

CHAPTER 34

BOARD OF MARRIAGE COUNSELOR EXAMINERS

Authority

N.J.S.A. 45:8B-13.

Source and Effective Date

R.1993 d.599, effective October 22, 1993.
See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

Executive Order No. 66(1978) Expiration Date

Chapter 34, Board of Marriage Counselor Examiners, expires on October 22, 1998.

Chapter Historical Note

Subchapter 2, 3 and 4 were adopted effective November 4, 1985 as R.1985 d.549. See: 17 N.J.R. 1527(a), 17 N.J.R. 2669(b).

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 was readopted as R.1993 d.599, effective October 22, 1993. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:34-1.1 Annual 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 \$350.00
 - ii. If paid during the second year of a biennial renewal period \$175.00
- 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 \$350.00
- 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.

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.

New Rule, R.1976 d.309, effective October 6, 1976.
See: 8 N.J.R. 136(c), 8 N.J.R. 532(b).

13:34-1.3 Office location

The offices of the Board shall be at 124 Halsey Street, Newark, New Jersey 07101.

R.1983 d.544, effective November 21, 1983.
See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).
Administrative change.
See: 25 N.J.R. 1516(b).

13:34-1.4 License lists

A current list of licensed New Jersey Marriage and Family Therapists shall be maintained and made available at the Board's office.

R.1983 d.544, effective November 21, 1983.
See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(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 "Marriage and Family Therapists" for "Marriage Counselors".

13:34-1.5 Applications

Application forms and information regarding licensure of practicing marriage and family therapists may be obtained from the State Board of Marriage and Family Therapy Examiners, Post Office Box 45007, 124 Halsey Street, Newark, New Jersey 07101.

R.1983 d.544, effective November 21, 1983.

See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).

Administrative change.

See: 25 N.J.R. 1516(b).

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 therapists" for "marriage counselor" and amended title of the Board.

13:34-1.6 Licensee to display notice

Every licensee shall prominently display in a conspicuous location in his or her office the following notice:

(Name of individual) is licensed by the State Board of Marriage and Family Therapy Examiners, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted should notice the State Board of Marriage and Family Therapy Examiners, Post Office Box 45007, 124 Halsey Street, Newark, New Jersey 07101, or the New Jersey Division of Consumer Affairs, Post Office Box 45027, 124 Halsey Street, Newark, New Jersey 07101.

R.1983, d.544 effective November 21, 1983.

See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).

Administrative change.

See: 25 N.J.R. 1516(b).

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

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

Amended title of the Board.

13:34-1.7 Hearings to conform to law

The conduct of all hearings shall conform to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as amended and supplemented.

R.1983 d.544, effective November 21, 1983.

See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).

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

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

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. Permitting any person to share in fees for professional services, other than a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession.

3. 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.

4. Abandoning or neglecting a client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to clients.

5. Willfully harassing, abusing or intimidating a client or other professional colleague relative to delivery of client services, either physically or verbally.

6. 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.
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.
- 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.
 - 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.
 - 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.
- 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.
- The Board of Marriage and Family Therapy Examiners shall review information and complaints concerning allegations of excessive fees charged by licensees of the Board.
 - 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.
 - 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:
- Is false, fraudulent, deceptive, misleading, misrepresents any material fact or is not consistent with the dignity of the profession;
 - 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;
 - 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;
 - Includes any promotion of a professional service which the board licensee knows or should know is beyond the licensee's ability to perform;
 - Includes techniques or communication which appears to intimidate, exert undue pressure or to unduly influence a prospective client or consumer;
 - Includes any personal testimonial attesting to the quality or competence of a service or treatment offered by a licensee;
 - 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 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.

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:

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

Subchapter Historical Note

The name of Subchapter 4, Qualification For Admission to Examination, was changed to Applicant Qualifications; Board-Approved Exami-

nation by R.1997 d.103, effective March 3, 1997. See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

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)1i and (a)1ii, 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. Nine courses (27 semester hours or 36 quarter hours) from Areas I, II and III as specified in (c) below;

- 2. One course (three semester hours for four quarter hours) from Area IV;
- 3. One course (three semester hours or four quarter hours) from Area V;
- 4. Three courses (nine semester hours or 12 quarter hours) taken in 12 successive months from Area VI; and
- 5. One course (three semester hours or four quarter hours) from Area VII.

(c) Areas of course work are as follows:

1. Area I: Theoretical Foundations of Marriage and Family Therapy (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work which qualifies in this area shall include topics which deal with the historical development, theoretical foundations and conceptual directions of the field of marriage and family therapy.

2. Area II: Assessment and Treatment in Marriage and Family Therapy (a minimum of four three-credit courses equivalent to 12 semester hours or 16 quarter hours.) Course work which qualifies in this area shall provide a comprehensive survey and substantive understanding of the major models of marriage and family therapy. Courses shall also address the applied aspects of marriage and family therapy. Courses shall focus on two major interdependent components: diagnosis/assessment and treatment processes. Within the context of marital and family systems, course work topics shall include the diagnosis and treatment of dysfunctional relationship patterns and nervous and mental disorders, whether cognitive, affective or behavioral. Course work in this area shall also include major marriage and family assessment methods and instruments, the use of appropriate major mental health assessment instruments within a systemic context and topics which deal with a wide variety of presenting problems including, but not limited to, incest, intense stress, problems of life cycle transitions, sexual dysfunctions, substance abuse, suicide and violence.

3. Area III: Human Development and Family Studies (a minimum of two three-credit courses equivalent to six semester hours or eight quarter hours.) Courses shall address the developmental processes in the family, and shall emphasize the interface between the interpersonal and the intrapersonal as well as the patterns and dynamics of family life. Courses shall also address the life cycle of the family, the processes and modifications of family structures over time and as they relate to marriage and family practice and theory, issues of gender, sex discrimination, gender role stereotyping, ethnicity, race, socioeconomic status and culture. Courses shall address social, educational, economic and behavioral factors.

4. Area IV: Ethics and Professional Studies (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work shall deal with the development of a professional attitude and

identity. It shall address professional socialization, the role of professional organizations, legal responsibilities and liabilities of clinical practice and research, family law, confidentiality issues, professional ethics and interprofessional cooperation.

5. Area V: Research (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work in this area shall deal with the understanding of research methodology and data analysis and the evaluation of research in marriage and family therapy. The content must include both quantitative and qualitative research models.

6. Area VI: Supervised Clinical Practice (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work shall focus on the therapist's development of a professional attitude and identity. Topics shall include professional socialization, the role of professional organizations, legal responsibilities and liabilities of clinical practice and research, family law, confidentiality issues, professional ethics and interprofessional cooperation.

7. Area VII: Additional Courses (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work shall be elective, and 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).

SUBCHAPTERS 5 THROUGH 9. (RESERVED)

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

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

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**

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

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.

13:34-11.3 Educational requirements

(a) An applicant for licensure shall submit to the Committee proof that the applicant received a graduate degree in counseling from a planned educational program at a regionally accredited institution of higher education. The degree and/or official transcript shall clearly indicate the following:

1. That the degree awarded is a degree in counseling or a related area as deemed acceptable by the Committee. Examples of acceptable degree titles include, but are not limited to: social work, psychology, counseling, pastoral counseling, rehabilitation counseling, applied family and child development, human development, counselor education or marriage and family therapy;
2. That the applicant, as part of the graduate degree program, successfully completed a minimum of 60 graduate semester hours, 45 of which must be distributed in at least eight of the following areas:
 - i. Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;

ii. The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation or consultee change;

iii. Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;

iv. Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;

v. Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;

vi. Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities, interests, and identify career options;

vii. Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;

viii. Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and

ix. The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.

SUBCHAPTER 12. PROFESSIONAL
COUNSELORS: LICENSURE UNTIL
FEBRUARY 12, 1999

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-12.1 Licensure without examination until February 12, 1999; minimum of 45 graduate hours; five years of experience

(a) Until February 12, 1999, an individual who has completed a minimum of 45 graduate semester hours and acquired five years of experience as set forth below may apply for licensure without examination as a professional counselor upon submission of the following on forms provided by the Committee:

1. A completed application form which requests 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 affidavit indicating that the applicant has acquired at least five years of full time experience in the practice of professional counseling acceptable to the Committee which demonstrates that the applicant has engaged in counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities as defined in N.J.A.C. 13:34-10.2 prior to the date of application for licensure (including the name of the employer(s), the dates of the experience and a detailed job description) which includes proof that the applicant has engaged in counseling individuals and/or groups for a minimum of 5,000 hours at the rate of a minimum of 1,000 hours during a 50-week period and covering five calendar years; and

4. An official transcript indicating that the applicant completed a minimum of 45 graduate semester hours, which includes a master's degree or doctorate from a regionally accredited institution of higher education in subject matter that is primarily counseling in content, in which at least 24 graduate semester hours must be distributed in coursework in each of the areas as set forth in N.J.A.C. 13:34-11.3(a)2i through viii.

13:34-12.2 Licensure with examination until February 12, 1999; fewer than 45 graduate hours; five years of experience

(a) Until February 12, 1999, an individual who has completed fewer than 45 graduate semester hours and acquired five years of experience as set forth below, and who has passed the National Counselor Examination administered by the NBCC, may qualify for licensure as a professional counselor upon submission of the following on forms provided by the Committee:

1. A completed application form which requests 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 affidavit indicating that the applicant has acquired at least five years of full time experience in the practice of professional counseling acceptable to the Committee which demonstrates that the applicant has engaged in counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities as defined in N.J.A.C. 13:34-10.2 prior to the date of application for licensure (including the name of the employer(s), the dates of the experience and a detailed job description) which includes proof that the applicant has submitted written documentation to the effect that he or she has engaged in counseling individuals and/or groups for a minimum of 5,000 hours at the rate of a minimum of 1,000 hours during a 50-week period and covering 5 calendar years; and

4. An official transcript indicating that the applicant completed fewer than 45 semester hours, which includes a master's degree from a regionally accredited institution of higher education in subject matter that is primarily counseling in content as set forth in N.J.A.C. 13:34-11.3(a)2i through viii; and

5. Evidence that the applicant has passed the National Counselor Examination administered by the NBCC.

SUBCHAPTER 13. PROFESSIONAL
COUNSELORS AND ASSOCIATE
COUNSELORS: SUPERVISION

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-13.1 Definitions; supervised experience required for licensure

(a) For purposes of this subchapter, the following words and terms shall have the following meanings:

"Group supervision" means the process of supervising no more than six persons in a group setting by a qualified supervisor as set forth in N.J.A.C. 13:34-13.4.

"One calendar year" means at least 1,500 hours over a 50 week period.

“Professional counseling experience” means professional counseling practice or the providing of counseling education.

“Supervision” means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and instruction with respect to the counseling skills and competencies of the person supervised. Supervision shall include at least 50 hours of face-to-face supervision per year, a minimum of one hour per week, not more than 10 hours of which may be group supervision.

(b) An applicant for licensure as a professional counselor shall be required to document full time, supervised professional counseling experience in a professional counseling setting for either:

1. Three calendar years, only one year of which may be obtained prior to the granting of the master’s degree; or
2. Two calendar years, provided that the applicant has earned, subsequent to completing the master’s degree, an additional 30 graduate semester hours clearly related to counseling as set forth in N.J.A.C. 13:34-11.3(a)2i through ix. Of the required two years of supervised experience, only one year may be obtained prior to the granting of the master’s degree.

13:34-13.2 Responsibilities of supervisor

(a) A supervisor shall obtain Committee approval before engaging in a supervisory relationship.

(b) A supervisor seeking Committee approval shall submit the following information on forms provided by the Committee:

1. Proof of qualification to act as a supervisor pursuant to N.J.A.C. 13:34-13.4; and
2. A written statement detailing the planned hours of supervised time, planned hours of practice required for the candidate to qualify for licensure, and the nature of the work assignments planned.

(c) Prior to a supervisee’s commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by an associate counselor under the supervision of a professional counselor or a qualified supervisor pursuant to N.J.A.C. 13:34-13.4(a)2. If the written disclosure is included as part of another document provided for the client’s information, the disclosure shall be set forth in a conspicuous manner so that it shall be easily readable, clearly understood, signed by the client, and retained as part of the client record.

(d) A supervisor shall retain full professional responsibility for collecting fees from clients.

(e) A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the supervisee.

(f) The supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a professional counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in (a) above and shall indicate the hours and dates during which the supervisee has been under direct supervision, the nature of the cases assigned, and the proficiency rating earned by the supervisee.

(g) A supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.

(h) A supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, relatives, current students, current and former employees or close friends.

13:34-13.3 Responsibilities of supervisee

(a) The supervisee shall maintain documentation of supervised experience for each 50 week period of supervised experience until the supervisee is licensed as a professional counselor.

(b) A supervisee shall not engage in practice under supervision in any area for which the supervisee has not had appropriate education and training.

(c) A supervisee shall not engage in unsupervised or independent practice.

(d) A supervisee shall not receive a professional fee from a client. A supervisee may be compensated only through the supervisor or employing entity.

(e) A supervisee shall not advertise professional services.

13:34-13.4 Permissible supervisor

(a) A supervisor shall be:

1. Licensed as a professional counselor; or
2. A licensed psychologist; a licensed clinical social worker; a licensed physician practicing in the field of psychiatry; a licensed marriage and family therapist; or any other supervisor acceptable to the Committee.

SUBCHAPTER 14. PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-14.1 Specialty designations

(a) A licensed professional counselor may utilize a professional specialty designation provided that the licensee:

1. Is certified in one of the following specialties by the NBCC:

- i. Clinical mental health counselor;
- ii. Career counselor;
- iii. Gerontological counselor;
- iv. School counselor; or
- v. Master addictions counselor; and

2. Has satisfied the Committee that he or she has met the recognized minimum standards of the NBCC.

(b) A qualified professional counselor who the Committee determines satisfies the requirements of (a) above may claim or advertise that specialty by using only the specific specialty designation assigned to the specialty by the NBCC.

(c) A professional counselor shall post the NBCC certificate in a conspicuous place in a waiting room or other area where it will be visible to the professional counselor's clients.

(d) The Committee may approve other specialty designations through the rulemaking process. Consistent with the requirements for use of the designations outlined above in this subchapter, any additional approved specialty designations must meet nationally accepted standards as established by the NBCC.

SUBCHAPTERS 15 THROUGH 16. (RESERVED)

SUBCHAPTER 17. FEES

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-17.1 Fees

(a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of professional counselors and associate counselors.

1. Application fee \$75.00
2. Initial license fee:
 - i. Professional counselor:
 - (1) During the first year of a biennial renewal period..... \$350.00
 - (2) During the second year of a biennial renewal period \$175.00
 - ii. Associate counselor:
 - (1) During the first year of a biennial renewal period..... \$260.00
 - (2) During the second year of a biennial renewal period \$130.00
3. Biennial renewal:
 - i. Professional counselor \$350.00
 - ii. Associate counselor \$260.00
4. Late fee \$100.00
5. Reinstatement Fee \$150.00
6. Duplicate wall certificate \$40.00
7. Change of address..... \$25.00
8. Verification of licensure \$40.00
9. Verification of specialty designation..... \$40.00

Amended by R.1998 d.272, effective June 1, 1998.
See: 30 N.J.R. 794(a), 30 N.J.R. 2050(a).

In (a), substituted dollar amounts for reserved fees in 2 and 3.

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

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-18.1 Preparation and maintenance of client records

(a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.

(b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.

(c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, for example:

1. The client name, address and telephone number;

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

(d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-13.2(b) and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.

(e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.

(f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.

(g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.

(h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the

licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.

(i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

13:34-18.2 Use of personal or other computer to prepare client records

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

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

(b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.

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

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

(e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000, print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialed by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the change over of computer program, with each page initialed by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

13:34-18.3 Access to copy of client record

(a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the

client's attorney or an agent of a third party payor with whom the client has a contract which provides that the third party be given access to records to assess a claim for monetary damages or reimbursement. If the client is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

(b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) and (h) below and in N.J.A.C. 13:34-18.5.

(c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.

(d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

(e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.

(f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.

(g) A licensee may withhold information contained in the client record from a client or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:

1. The client's attorney;
2. Another licensed health care professional; or
3. The client's health insurance carrier.

(h) A licensee shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

13:34-18.4 Access by a managed health care plan to information in client record

(a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.

(b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payor whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

13:34-18.5 Confidentiality

(a) Any communication between a licensed professional counselor or a licensed associate counselor and the person or persons counseled while performing counseling shall be confidential and its secrecy preserved.

(b) The privilege set forth in (a) above shall not be subject to waiver except in the following circumstances:

1. When disclosure is required by State law including, but not limited to, N.J.S.A. 2A:62A-16, 2A:62A-17 and 9:6-8.10; or
2. When the licensed professional counselor or licensed associate counselor is a party defendant to a civil, criminal or disciplinary action arising from that counseling, in which case the waiver of the privilege shall be limited to that action.

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

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-19.1 Posting of practice authorization and notification of availability of fee information

(a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:

1. Professional counselors and associate counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public may notify the Committee of any complaint relative to the practice conducted by a professional or associate counselor. The Committee's address is: Division of Consumer Affairs, Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101.

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

13:34-19.2 Notification of change of address; service of process

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

(b) Service of an administrative complaint or other process initiated by the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(c) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Board in writing.

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.

13:34-20.2 Definitions

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

"Appraisal" means selecting, administering, scoring, and interpreting instruments designed to assess a person's attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, or behavioral disorders as well as the use of methods and techniques for understanding human behavior in relating to, adapting to, or changing life situations for persons with disabilities.

"Case management" means a systematic process merging counseling and managerial concepts and skills through the application of techniques derived from intuitive and researched methods, thereby advancing efficient and effective decision-making for functional control of self, client, setting, and other relevant factors for anchoring a proactive practice. In case management, the counselor's role is focused on interviewing, rehabilitation counseling, planning rehabilitation programs, coordinating services, interacting with significant others, placing clients and following up with them, monitoring progress, and solving problems.

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

"Consultation" means the application of scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the consultee may have in relation to a third party, be it a person, group, or organization.

"Major life activities" include such activities as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Mental impairments" include mental or psychological disorders such as mental retardation, organic brain syn-

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

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-20.1 Purpose and scope

(a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of rehabilitation counseling, as defined in N.J.A.C. 13:34-20.2, within the State of New Jersey.

(b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render rehabilitation counseling services, as defined in N.J.A.C. 13:34-20.2, and to anyone

drome, emotional or mental illness, and specific learning disabilities.

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

“Physical impairments” include physiological disorders or conditions, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

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

“Referral” means 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.

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

“Rehabilitation counseling interventions” means services implemented in the context of a rehabilitation counseling relationship between a rehabilitation counselor and persons with disabilities, and the application of individual and group counseling theories and strategies, career development and work adjustment theories and strategies, behavior and personality theories and strategies, and family counseling theories and strategies, specifically implemented for the purpose of helping persons with disabilities to understand and to deal with the personal, social, and vocational impact of their disabilities.

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

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

13:34-20.3 Scope of practice; rehabilitation counselor

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

SUBCHAPTER 21. REHABILITATION COUNSELORS: APPLICATION PROCEDURE; EDUCATIONAL REQUIREMENTS

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.94, effective February 17, 1998.

See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-21.1 Application procedure: rehabilitation counselor

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

1. A completed application form, which contains information concerning the applicant’s educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:34-26.1;
3. An official transcript indicating that the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:34-21.2;
4. A supervisor’s certification indicating that the applicant has met the supervision requirements set forth in N.J.A.C. 13:34-23; and
5. Proof that the applicant has successfully completed the Certified Rehabilitation Counselor Examination administered by the Commission on Rehabilitation Counselor Certification (CRCC), or its successor.

13:34-21.2 Educational requirements

(a) An applicant for licensure shall submit to the Committee proof that the applicant has completed a planned educational program in rehabilitation counseling approved by the Committee, which includes a master’s degree in rehabilitation counseling from a regionally accredited institution of higher education and which includes coursework in the following areas:

1. Introduction to rehabilitation counseling;
2. Counseling theories and techniques;
3. Personality theories;

4. Psychosocial aspects of disability;
5. Medical aspects of disability;
6. Evaluation and assessment;
7. Vocational aspects of disability;
8. Rehabilitation case management;
9. Research methods; and
10. Practicum or internship.

SUBCHAPTER 22. REHABILITATION
COUNSELORS: LICENSURE UNTIL
FEBRUARY 12, 1999

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-22.1 Licensure without examination until February 12, 1999; minimum of 45 graduate hours; five years of experience

(a) Until February 12, 1999, an individual who has completed a minimum of 45 graduate semester hours and acquired five years of experience as set forth below may apply for licensure without examination as a rehabilitation counselor upon submission of the following:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:34-26.1;
3. An affidavit indicating that the applicant has acquired at least five years of full time experience in the practice of rehabilitation counseling acceptable to the Committee which demonstrates that the applicant has engaged in appraisal, case management, consultation, rehabilitation counseling interventions, clinical assessment and evaluation of persons with disabilities, program evaluation, referral, rehabilitation counseling and research as defined in N.J.A.C. 13:34-20.2 prior to the date of application for licensure (including the name of the employer(s), the dates of the experience and a detailed job description) which includes proof that the applicant has engaged in counseling individuals and/or groups for a minimum of 5,000 hours at the rate of a minimum of 1,000 hours during a 50-week period and covering five calendar years; and
4. An official transcript indicating that the applicant completed a minimum of 45 graduate semester hours, which includes a master's degree or doctorate from a

regionally accredited institution of higher education, in subject matter that is primarily counseling in content as set forth in N.J.A.C. 13:34-11.3(a)2i through viii, or rehabilitation counseling in content as set forth in N.J.A.C. 13:34-21.2(a)1 through 10.

13:34-22.2 Licensure with examination until February 12, 1999; master's degree of fewer than 45 semester hours or related bachelor's degree; 10 years of experience

(a) Until February 12, 1999, an individual who has completed a master's degree of fewer than 45 semester hours or a bachelor's degree which meets the educational requirements as set forth below, acquired ten years of experience as set forth below, and who has successfully completed the Certified Rehabilitation Counselor Examination administered by the CRCC may qualify for licensure as a rehabilitation counselor upon submission of the following on forms provided by the Committee:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:34-26.1;
3. An affidavit indicating that the applicant has acquired at least 10 years of full time experience in the practice of rehabilitation counseling acceptable to the Committee which demonstrates that the applicant has engaged in appraisal, case management, consultation, rehabilitation counseling interventions, clinical assessment and evaluation of persons with disabilities, program evaluation, referral, rehabilitation counseling and research as defined in N.J.A.C. 13:34-20.2 during the last 15 years immediately preceding July 3, 1997 (including the name of the employer(s), the dates of the experience, and a detailed job description) which includes proof that the applicant has engaged in counseling individuals and/or groups for a minimum of 10,000 hours at the rate of a minimum of 1,000 hours during a 50-week period and covering 10 calendar years;
4. An official transcript indicating that the applicant completed a master's degree of fewer than 45 semester hours or a bachelor's degree from a regionally accredited institution of higher education in subject matter that is primarily counseling as set forth in N.J.A.C. 13:34-11.3(a)2i through viii, or a related field in content including, but not limited to, the following degrees:

- i. Psychology;
- ii. Social work;
- iii. Marriage and family therapy;
- iv. Human development;
- v. Sociology;
- vi. Nursing;

- vii. Guidance and counseling;
- viii. Human services; and

5. Evidence that the applicant has passed the Certified Rehabilitation Counselor Examination administered by the CRCC.

SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-23.1 Definitions; supervised experience required for licensure

(a) For purposes of this subchapter, the following words and terms shall have the following meanings:

“Group supervision” means the process of supervising no more than six persons in a group setting by a qualified supervisor as set forth in N.J.A.C. 13:34-23.4.

“One calendar year” means at least 1,500 hours over a 50 week period.

“Rehabilitation counseling experience” means rehabilitation counseling practice or the provision of rehabilitation counseling education.

“Supervision” means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and instruction with respect to the counseling skills and competencies of the person supervised. Supervision shall include at least 50 hours of face-to-face supervision per year, a minimum of one hour per week, not more than 10 hours of which may be group supervision.

(b) An applicant for a licensure as a rehabilitation counselor shall be required to document full time, supervised rehabilitation counseling experience in a rehabilitation counseling setting for either:

1. Three calendar years, only one year of which may be obtained prior to the granting of the master’s degree; or
2. Two calendar years, provided that the applicant has earned, subsequent to completing the master’s degree, an additional 30 graduate semester hours clearly related to rehabilitation counseling as set forth in N.J.A.C. 13:34-21.2(a)1 through 10. Of the required two years of supervised experience, only one year may be obtained prior to the granting of the master’s degree.

13:34-23.2 Responsibilities of supervisor

(a) A supervisor shall obtain Committee approval before engaging in a supervisory relationship.

(b) A supervisor seeking Committee approval shall submit the following information on forms provided by the Committee:

1. Proof of qualification to act as a supervisor pursuant to N.J.A.C. 13:34-23.4; and
2. A written statement detailing the planned hours of supervised time, planned hours of practice required for the candidate to qualify for licensure, and the nature of the work assignments planned.

(c) Prior to a supervisee’s commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by a supervisee under the supervision of a rehabilitation counselor or a physician practicing rehabilitation medicine. If the written disclosure is included as part of another document provided for the client’s information, the disclosure shall be set forth in a conspicuous manner so that it will be easily readable, clearly understood, signed by the client, and retained as part of the client record.

(d) A supervisor shall retain full professional responsibility for collecting fees from clients.

(e) A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the supervisee.

(f) The supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a rehabilitation counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in (a) above and shall indicate the hours and dates during which the supervisee has been under direct supervision, the nature of the cases assigned, and the proficiency rating earned by the supervisee.

(g) A supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.

(h) A supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, relatives, current students, current and former employees or close friends.

13:34-23.3 Responsibilities of supervisee

(a) The supervisee shall maintain documentation of supervised experience for each 50 week period of supervised experience until the supervisee is licensed as a rehabilitation counselor.

(b) A supervisee shall not engage in practice under supervision in any area for which the supervisee has not had appropriate education and training.

(c) A supervisee shall not engage in unsupervised or independent practice.

(d) A supervisee shall not receive a professional fee from a client. A supervisee may be compensated only through the supervisor or employing entity.

(e) A supervisee shall not advertise professional services.

13:34-23.4 Permissible supervisor

(a) A permissible supervisor shall include a rehabilitation counselor, a licensed physician practicing in the field of rehabilitation medicine, or any other supervisor acceptable to the Committee.

SUBCHAPTERS 24 THROUGH 25. (RESERVED)

SUBCHAPTER 26. FEES

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.94, effective February 17, 1998. See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-26.1 Fees

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

- 1. Application fee ... \$75.00
2. Initial license fee:
i. Rehabilitation counselor:
(1) During the first year of a biennial renewal period ... \$350.00
(2) During the second year of a biennial renewal period ... \$175.00
3. Biennial renewal:
i. Rehabilitation counselor ... \$350.00
4. Late fee ... \$100.00
5. Reinstatement Fee ... \$150.00
6. Duplicate wall certificate ... \$40.00
7. Change of address ... \$25.00

- 8. Verification of licensure ... \$40.00

Amended by R.1998 d.272, effective June 1, 1998.

See: 30 N.J.R. 794(a), 30 N.J.R. 2050(a).

In (a), substituted dollar amounts for reserved fees in 2 and 3.

SUBCHAPTER 27. REHABILITATION COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY

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.94, effective February 17, 1998.

See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-27.1 Preparation and maintenance of client records

(a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.

(b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.

(c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, for example:

- 1. The client name, address and telephone number;
2. The client complaint on intake;
3. Medical history recognized as of potential significance;
4. Past and current medications;
5. Significant social history;
6. Findings on appropriate examination;
7. Raw data and interpretation of tests administered;
8. Current functional impairments and rating levels thereof;
9. A diagnostic impression;
10. Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
11. Dates of all treatment, evaluation or consultation sessions;

12. The location of treatment, evaluation or consultation;
13. An evaluation of progress (if applicable);
14. A prognosis;
15. The client identity on each page;
16. Fees charged and paid;
17. The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);
18. If services are rendered by a supervisee, the written disclosure form signed by the client; and
19. Information regarding referrals to other professionals.

(d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-23.2(b), and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.

(e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.

(f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.

(g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.

(h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.

(i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

13:34-27.2 Use of personal or other computer to prepare client records

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

1. Contains an internal permanently activated date and time recordation for all entries;
2. Automatically prepares a back-up copy of the file; and

3. Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.

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

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

(e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000 print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialed by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the change-over of computer program, with each page initialed by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

13:34-27.3 Access to copy of client record

(a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third party payor with whom the client has a contract which provides that the third party payor be given access to records to assess a claim for monetary damages or reimbursement. If the client is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

(b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) and (h) below and in N.J.A.C. 13:34-27.5.

(c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.

(d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

(e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.

(f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.

(g) A licensee may withhold information contained in the client record or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:

1. The client's attorney;
2. Another licensed health care professional; or
3. The client's health insurance carrier.

(h) A licensee shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

13:34-27.4 Access by a managed health care plan to information in client record

(a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.

(b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payor whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

13:34-27.5 Confidentiality

(a) Any communication between a rehabilitation counselor and the person or persons counseled while performing counseling shall be confidential and its secrecy preserved.

(b) The privilege set forth in (a) above shall not be subject to waiver except in the following circumstances:

1. When disclosure is required by State law including, but not limited to, N.J.S.A. 2A:62A-16, 2A:62A-17 and 9:6-8.10; or
2. When the rehabilitation counselor is a party defendant to a civil, criminal or disciplinary action arising from that counseling, in which case the waiver of the privilege shall be limited to that action.

SUBCHAPTER 28. REHABILITATION COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE

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.94, effective February 17, 1998.
See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

13:34-28.1 Posting of practice authorization and notification of availability of fee information

(a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:

1. Rehabilitation counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public may notify the Committee of any complaint relative to the practice conducted by a rehabilitation counselor. The Committee's address is: Division of Consumer Affairs, Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101.

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

13:34-28.2 Notification of change of address; service of process

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

(b) Service of an administrative complaint or other process initiated by the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(c) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Board in writing.