

**CHAPTER 34**

**BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS**

**Authority**

N.J.S.A. 45:8B-13 and 34.

**Source and Effective Date**

R.2009 d.301, effective September 10, 2009.  
See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 34, Board of Marriage and Family Therapy Examiners, expires on September 10, 2016. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 34, Board of Marriage Counselor Examiners, was adopted as R.1975 d.100, effective April 15, 1975. See: 7 N.J.R. 236(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of Marriage Counselor Examiners, was readopted as R.1988 d.550, effective October 26, 1988. See: 20 N.J.R. 2361(a), 20 N.J.R. 2932(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of Marriage Counselor Examiners, was readopted as R.1993 d.599, effective October 22, 1993. See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

Subchapter 4, Qualification for Admission to Examination, was renamed Application Qualifications; Board-Approved Examination by R.1997 d.103, effective March 3, 1997. See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).

Subchapters 10 through 14, 17 through 23 and 26 through 28 were adopted as new rules by R.1998 d.94, effective February 17, 1998. See: 29 N.J.R. 4644(a), 30 N.J.R. 687(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of Marriage Counselor Examiners, was readopted as R.1998 d.544, effective October 22, 1998, and Subchapter 5, General Obligations of a Licensee, Subchapter 6, Advertising, and Subchapter 7, Client Records; Confidentiality, were adopted as new rules by R.1998 d.544, effective November 16, 1998. See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

Chapter 34, Board of Marriage Counselor Examiners, was renamed Board of Marriage and Family Therapy Examiners by administrative change, effective February 16, 1999. See: 31 N.J.R. 547(b).

Subchapter 15, Continuing Education, was adopted as R.2003 d.190, effective May 5, 2003. See: 34 N.J.R. 3682(a), 35 N.J.R. 1932(a).

Subchapter 24, Continuing Education, was adopted as R.2003 d.191, effective May 5, 2003. See: 34 N.J.R. 3686(a), 35 N.J.R. 1934(a).

Subchapter 8, Continuing Education, were adopted as R.2003 d.398, effective October 6, 2003. See: 35 N.J.R. 2831(a), 35 N.J.R. 4722(c).

Chapter 34, Board of Marriage and Family Therapy Examiners, was readopted as R.2004 d.158, effective March 22, 2004. As a part of R.2004 d.158, Subchapter 12, Professional Counselors: Licensure Until February 12, 1999 and Subchapter 22, Rehabilitative Counselors: Licensure Until February 12, 1999 were repealed; and Subchapter 29, Professional Counselors, Associate Counselors and Rehabilitation Counselors: Advertising and Subchapter 30, Professional Counselors, Associate Counselors and Rehabilitation Counselors: Business Practices; Professional Conduct, were adopted as new rules, effective April 19, 2004. See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Subchapter 4, Applicant Qualifications: Board-Approved Examinations, was renamed Requirements for Licensure; Application Procedures

by R.2008 d.56, effective March 17, 2008. As a part of R.2008 d.56, Subchapter 5, Temporary Permit Holders and Qualified Supervisors, was adopted as new rules; and former Subchapters 5 through 8 were re-codified as Subchapters 6 through 9. See: 39 N.J.R. 840(a), 40 N.J.R. 1674(a).

Chapter 34, Board of Marriage and Family Therapy Examiners, was readopted as R.2009 d.301, effective September 10, 2009. As a part of R.2009 d.301, Subchapter 12, Professional Counselors: Licensure By Endorsement, was adopted as new rules, Subchapter 15, Continuing Education, was renamed Professional Counselors and Associate Counselors: Continuing Education; Subchapter 17, Fees, was renamed Professional Counselors and Associate Counselors: Fees; Subchapter 24, Continuing Education, was renamed Rehabilitation Counselors: Continuing Education; and Subchapter 26, Fees, was renamed Rehabilitation Counselors: Fees, effective October 5, 2009. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**13:34-1.1 License fees and charges**

(a) There shall be paid to the State Board of Marriage and Family Therapy Examiners the following fees:

1. Application fee ..... \$ 75.00
2. Initial license fee
  - i. If paid during the first year of a biennial renewal period ..... \$250.00
  - ii. If paid during the second year of a biennial renewal period ..... \$125.00
3. Examination fee ..... \$ 65.00  
plus the fee charged by Professional Examination Service
4. Certification of licensure ..... \$ 25.00
5. Temporary permit ..... \$ 75.00
6. License renewal fee, biennial ..... \$250.00
7. Reinstatement fee ..... \$125.00
8. Late renewal fee ..... \$ 50.00
9. Replacement wall certificate ..... \$ 40.00
10. Duplicate license fee ..... \$ 25.00
11. Change of address ..... \$ 25.00

New Rule, R.1975 d.100. effective April 15, 1975.  
 Sec: 7 N.J.R. 236(a).  
 Amended by R.1983 d.544. effective November 21, 1983.  
 Sec: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).  
 In (a)7, added i-ii.  
 Amended by R.1985 d.549. effective November 4, 1985.  
 Sec: 17 N.J.R. 1527(a), 17 N.J.R. 2669(b).  
 Substantially amended.  
 Amended by R.1990 d.152, effective March 5, 1990.  
 Sec: 21 N.J.R. 3854(a), 22 N.J.R. 830(a).  
 Examination fee increased from \$100.00 to \$225.00.  
 Amended by R.1992 d.386. effective October 5, 1992.  
 Sec: 24 N.J.R. 2522(b), 24 N.J.R. 3533(a).  
 Revised text.  
 Amended by R.1994 d.287. effective June 6, 1994.  
 Sec: 26 N.J.R. 1301(a), 26 N.J.R. 2293(a).  
 Amended by R.1997 d.103, effective March 3, 1997.  
 Sec: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).  
 In (a), amended title of the Board.  
 Amended by R.1998 d.262. effective May 18, 1998.  
 Sec: 30 N.J.R. 793(a), 30 N.J.R. 1842(a).  
 In (a), increased fees in 2 and 6.  
 Amended by R.2002 d.125. effective April 15, 2002.  
 Sec: 33 N.J.R. 4199(a), 34 N.J.R. 1551(b).  
 In (a), decreased fees in 2 and 6.  
 Amended by R.2004 d.158, effective April 19, 2004.  
 Sec: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).  
 In (a)3, substituted "Certification" for "Verification".

**13:34-1.2 Scope of practice**

Marriage and family therapy is a specialized field of psychotherapy, which includes premarital counseling and therapy, pre- and post-divorce counseling and therapy and family therapy that may be with couples, families or individuals. The practice of marriage and family therapy consists of the application of principles, methods and techniques of counseling and psychotherapy for the purpose of resolving psychological conflict, modifying perception and behavior, altering old attitudes and establishing new ones in the area of individual, marriage and family life. In its concern with the antecedents

of marriage, with the vicissitudes of marriage and with the consequences of the failure of marriage, marriage and family therapy keeps in sight its objective of enabling clients to achieve the optimal adjustment consistent with their welfare as individuals, as members of a family and as citizens in society.

New Rule, R.1976 d.309, effective October 6, 1976.

See: 8 N.J.R. 136(c), 8 N.J.R. 532(b).

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

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

Section was "Examination review procedure".

New Rule, R.2008 d.56, effective March 17, 2008.

See: 39 N.J.R. 840(a), 40 N.J.R. 1674(a).

Section was "Reserved".

Amended by R.2009 d.301, effective October 5, 2009.

See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

Substituted "psychotherapy," for the second occurrence of "therapy", deleted a comma following "counseling and therapy", "vicissitudes of marriage" and "members of a family".

### 13:34-1.3 Office location

The offices of the Board shall be at 124 Halsey Street, Newark, New Jersey 07101. The mailing address of the Board is PO Box 45007, Newark, New Jersey 07101. The website of the Board is [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm).

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

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

Administrative change.

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

Amended by R.2009 d.301, effective October 5, 2009.

See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

Inserted the second sentence.

### 13:34-1.4 License lists

A current list of licensed New Jersey Marriage and Family Therapists shall be maintained and made available at the Board's office and on the Board's website at [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm).

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

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

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

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

Substituted "Marriage and Family Therapists" for "Marriage Counselors".

Amended by R.2009 d.301, effective October 5, 2009.

See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

Inserted "and on the Board's website at [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm)".

### 13:34-1.5 Applications

Application forms and information regarding licensure of practicing marriage and family therapists may be obtained from the State Board of Marriage and Family Therapy Examiners, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101 and on the Board's website at [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm).

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

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

Administrative change.

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

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

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

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

Amended by R.2009 d.301, effective October 5, 2009.

See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

Substituted "PO" for "Post Office" and inserted "and on the Board's website at [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm)".

### 13:34-1.6 Licensee to display notice

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

(Name of individual) is licensed by the State Board of Marriage and Family Therapy Examiners, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted should notice the State Board of Marriage and Family Therapy Examiners, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101, [www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm), or the New Jersey Division of Consumer Affairs, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, [www.state.nj.us/lps/ca/comp.htm](http://www.state.nj.us/lps/ca/comp.htm).

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

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

Administrative change.

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

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

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

Amended title of the Board.

Amended by R.2009 d.301, effective October 5, 2009.

See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

Substituted "PO" for "Post Office" twice and inserted "[www.state.nj.us/lps/ca/medical/familytherapy.htm](http://www.state.nj.us/lps/ca/medical/familytherapy.htm)" and "[www.state.nj.us/lps/ca/comp.htm](http://www.state.nj.us/lps/ca/comp.htm)".

### 13:34-1.7 Hearings to conform to law

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

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

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

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

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

### 13:34-1.8 Notification of address; service of process

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

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

(c) A licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another juris-

(b) A licensee shall complete and be able to verify completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-9.3 in order to receive continuing education credit. The Board shall grant continuing education credit to a licensee in each biennial renewal period as follows:

1. Completing graduate or post-graduate coursework at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded beyond the required educational standards which an applicant must complete for licensure as set forth in N.J.S.A. 45:8B-18 and N.J.A.C. 13:34-4.2;

2. Teaching graduate or post-graduate courses or programs offered at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded for each new course which a licensee teaches. For the purposes of this subsection, "new" means a course that the licensee has not taught previously in any educational setting;

3. Authoring an article published in a professional refereed journal within the preceding biennial period: 15 contact hours of continuing education per article with a maximum of 30 contact hours of continuing education per biennial period;

4. Completion and acceptance of a doctoral dissertation verified by letter of committee chairperson accepting the dissertation for a doctoral degree in marriage and family therapy or a closely related field: 40 contact hours of continuing education per biennial period;

5. Attending conferences, programs, courses or workshops: one contact hour of continuing education for each hour of attendance, or the number of contact hours of continuing education as calculated by the organization, whichever is greater;

6. Presenting a course, program or workshop: one and one-half contact hours of continuing education for each new course, program or workshop, up to a maximum of nine contact hours of continuing education. For the purposes of this subsection, "new" means a course that the licensee has not taught previously in any educational setting; and

7. Developing and completing programs that provide distance learning opportunities, such as Internet, video, audio, or CD-Rom, through the use of integrated technology/communication systems, verified with details of the program, such as learning objectives, verification of assignments completed, achievements of stated learning objectives, inclusive dates and number of enrollees: the amount of continuing education contact hours as calculated by the endorsing organization, up to a maximum of 20 contact hours of continuing education per biennial period.

Recodified from N.J.A.C. 13:34-8.4 and amended by R.2008 d.56, effective March 17, 2008.

See: 39 N.J.R. 840(a), 40 N.J.R. 1674(a).

In the introductory paragraph of (b) and in (b)1, updated the N.J.A.C. references.

### 13:34-9.5 Documentation of continuing education credit

(a) A licensee shall retain documentation of the continuing education hours which he or she completes in order to verify program attendance and activity completion. Each licensee shall submit such documentation to the Board upon its request. The Board may periodically audit the records of licensees on a random basis to determine compliance with continuing education requirements of this subchapter.

(b) A licensee shall verify attendance at continuing education courses or programs by a certificate of attendance or by a written statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.

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

1. For publications, a copy of the published article;
2. For program presentations, copies of the program, syllabus, outlines and bibliographies;
3. For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-9.4(b)2;
4. For distance learning, a certificate of successful completion from the endorsing professional organization; and
5. For graduate coursework, an official transcript.

(d) A licensee shall maintain verification documentation for six years following the renewal period for which the Board has granted the licensee continuing education credit.

(e) Falsification of any information submitted with the renewal application, or the audit, or failure to complete continuing education requirements may result in disciplinary action by the Board.

Recodified from N.J.A.C. 13:34-8.5 and amended by R.2008 d.56, effective March 17, 2008.

See: 39 N.J.R. 840(a), 40 N.J.R. 1674(a).

In (c)3, updated the N.J.A.C. reference.

### 13:34-9.6 Waiver of continuing education requirements

(a) The Board 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 as established by the licensee.

(b) A licensee who seeks a waiver of the continuing education requirements shall provide to the Board, in writing, during the biennial period for which waiver is sought, the specific reasons for requesting the waiver and such additional

documentation as the Board may request in support of the waiver.

Recodified from N.J.A.C. 13:34-8.6 by R.2008 d.56, effective March 17, 2008.  
See: 39 N.J.R. 840(a), 40 N.J.R. 1674(a).

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

### 13:34-10.1 Purpose and scope

(a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of counseling, as defined in N.J.A.C. 13:34-10.2, within the State of New Jersey.

(b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render counseling services, as defined in N.J.A.C. 13:34-10.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.

(c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to N.J.S.A. 45:8B-48, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as a professional or associate counselor.

Amended by R.2009 d.301, effective October 5, 2009.  
See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

In (c), substituted "a professional or associate counselor" for "possessing a license issued pursuant to the Act".

### 13:34-10.2 Definitions

The following words and terms, as used in N.J.A.C. 13:34-10 through 19, shall have the following meanings, unless the context clearly indicates otherwise.

"Counseling" means the application of mental health and human development principles in order to:

1. Facilitate human development and adjustment throughout the lifespan;
2. Clinically assess and evaluate, using currently accepted diagnostic classifications including, but not limited to, the DSM-IV, 4th ed., c1994, and future editions of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, incorporated by reference as amended and supplemented, (obtainable from the American Psychiatric Publishing, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901), mental,

emotional, behavioral and associated distresses which interfere with mental health and development;

3. Conduct assessments and evaluations for the purpose of establishing goals and objectives; and
4. Plan, implement and evaluate counseling interventions.

"Counseling interventions" means services specifically implemented in the context of a professional counseling relationship. Counseling interventions include, but are not limited to, developmental, preventive, facilitative and crisis intervention.

"Counseling procedures" means methods and techniques that may be performed only by a licensed professional counselor or a licensed associate counselor under supervision pursuant to the provisions of N.J.A.C. 13:34-13. Counseling procedures include, but are not limited to, the following:

1. Appraisal and assessment, defined as:
  - i. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, personal characteristics, disabilities and mental, emotional and behavioral disorders; and
  - ii. Using methods and techniques for understanding human behavior in relation to coping with, adapting to or changing life situations;
2. Counseling, defined as assisting an individual or group through the counseling relationship to develop an understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting the client's needs, interests, and abilities, and to use informational and community resources as these methods are related to career development and adjustment and to mental, emotional, social, educational and existential issues;
3. Consulting, defined as applying scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the client(s) may have in relation to an individual, a group or an organization;
4. Referral, defined as evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client of such judgment and communicating as requested or deemed appropriate to such referral sources; and
5. Research, defined as the conduct of qualitative or quantitative investigations into the nature of human and organizational behavior.

"Direct supervision" means the ongoing process of supervision by a qualified supervisor who is immediately available to assist the licensed associate counselor.

3. Whether the professional or rehabilitation counselor will accept installment payments; and

4. The financial consequences, if any, of missed appointments.

(d) The provisions of this section shall not apply to a counselor in an agency setting.

Amended by R.2009 d.301, effective October 5, 2009.  
See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

Rewrote (b); and in the introductory paragraph of (c) and in (c)3, substituted "professional or rehabilitation counselor" for "licensee".

### 13:34-30.2 Clients served by others

If a client is receiving counseling services from another mental health professional, the professional, associate or rehabilitation counselor, with the client's consent, shall inform the other mental health professional already involved and develop clear agreements to avoid confusion and conflict for the client.

Amended by R.2009 d.301, effective October 5, 2009.  
See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

Substituted "professional, associate or rehabilitation counselor" for "licensee".

### 13:34-30.3 Multiple clients

When a professional, associate or rehabilitation counselor agrees to provide counseling services to two or more persons who have a relationship (such as husband and wife or parents and children), the professional, associate or rehabilitation counselor shall disclose in writing at the outset, which person or persons are clients and the nature of the relationships he or she will undertake with each involved person. The disclosure shall be retained in the client record. If it becomes apparent that the professional, associate or rehabilitation counselor may be called upon to perform conflicting roles, the professional, associate or rehabilitation counselor shall take appropriate steps to eliminate the conflict.

Amended by R.2009 d.301, effective October 5, 2009.  
See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

Rewrote the section.

### 13:34-30.4 Conflicts of interest; dual relationships

(a) A professional, associate or rehabilitation counselor providing counseling services shall not provide those services in circumstances that would be expected to limit the counselor's objectivity and impair professional judgment or increase the risk of exploitation.

(b) A professional, associate or rehabilitation counselor providing counseling services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, professional treatment of business or financial relationships, students, supervisors, friends or relatives,

supervision of friends and relatives and receipt of any goods and/or services from a client.

(c) A professional, associate or rehabilitation counselor who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

Amended by R.2009 d.301, effective October 5, 2009.  
See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

In (b), substituted a comma for "and" following the first occurrence of "relatives" and inserted "and receipt of any goods and/or services from a client".

### 13:34-30.5 Termination of services

(a) A professional, associate or rehabilitation counselor shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.

(b) A professional, associate or rehabilitation counselor shall not abandon nor neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.

(c) A professional, associate or rehabilitation counselor who anticipates the termination or interruption of services to a client shall notify the client promptly in writing, shall comply with the requirements for transfer of records set forth at N.J.A.C. 13:34-18.7 or 27.7, as applicable and shall seek the transfer, referral or continuation of service in relation to the client's needs and preferences.

(d) Notifications sent to a client pursuant to this section shall be retained in the client record.

Amended by R.2009 d.301, effective October 5, 2009.  
See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

In (c), inserted "in writing, shall comply with the requirements for transfer of records set forth at N.J.A.C. 13:34-18.7 or 27.7, as applicable" and "shall" preceding "seek"; and added (d).

### 13:34-30.6 Prohibition on solicitation; unethical referrals and kickbacks

(a) A professional, associate or rehabilitation counselor who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a counselor from offering to the client all appropriate options upon termination of services at the agency, including the continuation of services in private practice.

(b) A professional, associate or rehabilitation counselor shall not refer a client to a service in which the counselor or his or her immediate family has a financial interest.

(c) A professional, associate or rehabilitation counselor shall not prescribe goods or devices which the counselor sells or leases to the client unless the counselor advises the client of the ownership or other interest in the goods or devices.

(d) A professional, associate or rehabilitation counselor shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.

(e) A professional or rehabilitation counselor shall not permit the division of fees for professional services unless the

counselor is engaged in a bona fide partnership or professional service corporation or employment relationship.

Amended by R.2009 d.301, effective October 5, 2009.

See: 41 N.J.R. 1946(a), 41 N.J.R. 3813(a).

In (a), inserted “, associate”.