

“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..... (Reserved)
(2) During the second year of a biennial renewal period ..... (Reserved)
ii. Associate counselor:
(1) During the first year of a biennial renewal period..... (Reserved)
(2) During the second year of a biennial renewal period ..... (Reserved)
3. Biennial renewal:
i. Professional counselor ..... (Reserved)
ii. Associate counselor ..... (Reserved)
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

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;

**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..... (Reserved)
    - (2) During the second year of a biennial renewal period..... (Reserved)
3. Biennial renewal:
  - i. Rehabilitation counselor..... (Reserved)
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

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.