

- (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.
7. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed or license eligible professional.
8. Failing to make available to a client, or, upon a client's request, to another licensed health practitioner consistent with that practitioner's authorized scope of practice, 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, however, 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.
9. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the client.
10. Exercising undue influence on the client including the promotion of the sales of services, goods, appliances or drugs in such manner as to exploit the client for the financial gain of the practitioner or of a third party.
11. Directly or indirectly offering, giving, soliciting, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or in connection with the performance of professional services except as permitted in (a)2 above.
12. 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.
13. Guaranteeing that satisfaction or a cure will result from the performance of professional services.
14. Claiming or using any secret or special method of treatment and/or diagnostic technique which the licensee refuses to divulge to the Board.
15. Physical contact of a sexual nature between marriage and family therapist and client, or in therapy groups, promoting or allowing physical contact of a sexual nature between group members.
16. Failing to notify the Board of Marriage and Family Therapy Examiners in writing of any change of address 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.
17. Charging of excessive fees for services. A fee is excessive when, after a review of the facts, a licensee of ordinary prudence would be left with a definite and firm conviction that the fee is so high as to be manifestly unconscionable or overreaching under the circumstances.
- i. The Board of Marriage and Family Therapy Examiners shall review information and complaints concerning allegations of excessive fees charged by licensees of the Board.
 - ii. This rule is not intended to impinge upon the strong public policy in favor of a competitive, free enterprise economy embodied in the antitrust laws of the United States and of this State.
 - iii. The Board shall consider comparable fees charged by licensees not under inquiry only to the minimum extent necessary to render a determination as to whether a fee is excessive.
18. Advertising in one of the following ways which:
- i. Is false, fraudulent, deceptive, misleading, misrepresents any material fact or is not consistent with the dignity of the profession;
 - ii. Suppresses, omits or conceals any material fact under circumstances which a board licensee knows or should know that the omission is improper or prohibits a prospective patient from making a full and informed judgment on the basis of the information set forth in the advertisement;
 - iii. Includes any claim that the service performed or the materials used are professionally superior to that which is ordinarily performed or used in the profession;
 - iv. Includes any promotion of a professional service which the board licensee knows or should know is beyond the licensee's ability to perform;
 - v. Includes techniques or communication which appears to intimidate, exert undue pressure or to unduly influence a prospective client or consumer;
 - vi. Includes any personal testimonial attesting to the quality or competence of a service or treatment offered by a licensee;
 - vii. Communicates any fact, data or information which may personally identify a patient;

viii. Offers to pay, give or accept a fee or other consideration to or from a third party for the referral of a patient;

ix. Includes any format or element thereof which is unprofessional;

x. Includes any print, language or format which directly or indirectly obscures a material fact;

xi. Guarantees any services;

xii. Offers gratuitous services or discounts in connection with professional services; but this clause shall not be construed to relate to the negotiation of fees between professionals and patients or clients, or to prohibit the rendering of professional services for which no fee is charged;

xiii. Fails to substantiate the truthfulness of any assertion or representation set forth in an advertisement;

xiv. Offers marriage and family therapy services by a proprietary organization and fails to designate the licensed marriage and family therapist responsible for supervising employees who perform marriage and family therapy functions;

xv. Engages directly or through the use of any agent, employee or representative in in-person solicitation with a prospective patient or consumer.

(1) Provided, however, (a)19xv above shall not prohibit the offering of services by a board licensee to any bona fide representative of prospective patients including, but not limited to employers, labor union representatives, or insurance carriers.

xvi. Fails to disclose the name of all licensees who are responsible for performing or perform the marriage and family therapy services advertised, or in the case of a professional service corporation, fails to name all corporate officers.

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.

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 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.

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.

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: