

assist clients with stress management not related to a medical or mental health disorder, altering habits such as smoking and weight management, increasing client motivation in employment, the workplace and in sports activities and enhancing creative, artistic and scholastic endeavors.

2. The services of a hypnotherapist shall be limited to:
  - i. Interviewing a client to determine the nature of the client's problem;
  - ii. Assessing the client's suitability for hypnotherapy;
  - iii. Testing a prospective client to determine the client's level of suggestibility;
  - iv. Preparing clients for hypnosis through an explanation of the process and procedures used as well as a description of the resulting hypnotic state to be experienced by the client;
  - v. Teaching self-hypnosis to clients;
  - vi. Inducing the hypnotic state; and
  - vii. Applying hypnotic techniques.

Amended by R.1995 d.332, effective June 19, 1995.

See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).

Amended by R.1997 d.104, effective March 3, 1997.

See: 28 N.J.R. 2318(a), 29 N.J.R. 786(a).

In (a), inserted reference to (b); and added (b).

Amended by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

In the introductory paragraph of (a), substituted "and" for "N.J.S.A." preceding "45:14B-8", and deleted a comma following "1.5"; in (a)1, inserted "and" at the end; in (a)2, substituted a period for "; and"; and deleted (a)3.

#### Case Notes

Psychology; practice without license; person practicing is working as employee at accredited academic institution or a government institution or agency, is working for nonprofit community agency under direct supervision of licensed practicing psychologist, is certified by Department of Education as school psychologist and offers psychological services within the scope of his or her employment but not to the general public, is student of psychology and under supervision and clearly designated as intern or trainee, is comparably licensed psychologist of another state practicing in state for only brief time or has been issued temporary permit. *Communications Workers of America, AFL-CIO v. Clymer*, 292 N.J.Super. 138, 678 A.2d 332 (L.1996).

#### 13:42-1.3 Employment by a nonprofit bona fide community organization; exemption from licensure

(a) Pursuant to N.J.S.A. 45:14B-6(a)3, a psychologist employee of a nonprofit organization which is a bona fide community agency supported wholly or in major part by public funds is exempted from licensure provided the employee is under the direct supervision of a licensed practicing psychologist. For purposes of this section, "direct supervision" shall mean acts performed at a nonprofit bona fide community organization wherein he or she is constantly accessible, either on-site or through electronic communication, and available to render assistance when required and that the licensee shall

retain full professional responsibility for client care and treatment.

(b) For purposes of this section, the term "public funds" shall not mean payments by Medicare or Medicaid or other public or private insurance fund on behalf of an individual client to an individual provider (directly or through a professional service corporation) licensed by the Board.

(c) For purposes of this section, the term "non-profit bona fide community organization" shall mean:

1. An entity which is exempt from taxation pursuant to section 501 of the United States Internal Revenue Code and which meets one of the following definitions. The organization shall be:
  - i. A corporate entity or any community chest, fund or foundation organized and operated exclusively for religious or charitable purposes;
  - ii. A civic league or organization not organized for profit but operated exclusively for the promotion of social welfare; or
  - iii. A religious society devoted exclusively to charitable or religious purposes; or

2. An entity which has as its commitment the delivery of mental health services to clients who are amenable to those forms of psychological services customarily provided by the organization and which meets one of the following definitions:
  - i. The organization receives 50 percent or more of its funding in the form of public monies from a budget line or grant appropriated on a quarterly, twice-yearly, annual or other regular basis; or
  - ii. The organization has publicly and permanently committed itself to accepting, without numerical restriction, clients whose treatment shall be reimbursed either by Medicaid or Medicare or other public insurance program funding.

- iii. A religious society devoted exclusively to charitable or religious purposes; or

- iii. A religious society devoted exclusively to charitable or religious purposes; or

2. An entity which has as its commitment the delivery of mental health services to clients who are amenable to those forms of psychological services customarily provided by the organization and which meets one of the following definitions:
  - i. The organization receives 50 percent or more of its funding in the form of public monies from a budget line or grant appropriated on a quarterly, twice-yearly, annual or other regular basis; or
  - ii. The organization has publicly and permanently committed itself to accepting, without numerical restriction, clients whose treatment shall be reimbursed either by Medicaid or Medicare or other public insurance program funding.

- i. The organization receives 50 percent or more of its funding in the form of public monies from a budget line or grant appropriated on a quarterly, twice-yearly, annual or other regular basis; or

- ii. The organization has publicly and permanently committed itself to accepting, without numerical restriction, clients whose treatment shall be reimbursed either by Medicaid or Medicare or other public insurance program funding.

(d) Examples of organizations which may be considered bona fide non-profit community organizations under the definition set forth in (c)2 above include private or public non-psychiatric hospitals which are licensed by the New Jersey State Department of Health to provide health and medical care to the general public and which have a designated psychiatric unit.

(e) At the time employment of the unlicensed psychologist employee commences, the exempt entity or exempt practitioner shall submit to the Board a notice specifying the following information:

1. The public commitment of the organization and the basis for exemption under this section;

2. The name of the New Jersey licensed psychologist(s) or psychiatrist(s) or other licensed mental health care prac-

tioner authorized by law to render professional mental health services at the organization's facility; and

3. The name of each unlicensed psychologist employee who does or shall perform psychological services. The unlicensed psychologist employee shall not be an independent contractor.

(f) The exempt entity may submit notice on behalf of the employee(s), and a single annual notice in January of each year shall suffice to retain the exemption for that year. The exempt entity shall update the notice as necessary, and the Board will acknowledge receipt of each notice.

(g) Exemption shall be conditioned upon the employing organization continuing to meet the criteria of this section and N.J.S.A. 45:14B-6 as it may be affected by other applicable law.

New Rule, R.1995 d.332, effective June 19, 1995.

See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote (a).

Amended by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

In the introductory paragraph of (e), substituted "At" for "By July 19, 1995 or at", and deleted "whichever is later," preceding "the exempt".

#### Case Notes

Psychology; practice without license; person practicing is working as employee at accredited academic institution or a government institution or agency, is working for nonprofit community agency under direct supervision of licensed practicing psychologist, is certified by Department of Education as school psychologist and offers psychological services within the scope of his or her employment but not to the general public, is student of psychology and under supervision and clearly designated as intern or trainee, is comparably licensed psychologist of another state practicing in state for only brief time or has been issued temporary permit. Communications Workers of America, AFL-CIO v. Clymer, 292 N.J.Super. 138, 678 A.2d 332 (L.1996).

#### 13:42-1.4 Student of psychology; exemption from licensure

(a) For purposes of this section, "student of psychology" means a person who is presently registered at a regionally accredited institution and there matriculated into a graduate program of study leading toward a doctoral degree in psychology or an allied field.

(b) A student of psychology may be exempt from licensure under the Act provided that the student is under the supervision of an authorized supervisor as set forth in N.J.A.C. 13:42-4.2.

(c) The student's authorized supervisor shall be responsible for ensuring that:

1. The student's participation in the training program is a requirement of the graduate psychology program;
2. The student's transcript (or previous transcripts accepted by the degree-granting college or university as

specifically supportive of the present graduate program leading toward the graduate degree) reflects prior academic training specific to the duties assigned to the student; and

3. The student is clearly identified as a student intern or extern prior to engaging in psychological practice.

#### 13:42-1.5 Member of other professional group doing work of psychological nature; exemption from licensure

(a) The following individuals, who do work of a psychological nature consistent with the accepted standards of their respective professions, are exempt from licensure under the Practicing Psychology Licensing Act provided they do not hold themselves out to the public by any title or description stating or implying that such person is a psychologist or is licensed to practice psychology:

1. A licensed allopathic or osteopathic physician;
2. A licensed optometrist;
3. A licensed chiropractor;
4. A member of the clergy or pastoral counselor directly affiliated with a recognized ministry and employed by that ministry to provide psychological services;
5. A licensed attorney at law;
6. A licensed social worker under the supervision of a duly licensed mental health professional;
7. A licensed clinical social worker;
8. A licensed registered nurse certified by the Society of Clinical Specialists in Psychiatric Nursing of the American Nurses Association;
9. A person employed by the Federal government and solely in a Federal installation;
10. An authorized practitioner as designated by a New Jersey court of competent jurisdiction to perform services which may be psychological in nature pursuant to Rule of Court 5:3-3;
11. A school psychologist or guidance counselor who is certified by the New Jersey State Department of Education and who is employed by, and whose services are rendered in or for, a public or private school. No exemption shall be permitted to any school psychologist/counselor not certified by a governmental department of the State of New Jersey and not employed in an exempt setting as set forth in N.J.A.C. 13:42-1.3 and N.J.S.A. 45:14B-6(a)1 and (b) unless otherwise authorized by law;
12. A professional counselor or associate counselor licensed pursuant to N.J.S.A. 45:8B-1 et seq., as amended by P.L. 1993, c.340;
13. A licensed marriage and family therapist;
14. A licensed occupational therapist;
15. A licensed physical therapist;

16. A career counselor registered pursuant to N.J.S.A. 34:8-65 et seq.; and

17. Any other category of practitioners specifically authorized by law to perform work of a psychological nature consistent with the accepted standards of their respective professions/occupations.

Amended by R.1995 d.332, effective June 19, 1995.

See: 27 N.J.R. 4738(a), 27 N.J.R. 2422(a).

Amended by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

In (a)13, substituted "and family therapist" for "counselor".

### 13:42-1.6 Ineligibility for exemption

A person denied a permit or license for reasons other than clear educational deficiency, or whose permit or license has been suspended, revoked or limited by the Board, shall be deemed ineligible to be employed in an exempt setting as defined in or to qualify for practice under N.J.S.A. 45:14B-6 except by order of the Board.

## SUBCHAPTER 2. INITIAL QUALIFICATIONS

### 13:42-2.1 Application; qualifications to sit for examination

(a) An applicant for licensure shall file with the Board an application together with all supporting material. The application form requests a brief summary of educational and employment experience. Supporting material required to be submitted with the application includes official transcripts; an abstract of the applicant's doctoral dissertation as published in Dissertation Abstracts International; and two certificates of good moral character. Documentation of two years of full time or full time equivalent supervised experience in the practice of psychology is required upon the applicant's completion of such experience.

(b) In order to be eligible to sit for the examination, an applicant shall have two years of full time or full time equivalent supervised experience in accordance with N.J.A.C. 13:42-4, and:

1. An earned doctorate, which meets the criteria set forth in (d) through (i) below, in the field of psychology from an educational institution recognized by the Board;
2. An earned doctorate, which meets the criteria set forth in (d) through (i) below, in a field allied to psychology; or
3. Equivalent training as set forth in N.J.A.C. 13:42-2.3.

(c) The institution at which the applicant earned his or her doctorate shall have been fully accredited during the entirety of the applicant's attendance by a regional accrediting body recognized by the United States Department of Education,

Office of Postsecondary Education. Alternatively, an educational institutional program shall have been granted continuous provisional accreditation by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education during the entirety of the applicant's attendance, with full accreditation having been awarded within five years of the candidate's graduation.

(d) No more than one-third of the doctoral credits shall have been transferred from other regionally/nationally accredited graduate schools.

(e) The doctoral degree must be based upon at least 40 doctoral credit hours earned specifically within the field of psychology and within a doctoral program requiring personal attendance at the degree-granting institution that meets the requirements of (f) below. Thirty-six of the required 40 credit hours shall be distributed across the following areas of graduate study:

1. Personality Theory and Human Development Theory: six credits;
2. Learning Theory and/or Physiological Psychology: six credits;
3. Psychological Measurement and Psychological Assessment: six credits;
4. Psychopathology: six credits;
5. Psychological therapy/counseling or Industrial/Organizational Psychology: six credits; and
6. Research and Statistical Design: six credits.

(f) In order to qualify as a doctoral program for the purposes of (e) above, a doctoral program shall:

1. Be accredited by the American Psychological Association or the Canadian Psychological Association, or listed by the Association of State and Provincial Psychology Boards/National Register Joint Designation; or
2. Meet the following:
  - i. Have full-time faculty who are doctorally prepared in psychology;
  - ii. Require full-time students to physically attend classes on campus for at least one academic year; and
  - iii. Require part-time students to physically attend classes on campus for at least two academic years.

(g) An applicant for licensure who was enrolled in a doctoral program prior to September 19, 2011 shall not be required to show that the doctoral program met the requirements of (f) above.

(h) The applicant shall submit evidence of an additional 20 credit hours, also specifically in the field of psychology, but which were not necessarily obtained as part of the doctoral program. The additional 20 credits can have been granted at a

pre-doctoral or post-doctoral graduate level and must have been obtained as part of an educational program in a regionally accredited institution.

(i) The Board may, in its discretion, recognize up to six credits for a dissertation which is psychological in nature. The six credits may be used either to satisfy the requirement of having at least 40 doctoral credit hours specifically within the field of psychology and earned within a doctoral program, or to satisfy a credit deficiency in one or more of the required distribution areas of doctoral study.

(j) The Board may, in its discretion, accept up to nine credits, taken at a regionally accredited school or university, to remediate a deficiency in the requirements of (e) and (h) above.

Amended by R.1995 d.332, effective June 19, 1995.

See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).

Amended by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

Deleted former (g); and recodified former (h) and (i) as (g) and (h).

Amended by R.2011 d.241, effective September 19, 2011.

See: 42 N.J.R. 2228(a), 43 N.J.R. 381(a), 43 N.J.R. 2530(a).

In (c), substituted "a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education" for "an accrediting body generally recognized within the national academic community" and "regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education" for "recognized regional or national entity"; in the introductory paragraph of (e), inserted "that meets the requirements of (f) below"; added new (f) and (g); recodified former (f) through (h) as (h) through (j); and in (j), substituted "(h)" for "(f)".

### 13:42-2.2 Academic degree in a field allied to psychology

(a) An applicant for licensure based on receipt of an earned doctoral degree in a field allied to psychology shall arrange for transmittal to the Board of an official copy of all undergraduate and graduate transcripts from a regionally and/or nationally accredited educational institution or one which is recognized by the New Jersey State Department of Higher Education and by the Board.

(b) The doctorate degree must meet the criteria set forth in N.J.A.C. 13:42-2.1(d) through (f), and the doctoral dissertation must be psychological in nature.

### 13:42-2.3 Equivalent training

(a) An applicant for licensure based on equivalent training shall submit evidence to the Board that the applicant has all of the following equivalent training:

1. An earned doctorate based upon a dissertation which is clearly psychological in nature from a regionally and/or nationally accredited educational institution or one which is recognized by the New Jersey State Department of Higher Education and by the Board; or, if the dissertation is not clearly psychological in nature, authorship of work in a refereed scholarly publication which work the Board

deems to be clearly psychological in nature and equivalent to a dissertation; and

2. Extensive experience, subsequent to receipt of the earned doctorate and for at least the five years immediately preceding application, in the field of applied psychology. The applicant's work in the field of applied psychology must be generally accepted by the local and/or regional psychological community as meeting the standards of professional psychological practice and contributing substantially to that community; and

3. Substantial formal post-doctoral study in a training program accredited by a bona fide accrediting body acceptable to the Board.

### 13:42-2.4 Degrees earned outside the United States

(a) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the Board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States.

(b) Individuals who apply pursuant to (a) above shall provide the Board with a comprehensive evaluation of their degree performed by World Education Services, Inc. (WES) or a foreign credential evaluation service that is member of the National Association of Credential Evaluation Services (NACES) and acceptable to the Board, and any other documentation the Board deems necessary.

New Rule, R.2010 d.167, effective August 2, 2010.

See: 41 N.J.R. 4182(a), 42 N.J.R. 1738(a).

## SUBCHAPTER 3. ONE-YEAR UNSUPERVISED AND THREE-YEAR SUPERVISED TEMPORARY PERMITS FOR TRAINING PENDING ORAL EXAMINATIONS

### 13:42-3.1 One-year unsupervised permit

(a) The Board shall issue a numbered temporary permit for the unsupervised practice of psychology for a period not to exceed one year to a psychologist who:

1. Holds a license in good standing as a psychologist in another state with licensure requirements substantially similar to those of this State;
2. Otherwise qualifies for licensure pursuant to the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq.;
3. Has not engaged in any act or practice which would be the basis for denying a permit under the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq.;
4. Meets all requirements of New Jersey law other than passing of the oral examination in this State;

5. Has had at least two years of active post-doctoral experience in the practice of applied psychology within the four years immediately preceding application;

6. Has had no disciplinary action taken against a license to practice psychology held in any other state;

7. Provides the Board with a specific written plan for the practice of psychology in this State during the one-year term of unsupervised practice including, but not limited to, the number and kind of cases to be assumed, any affiliation or association with another mental health care provider in this State, and a statement in regard to whether the permit holder will be billing clients for psychological services directly or through another entity such as an employer; and

8. Has filed an application for licensure with the Board.

(b) The holder of a temporary permit pursuant to (a) above shall, within 90 days of issuance of the permit, submit to the Board a work sample for oral examination. Failure to meet this deadline may, upon notice to the permit holder, result in revocation of the permit.

(c) The permit holder shall complete the examination process before the expiration of the permit.

(d) The permit holder shall assume only the number and kind of cases that can be readily transferred to a licensed

psychologist in the event the permit holder fails the examination or has his or her permit suspended or revoked prior to the expiration of the one-year period.

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote the section.

### **13:42-3.2 Three-year supervised permit**

(a) The Board shall issue a numbered temporary permit for the supervised practice of psychology for a period not to exceed three years to a qualified individual who meets all requirements of New Jersey law, including the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq., other than the requisite number of hours of post-doctoral supervised experience and/or passing of the written and oral examinations and has not engaged in any act or practice which would be the basis for denying a permit under the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq. An applicant for licensure who has not completed the requirement for post-doctoral supervised experience shall be required to obtain a three-year supervised permit and comply with all of the provisions of this subchapter including those applicants who intend to obtain the supervised experience in a practice or facility that is otherwise exempt pursuant to N.J.S.A. 45:14B-6, N.J.S.A. 45:14B-8, or N.J.A.C. 13:42-1.2 through 1.5.

(b) The permit holder shall practice only in accordance with the standards of supervised practice set forth in N.J.A.C. 13:42-4.

(c) The permit holder shall obtain the required supervised experience and successfully complete the written and oral examinations prior to the expiration of the permit.

(d) The permit holder shall undertake only the number and kind of cases that may be readily transferred to a licensed psychologist should the permit holder fail to obtain the required supervised experience, have his or her permit suspended or revoked, or fail to successfully complete the examination process prior to the expiration of the three-year period.

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote (a) and deleted (e).

### **13:42-3.3 Limitation, suspension or revocation of permit by Board**

(a) The Board may, upon notice to the permit holder limit, suspend or revoke the permit of an individual who fails the written or oral examination.

(b) The Board may, upon notice to the permit holder and the opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, limit, suspend or revoke the permit of an individual who fails to properly discharge his or her responsibilities.

### **13:42-3.4 Extension of permit upon request of permit holder**

(a) Upon the written request of a permit holder, the Board may, in its discretion, extend the temporary permit for good cause shown.

(b) The permit holder shall submit the request for extension, together with the required fee, no later than 30 days before expiration of the permit. The request shall include the reason for the extension.

(c) Extension of a permit may be conditioned upon the individual meeting the following requirements:

1. Immediate appearance by the permit holder, upon notice, before a committee of the Board to review the current caseload;

2. Acceptance of such limitations and conditions (for example, reduction of caseload, alterations in the supervisory arrangement, personal therapy, etc.) as the Board may deem necessary to promote competent psychological practice; and/or

3. Demonstration to the satisfaction of the Board that the welfare of the public is protected by extension of the permit, with appropriate limitations and conditions.

### **13:42-3.5 Return of permit**

All temporary permits are the property of the Board. The holder of a temporary permit shall return the permit to the Board no later than 10 days after its expiration or within 10 days of notice of suspension or revocation of the permit.

### **13:42-3.6 Responsibilities of applicant for one-year unsupervised and three-year supervised temporary permits**

(a) An applicant for a one-year unsupervised or three-year supervised temporary permit shall have on file with the Board an application for licensure together with all supporting material as required by N.J.A.C. 13:42-2.1(a), with the exception of the two year supervised experience requirement.

(b) The applicant shall request in writing the issuance of a one-year unsupervised or three-year supervised temporary permit to practice psychology until passing of the written and oral examinations and/or for the purpose of meeting the supervised experience requirement.

(c) A supervised permit holder shall see only those clients assigned to the permit holder by the supervisor.

(d) A supervised permit holder shall not set a professional fee or receive a professional fee from a client. A supervised permit holder may be compensated only through the supervisor or employing entity as provided in N.J.A.C. 13:42-4.6. An unsupervised permit holder may set and receive professional fees.

(e) A one-year unsupervised and three-year supervised permit holder shall limit client contact to no more than 20 client or group contact hours in any one week.

(f) A supervised permit holder shall not engage in unsupervised or independent practice.

(g) A supervised permit holder shall be responsible for the supervisor's compliance with the requirements of N.J.A.C. 13:42-4.4(a) through (c).

(h) A permit holder shall include his or her permit number on any printed representations of practice.

(i) A permit holder shall not advertise, except a one-year unsupervised permit holder may identify the location of his or her practice solely by name and address. A permit holder may indicate the degree held such as Ph.D., but any use of the words "psychology," "psychologist," or any of its derivatives shall be prohibited for any permit holder prior to licensure.

(j) Prior to commencement of client treatment, a one-year unsupervised permit holder shall obtain a written disclosure form, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that:

1. Services are to be rendered by a permit holder who is not a licensed psychologist; and

2. Third party payors may not necessarily reimburse services rendered by a person not licensed by the Board.

(k) A one-year unsupervised and three-year supervised temporary permit holder shall be prohibited from performing custody/parenting time evaluations and termination of parental rights evaluations.

New Rule, R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Amended by R.2010 d.192, effective September 7, 2010.

See: 41 N.J.R. 3024(a), 42 N.J.R. 2135(a).

In (k), inserted "temporary" and "custody/parenting time" and substituted "and termination of parental rights evaluation" for "in custody cases".

#### SUBCHAPTER 4. SUPERVISION OF CANDIDATES FOR LICENSURE

##### 13:42-4.1 Amount of supervision required

(a) An applicant for licensure shall be required to document the competent performance of at least two years of full time or full time equivalent supervised experience in the practice of psychology, at least one year of which shall have been completed subsequent to the applicant's receipt of his or her doctoral degree.

(b) The equivalent of one year of full time supervised experience shall be a minimum of 1,750 hours. The 1,750 hours shall include:

1. One thousand client contact hours completed in accordance with the limitations provided in N.J.A.C. 13:42-3.6(e);

2. Two hundred hours of supervision. At least 100 hours shall be individual face-to-face supervision; the remaining 100 hours may be individual or group supervision. The ratio shall be one hour of supervision for each five hours of client contact per week; and

3. Five hundred fifty hours in other work-related activities such as recordkeeping, consultations, report writing, etc.

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

In (a), inserted "the competent performance of" following "document"; in (b), rewrote 1, and deleted "At least" at the beginning of 2 and 3.

##### 13:42-4.2 Authorized supervisors

(a) Supervision of experience for licensure purposes, including experience in exempt settings, shall be rendered by:

1. A psychologist licensed in New Jersey for at least two years; or

2. For supervised experience obtained in another state, a psychologist licensed in that state for at least two years and who is eligible for licensure in New Jersey.

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote the section.

##### 13:42-4.3 (Reserved)

Repealed by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Section was "Responsibilities of applicant for three-year temporary permit".

##### 13:42-4.4 Responsibilities of supervisor

(a) A supervisor shall obtain prior Board approval and shall provide the Board with a letter stating that the supervisor has agreed to enter into a supervisory arrangement with the permit holder.

(b) A supervisor shall supervise no more than three permit holders at any one time, except for good cause shown and at the discretion of the Board.

(c) Every six months and at the completion of the supervision, the supervisor shall document the supervised experience on a form provided by the Board. The information to be supplied on the form includes the dates during which the permit holder was under supervision, the nature of the cases assigned, and the proficiency rating earned by the permit holder.

(d) A supervisor shall ensure that the permit holder has, at all times, a current and valid Board permit or other required authorization.

(e) A supervisor shall provide adequate and timely evaluations, as required by the work setting, to employees, permit holders, students and others whose work is being supervised.

(f) Prior to a permit holder's commencement of client treatment, the supervisor shall obtain a written disclosure form, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that:

1. Services are to be rendered by a permit holder who is not a licensed psychologist; and

2. Third party payors may not necessarily reimburse services rendered by a person not licensed by this Board, notwithstanding supervision by a licensed psychologist.

(g) A supervisor shall retain full professional responsibility for setting fees, billing clients and collecting fees from clients consistent with the provisions of N.J.A.C. 13:42-10.10 and 10.11.

(h) A supervisor shall provide professional working conditions, constructive consultation and experience opportunities.

(i) A supervisor shall not condone or knowingly permit the permit holder to practice without supervision or independently.

(j) A supervisor shall not enter into supervisory arrangements involving a potential conflict of interest such as, but not limited to, arrangements with:

1. Family members;
2. Those with whom the supervisor has close personal associations;
3. Those with whom the supervisor has financial relationships (such as creditor-debtor), other than as specifically permitted by N.J.A.C. 13:42-4.6; or
4. Those with whom the licensee has a therapist/client relationship.

Administrative correction.  
See: 41 N.J.R. 3938(b).

#### **13:42-4.5 Supervision of individuals exempt from licensure**

(a) A psychologist may supervise services of a psychological nature rendered in:

1. A private practice setting by a health care professional exempt from licensure pursuant to N.J.S.A. 45:14B-8; and
2. An exempt non-profit bona fide community organization as defined in N.J.A.C. 13:42-1.3.

(b) The supervisor shall ensure that the exempt supervisee complies with all Board regulatory requirements (including preparation of client records) and with accepted standards of professional and ethical practice of the exempt agency or exempt health care professional.

New Rule, R.1995 d.332, effective June 19, 1995.  
See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).

#### **13:42-4.6 Financial arrangements between supervisor and supervisee**

(a) Financial arrangements between the supervisor and supervisee shall be reasonable and may take into account the special teaching arrangement that forms the context of the relationship. For example, the supervisor may designate the supervisee as a part-time employee.

(b) The supervisor shall charge the supervisee separately, if at all, for the supervision itself or for ancillary costs such as rent for use of premises, equipment, malpractice insurance, etc.

Recodified from 13:42-4.5 by R.1995 d.332, effective June 19, 1995.  
See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).  
Amended by R.2004 d.140, effective April 5, 2004.  
See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Deleted former (a) and recodified former (b) through (c) as new (a) through (b).

Amended by R.2009 d.241, effective August 3, 2009.  
See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).  
Rewrote (a).

### SUBCHAPTER 5. EXAMINATION

#### **13:42-5.1 Board-approved written examination; oral examination**

(a) A candidate who has been admitted to sit for examination shall take the Examination for Professional Practice in Psychology sponsored by the Association of State and Provincial Psychology Boards (ASPPB). A passing score shall be that as established by the ASPPB at the time of the examination.

(b) A candidate who passes the written examination shall then take an oral examination of his or her professional practice based on a work sample in accord with guidelines to be supplied to the candidate by the Board and as follows:

1. The candidate shall within 90 days of notification of successful completion of the written examination, present a current work sample representative of the candidate's present practice. For the purposes of this rule, "current" work sample is defined to mean a work sample either in progress or where the treatment services were terminated within one year before the submission of the work sample. The dates of client service shall be specifically mentioned on the cover page.

2. The candidate shall identify the work sample by the area of the candidate's specialty.

3. The text of the work sample shall be typed and double spaced and shall not exceed 20 pages in length. All tests and protocols used as the basis for professional intervention shall be presented as appendices.

(c) The examiner(s) shall tape the oral examination for the purpose of creating a record. The candidate shall not tape the oral examination.

Amended by R.1995 d.369, effective July 17, 1995.

See: 27 N.J.R. 1754(a), 27 N.J.R. 2696(a).

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

In (b)1, substituted a reference to 90 days for a reference to 45 days.

Amended by R.2004 d.140, effective April 5, 2004.

See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Rewrote (a) and (b)1.

#### **13:42-5.2 Examination review procedures**

(a) A candidate who fails the written examination may request a handscoring of answer sheets, copy of individual answer sheet or role-feedback as available from the Professional Examination Service (PES). The candidate shall be responsible for payment of any fees required by the PES. The candidate's written request for review must reach the Board's Executive Director within 45 days of the date of the letter of notification of examination results.

(b) A candidate who fails the oral examination may request a review of his or her oral examination tape. The candidate's written request for review must reach the Board's Executive Director within 45 days of the date of the letter of notification of examination results. The Executive Director

will make the tape of the oral examination available to the candidate at the Board office on a mutually convenient date. Neither the candidate nor an agent of the candidate may tape the Board's copy of the oral examination tape during this or any review of the tape of the oral examination.

(c) Following review of the examination tape, a candidate who failed the oral examination may request reconsideration of the decision. The candidate's written request for reconsideration must reach the Board's Executive Director within 45 days of the date of the examination review. The request for reconsideration must be limited to no more than 5 8 1/2 inch by 11 inch sized pages, single spaced, with normal size type set and standard margins. Only one side of the page may be used.

(d) The Board shall grant a request for reconsideration only upon the candidate's showing of good cause establishing that the request is meritorious and made in good faith. Good cause for this purpose shall mean:

1. Proof of unusual circumstances surrounding the examination which adversely and significantly influenced the candidate's performance;
2. Proof that the scope of the examination conducted did not sufficiently address the candidate's professional work sample;
3. Proof of examiner bias against the candidate, the candidate's orientation or kind of work; or
4. Proof of a substantial and material error on the part of the examiners.

(e) If, upon review of the written request for reconsideration, the Board determines that the candidate has demonstrated good cause for reconsideration, the Board may designate a subcommittee to review the matter and make a recommendation to the Board after conducting such inquiry or investigation as the subcommittee deems necessary. The subcommittee shall subsequently present to the Board the following information in closed session: the basis for the request for reconsideration; the reasons advanced by the applicant for changing the Board's previous decision; and the subcommittee's recommendation to sustain, modify, overturn or vacate the Board's previous decision and the reasons for that recommendation.

(f) The Board shall promptly mail to the candidate a copy of the Board's final decision and supporting reasons.

(g) A transcript of the oral examination may be prepared by a shorthand reporter, at the candidate's expense, only if the transcript is required for appellate review by the Superior Court.

### **13:42-5.3 Out-of-State psychologists; admittance to oral examination**

(a) An out-of-State psychologist shall be admitted to take the oral examination in New Jersey provided the individual

can demonstrate to the satisfaction of the Board that he or she:

1. Has taken the Board-approved written examination in another state;
2. Has passed the examination at the minimum level established by the Board and in effect at the time of application; and
3. Meets all other requirements for licensure, including submission of a work sample as defined in N.J.A.C. 13:42-5.1(b).

(b) An out-of-State psychologist, who can demonstrate proof of meeting all requirements for licensure other than the Board-approved written examination and who can demonstrate satisfactory completion of 20 years of licensed, responsible and competent practice in another state, shall be admitted to take the oral examination in New Jersey.

(c) The Board shall not recognize licensing examinations other than the Board-approved examination sponsored by an individual state or other entity, if completed subsequent to January 1, 1980.

Amended by R.2004 d.140, effective April 5, 2004.  
See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).  
Rewrote (b).

### **13:42-5.4 License without examination**

(a) A psychologist who holds a diploma from the American Board of Professional Psychology awarded by examination, and who meets all other requirements of New Jersey law, shall be licensed following satisfactory completion of an oral interview with the Board or designated member(s) thereof.

(b) A psychologist who obtained the Association of State and Provincial Psychology Boards (ASPPB) Certificate of Professional Qualification (CPQ) in psychology prior to June 30, 2006, and who meets all other requirements of New Jersey law, shall be licensed following satisfactory completion of an oral interview with the Board or designated member(s) thereof.

Amended by R.2004 d.140, effective April 5, 2004.  
See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Designated former section as (a); added (b).  
Amended by R.2010 d.167, effective August 2, 2010.  
See: 41 N.J.R. 4182(a), 42 N.J.R. 1738(a).

In (b), substituted "obtained" for "holds" and inserted "prior to June 30, 2006,".

### **13:42-5.5 Subversion of the licensing examination process**

(a) Any individual found by the Board to have engaged in conduct which subverts or attempts to subvert the licensing examination process may, at the discretion of the Board, have his or her scores on the licensing examination withheld or declared invalid, be found ineligible for licensure, be dis-

**13:42-10.12 Billing**

(a) The licensee's bill shall include at least the following information:

1. The licensee's name, license number, tax identification number and original signature, except in the case of electronic billing, where an original signature is not required;
2. The street address and telephone number of the practice location;
3. The dates and nature of professional services including, in connection with treatment, whether individual or group;
4. Diagnosis and insurance codes, if required or requested;
5. In a practice setting where services are provided by more than one practitioner, the name and license number of the licensee who provided the services being billed; and
6. Fees. The licensee shall identify which part, if any, of the services billed were provided by a technician at the direction of and under the supervision of the licensee pursuant to N.J.A.C. 13:42-7.3 and 7.4 and shall adjust the fee downward accordingly.

(b) A licensee billing for services rendered by a permit holder or an exempt professional practicing under supervision shall include all of the following information on the bill in addition to the information required pursuant to (a) above:

1. The name and permit number of the supervisee.
2. The dates, if any, when the client was seen personally by the supervisor; and
3. A statement that treatment was rendered by the supervisee under the supervision of the supervisor.

Amended by R.2000 d.476, effective December 4, 2000.  
See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

In (a)1, added " , except in the case of electronic billing, where an original signature is not required".

Amended by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

In (b)1, deleted the former second sentence.

**13:42-10.13 Conflicts of interest; dual relationships**

(a) A licensee shall not refer a client to a health care service in which the licensee has any financial or significant beneficial interest unless the licensee has:

1. Disclosed that he or she has a financial interest; and
2. Provided an alternative referral source.

(b) A licensee shall not prescribe goods or devices which the licensee sells or leases to the client, unless as follows:

1. The goods or devices are an integral part of the professional treatment for that client;

2. The item and its fee (if any) are specified on the billing statement under the licensee's professional office name; and

3. Any fee is set at a level which does not exceed a recoupment of the reasonable actual expense to the licensee for provision of the goods or devices. The burden of justifying the fee shall be on the licensee.

(c) A licensee shall not enter into or continue any treating relationship, or supervisory relationship of another person offering clinical services, in which he or she has any family, personal, financial or beneficial interest other than that arising from the therapist-client relationship. Examples of such relationships include, but are not limited to, spousal-spousal supervision, parent-child supervision, child-parent supervision, intimate partner supervision.

(d) A licensee shall not enter into any dual relationship. Examples of such dual relationships include, but are not limited to, professional treatment of employees, tenants, students, supervisees, close friends or relatives. Entering into any business relationships or paying or bartering for any services provided by any current client shall also be prohibited.

(e) A licensee who recognizes the existence of a conflict of interest or dual relationship shall take action to terminate the conflict or the dual relationship.

(f) A licensee shall not enter into financial arrangements with clients which are likely to impair professional judgment. Improper financial arrangements shall include, but are not limited to, loans (whether borrower or lender) or assumption of liabilities for debt.

(g) A licensee shall not enter into a financial arrangement or any other potentially exploitive relationship with a former client which is likely to be the product of judgment impaired by the former relationship.

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote (a).

Amended by R.2004 d.140, effective April 5, 2004.

See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Rewrote the section.

**13:42-10.14 Prohibition on referral fees and fee splitting**

(a) A licensee 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. This subsection shall not prohibit a licensee from:

1. Paying a flat fee for regular advertising services;
2. Paying a flat fee for the licensee's placement on a commercially sponsored "referral list" of licensed health care providers; or
3. Contributing a fee to a professionally sponsored referral service.

(b) A licensee shall not permit the division of fees for professional services other than among licensed health care professionals in the same or in a closely allied professional health care field engaged in a bona fide partnership, professional service corporation, limited liability company, limited liability partnership, employment relationship, or between a licensee and an applicant for licensure who is working under the supervision of the licensee pursuant to a Board issued temporary permit. A licensee shall not divide fees for professional services rendered to a client with a psychologist practicing as an independent contractor. This subsection shall not prohibit a licensee from charging a flat fee to an independent contractor on a per hour or per service basis to cover expenses.

(c) This section shall be construed broadly to effectuate its remedial intent.

Petition for Rulemaking.

See: 26 N.J.R. 263(a).

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote (b).

Amended by R.2004 d.140, effective April 5, 2004.

See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

In (a)3, deleted "for provision of low-cost psychotherapy to screened clients" following "referral service"; in (b), added the third sentence.

Amended by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

In (b), substituted "cover" for "coverage".

### 13:42-10.15 (Reserved)

Repealed by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

Section was "Supervision of individuals exempt from licensure".

### 13:42-10.16 Client accessibility to therapist of choice

A licensee shall not enter into any business agreement that interferes with or restricts the ability of a client to see or continue to see his or her therapist of choice.

New Rule, R.1995 d.332, effective June 19, 1995.

See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).

Amended by R.2004 d.140, effective April 5, 2004.

See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Rewrote the section.

### 13:42-10.17 License renewal; active/inactive

(a) Licenses shall be renewed biennially upon a form provided by the Board.

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

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

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

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

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status.

New Rule, R.2004 d.140, effective April 5, 2004.

See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

### 13:42-10.18 Reinstatement

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

New Rule, R.2004 d.140, effective April 5, 2004.

See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

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## SUBCHAPTER 11. ACCESS TO TREATMENT INFORMATION IN DESIGNATED HEALTH INSURANCE PROGRAMS

### 13:42-11.1 Purpose and scope

(a) This subchapter implements the provisions of P.L. 1985, c.256 (N.J.S.A. 45:14B-31 et seq.), which limits the scope of and establishes procedures by which clients may authorize licensees to disclose confidential information upon the request of an insurer or other third-party payor. The following provisions of (b) through (d) below apply, unless the third-party payor is: