

CHAPTER 34
BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS

Authority

N.J.S.A. 45:1-3.2, 45:8B-13 and 45:8B-34 et seq.

Source and Effective Date

R.1998 d.544, effective October 22, 1998.
See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

Executive Order No. 66(1978) Expiration Date

Chapter 34, Board of Marriage and Family Therapy Examiners, expires on October 22, 2003.

Chapter Historical Note

Chapter 34, Board of Marriage Counselor Examiners, was adopted as R.1975 d.100, effective April 15, 1975. See: 7 N.J.R. 236(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of Marriage Counselor Examiners, was readopted as R.1988 d.550, effective October 26, 1988. See: 20 N.J.R. 2361(a), 20 N.J.R. 2932(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of Marriage Counselor Examiners, was readopted as R.1993 d.599, effective October 22, 1993. See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

Subchapter 4, Qualification for Admission to Examination, was re-named Application Qualifications; Board-Approved Examination by R.1997 d.103, effective March 3, 1997. See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Subchapters 10 through 14, 17 through 23 and 26 through 28 were adopted as new rules by R.1998 d.94, effective February 17, 1998. See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of Marriage Counselor Examiners, was readopted as R.1998 d.544, effective October 22, 1998, and Subchapter 5, General Obligations of a Licensee, Subchapter 6, Advertising, and Subchapter 7, Client Records; Confidentiality, were adopted as new rules by R.1998 d.544, effective November 16, 1998. See: Source and Effective Date. See, also, section annotations. Administrative change. See: 31 N.J.R. 547(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

13:34-1.1 License fees and charges

(a) There shall be paid to the State Board of Marriage and Family Therapy Examiners the following fees:

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

New Rule, R.1975 d.100, effective April 15, 1975.
See: 7 N.J.R. 236(a).
Amended by R.1983 d.544, effective November 21, 1983.

See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).
In (a)7, added i-ii.
Amended by R.1985 d.549, effective November 4, 1985.
See: 17 N.J.R. 1527(a), 17 N.J.R. 2669(b).
Substantially amended.
Amended by R.1990 d.152, effective March 5, 1990.
See: 21 N.J.R. 3854(a), 22 N.J.R. 830(a).
Examination fee increased from \$100.00 to \$225.00.
Amended by R.1992 d.386, effective October 5, 1992.
See: 24 N.J.R. 2522(b), 24 N.J.R. 3533(a).
Revised text.
Amended by R.1994 d.287, effective June 6, 1994.
See: 26 N.J.R. 1301(a), 26 N.J.R. 2293(a).
Amended by R.1997 d.103, effective March 3, 1997.
See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).
In (a), amended title of the Board.
Amended by R.1998 d.262, effective May 18, 1998.
See: 30 N.J.R. 793(a), 30 N.J.R. 1842(a).

In (a), increased fees in 2 and 6.
Amended by R.2002 d.125, effective April 15, 2002.
See: 33 N.J.R. 4199(a), 34 N.J.R. 1551(b).
In (a), decreased fees in 2 and 6.

13:34-1.2 Examination review procedure

An unsuccessful candidate may apply to the Board for a review of his or her examination papers. Such application must be submitted to the Board secretary in writing within three months following notification of examination results, and the secretary shall subsequently arrange a mutually convenient date for the candidate to review his or her examination papers and grades in the Board office with an examiner.

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

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;
2. Automatically prepares a back-up copy of the file; and
3. Is designed in such manner that, after the licensee signs by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) The licensee shall include in the client record at least two forms of identification; for example, name and record number, or any other specific identifying information.

(c) The licensee shall finalize or sign the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner.

(d) A licensee wishing to continue a system of computerized client records that does not meet the requirements of this section shall promptly initiate arrangements for modification of the system. The modification must be completed by no later than November 16, 1999. In the interim, the following will apply:

1. On the date of the first treatment, evaluation, or consultation subsequent to effective date of rule, and after each visit continuing to the date of the changeover, the licensee shall:
 - i. Print out a hard copy of the entire computer recorded client record; and
 - ii. Date and initial each page of the printout.
2. The licensee shall retain all hard copies as a permanent part of the client record.

(e) A licensee shall document any addenda or corrections to a client's record in a separately dated, signed, and timed note.

13:34-7.3 Confidentiality

(a) A licensee shall preserve the confidentiality of all communications with a client or clients while performing marriage and family therapy services for these clients, except in the following circumstances:

1. When disclosure is required by Federal or State law or regulation, such as, but not limited to N.J.S.A. 2A:62A-16, 2A:62A-17, and 12 C.F.R. Part 2; or

2. The licensee is a party defendant to a civil, criminal, or disciplinary action arising from the marriage and family therapy services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action.

SUBCHAPTERS 8 THROUGH 9. (RESERVED)

**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 possessing a license issued pursuant to the Act.

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, evaluate and prevent mental, emotional, behavioral and associated distresses which interfere with mental health and development;

3. Conduct assessments and evaluations 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 consultee(s) may have in relation to an individual, a group or an organization;

4. Referral, defined as evaluating and identifying needs of a counselee to determine the advisability of referral to other specialists, informing the counselee 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.

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 supervision pursuant to the provisions of N.J.A.C. 13:34-13. An associate counselor shall not engage in the independent practice of counseling.

SUBCHAPTER 11. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: APPLICATION PROCEDURE AND EDUCATIONAL REQUIREMENTS

13:34-11.1 Application procedure: professional counselor

(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 indicating that the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:34-11.3;

4. A supervisor’s certification indicating that the applicant has met the supervision requirements for licensure set forth in N.J.A.C. 13:34-13; and

5. Proof that the applicant has successfully completed the National Counselors Examination administered by the National Board of Certified Counselors (NBCC), or its successor.

13:34-11.2 Application procedure: associate counselor

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

1. The documents set forth in N.J.A.C. 13:34-11.1(a)1, 2, 3 and 5; and

2. A plan for supervision pursuant to the requirements of N.J.A.C. 13:34-13.2.