from an originating site or to or from the licensee at a distant site, which allows for the client to be evaluated without being physically present.

“Committee” means the Professional Counselor Examiners Committee.

“Cross-coverage” means a licensee engages in a remote evaluation of a client, without in-person contact, at the request of another licensee who has established a proper licensee-client relationship with the client.

“Distant site” means a site at which a licensee is located while providing professional counseling or rehabilitation counseling, as applicable, by means of telemedicine or telehealth.

“Licensee” means an individual licensed by the Committee.

“On-call” means a licensed professional counselor or rehabilitation counselor, as applicable, is available, where necessary, to physically attend to the urgent and follow-up needs of a client for whom the licensee has temporarily assumed responsibility, as designated by the client’s primary care licensed professional counselor or rehabilitation counselor, as applicable, or other healthcare provider of record.

“Originating site” means a site at which a client is located at the time that professional counseling or rehabilitation counseling, as applicable, is provided to the client by means of telemedicine or telehealth.

“Proper licensee-client relationship” means an association between a licensee and client wherein the professional counselor, associate counselor, or rehabilitation counselor owes a duty to the client to be available to render professional services consistent with his or her training and experience, which is established pursuant to the requirements at N.J.A.C. 13:34-32.4.

“Telehealth” means the use of information and communications technologies, including telephones, remote client monitoring devices, or other electronic means, to support clinical healthcare, provider consultation, client and professional health-related education, public health, health administration, and other services in accordance with the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.).

“Telemedicine” means the delivery of a healthcare service, including mental health services, using electronic communications, information technology, or other electronic or technological means to bridge the gap between a healthcare licensee who is located at a distant site and a client who is located at an originating site, either with or without the assistance of an intervening licensee, and in accordance with the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.). “Telemedicine” does not include the use, in isolation, of audio-only telephone conversation, electronic mail, instant messaging, phone text, or facsimile transmission.

13:34-32.3 STANDARD OF CARE

- a) Prior to providing services through telemedicine or telehealth, a licensee shall determine whether providing those services through telemedicine or telehealth would be consistent with the standard of care applicable for those services when provided in-person.
- b) If a licensee determines, either before or during the provision of professional counseling or rehabilitation counseling, as applicable, that services cannot be provided through telemedicine or telehealth in a manner that is consistent with in-person standards of care, the licensee shall not provide or supervise services through telemedicine or telehealth.
 - 1) An associate professional counselor or any licensee working under supervision shall be responsible for determining whether professional counseling or rehabilitation counseling, as applicable, can be provided through telemedicine or telehealth in a manner that is consistent with in-person standards of care.
- c) A licensee who determines that services cannot be provided through telemedicine or telehealth pursuant to (b) above shall advise the client to obtain services in-person.
- d) A licensee who provides a treatment, or consultation recommendation, including discussions regarding the risk and benefits of a client's treatment options, through telemedicine or telehealth shall be held to the same standard of care or practice standards as are applicable to in-person settings.

13:34-32.4 LICENSEE-CLIENT RELATIONSHIP

- a) Prior to providing services through telemedicine or telehealth, a licensee shall establish a licensee-client relationship by:
- 1) Identifying the client with, at a minimum, the client's name, date of birth, phone number, and address. A licensee may also use a client's assigned identification number, Social Security number, photo, health insurance policy number, or other identifier associated directly with the client; and
 - 2) Disclosing and validating the licensee's identity, license, title, and, if applicable, specialty and Committee certifications.
- b) Prior to initiating contact with a client for the purpose of providing services to the client using telemedicine or telehealth, a licensee shall:
- 1) Review the client's history, including medical history, provided by the client and any other records provided by the client;
 - 2) Determine as to each unique client encounter whether he or she will be able to provide the same standard of care using telemedicine or telehealth as would be provided if the services were provided in-person; and
 - 3) Provide the client the opportunity to sign a consent form that authorizes the licensee to release client records of the encounter to the client's primary care licensee or other healthcare provider identified by the client.
- c) Notwithstanding (a) and (b) above, professional counseling or rehabilitation counseling, as applicable, may be provided through telemedicine or telehealth without a proper licensee-client relationship if the provision of professional counseling or rehabilitation counseling, as applicable, is:
- 1) For informal consultations with another healthcare provider performed by a licensee outside the context of a contractual relationship, or on an irregular or infrequent basis, without the expectation or exchange of direct or indirect compensation;
 - 2) During episodic consultations by a healthcare specialist located in another jurisdiction who provides consultation services, upon request, to a licensee in this State;
 - 3) Related to healthcare assistance provided in response to an emergency or disaster, provided that there is no charge for the medical assistance; or

- 4) Provided by a substitute licensee acting on behalf and at the designation of an absent licensee in the same specialty on an on-call or cross-coverage basis.

13:34-32.5 PROVISION OF PROFESSIONAL COUNSELING OR REHABILITATION COUNSELING, AS APPLICABLE, THROUGH TELEMEDICINE OR TELEHEALTH

- a) As long as a licensee has satisfied the requirements at N.J.A.C. 13:34-32.4, a licensee may provide professional counseling or rehabilitation counseling, as applicable, to a client through the use of telemedicine and may engage in telehealth to support and facilitate the provision of professional counseling or rehabilitation counseling, as applicable, to clients.
- b) Prior to providing services through telemedicine or telehealth, a licensee shall determine the client's originating site and record this information in the client's record. If, during the session, contact with the client is interrupted, once contact is reestablished, the licensee shall reverify the client's location.
- c) A licensee providing healthcare services through telemedicine shall use interactive, real-time, two-way communication technologies, which shall include, except as provided at (e) below, a video component that allows a licensee to see a client and the client to see the licensee during the provision of professional counseling or rehabilitation counseling, as applicable.
- d) A licensee providing services through telemedicine or telehealth may use asynchronous store-and-forward technology to allow for the electronic transmission of:
 - 1) Images;
 - 2) Diagnostics;
 - 3) Data; and
 - 4) Medical information.
- e) If, after accessing and reviewing the client's records, a licensee determines that he or she is able to meet the standard of care for such services if they were being provided in-person without using the video component described at (c) above, the licensee may use interactive, real-time, two-way audio in combination with asynchronous store-and-forward technology, without a video component.
- f) Prior to providing services through telemedicine or telehealth, a licensee shall review the client's history, including medical history or medical records, and any other records as follows:

- 1) For an initial encounter with a client, the client's history, including medical history and medical records, provided by the client and any other records provided by the client shall be reviewed prior to the provision of professional counseling or rehabilitation counseling, as applicable, through telemedicine or telehealth; and
 - 2) For any subsequent interactions with a client, the client's history, including medical history and medical records, and any other records shall be reviewed either prior to the provision of professional counseling or rehabilitation counseling, as applicable, through telemedicine or telehealth or contemporaneously with the encounter with the client.
- g) During and after the provision of professional counseling or rehabilitation counseling, as applicable, through telemedicine or telehealth, a licensee shall provide his or her name, professional credentials, and contact information to the client. Such contact information shall enable the client to contact the licensee for at least 72 hours following the provision of services, or for a longer period if warranted by the client's circumstances and accepted standards of care.
- h) After the provision of professional counseling or rehabilitation counseling, as applicable, through telemedicine or telehealth, a licensee shall provide the client, upon request, with his or her records reflecting the services provided.
- i) A licensee shall provide, upon a client's written request, the client's information to the client's primary care provider or to other healthcare providers.
- j) A licensee engaging in telemedicine or telehealth shall refer a client for follow-up care when necessary.

13:34-32.6 RECORDS

A licensee who provides services through telemedicine or telehealth shall maintain a record of the care provided to a client. Such records shall comply with the requirements at N.J.A.C. 13:34-18.1 or 27.1, as applicable, and all other applicable State and Federal statutes, rules, and regulations for recordkeeping, confidentiality, and disclosure of a client's records.

13:34-32.7 PREVENTION OF FRAUD AND ABUSE

- a) In order to establish that a licensee has made a good faith effort to prevent fraud and abuse when providing services through telemedicine or telehealth, a licensee must establish written protocols that address:
- 1) Authentication and authorization of users;

- 2) Authentication of the client during the initial intake pursuant to N.J.A.C. 13:34-32.4(a)1;
- 3) Authentication of the origin of information;
- 4) The prevention of unauthorized access to the system or information;
- 5) System security, including the integrity of information that is collected, program integrity, and system integrity;
- 6) Maintenance of documentation about system and information usage;
- 7) Information storage, maintenance, and transmission; and
- 8) Synchronization and verification of client profile data.

13:34-32.8 PRIVACY AND NOTICE TO CLIENTS

- a) Licensees who communicate with clients by electronic communications other than telephone or facsimile shall establish written privacy practices that are consistent with the Federal standards set forth at 45 CFR Parts 160 and 164, which are incorporated herein by reference, as amended and supplemented, relating to privacy of individually identifiable health information.
- b) Written privacy practices required at (a) above shall include privacy and security measures that assure confidentiality and integrity of client-identifiable information. Transmissions, including client email, prescriptions, and laboratory results must be password protected, encrypted electronic prescriptions, or protected through substantially equivalent authentication techniques.
- c) A licensee who becomes aware of a breach in confidentiality of client information, as defined at 45 CFR 164.402, shall comply with the reporting requirements at 45 CFR 164.
- d) Licensees, or their authorized representatives, shall provide a client, prior to evaluation or treatment, with copies of written privacy practices and shall obtain the client's written acknowledgement of receipt of the notice.
- e) Licensees who provide services through telemedicine or telehealth, or their authorized representatives, shall, prior to providing services, give clients notice regarding telemedicine and telehealth, including the risks and benefits of being treated by telemedicine or telehealth and how to receive follow-up care or assistance in the event of an adverse reaction to the treatment, or in the event of an inability to communicate as a result of a technological or

equipment failure. A licensee shall obtain a signed and dated statement indicating that the client received this notice.

- f) When telemedicine or telehealth is unable to provide all pertinent clinical information that a licensee exercising ordinary skill and care would deem reasonably necessary to provide care to a client, the licensee shall inform the client of this prior to the conclusion of the provision of care through telemedicine or telehealth and shall advise the client regarding the need for the client to obtain an additional in-person medical or mental health evaluation, as applicable, reasonably able to meet the client's needs.