

SUBCHAPTER 2. PROFESSIONAL MISCONDUCT

13:34-2.1 Misconduct defined

(a) Professional or occupational misconduct in the practice of marriage and family therapy by persons licensed by the State Board of Marriage and Family Therapy Examiners shall include, but not be limited to, the following:

1. Willful or grossly negligent failure to comply with Federal, State or local laws, rules or regulations governing the practice of the profession.

2. Failing to respond within 30 days to written communications from the Board of Marriage and Family Therapy Examiners and make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct.

i. The period of 30 days shall commence on the date when such communication was sent from the Board by registered or certified mail, with return receipt requested, to the address appearing in the last registration.

3. Failing to maintain a record for each client which accurately reflects the client contact with the practitioner.

i. Unless otherwise provided by law, all client records must be retained for at least seven years.

ii. If a licensee ceases to engage in practice or it is anticipated that he or she will remain out of practice for more than three months, the licensee or designee shall:

(1) Establish a procedure by which clients can obtain their records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming the responsibilities of that practice;

(2) Publish a notice of the practice cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation; and

(3) Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for record retrieval.

4. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed marriage and family therapist.

5. Failing to make available to a client, the client's guardian or authorized representative, or, upon a client's request copies of reports or test records relating to the client which are in the possession or under the control of the licensee, or failing to complete forms or reports required for the reimbursement of a client by a third party.

i. Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate shall not be required as a condition for making such records available.

ii. A practitioner may withhold information from a client if he or she believes release of such information would adversely affect the client's mental or psychological health.

iii. This section shall not require release to the parent or guardian of a minor of records or information relating to sexually transmitted disease or abortion except with the minor's consent.

6. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the client.

7. Using the word "Doctor" or otherwise misleading designation in offering to perform professional services when such title or designation has not been earned at an accredited educational institution or is not one which is recognized by the New Jersey State Board of Education.

8. Guaranteeing that satisfaction or a cure will result from the performance of professional services.

9. Claiming or using any secret or special method of treatment and/or diagnostic technique which the licensee refuses to divulge to the Board.

10. Failing to notify the Board of Marriage and Family Therapy Examiners in writing of any change of address or name from that currently registered with the Board and shown on the most recently issued license.

i. Such notice shall be given not later than 30 days following the change of address or name.

Amended by R.1993 d.599, effective December 6, 1993.

See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

Amended by R.1997 d.103, effective March 3, 1997.

See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Substituted references to marriage and family therapists or therapy for references to marriage counselor or counseling and amended title of the Board.

Amended by R.1998 d.544, effective November 16, 1998.

See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

Rewrote (a).

Amended by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

In (a), substituted "marriage and family therapist" for "or license eligible professional" in 4, rewrote the introductory paragraph of 5, and inserted "or name" following "address" throughout 10.

13:34-2.2 Professional interactions with clients

(a) Prior to commencing services, a licensee shall advise the client or the client's guardian, in terms that the client can understand, of the nature and purpose of the services to be rendered and the limits and obligations associated with such services.

(b) A licensee shall obtain written informed consent from clients before videotaping, audio recording, or permitting

third-party observation of professional interactions with clients.

(c) A licensee shall not provide marriage and family therapy services while under the influence of alcohol or any other drug that may impair the delivery of services.

(d) A licensee shall obtain competent professional assistance in order to determine whether to voluntarily suspend, terminate, or limit the scope of the licensee's professional practice or research activities which are foreseeably likely to lead to inadequate performance or harm to the client, colleague, student, or research participant.

(e) When interacting with a research subject, a licensee shall observe research requirements consistent with accepted standards of practice.

New Rule, R.1998 d.544, effective November 16, 1998.
See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

Amended by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Added a new (b) and recodified former (b) through (d) as (c) through (e).

SUBCHAPTER 3. UNLICENSED PERSONS— PERMISSIBLE ACTIVITIES

13:34-3.1 Employees of certain organizations; permissible activities

(a) For the purpose of N.J.S.A. 45:8B-6(a)(1), (2) and (3), employees of certain organizations may only perform marriage and family therapy functions at the employer's place of business and under the eligible organization's control.

(b) The right to practice under the conditions of (a) above does not confer the privilege of unsupervised, independent practice.

Amended by R.1997 d.103, effective March 3, 1997.

See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Substituted "marriage and family therapy" for "marriage counseling".

13:34-3.2 Bona fide community agency defined

(a) For the purpose of N.J.S.A. 45:8B-6(a)(2), legal incorporation as a not-for-profit organization shall not in itself be satisfactory evidence of a de facto clinic or bona fide community agency.

1. Such corporations shall give other evidence of their status as a bona fide community agency, such as proof that the organization is supported wholly or in major part by public funds, before being permitted to advertise performance of marriage and family therapy services.

2. Organizations determined to be bona fide community agencies by the Board will be permitted to make their services known to the public through phone listings and other media.

Amended by R.1993 d.599, effective December 6, 1993.

See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(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)1, substituted "marriage and family therapy" for "marriage and family counseling".

13:34-3.3 Supervision of employees and interns

(a) For the purpose of N.J.S.A. 45:8B-6(a)(3) and 6(b), all licensed marriage and family therapists who have unlicensed individuals in employee or intern status shall seek the approval of their supervisory arrangement by the Board prior to the commencement of the employment or internship involving the practice of marriage and family therapy.

(b) Persons approved by the Board to supervise individuals in employee and intern status are required to exercise appropriate supervision over those persons in accordance with the requirements for supervised experience of candidates as detailed in N.J.A.C. 13:34-3.4.

(c) Licensees providing supervision of employees and interns shall not enter into any supervisory relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such prohibited supervisory relationships include, but are not limited to, the following: professional supervision of tenants, close friends, relatives, or spouses.

Amended by R.1997 d.103, effective March 3, 1997.

See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Deleted reference to counselor and counseling.

Amended by R.1998 d.544, effective November 16, 1998.

See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

Added (c).

13:34-3.4 Supervised experience

(a) With respect to the supervised experience requirement as set forth in N.J.S.A. 45:8B-18(b), the provisions of (b) below shall be applicable.

(b) The processing of a candidate's application is dependent upon successful completion and documentation of a minimum of five years of experience, two years of which shall have been in supervised marriage and family therapy, one year of which shall be after receipt of a qualifying degree. As prescribed in N.J.S.A. 45:8B-18(b), "supervised experience" shall mean marriage and family therapy that meets the following criteria:

1. The equivalent of one year of full-time experience is set at a minimum of 1,750 hours, equal to but no more than 35 hours per week on a 50-week per year basis. The 35 hours per week shall include:

i. Twenty hours of face-to-face client contact per week;

ii. Four hours of supervision, at least two hours of which must be individual face-to-face supervision. The remaining two hours may be individual or group supervision. The ratio shall be one hour of supervision for each five hours of client contact; and

iii. Eleven hours in other work-related activities such as recordkeeping, consultations, report writing, etc.

2. Unsupervised independent practice by the candidate is prohibited. The candidate's clients shall include only those who have been approved in advance by the supervisor(s).

3. No more than three candidates shall be under concurrent supervision by any supervisor.

4. The final professional responsibility for the welfare of the client with respect to the treatment being rendered rests with the supervisor(s).

5. Supervisors are required to attest to compliance with (b)1 and 2 above, using forms provided by the board for that purpose, indicating the dates during which the candidate has been under direct supervision, the nature of the cases assigned, and the proficiency rating earned by the candidate.

6. Supervised experience not completed prior to the filing of an application for licensure, unless conducted in a facility expressly permitted by law (N.J.S.A. 45:8B-6), will require the issuance of a temporary permit (N.J.S.A. 45:8B-6(e)), obtainable by the following procedures:

i. Filing the application with all supporting materials;

ii. Submission of request in writing for a temporary permit;

iii. Arranging for a supervisor to provide the Board with a written statement detailing the planned hours of supervised time, hours of practice required for the

candidate to qualify for admission to examination and/or licensure, the nature of the work assignments planned, and evidence that the supervisor meets the requirements of N.J.S.A. 45:8B-18(b); and

iv. Estimated date of completion of supervised experience.

7. Documentation of supervised experience for holders of temporary permits shall be filed with the Board by both the candidate and the supervisor(s), individually and in confidence, every six months for evaluation of the candidate's progress.

i. The candidate is responsible in this regard for the filing of the report.

8. Under no circumstances are fees for client service to be billed or accepted by the candidate.

i. The supervisor retains full professional responsibility for assessing and collecting fees from clients.

ii. The supervisor may indicate that the services are rendered in association with a supervisee.

9. Any question concerning the implementation of all or any part of this policy shall be directed in writing to the Board of Marriage and Family Therapy Examiners for its consideration and ruling.

Amended by R.1993 d.599, effective December 6, 1993.

See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(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 (b), substituted "marriage and family therapy" for "marriage counseling" and deleted a reference to counseling; and in (b)9, amended title of the Board.

13:34-3.5 Permit without supervision

Pursuant to N.J.S.A. 45:8B-6(d), temporary permits not requiring supervision will only be issued in extraordinary circumstances and will not be renewable.

13:34-3.6 Temporary permit requiring supervision

Pursuant to N.J.S.A. 45:8B-6(e) and N.J.S.A. 45:8B-18(b), prior to the Board's approval of a three-year temporary permit the applicant must show that he or she has had a minimum of two years of full-time therapy experience and meets the education requirement for licensure.

Amended by R.1988 d.228, effective May 16, 1988.

See: 20 N.J.R. 501(a), 20 N.J.R. 1095(a).

Deleted text "The temporary permit . . .".

Amended by R.1997 d.103, effective March 3, 1997.

See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Substituted "therapy" for "counseling".

13:34-3.7 Advertising by unlicensed persons

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

Amended by R.1997 d.103, effective March 3, 1997.

See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Substituted "therapy" for "counseling".

SUBCHAPTER 4. APPLICANT QUALIFICATIONS; BOARD-APPROVED EXAMINATION

13:34-4.1 General requirements

(a) Pursuant to N.J.S.A. 45:8B-14, a person who desires to obtain a license as a practicing marriage and family therapist shall submit the following to the Board:

1. A completed application form pursuant to N.J.A.C. 13:34-1.5, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:34-1.1; and

3. An official transcript indicating that the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:34-4.3.

(b) In addition to (a) above, the applicant shall furnish to the Board evidence that the applicant satisfies the following criteria:

1. The applicant is at least 21 years of age;

2. The applicant is of good moral character;

3. The applicant is not engaged in any practice or conduct upon which the Board shall have grounds to refuse to issue, suspend or revoke a license which it issues; and

4. The applicant qualifies for licensing by an examination of credentials pursuant to N.J.S.A. 45:8B-21, or for admission to an assembled examination to be conducted by the Board.

New Rule, R.1997 d.103, effective March 3, 1997.

See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Former section recodified to N.J.A.C. 13:34-4.2.

13:34-4.2 Experiential requirements

(a) Pursuant to N.J.S.A. 45:8B-18(b), the processing of a candidate's application is dependent upon successful completion and documentation of a minimum of five years of full-time counseling and therapy experience, or its equivalent, of a character which the Board has approved, two years of which shall be in marriage and family therapy. The candidate shall have completed two of the five required years in marriage and family therapy under the supervision of a person holding a degree specified in N.J.S.A. 45:8B-18(a) who has had no less than five years of full-time professional experience or the equivalent.

1. "Supervised experience" for a period of one year is defined as:

- i. A minimum of 20 hours per week of actual marriage and family therapy client contact, with a minimum of one hour of supervision for every five hours of client contact; and
- ii. A minimum of 1,000 hours of therapy with couples and families and a minimum of 200 hours of supervision is required.

2. Individuals may prorate the experience requirements on a part-time basis so long as the two-year experience requirement is satisfied within the permit period of three years.

Amended by R.1993 d.599, effective December 6, 1993.

See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

Recodified from 13:34-4.1 and 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), substituted "full-time counseling" for "supervised counseling", inserted references to equivalent experience and therapy experience, and inserted provision requiring experience under the supervision of a person holding a degree; and in (a)li and (a)lii, substituted "therapy" for "counseling". Former section recodified to N.J.A.C. 13:34-4.3.

13:34-4.3 Educational requirements

(a) Pursuant to N.J.S.A. 45:8B-18(a), any person applying to the Board after January 1, 1970 shall be admitted to an examination if he or she meets the qualifications set forth in subsections (a), (b) and (c) of Section 14 of P.L. 1968, c.401 (45:8B-14) and provides evidence that he or she has met the following educational requirements, unless the person appears for examination in an obviously diminished state of mental faculty or otherwise demonstrates behavior which is inappropriate and offensive to the test-taking environment and to other examinees.

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

(b) To satisfy the basic educational requirements for admission to an examination, an applicant shall complete a minimum of:

1. Eight courses from Areas I, II and III as specified in (c) below;
2. One course from Area IV as specified in (c) below;
3. One course from Area V as specified in (c) below; and
4. One course taken in one semester from Area VI as specified in (c) below.

(c) The following are the required areas of course work prior to admission to an examination:

1. Area I: Theoretical Foundations (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include topics which deal with the historical development, theoretical foundations and contemporary conceptual directions of the field of marriage and family therapy. Course work in this area shall enable students to conceptualize and distinguish the critical epistemological issues in marriage and family therapy. Course work shall be related conceptually to clinical concerns.

2. Area II: Clinical Practice (a minimum of four, three semester hour or equivalent quarter hour, courses.) Course work in this area shall provide a comprehensive survey and substantive understanding of the major models of marriage and family therapy. Courses shall address marriage and family therapy practice and be related conceptually to theory. Course work in this area shall address a wide variety of presenting clinical problems and include assessment, marriage and family therapy methods and major mental health assessment methods and instruments.

3. Area III: Individual Development and Family Relations (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include:

- i. Material on individual development, family development and family relationships;
- ii. Material on issues of sexuality as they relate to marriage and family therapy theory and practice, including sexual dysfunctions and difficulties;
- iii. Issues of gender and sexual orientation as they relate to marriage and family therapy theory and practice; and
- iv. Material on issues of ethnicity, race, socioeconomic status and culture as they relate to marriage and family therapy theory and practice.

4. Area IV: Professional Identity and Ethics (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall include material on professional identity, including professional

socialization, professional organizations, licensure, certification and ethical issues related to the practice and profession of marriage and family therapy. Generic courses in ethics shall not meet this requirement. Such course work shall inform applicants about legal responsibilities and liabilities of clinical practice and research, family law, confidentiality issues, ethics and the interface between therapist responsibility and the professional, social and political context of treatment.

5. Area V: Research (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall include significant material on quantitative and qualitative research in marriage and family therapy. Course work in this area shall focus on research methodology, data analysis and the evaluation of research.

6. Area VI: Additional Learning (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall be elective and chosen from a variety of disciplines. This area shall seek to augment an applicant's individual interest and background in marriage and family therapy. The applicant may choose courses from a variety of disciplines.

(d) The Board shall not base its determination as to whether it will recognize an educational institution's program solely on the failure of any professional organization of marriage and family therapists to accredit the program.

Amended by R.1993 d.599, effective December 6, 1993.

See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

Recodified from 13:34-4.2 and amended by R.1997 d.103, effective March 3, 1997.

See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Rewrote (a); inserted new (b); inserted (c); and recodified former (b) to (d).

Amended by R.2002 d.219, effective July 15, 2002.

See: 33 N.J.R. 2404(a), 34 N.J.R. 2459(a).

Rewrote section.

SUBCHAPTER 5. GENERAL OBLIGATIONS OF A LICENSEE

13:34-5.1 Financial arrangements with clients

(a) Fees for marriage and family therapy services shall be reasonable and commensurate with the status and experience of a licensee consistent with the provisions of N.J.A.C. 13:34-5.7 prohibiting excessive fees.

(b) When an appropriate fee schedule cannot be arranged, or the payment of the usual fee would be a hardship, a licensee shall refer the client to other sources for the provision of needed services.

(c) A licensee providing marriage and family therapy services shall provide and maintain a written list of current fees for standard services and shall provide the list to a client prior to the commencement of services.

(d) Before engaging in a clinical relationship, a licensee shall assist a client to understand financial arrangements. The information provided to the client shall include at least the following:

1. The fee for services or the basis for determining the fee to be charged;
2. Whether the licensee will accept installment payments or assignments from a third party payor;
3. That insurance coverage may not be available in all circumstances; and
4. The financial consequences, if any, of missed appointments.

13:34-5.2 Conflicts of interest

(a) A licensee providing marriage and family therapy services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, the following: professional treatment of employees, tenants, students, supervisees, close friends, spouses, or relatives.

(b) A licensee who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

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

13:34-5.3 Termination of service

(a) A licensee shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.

(b) A licensee shall not abandon or neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.

(c) A licensee who anticipates the termination or interruption of services to a client shall notify the client promptly and shall provide for the transfer, referral, or continuation of services in relation to the client's needs and preferences.