

CHAPTER 34C**ALCOHOL AND DRUG COUNSELOR COMMITTEE****Authority**

N.J.S.A. 45:2D-1 through 45:2D-17.

Source and Effective Date

R.2004 d.113, effective March 15, 2004.
See: 35 N.J.R. 3441(a), 36 N.J.R. 1394(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 34C, Alcohol and Drug Counselor Committee, expires on September 11, 2009. See: 41 N.J.R. 1653(a).

Chapter Historical Note

Chapter 34C, Alcohol and Drug Counselor Committee, was adopted as R.2004 d.113, effective March 15, 2004. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. GENERAL PROVISIONS**

- 13:34C-1.1 Purpose and scope
- 13:34C-1.2 Definitions
- 13:34C-1.3 Office of the Alcohol and Drug Counselor Committee
- 13:34C-1.4 Notification of address; service of process
- 13:34C-1.5 License or certification renewal; active/inactive
- 13:34C-1.6 Reinstatement
- 13:34C-1.7 Licensee to display notice or give notice; licensee to display license
- 13:34C-1.8 Suspension, revocation or refusal of licensure or certification
- 13:34C-1.9 Licensure or certification of persons licensed or certified in another jurisdiction
- 13:34C-1.10 Fee schedule

SUBCHAPTER 2. APPLICATION PROCEDURE; APPLICANT QUALIFICATIONS

- 13:34C-2.1 Licensure or certification of practicing counselors: "grandfathering"
- 13:34C-2.2 Application procedure: licensed clinical alcohol and drug counselor
- 13:34C-2.3 Application procedure: certified alcohol and drug counselor
- 13:34C-2.4 Licensure: health care provider licensed by the State
- 13:34C-2.5 Qualification review process: licensure and certification
- 13:34C-2.6 Exceptions to licensure and certification

SUBCHAPTER 3. GENERAL OBLIGATIONS

- 13:34C-3.1 Standards of practice; scope of practice
- 13:34C-3.2 Professional conduct
- 13:34C-3.3 Sexual misconduct and harassment
- 13:34C-3.4 Duty to report

SUBCHAPTER 4. CLIENT RECORDS; CONFIDENTIALITY

- 13:34C-4.1 Preparation and maintenance of client records
- 13:34C-4.2 Use of computer to prepare client records
- 13:34C-4.3 Access to copy of client record
- 13:34C-4.4 Access by a managed health care plan to information in client record
- 13:34C-4.5 Confidentiality

SUBCHAPTER 5. CONTINUING EDUCATION

- 13:34C-5.1 Continuing education requirements
- 13:34C-5.2 Continuing education contact hour requirements
- 13:34C-5.3 Approval of continuing education courses and/or programs
- 13:34C-5.4 Continuing education contact hour calculations
- 13:34C-5.5 Documentation of continuing education
- 13:34C-5.6 Waiver of continuing education

SUBCHAPTER 6. CLINICAL SUPERVISION

- 13:34C-6.1 Definitions
- 13:34C-6.2 Clinical supervision of internship training experiences
- 13:34C-6.3 Clinical supervision of a supervised practice
- 13:34C-6.4 Clinical supervision of an agency practice

SUBCHAPTER 1. GENERAL PROVISIONS**13:34C-1.1 Purpose and scope**

(a) The rules in this chapter implement the provisions of P.L. 1997, c.331, N.J.S.A. 45:2D-1 et seq., The Alcohol and Drug Counselor Licensing and Certification Act.

(b) This chapter shall apply to all persons presently practicing, those seeking to practice and those seeking licensure or certification to engage in alcohol and drug counseling services in the State of New Jersey.

13:34C-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Accredited institution of higher education" means an educational institution that has been awarded accreditation by at least one of the following: the Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Schools and Colleges, Northwest Association of Schools and Colleges, Southern Association of Schools and Colleges, Western Association of Schools and Colleges or the World Education Service for a degree earned through an institution that is not in the United States.

"Act" means the Alcohol and Drug Counselor Licensing and Certification Act, P.L. 1997, c.331 (N.J.S.A. 45:2D-1 et seq.)

"Addiction Professionals Certification Board of New Jersey, Inc., (APCBNJ)" previously known as the Alcohol and Drug Counselor Certification Board of New Jersey, means the member of the International Certification Reciprocity Consortium (ICRC) of Alcohol and Other Drug Abuse, Inc. which certified alcohol and drug counselors in the State of New Jersey up to the effective date of these regulations.

“Address of record” means an address designated by a licensee or certificate holder which is part of the licensee’s or certificate holder’s record and which will be disclosed to the public. “Address of record” may be a licensee’s or certificate holder’s home, business or mailing address, but shall not be a post office box.

“Assessment” means those procedures which identify and evaluate a client’s strengths, weaknesses, problems and needs for the development of a treatment plan to address the extent to which alcohol or drug use has interfered with the client’s ability to function in the major life areas including, but not limited to, physical health, vocational development, social adaptations, legal involvement and psychological functioning.

“Board” means the State Board of Marriage and Family Therapy Examiners established pursuant to N.J.S.A. 45:8B-1 et seq.

“Case management” means activities which bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established goals.

“Certificate holder” means an individual who is certified by the State Board of Marriage and Family Therapy Examiners as a Certified Alcohol and Drug Counselor.

“Certified alcohol and drug counselor (CADC)” means a person who holds a current, valid certificate issued by the State Board of Marriage and Family Therapy Examiners, as recommended by the Alcohol and Drug Committee, pursuant to N.J.S.A. 45:2D-5 and N.J.A.C. 13:34C-2.3. Under the grandfathering provision set forth at N.J.S.A. 45:2D-16, “certified alcohol and drug counselor” also means a person who held a certificate granted by the Addiction Professionals Certification Board of New Jersey, Inc. prior to the effective date of these regulations.

“Client education” means the provision of information to individuals and groups concerning alcohol and other drug abuse and the available treatment and prevention services.

“Committee” means the Alcohol and Drug Counselor Committee of the State Board of Marriage and Family Therapy Examiners established as a Committee pursuant to N.J.S.A. 45:2D-12.

“Consultation” means conferring with in-house staff or outside professionals to assure comprehensive, quality care for a client.

“Counseling” means the utilization of special skills to assist individuals, families, significant others or groups in achieving an objective through exploration of a problem and its ramifications; examination of attitudes and feelings; consideration of alternative solutions; and decision making.

“Counseling related areas” include educational psychology, guidance and counseling, human development, marriage and family therapy, psychiatric nursing, pastoral counseling, psychology, social work or educational specialist or post master’s degree.

“Crisis intervention” means the provision of services which respond to an alcohol and/or other drug abuser’s needs during acute emotional and/or physical distress.

“Department” means the Department of Law and Public Safety.

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

“Effective date” for purposes of N.J.S.A. 45:2D-16 means March 15, 2004.

“Enactment date” means January 9, 1998.

“Health care provider” includes, but is not limited to, a licensed physician, a licensed nurse, a licensed psychologist, a licensed clinical social worker, a licensed marriage and family therapist or a licensed professional counselor.

“Intake” means the administrative and initial assessment procedures for entry into treatment.

“Licensed clinical alcohol and drug counselor (LCADC)” means a person who holds a current, valid license issued pursuant to N.J.S.A. 45:2D-4 and 45:2D-16 and N.J.A.C. 13:34C-2.2 and 2.1(c).

“Licensee” means an individual who is licensed by the New Jersey State Board of Marriage and Family Therapy Examiners, as recommended by the Alcohol and Drug Committee, as a licensed clinical alcohol and drug counselor.

“Orientation” means describing to a client the general nature and goals of the drug and alcohol treatment services offered.

“Recordkeeping” means charting the results of an assessment and treatment plan, writing reports, progress notes, discharge summaries and other client-related data.

“Referral” means identifying the needs of a client that cannot be met by the drug and alcohol counselor or agency and/or assisting the client to utilize the support systems and community resources available.

“Screening” means the process by which a client is determined to be both appropriate and eligible for drug and alcohol treatment services.

“Self-help group” means a voluntary group of persons who offer peer support to each other in recovering from an alcohol and drug addiction, including, but not limited to, groups such as Alcoholics Anonymous (AA), Narcotics Anonymous (NA), Adult Children of Alcoholics (ACOA), Alanon and Naranon.

“Significant other” means an individual who is not related by blood or marriage who can influence the client in a way that can impact the therapeutic intervention, success of recovery or treatment of the client. Examples include, but are not limited to, employers, teachers, friends, co-workers, or probation/parole officers.

“Sponsor” means a mentor in a 12-step, self-help group, who is in a non-clinical, unpaid relationship with other 12-step members.

“Treatment planning” means the process by which a counselor and a client identify and rank problems which require resolution; establish agreed upon immediate and long-term goals, including time frames; and decide upon a treatment process and the resources to be utilized.

13:34C-1.3 Office of the Alcohol and Drug Counselor Committee

The office of the Committee shall be maintained at 124 Halsey Street, Newark, New Jersey. The mailing address of the Alcohol and Drug Counselor Committee is PO Box 45040, Newark, New Jersey 07101.

13:34C-1.4 Notification of address; service of process

(a) A licensee or certificate holder shall file and maintain with the Committee an address of record, as defined in N.J.A.C. 13:34C-1.2. A licensee or certificate holder shall notify the Committee in writing of any change from the address registered with the Committee and shown on the most recently issued renewal certificate. Such notice shall be sent to the Committee by certified mail, return receipt requested, no later than 30 days following the change of address. Failure to notify the Committee of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(b) Service, by mail or any other delivery, of an administrative complaint or other process initiated by the Board, Committee, the Attorney General, or the Division of Consumer Affairs at the address of the licensee or certificate holder which is on file with the Committee shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceeding.

13:34C-1.5 License or certification renewal; active/inactive

(a) Licenses and certifications shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the continuing education requirements have been completed during the prior 24 month renewal period.

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

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

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

(e) Renewal applications for all licenses or certificates shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in alcohol and drug counseling within the State.

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license or certification. Applicants shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.

13:34C-1.6 Reinstatement

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

13:34C-1.7 Licensee to display notice or give notice; licensee to display license

(a) All licensees, conducting independent practice, shall ensure that the following notice is either prominently displayed in a waiting room or other area where it will be visible to the licensee’s clients, or provided to the licensee’s clients in writing:

“Alcohol and drug counselors are licensed by the Board of Marriage and Family Therapy Examiners, Alcohol and

Drug Counselor 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 an alcohol and drug counselor. The Committee's address is: Division of Consumer Affairs, Alcohol and Drug Counselors Committee, PO Box 45040, 124 Halsey Street, Newark, New Jersey 07101."

(b) All licensees, conducting independent practice, shall conspicuously display their license issued by the Board in their primary office.

13:34C-1.8 Suspension, revocation or refusal of licensure or certification

(a) If an applicant or holder of a license or certificate affirmatively demonstrates rehabilitation by clear and convincing evidence, the Board, upon recommendation by the Committee, shall admit the applicant to an examination and shall issue a license or certificate to the holder provided the other requirements of licensure or certification have been met. In determining whether a person has affirmatively demonstrated rehabilitation, the Committee shall consider the following factors:

1. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
2. The nature and seriousness of the offense;
3. The circumstances under which the offense occurred;
4. The date of the offense;
5. The age of the person when the offense was committed;
6. Whether the offense was an isolated or repeated incident;
7. Any social conditions which may have contributed to the offense; and
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, drug free periods, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have supervised the person, or restitution or any fines being paid.

(b) In accordance with N.J.S.A. 45:1-21, the Committee may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate or license issued by the Board upon proof that the applicant or holder of such certificate or license:

1. Has obtained a certificate, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;

2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

3. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;

4. Has engaged in repeated acts of negligence, malpractice or incompetence;

5. Has engaged in professional or occupational misconduct including, but not limited to, the following:

- i. Offering to perform or performing services that are unwarranted by education, training, or experience;

- ii. Diagnosing or treating non-substance related mental illness or mental disease;

- iii. Reporting distorted, erroneous or misleading alcohol or drug abuse counseling information;

- iv. Taking credit for work not personally performed;

- v. Acting as a sponsor of any client, patient, supervisee, or student of the alcohol and drug abuse counselor or who participates in a self-help group;

- vi. Engaging in a dual relationship, which could result in a conflict of boundaries and/or exercising undue influence over any client or patient of the alcohol and drug abuse counselor;

- vii. Treating any client, patient, student, supervisee or colleague in an abusive manner;

- viii. Discriminating against any client, patient, student, supervisee or colleague on the basis of color, race, gender, religion, national origin, ancestry, age, disability or sexual orientation;

- ix. Failing to inform any client or patient of any financial benefits that might accrue to the alcohol and drug abuse counselor from referral to any other service or from the use of any tests, books or apparatus or failing to offer any meaningful choice of other treatment providers, where available;

- x. Directly or indirectly offering, giving, soliciting, receiving, or agreeing to receive any fee or other consideration of more than nominal (negligible) value to or from a third party for the referral of a client or patient or in connection with the performance of professional services;

- xi. Permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm or a consultant authorized to practice the same profession or in a closely allied profession;

xii. Failing to terminate the alcohol and drug abuse counseling relationship when it is apparent that the relationship no longer serves the needs of the client or patient;

xiii. Providing counseling services while using alcoholic beverages or illegally using controlled dangerous substances; or

xiv. Altering any records in a manner not authorized pursuant to N.J.A.C. 13:34C-4.1(e);

6. Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to alcohol and drug counseling. For the purposes of this subsection a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;

7. Has had the authority to engage in alcohol and drug counseling revoked or suspended by any other State agency or authority for reasons consistent with this section;

8. Has violated or failed to comply with the provisions of any act or regulation administered by the Committee;

9. Is incapable for medical or any other good cause, of discharging the functions of a licensee or certificate holder in a manner consistent with the public's health, safety and welfare;

10. Has violated any provision of P.L. 1983, c.320 (C.17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L. 1983, c.320 (C.17:33A-1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;

11. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;

12. Has permitted an unlicensed person or entity to perform an act for which a license or certification is required by the Committee, or aided and abetted an unlicensed person or entity in performing such an act; or

13. Advertised fraudulently in any manner.

13:34C-1.9 Licensure or certification of persons licensed or certified in another jurisdiction

The Board, upon recommendation by the Committee, may grant a license or certification to any person who at the time of application is licensed or certified by a governmental agency or other comparable recognized certifying authority located in another state, territory or jurisdiction, if in the opinion of the Committee, the requirements of that licen-

sure or certification are substantially similar, at the time of initial certification or licensure, to requirements of the Act and this chapter.

13:34C-1.10 Fee schedule

(a) The Committee shall charge the following fees:

- 1. Application fee \$ 75.00
- 2. Initial license fee
 - i. If paid during the first year of a biennial renewal period \$250.00
 - ii. If paid during the second year of a biennial renewal period \$125.00
- 3. Initial certification fee
 - i. If paid during the first year of a biennial renewal period \$180.00
 - ii. If paid during the second year of a biennial renewal period \$ 90.00
- 4. Certification of licensure or certification \$ 25.00
- 5. License renewal fee, biennial \$250.00
- 6. Certification renewal fee, biennial \$180.00
- 7. Reinstatement fee \$125.00
- 8. Late renewal fee \$ 50.00
- 9. Replacement wall certificate \$ 40.00
- 10. Duplicate license or certification fee \$ 25.00

SUBCHAPTER 2. APPLICATION PROCEDURE; APPLICANT QUALIFICATIONS

13:34C-2.1 Licensure or certification of practicing counselors: "grandfathering"

(a) The 730-day period provided for in N.J.S.A. 45:2D-16 shall begin on March 15, 2004 and end on March 15, 2006.

(b) Upon application to the Board on the form and in the manner prescribed by the Committee, any person certified in New Jersey by the APCBNJ as an alcoholism counselor on January 9, 1998 who provides documentation to the Board that the applicant has successfully completed 30 classroom hours, including formal classroom education, workshops, seminars, institutes, and in-service training, in drug education may be certified as an alcohol and drug counselor without meeting the requirements set forth in N.J.A.C. 13:34C-2.3.

(c) Upon application to the Board on the form and in the manner prescribed by the Committee, any person certified in New Jersey by the APCBNJ as a drug counselor on January 9, 1998 who provides documentation to the Board that the applicant has successfully completed 50 classroom hours, including formal classroom education, workshops, seminars, institutes, and in-service training, in alcohol education may be certified as an alcohol and drug counselor without meeting the requirements set forth in N.J.A.C. 13:34C-2.3.

(d) Upon application to the Board on the form and in the manner prescribed by the Committee, any person who has practiced, as evidenced by utilizing the 12-core functions and/or performing clinical supervision, as an alcohol and drug counselor for at least five years preceding January 9, 1998 and is certified in New Jersey by the APCBNJ as an alcohol and drug counselor on January 9, 1998 may be licensed as a clinical alcohol and drug counselor without meeting the requirements set forth in N.J.A.C. 13:34C-2.2. The 12 core functions include: screening, intake, orientation, assessment, treatment planning, counseling—individual, group and family, case management, crisis intervention, client education, referral, consultation, and recordkeeping. For purposes of this section, five years equals 7,500 hours. Of these 7,500 hours, at least 3,000 hours shall be accrued within the five years immediately preceding the enactment date of the Act, that is, January 9, 1998.

13:34C-2.2 Application procedure: licensed clinical alcohol and drug counselor

(a) An applicant for licensure as a clinical alcohol and drug 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 non-refundable application fee set forth in N.J.A.C. 13:34C-1.10;
3. An official transcript(s)/certificate(s) indicating that the applicant has satisfied the educational requirements as set forth in (b) below and N.J.A.C. 13:34C-2.3(b)1 and 4;
4. A supervisor's certification indicating that the applicant has met the supervision requirements for licensure as set forth in N.J.A.C. 13:34C-6; and
5. The original, current certificate of certification as an alcohol and drug counselor issued by the APCBNJ, if applicable.

(b) An applicant shall furnish evidence that the applicant has:

1. Received a master's degree in counseling from an accredited institution of higher education, as defined in N.J.A.C. 13:34C-1.2, or received a master's degree in an addictions or counseling related area which shall include a minimum of 18 graduate semester hours in counseling from an accredited institution of higher education. The required 18 graduate semester hours for the master's degree in an addictions or counseling related area may include pre and post master's graduate semester hours and must be distributed among 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. Assessment of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to assessment, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence assessment, use of assessment 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, personal 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;

- 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; and

x. Pharmacology and physiology, which includes topics related to physiology of alcohol/drug use, abuse, dependency and addiction; neurophysiology of chemical use; psychopharmacology; therapeutic and appropriate use of pharmaceutical drugs; physical health and the use/abuse of drugs; psychiatric medications in the treatment of mental illness and dual diagnoses; appropriate use of prescribed medications for recovering chemically dependent clients/patients; treatment of chronic pain and clinical testing of body fluids and hair; and

2. Successfully completed all the requirements to be a certified alcohol and drug counselor pursuant to N.J.A.C. 13:34C-2.3(b)2 and 3 and 5 through 7 and N.J.S.A. 45:2D-5.

(c) An application shall be deemed abandoned and closed if:

1. The application has not been completed by the applicant within 12 months after it was received by the Committee; or

2. The applicant fails to sit for or pass the written and/or oral sections of the examination within 12 months or any 12-month period thereafter upon written notification of eligibility to take the examination.

(d) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application and shall comply with the requirements of (a) and (b) above.

(e) After the third attempt or thereafter to pass the written and/or oral sections of the examination, the applicant may not reapply a fourth time or any time thereafter without having first successfully completed and passed a course(s) in the subject matter(s) in which the examination has demonstrated the applicant's deficiencies.

Administrative correction.
See: 37 N.J.R. 320(a).

13:34C-2.3 Application procedure: certified alcohol and drug counselor

(a) An applicant for certification as a certified alcohol and drug 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 non-refundable application fee set forth in N.J.A.C. 13:34C-1.10;

3. An official transcript(s)/certificate(s) indicating that the applicant has satisfied the educational requirements set forth in (b)1 and 4 below;

4. The supervisor's certification indicating that the applicant has met the supervision requirements for certification as set forth in N.J.A.C. 13:34C-6; and

5. The original, current certificate of certification as an alcohol and drug counselor issued by the APCBNJ, if applicable.

(b) An applicant shall furnish evidence that the applicant has:

1. Received a bachelor's degree or an associate's degree or a higher school diploma or a certificate of high school equivalency;

2. Completed 300 hours of supervised practical training in alcohol and drug counseling distributed among all of the following 12 core functions: screening, intake, orientation, assessment, treatment planning, counseling—individual, group and family, case management, crisis intervention, client education, referral, consultation and recordkeeping;

3. Completed two years of supervised work experience within five consecutive years immediately preceding the date of submission of the application. The two years of supervised work experience may be paid or voluntary time working directly with alcohol or other drug clients. Paid or voluntary time shall be directly related to the 12-core functions as set forth at (b)2 above;

i. A one year full-time equivalent shall be 1,500 hours over a 50-week period. Any hours over the required 1,500 hours per year may not be carried over into the succeeding year. The practical training required by (b)2 above may be part of the work experience set forth in this paragraph and may be completed under more than one agency or supervisor;

ii. The work experience requirement may be satisfied by work performed on a part-time basis, so long as the two year experience requirement is satisfied by completion of at least 3,000 hours within five consecutive years immediately preceding the date of submission of the application;

iii. Formal education, except for supervised practical training; continuing education courses, workshops, seminars or unsupervised work experience may not be substituted for the required work experience;

4. Completed 270 hours of alcohol and drug education, approved by member boards of the International Certification Reciprocity Consortium of Alcohol and Other Drug Abuse, Inc. (ICRC), the NADAAC, the Association for Addiction Professionals or a regionally accredited college or university, which shall be related to the knowledge and skill associated with the functions of an alcohol and drug counselor, including formal classroom education, workshops, seminars, institutes, in-service training or a maximum of 54 course hours in distance learning programs as follows:

i. Fifty-four course hours of assessment, with a minimum of six hours each of the topics and distributed among all of the following:

- (1) Initial interviewing process;
- (2) Biopsychosocial assessment;
- (3) Differential diagnosis;
- (4) Diagnostic summaries and compulsive gambling; and
- (5) Psychopharmacology/physiology of addiction;

ii. Fifty-four course hours of counseling, with a minimum of six hours in each of the topics and distributed among all of the following:

- (1) Introduction to counseling;
- (2) Introduction to techniques and approaches;
- (3) Crisis intervention;
- (4) Individual counseling focused on addiction;
- (5) Group counseling; and
- (6) Family counseling;

iii. Fifty-four course hours of case management, with a minimum of six hours in each of the topics and distributed among all of the following:

- (1) Community resources;
- (2) Consultation;
- (3) Documentation; and
- (4) HIV positive resources;

iv. Fifty-four course hours of client education, with a minimum of six hours in each of the topics and distributed among all of the following:

- (1) Addiction recovery;
- (2) Psychological client education;
- (3) Biochemical/medical client education;
- (4) Sociocultural client education;
- (5) Addiction recovery and psychological family education;
- (6) Biomedical and sociocultural family education; and
- (7) Community and professional education; and

v. Fifty-four course hours of professional responsibility, with a minimum of six hours in each of the topics and distributed among all of the following:

- (1) Ethical standards;
- (2) Legal aspects;
- (3) Cultural competency;

- (4) Professional growth;
- (5) Personal growth;
- (6) Dimensions of recovery;
- (7) Supervision;
- (8) Consultation; and
- (9) Community involvement;

5. Attended 30 alcohol and drug abuse self-help group meetings of which a minimum of five meetings shall be in Alcoholics Anonymous; a minimum of five meetings shall be in Narcotics Anonymous; and a minimum of five meetings shall be in Alanon;

6. Successfully completed a written examination developed and prepared by the ICRC; and

7. Successfully completed an oral examination developed and prepared by the ICRC, on the applicant's written case presentation.

(c) An application shall be deemed abandoned and closed if:

1. The application has not been completed by the applicant within 12 months after it was received by the Committee; or

2. The applicant fails to sit for or pass the written and/or oral sections of the examination within 12 months or any 12-month period thereafter upon written notification of eligibility to take the examination.

(d) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application and shall comply with the requirements of (a) and (b) above.

(e) After the third attempt or thereafter to pass the written and/or oral sections of the examination, the applicant may not reapply a fourth time or any time thereafter without having first successfully completed and passed a course(s) in the subject matter(s) in which the examination has demonstrated the applicant's deficiencies.

13:34C-2.4 Licensure: health care provider licensed by the State

(a) In accordance with N.J.S.A. 45:2D-4(b), the Committee shall recommend that the Board issue a license as a licensed clinical alcohol and drug counselor to any health care provider licensed by the State of New Jersey, who is in good standing and diagnoses and/or treats drug or alcohol related disorders within the health care provider's scope of practice.

(b) The health care provider shall also demonstrate to the Committee, which will then recommend to the Board, that the health care provider has equivalent education as required pursuant to N.J.A.C. 13:34C-2.2(b) and training and comparable years of experience as required pursuant to

N.J.A.C. 13:34C-2.3(b)2 through 5, except that the health care provider shall be exempt from taking the oral and written examinations as required pursuant to N.J.A.C. 13:34C-2.3(b)6 and 7.

13:34C-2.5 Qualification review process: licensure and certification

(a) The Committee shall review the qualifications of each person who applies for licensure or certification as an alcohol and drug counselor.

(b) No applicant shall be licensed or certified by the Board unless a majority of the full Committee first determines that the applicant has met the education and experience requirements of N.J.A.C. 13:34C-2.3(b)1 through 5 and successfully completed the written and oral examinations required pursuant to N.J.A.C. 13:34C-2.3(b)6 and 7. Exempted from this subsection are those applicants who qualify as specified pursuant to N.J.A.C. 13:34C-1.9, 2.1 and 2.4.

(c) An applicant who is determined to be qualified and is recommended for licensure or certification by the Committee shall be considered for licensure or certification by the Board, with the final decision to be made by the Board. The Board may review the action taken by the Committee with respect to the Committee's evaluation and examination of the applicant for licensure as a licensed clinical alcohol and drug counselor or for certification as a certified alcohol and drug counselor.

(d) The Board may reverse, modify or reject any determination of the Committee by an affirmative vote of a majority of the Board.

13:34C-2.6 Exceptions to licensure and certification

(a) The licensure and certification rules in this subchapter shall not apply to:

1. A person engaging in or offering alcohol and drug addiction services such as self-help, sponsorship through Alcoholics Anonymous and Narcotics Anonymous groups or other uncompensated alcohol and drug addiction counseling assistance;

2. The activities and services of a designated employee or other agent of a private employer who has been designated to be involved in the evaluation or referral for counseling of employees of the private employer, or an employee or other agent of a recognized academic institution, a Federal, State, county or local government institution, agency or facility, or a school district, if the individual is performing these activities of evaluation or referral for counseling only of employees and solely within the company or agency, as the case may be, or under the jurisdiction of that company or agency and if a license granted under this act is not a requirement for employment;

3. The activities and services of an imam, rabbi, priest, minister, Christian Science practitioner or clergy of any religious denomination or sect, when engaging in activities, which are within the scope of the performance of the person's regular or specialized ministerial duties and for

which no separate charge is made, or when these activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally recognizable church, denomination, or sect, and when the person rendering services remains accountable to the established authority thereof; or

4. A person doing work of an alcohol or drug counseling nature, or advertising those services, when acting within the scope of the person's profession or occupation and doing work consistent with the person's training, including physicians, clinical social workers, professional counselors, marriage and family therapists, psychologists, nurses or any other profession or occupation licensed by the State, or students within accredited programs of these professions, if the person does not hold oneself out to the public as possessing a license or certification issued pursuant to the Act or this chapter.

SUBCHAPTER 3. GENERAL OBLIGATIONS**13:34C-3.1 Standards of practice; scope of practice**

(a) All licensed clinical alcohol and drug counselors and all certified alcohol and drug counselors who are licensed or certified under this chapter shall comply with the standards of practice contained in this section when engaging in alcohol and drug counseling services.

(b) The scope of practice of a certified alcohol and drug counselor includes, but is not limited to:

1. The 12-core functions: screening, intake, orientation, assessment, treatment planning, counseling—individual, group and family, case management, crisis intervention, client education, referral, consultation, and recordkeeping; and

2. A certified alcohol and drug counselor shall practice under the supervision of a licensed clinical alcohol and drug counselor or other clinical supervisor as deemed appropriate by the Committee pursuant to N.J.A.C. 13:34C-6.3 and 6.4.

(c) The scope of practice of a licensed clinical alcohol and drug counselor includes, but is not limited to:

1. The 12 core functions: screening, intake, orientation, assessment, treatment planning, counseling—individual, group and family, case management, crisis intervention, client education, referral, consultation and recordkeeping;

2. Performance of clinical supervision pursuant to N.J.A.C. 13:34C-6.2, 6.3 and 6.4 for alcohol and drug counselor trainees and certified alcohol and drug counselors; and

3. Diagnosis of substance-related disorders as described in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association.

13:34C-3.2 Professional conduct

(a) No person shall engage in the practice of alcohol and drug counseling as a licensed clinical alcohol and drug counselor unless licensed pursuant to the Act and this chapter.

(b) No person shall engage in the practice of alcohol and drug counseling as a certified alcohol and drug counselor unless certified pursuant to the Act and this chapter.

(c) No person shall present, call or represent himself or herself as a licensed clinical alcohol and drug counselor unless licensed pursuant to the Act and this chapter.

(d) No person shall present, call or represent himself or herself as a certified alcohol and drug counselor unless certified pursuant to the Act and this chapter.

(e) No person shall assume, represent himself or herself as, or use the title or designation such as "alcoholism counselor," "alcohol counselor," "drug counselor," "alcohol and drug counselor," "alcoholism and drug counselor," "licensed clinical alcohol and drug counselor," "certified alcohol and drug counselor," "substance abuse counselor," "chemical dependency counselor," "addictions counselor," "certified addictions counselor," "certified addictions specialist" or "chemical dependency supervisor," or any of the abbreviations for the above titles, unless licensed or certified pursuant to the Act and this chapter, and unless the title or designation corresponds to the license or certification held by the person pursuant to the Act and this chapter.

(f) No person shall engage in the independent practice of alcohol and drug counseling for a fee unless the person is licensed as a licensed clinical alcohol and drug counselor or the person is a certified alcohol and drug counselor practicing under the supervision of a licensed clinical alcohol and drug counselor or other approved clinical supervisor approved pursuant to N.J.A.C. 13:34C-6.3.

(g) All licensees and certificate holders are responsible for the conduct of their employees, pursuant to N.J.S.A. 45:2D-11.

13:34C-3.3 Sexual misconduct and harassment

(a) The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Client" means any person who is the recipient of a professional service rendered by an alcohol and drug counselor for purposes of diagnosis, treatment or a consultation relating to treatment. "Client," for purposes of this section, also means a person who is the subject of professional examination or assessment or clinical supervision even if the purpose of that examination or assessment or clinical supervision is unrelated to treatment.

"Client-counselor relationship" means the association between an alcohol and drug counselor and a client wherein the counselor owes a continuing duty to the client to be available to render alcohol and drug counseling services consistent with his or her training and experience.

"Harassment" means one egregious act or repeated comments, contact, or gestures which are based upon the following and which have the purpose or effect of intimidating or offending the individual based upon his or her race, religion, color, gender, national origin, marital status, sexual orientation, physical or mental disability.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's or certificate holder's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of the licensee's or certificate holder's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or certificate holder or client's body into or near the genital, anal or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's or certificate holder's activities or role as a provider of alcohol and drug counseling services that either: is unwelcome, offensive to a reasonable person, or creates a hostile workplace environment, and the licensee or certificate holder knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensee or certificate holder with a client, co-worker, employee, student, or supervisee, whether or not such individual is in a subordinate position to the licensee. "Sexual harassment" may include conduct of a non-sexual nature if it is based upon the sex of the individual.

(b) A licensee or certificate holder shall not engage in sexual contact with a client with whom he or she has a client-counselor relationship.

(c) A licensee or certificate holder shall not seek or solicit sexual contact with a client with whom he or she has a current client-counselor relationship, a former client or a former student to whom any alcohol and drug counseling services were rendered in the immediately preceding 24 months, or a current student, supervisee, supervisor, or research participant.

1. The 24-month rule shall not apply and the prohibition shall extend indefinitely in circumstances where the former client is or should be recognized by the licensee or certificate holder as clearly vulnerable by reason of emotional or cognitive disorder or exploitative influence by the licensee or certificate holder.

(d) A licensee or certificate holder shall not seek or solicit sexual contact with any person in exchange for professional services.

(e) A licensee or certificate holder shall not accept as a client an individual who, within the immediately preceding 24 months, was the licensee's or certificate holder's sexual partner.

(f) A licensee or certificate holder shall not engage in any discussion of an intimate sexual nature with a client that serves the licensee's or certificate holder's prurient interests or is for the sexual arousal or the sexual gratification of the licensee or certificate holder or client, or constitutes sexual abuse of the client.

(g) A licensee or certificate holder shall not condone or engage in any form of harassment in a professional setting including, but not limited to, an office, hospital or health care facility or outside the professional setting.

(h) A licensee or certificate holder shall not engage in any other activity such as, but not limited to, voyeurism or exposure of the genitalia of the licensee or certificate holder which would lead a reasonable person to believe that the activity serves the licensee's or certificate holder's personal prurient interests or is for the sexual arousal or the sexual gratification of the licensee or certificate holder or client, or constitutes sexual abuse of the client.

(i) Violation of any of the prohibitions or directives set forth at (b) through (h) above shall be deemed to constitute gross malpractice pursuant to N.J.S.A. 45:1-21(c) or professional misconduct pursuant to N.J.S.A. 45:1-21(e) or both.

(j) It shall not be a defense to any action under this section that:

1. The client solicited or consented to sexual contact with the licensee or certificate holder; or
2. The licensee or certificate holder was in love with or had affection for the client.

(k) The prohibitions of this section shall also apply to any relationship between a licensee or certificate holder and the client of any other individual within the same professional setting, facility or location.

13:34C-3.4 Duty to report

(a) A licensee or certificate holder shall notify the Committee of misconduct of another alcohol or drug counselor which the licensee or certificate holder has reason to believe

has not been disclosed to the Committee. Such misconduct includes specific acts or omissions or the fact that a counselor has:

1. Had any license, certificate, permit, registration or other certificate granted by any jurisdiction limited, conditioned, qualified, restricted, suspended, revoked or not issued or renewed or voluntarily surrendered;
2. Been subject to any other disciplinary action by a licensing or certifying authority or professional association;
3. Been demoted, terminated or suspended from the person's employment for some form of misfeasance, malfeasance or nonfeasance;
4. Practiced or taught alcohol or drug counseling in violation of the laws or regulations regulating that profession; or
5. Engaged in any prohibited act listed in N.J.A.C. 13:34C-1.8(b) and 3.2.

(b) A licensee or certificate holder shall notify the Committee of one's own misconduct which the licensee or certificate holder has reason to believe has not been disclosed to the Committee. Such misconduct includes specific acts or omissions or the fact that a counselor has:

1. Had any license, certificate, permit, registration or other certificate granted by any jurisdiction limited, conditioned, qualified, restricted, suspended, revoked or not issued or renewed or voluntarily surrendered;
2. Been subject to any other disciplinary action by a licensing or certifying authority or professional association;
3. Been demoted, terminated or suspended from the person's employment for some form of misfeasance, malfeasance or nonfeasance;
4. Practiced or taught alcohol or drug counseling in violation of the laws or regulations regulating that profession; or
5. Engaged in any prohibited act listed in N.J.A.C. 13:34C-1.8(b) and 3.2.

(c) A licensee or certificate holder shall, within 30 days of receiving a notice of disciplinary action taken against the licensee or the certificate holder in any other state, territory or jurisdiction, report to the Committee in writing receipt of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

Administrative correction.
See: 36 N.J.R. 3883(c).

**SUBCHAPTER 4. CLIENT RECORDS;
CONFIDENTIALITY**

13:34C-4.1 Preparation and maintenance of client records

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

(c) The licensee or certificate holder shall include in the client record material pertinent to the nature and extent of the professional interaction, as applicable:

1. The client name, address and telephone number;
2. The client complaint on intake;
3. Medical history recognized as of potential significance;
4. Substance abuse history;
5. Past and current medications;
6. Bio/psycho/social history;
7. Any finding or interpretation of standardized tests and/or instruments administered;
8. Current functional impairments and rating levels thereof;
9. A diagnostic impression;
10. A treatment plan focused on the specific needs of the individual client;
11. Contemporaneous and dated progress or session notes specific to the client's participation, including ongoing assessment, specific components of treatment, evaluation or consultation;
12. Dates of all treatment, evaluation or consultation sessions;
13. The location of treatment, evaluation or consultation;
14. A prognosis;
15. The client identity on each page;
16. Fees charged and paid unless a separate financial record is kept;
17. The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);

18. If services are rendered by a counselor intern or a certified alcohol and drug counselor, a written disclosure form signed by the client;

19. Records and reports provided by other professionals;

20. Information regarding referrals to other professionals or health care providers;

21. Appropriate consent and disclosure forms required by law;

22. Any other form required by regulation, accreditation or funding agency;

23. Discharge summary and after care plan focused on the specific needs of the individual client; and

24. A record of any treatment, drug, or service offered by the licensee and refused by the patient.

(d) A licensee or certificate holder may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee or certificate holder.

(e) The licensee or certificate holder shall establish and maintain a reasonable procedure to protect such records from access by unauthorized persons.

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

(g) The licensee or certificate holder shall establish reasonable procedures for maintaining the confidentiality of client records in the event of the licensee's or certificate holder's relocation, retirement, termination from practice, death, or separation from a group practice, and shall establish reasonable procedures to assure the preservation of client records which shall include at a minimum:

1. Establishment of a procedure by which patients can obtain treatment 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. Publication of a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's or certificate holder's practice, at least once each month for the first three months after the cessation; and

3. Making reasonable efforts to directly notify any patient treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records.

(h) Subsections (e) and (g) above shall not apply to a licensee or certificate holder employed in an agency setting who does not, by agency policy, have control over client records.

(i) Licensees or certificate holders practicing in a licensed substance abuse treatment facility or in an exempt setting as defined in N.J.A.C. 13:34C-2.6, shall not be required to comply with this section if the facility's policies and/or procedures regarding preparation and maintenance of client records differ from this section.

13:34C-4.2 Use of computer to prepare client records

(a) A licensee or certificate holder who prepares a client record maintained on a personal or other computer shall:

1. Maintain a hard copy, which shall include the required information set forth at N.J.A.C. 13:34C-4.1 and be produced at the time of data entry; and

2. Maintain computerized records, including back-up copies, in compliance with the confidentiality requirements set forth at N.J.A.C. 13:34C-4.5, which are protected against unauthorized access both physical and through electronic means.

(b) Licensees or certificate holders practicing in a licensed substance abuse treatment facility or in an exempt setting as defined in N.J.A.C. 13:34C-2.6 shall not be held to this section if the agency's policies and/or procedures regarding maintenance of client records differ from this section.

13:34C-4.3 Access to copy of client record

(a) For purposes of this section, "authorized representative" means a person designated by the client, in accordance with the provisions of 42 CFR Part 2, incorporated herein by reference.

(b) A licensee or certificate holder shall require any record request to be in writing. The licensee or certificate holder 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.

(c) Unless otherwise required by law, the licensee or certificate holder 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 or certificate holder 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 or certificate holder'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 or certificate holder 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 or certificate holder shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee or certificate holder may, however, require advance payment for a report prepared for the licensee's or certificate holder's services as an expert witness.

(g) A licensee or certificate holder may withhold information contained in the client record from a client or the client's parent or 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 or certificate holder shall not be required to release to a minor's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

(i) A licensee or certificate holder shall only disclose information on HIV status contained in the client's record when consent is explicitly given by the client and such disclosure shall be in accordance with N.J.S.A. 26:5C-1 et seq. and any other applicable laws.

13:34C-4.4 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 or certificate holder shall make all required information available upon the request of the client or duly authorized representative with the client's consent.

(b) A licensee or certificate holder whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:2D-11 may release requested information deemed professionally appropriate to a third-party payor.

13:34C-4.5 Confidentiality

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

(b) All licensees or certificate holders shall comply with the provisions of 42 CFR Part 2.

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

1. When disclosure is required by Federal or 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 licensee or certificate holder 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.

(d) Confidentiality is applicable to both adults and minors in conformance with Federal and State law.

(e) A licensee or certificate holder shall secure a signed release from all persons who are referred to in family counseling notes prior to release of such notes to a third party.

(c) If the applicant initially obtains a license or certificate within the second year of the biennial period, the applicant shall be exempt from completing continuing education requirements for the first renewal period.

(d) All licensees and certificate holders shall complete at least six required contact hours of continuing education in legal standards related to the practice of alcohol and drug counseling during the initial biennial period. These six contact hours may be used towards the required continuing education contact hours.

13:34C-5.3 Approval of continuing education courses and/or programs

(a) The Committee may disallow any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of alcohol and drug counseling in the State of New Jersey.

(b) The following continuing education courses and programs shall be deemed automatically approved as long as the courses or programs fall within the content areas set forth in (d) below:

1. Courses and programs approved by a regionally accredited institution of higher learning; the APCBNJ, or any other ICRC member board; NADAAC, the Association for Addiction Professionals; American Society on Addiction Medicine; National Board of Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the National Council on Compulsive Gambling; and the American Compulsive Gambling Counselor Certification Board;

2. Teaching a course or program in the related content areas set forth in (d) below;

3. Completing coursework in the content areas set forth in (d) below;

4. Completing a distance learning course or program approved by one of the organizations listed in (b)1 above; and

5. Being the primary author of a peer reviewed article published in a refereed professional journal or publication.

(c) If a licensee or certificate holder attends a course or program that has not been approved by any of the organizations listed in (b)1 above, and the applicant seeks approval for continuing education, the applicant may submit the course or program to the Committee for approval prior to the biennial renewal date.

SUBCHAPTER 5. CONTINUING EDUCATION

13:34C-5.1 Continuing education requirements

(a) All licensed clinical alcohol and drug counselors shall complete 40 contact hours of continuing education for license renewal. The licensed clinical alcohol and drug counselor shall confirm on the renewal application that the applicant has completed all continuing education requirements pursuant to this subchapter during the biennial period preceding application for renewal.

(b) All certified alcohol and drug counselors shall complete 60 contact hours of continuing education for certification renewal. The certified alcohol and drug counselor shall confirm on the renewal application that the applicant has completed all continuing education requirements pursuant to this subchapter during the biennial period preceding the application renewal.

13:34C-5.2 Continuing education contact hour requirements

(a) All licensees and certificate holders shall complete the minimum number of required contact hours of continuing education directly related to the profession of alcohol and drug counseling.

(b) If the applicant initially obtains a license or certificate within the first year of the biennial period, the applicant shall complete 20 required contact hours of continuing education for the first renewal period.

(d) The following are acceptable course and program content areas for continuing education as long as the licensee or certificate holder distributes his or her contact hours among the following content areas:

1. Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;

2. 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;

3. 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;

4. Lifestyle and career development, which includes 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;

5. Group dynamics, processes, counseling and consulting, which includes 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;

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

7. 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;

8. 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, publi-

cation of research information and ethical and legal considerations;

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

10. Physiology, pharmacology, neurobiology related to substance use, abuse, dependency, chemical and behavioral addictions, genetics, chemotherapies used in treating chemical and behavioral addictions as well as mental illness and dual diagnosis;

11. Spirituality and religious issues as they relate to the client pre and post treatment, during the treatment process, religious and belief systems as they impact upon the treatment and recovery process, understanding and assessing clinical aspects of spirituality (both theistic and non-theistic approaches to spirituality); and

12. Prevention and education issues related to substance abuse which will include the six domains of prevention: program coordination; education and training; community organization; public policy; and planning and evaluation.

13:34C-5.4 Continuing education contact hour calculations

(a) The Committee shall accept contact hours only for continuing education courses and/or programs which are at least one hour long and are directly related to the counseling profession. For purposes of this section, a "contact hour" represents a 60-minute hour with no less than 50 minutes of content within the hour. Courses or programs may include one 10-minute break for each contact hour.

(b) A licensee or certificate holder shall complete and be able to verify such completion of a continuing education course or program in order to receive continuing education credits. The Committee shall grant a licensee or certificate holder continuing education credit for each biennial renewal period as follows:

1. Course or program presentations: one and one-half contact hours of continuing education for each hour of a new course or program, up to a maximum of nine continuing education contact hours. These presentations shall not include lectures to clients or client family members. These presentations may include professional training, training for initial certification or licensure, continuing education for other professionals about substance abuse and addictions;

2. Teaching courses offered at a regionally accredited institution of higher education: 20 contact hours of continuing education for each new semester course per biennial period. For the purpose of this subsection, "new"

represents a course that the licensee or certificate holder has not taught previously in any educational setting;

3. Successfully completing an undergraduate, graduate or post graduate coursework in the content areas listed at N.J.A.C. 13:34C-5.3(d), at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded;

4. Distance learning courses or programs: the amount of contact hours of continuing education approved by the approving organization, with a maximum of 20 contact hours for the licensed clinical alcohol and drug counselor and 30 contact hours for the certified alcohol and drug counselor per biennial period; and

5. The primary author of a peer reviewed article published in a refereed professional journal or publication within the preceding biennial period: five contact hours of continuing education hours per article or publication, with a maximum of 10 contact hours per biennial period.

13:34C-5.5 Documentation of continuing education

(a) A licensee or certificate holder shall retain documentation of the contact hours of continuing education which the licensee or certificate holder completes in order to verify program attendance or activity completion. Each licensee or certificate holder shall submit such documentation to the Committee upon request. The Committee shall review the records of the licensees and/or certificate holders from time to time, to determine compliance with continuing education requirements.

(b) A licensee or certificate holder shall verify attendance at continuing education courses or programs by a certificate of attendance or by a statement from the course instructor. The verification shall include:

1. The name of the licensee or certificate holder;
2. The name of the sponsor;
3. The title, location and date of the course or program;
4. The signature of the program official or instructor;
5. The number of contact hours of continuing education; and
6. Course/program approval numbers (if applicable).

(c) A licensee or certificate holder shall verify continuing education activities by retaining the following:

1. For courses or programs presentations, copies of the program brochure, syllabus, outline, course description, or audio or video copy of the presentation;
2. For teaching at a regionally accredited institution of higher education: a copy of the course description, syllabus, outline, bibliography and verification of being a new course from the academic institution;

3. A licensee or certificate holder shall verify completion of college or university coursework by an official transcript;

4. Distance learning courses or programs: certification from the approving organization; and

5. For publications, a copy of the peer reviewed article published in a refereed professional journal or publication.

(d) A licensee or certificate holder shall maintain documentation for six years.

(e) Falsification of any information submitted with the renewal application, audit or at the request of the Committee, may result in an appearance before the Committee, penalties, and/or any other disciplinary action, including, but not limited to, suspension or revocation of license or certification pursuant to N.J.S.A. 45:1-21 through 25. The Committee may take any appropriate disciplinary action, including, but not limited to, suspension or revocation of license or certification, pursuant to N.J.S.A. 45:1-21, if an alcohol and drug counselor fails to meet continuing education requirements as set forth in this subchapter.

13:34C-5.6 Waiver of continuing education

(a) The Committee may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause.

(b) A licensee or certificate holder who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional information as the Committee may request in support of the waiver. The request shall be submitted to the Committee at least three months prior to the end of the biennial registration period. The Committee may either grant the waiver or grant a limited period of time within which the requirements must be fulfilled in order to renew the license or certificate.

SUBCHAPTER 6. CLINICAL SUPERVISION

13:34C-6.1 Definitions

For purposes of this subchapter, the following words and terms have the following meanings:

“Clinical supervision” means the ongoing process of direct review of a supervisee for the purpose of administrative accountability, teaching, quality assurance, training, administering, or clinical review of counselor interns and certified alcohol and drug counselors performed by a qualified supervisor who monitors the performance of the core functions of alcohol and drug counseling, providing regular consultation, guidance and instruction with respect to the counseling skills and competencies of the person being supervised.

“Full time” means working at least 1,500 hours over a 50-week period.

“Group supervision” means the process of supervising no more than eight persons in a group setting by a qualified supervisor as set forth in this section.

“Part time” means at least a minimum of 500 hours over a 50-week period.

“Supervised agency practice” means alcohol and drug counseling by a certified alcohol and drug counselor within an alcohol and drug treatment facility licensed by the Department of Health and Senior Services.

“Supervised practical training” or a “counselor internship” means alcohol and drug counseling as a training experience leading towards licensure or certification as an alcohol and drug counselor.

“Supervised practice” means alcohol or drug counseling provided by a certified alcohol and drug counselor under the clinical supervision of a qualified supervisor.

13:34C-6.2 Clinical supervision of internship training experiences

(a) The following individuals may be clinical supervisors of alcohol and drug counseling interns:

1. A New Jersey licensed clinical alcohol and drug counselor;
2. A New Jersey licensed physician, who is certified by the American Society of Addiction Medicine (ASAM) or a psychiatrist with added qualifications in chemical dependency from the American Psychiatric Association; and
3. A New Jersey licensed psychologist, clinical social worker, marriage and family therapist or professional counselor who is certified as a clinical supervisor by the APCBNJ.

(b) Supervisors shall have a written agreement with supervisees which outline planned hours of practice, planned hours of clinical supervision, types of clinical supervision, nature of work assignments and other specifications that the supervisor deems appropriate to the counselor intern's level of training.

(c) Prior to the intern's provision of treatment services, the supervisor shall obtain a written disclosure that the client has been informed that the services are provided by an intern under the clinical supervision of a licensed professional. This disclosure shall be kept as part of the client record. If the disclosure is part of another document provided at client orientation, the disclosure shall be clearly evident, understood and signed by the client.

(d) The supervisor shall retain responsibility for collecting fees from clients when applicable.

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

(f) The supervisor shall supervise only in areas of which he or she possesses the required skill, training and experience.

(g) Supervisors shall co-sign all diagnostic summaries, treatment plans, reports to courts, agencies or other treatment providers which are prepared by counselor interns.

(h) Supervisors shall be responsible for assisting the intern to function in a professional manner and comply within all State and Federal regulations and with the current professional code of ethics. The supervisor shall inform the Committee of violations of this chapter, laws and code of ethics, and the corrective action taken by the supervisor to remedy the situation, and assure that it will not reoccur.

(i) Supervisors shall not supervise a counselor intern with whom the supervisor has a relationship which 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 clients, former clients within one year period post-treatment, former spouses, relatives, sponsor/sponsee relationships in self-help groups, anyone with whom the supervisor is having a sexual relationship, or has had a sexual relationship within the past 24 months. A supervisor shall not supervise a current student unless the supervisor is the faculty instructor in the academic internship training program.

(j) Supervisors shall evaluate counselor interns at least twice a year, emphasizing their strengths and shortcomings as well as whether the intern needs to pursue additional knowledge and/or skill development. These evaluations shall be signed by both the supervisor and supervisee, and copies shall be retained by both for seven years. Copies of these evaluations may be requested by the Committee prior to initial certification or licensure.

(k) Clinical supervision of counselor interns shall include at least 50 hours of face-to-face supervision per year, averaging one hour per week. No more than 25 hours shall be group supervision.

13:34C-6.3 Clinical supervision of a supervised practice

(a) The following individuals may be clinical supervisors of certified alcohol and drug counselors:

1. A New Jersey licensed clinical alcohol and drug counselor;
2. A New Jersey licensed physician, certified by the American Society of Addiction Medicine or a psychiatrist; and
3. A New Jersey licensed psychologist, clinical social worker, marriage and family therapist or professional counselor certified as clinical supervisors by the APCBNJ.

(b) Supervisors shall have a written agreement with supervisees describing the planned hours of practice, supervision schedule, nature of work assignments and other specifications that the supervisor reasonably deems appropriate to the counselor's level of training.

(c) Prior to the counselor's provision of treatment services, the supervisor shall obtain a written disclosure that the client has been informed that the services are provided by a certified counselor under the supervision of a licensed professional. This disclosure shall be kept as part of the client record. If the disclosure is part of another document provided at client orientation, the disclosure shall be clearly evident, understood and signed by the client. The supervisor shall retain the responsibility for collecting fees from clients when applicable.

(d) The supervisor may require the cosigning of reports to outside agencies or providers.

(e) Supervisors shall inform the Committee of violations of this chapter, laws and code of ethics and the corrective action taken by the supervisor to remedy the situation, and assure that it will not reoccur.

(f) Supervisors who terminate their supervisory relationship from a certified counselor shall retain the client records, arrange for appropriate termination of the counselor/client relationship and offer the client additional options for continuation of the treatment care.

(g) If the reason for termination of the supervisory relationship with the counselor involves the violation of this chapter, Federal or State laws or regulations affecting the profession, or the current code of ethics, the supervisor shall report the reasons to the Committee with the counselor's name and certificate number.

(h) Supervisors shall retain a copy of the counselor's certificate of registration and current curriculum vitae for seven years.

(i) Supervisors shall not supervise a counselor with whom the supervisor has a relationship which may be inappropriate to the supervision and 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 clients, former clients within one year period post-treatment, former spouses, relatives, sponsor/sponsee relationships in self-help groups, anyone with whom the supervisor is having a sexual relationship, or has had a sexual relationship within the past 24 months. A supervisor shall not supervise a current student unless the supervisor is the faculty instructor in an academic training program.

(j) Supervisors shall evaluate supervisees at least annually, emphasizing their strengths and shortcomings as well as areas in which the counselor should pursue additional knowledge and/or skill development. These evaluations shall be cosigned by both the supervisor and supervisee and copies shall be retained by both for seven years. Copies of these evaluations may be requested by the Committee.

(k) Clinical supervision shall include at least 50 hours of face-to-face supervision per year, averaging one hour per week, with no more than 10 percent being real-time interactive video conferencing. Counselors with more than five years of experience as a certified alcohol and drug counselor may be supervised less frequently, but no less than two hours per month. This reduced supervision is at the discretion of the supervisor and is dependent upon the supervisor's style, techniques, policies and protocols as well as the level of skill, training and caseload of the counselor.

13:34C-6.4 Clinical supervision of an agency practice

(a) The Committee shall accept clinical supervision requirements in agencies licensed by the Department of Health and Senior Services as substance abuse treatment facilities as they relate to the clinical supervision of alcohol and drug counselors, unless otherwise specified in this subchapter.

(b) Supervised agency practice by a certified clinical alcohol and drug counselor does not apply to practice by that individual outside the licensed facility setting.

(c) If the Committee is advised of inadequacies in the clinical supervision of certified alcohol and drug counselors in a Department of Health and Senior Services' (DHSS) licensed substance abuse treatment facility, the Committee shall notify the DHSS of such inadequacies and may recommend to DHSS a plan for clinical supervision. If the inadequacies in supervision within an agency practice setting, as defined in N.J.A.C. 13:34C-6.4(a), are not resolved within three months of such notice, the agency supervision exemption described herein shall be withdrawn and the regulations for supervised practice at N.J.A.C. 13:34C-6.3 shall be imposed upon subject certificate holders until such time as the Committee determines that the inadequacies in supervision have been corrected.