

CHAPTER 34

BOARD OF MARRIAGE COUNSELOR EXAMINERS

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of Marriage Counselor Examiners, was readopted as R.1988 d.550, effective October 26, 1988. See: 20 N.J.R. 2361(a), 20 N.J.R. 2932(a). Pursuant to Executive Order No. 66(1978), Chapter 34 was readopted as R.1993 d.599. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:34-1.1 Annual license fees and charges

(a) There shall be paid to the State Board of Marriage Counselor 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 \$200.00
 - ii. If paid during the second year of a biennial renewal period \$100.00
- 3. Examination fee \$ 65.00
plus the fee charged by Professional Examination Service
- 4. Verification of licensure \$ 25.00
- 5. Temporary permit \$ 75.00
- 6. License renewal fee, biennial \$200.00
- 7. Reinstatement fee \$125.00
- 8. Late renewal fee \$ 50.00
- 9. Replacement wall certificate \$ 40.00
- 10. Duplicate license fee \$ 25.00
- 11. Change of address \$ 25.00

New Rule, R.1975 d.100, effective April 15, 1975.
See: 7 N.J.R. 236(a).
Amended by R.1983 d.544, effective November 21, 1983.
See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).
In (a)7, added i-ii.
Amended by R.1985 d.549, effective November 4, 1985.
See: 17 N.J.R. 1527(a), 17 N.J.R. 2669(b).
Substantially amended.
Amended by R.1990 d.152, effective March 5, 1990.
See: 21 N.J.R. 3854(a), 22 N.J.R. 830(a).
Examination fee increased from \$100.00 to \$225.00.
Amended by R.1992 d.386, effective October 5, 1992.
See: 24 N.J.R. 2522(b), 24 N.J.R. 3533(a).
Revised text.
Amended by R.1994 d.287, effective June 6, 1994.
See: 26 N.J.R. 1301(a), 26 N.J.R. 2293(a).

13:34-1.2 Examination review procedure

An unsuccessful candidate may apply to the Board for a review of his or her examination papers. Such application must be submitted to the Board secretary in writing within three months following notification of examination results, and the secretary shall subsequently arrange a mutually convenient date for the candidate to review his or her examination papers and grades in the Board office with an examiner.

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

13:34-1.3 Office location

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

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

13:34-1.4 License lists

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

R.1983 d.544, effective November 21, 1983.
See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).

13:34-1.5 Applications

Application forms and information regarding licensure of practicing marriage counselors may be obtained from the State Board of Marriage Counselor Examiners, 124 Halsey Street, Newark, New Jersey 07101.

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

13:34-1.6 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 Counselor 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 notify the State Board of Marriage Counselor Examiners, Post Office Box 45007, 124 Halsey Street, Newark, New Jersey 07101, or the New Jersey Division of Consumer Affairs, Post Office Box 45027, 124 Halsey Street, Newark, New Jersey 07101.

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

13:34-1.7 Hearings to conform to law

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

R.1983 d.544, effective November 21, 1983.
See: 15 N.J.R. 1441(a), 15 N.J.R. 1947(a).
Amended by R.1993 d.599, effective December 6, 1993.
See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

SUBCHAPTER 2. PROFESSIONAL MISCONDUCT**13:34-2.1 Misconduct defined**

(a) Professional or occupational misconduct in the practice of marriage counseling by persons licensed by the State Board of Marriage Counselor Examiners shall include, but not be limited to the following:

1. Willful or grossly negligent failure to comply with Federal, State or local laws, rules or regulations governing the practice of the profession.

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

3. Failing to respond within 30 days to written communications from the Board of Marriage Counselor Examiners and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct.

i. The period of 30 days shall commence on the date when such communication was sent from the Board by registered or certified mail, with return receipt requested, to the address appearing in the last registration.

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

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

6. Failing to maintain a record for each client which accurately reflects the client contact with the practitioner.

i. Unless otherwise provided by law, all client records must be retained for at least seven years.

ii. If a licensee ceases to engage in practice or it is anticipated that he or she will remain out of practice for more than three months, the licensee or designee shall:

(1) Establish a procedure by which clients can obtain their records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming the responsibilities of that practice;

(2) Publish a notice of the practice cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation; and

(3) Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for record retrieval.

7. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed or license eligible professional.

8. Failing to make available to a client, or, upon a client's request, to another licensed health practitioner consistent with that practitioner's authorized scope of practice, copies of reports or test records relating to the client which are in the possession or under the control of the licensee, or failing to complete forms or reports required for the reimbursement of a client by a third party.

i. Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate shall not be required as a condition for making such records available.

ii. A practitioner may, however, withhold information from a client if he or she believes release of such information would adversely affect the client's mental or psychological health.

iii. This section shall not require release to the parent or guardian of a minor of records or information relating to sexually transmitted disease or abortion except with the minor's consent.

9. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the client.

10. Exercising undue influence on the client including the promotion of the sales of services, goods, appliances or drugs in such manner as to exploit the client for the financial gain of the practitioner or of a third party.

11. Directly or indirectly offering, giving, soliciting, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or in connection with the performance of professional services except as permitted in (a)2 above.

12. Using the word "Doctor" or otherwise misleading designation in offering to perform professional services when such title or designation has not been earned at an accredited educational institution or is not one which is recognized by the New Jersey State Board of Education.

13. Guaranteeing that satisfaction or a cure will result from the performance of professional services.

14. Claiming or using any secret or special method of treatment and/or diagnostic technique which the licensee refuses to divulge to the Board.

15. Physical contact of a sexual nature between marriage counselor and client, or in therapy groups, promoting or allowing physical contact of a sexual nature between group members.

16. Failing to notify the Board of Marriage Counselor Examiners in writing of any change of address from that

currently registered with the Board and shown on the most recently issued license.

i. Such notice shall be given not later than 30 days following the change of address.

17. Charging of excessive fees for services. A fee is excessive when, after a review of the facts, a licensee of ordinary prudence would be left with a definite and firm conviction that the fee is so high as to be manifestly unconscionable or overreaching under the circumstances.

i. The Board of Marriage Counselor Examiners shall review information and complaints concerning allegations of excessive fees charged by licensees of the Board.

ii. This rule is not intended to impinge upon the strong public policy in favor of a competitive, free enterprise economy embodied in the antitrust laws of the United States and of this State.

iii. The Board shall consider comparable fees charged by licensees not under inquiry only to the minimum extent necessary to render a determination as to whether a fee is excessive.

18. Advertising in one of the following ways which:

i. Is false, fraudulent, deceptive, misleading, misrepresents any material fact or is not consistent with the dignity of the profession;

ii. Suppresses, omits or conceals any material fact under circumstances which a board licensee knows or should know that the omission is improper or prohibits a prospective patient from making a full and informed judgment on the basis of the information set forth in the advertisement;

iii. Includes any claim that the service performed or the materials used are professionally superior to that which is ordinarily performed or used in the profession;

iv. Includes any promotion of a professional service which the board licensee knows or should know is beyond the licensee's ability to perform;

v. Includes techniques or communication which appears to intimidate, exert undue pressure or to unduly influence a prospective client or consumer;

vi. Includes any personal testimonial attesting to the quality or competence of a service or treatment offered by a licensee;

vii. Communicates any fact, data or information which may personally identify a patient;

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

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

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

xi. Guarantees any services;

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

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

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

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

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

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

Amended by R.1993 d.599, effective December 6, 1993.
See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

SUBCHAPTER 3. UNLICENSED PERSONS— PERMISSIBLE ACTIVITIES

13:34-3.1 Employees of certain organizations; permissible activities

(a) For the purpose of N.J.S.A. 45:8B-6(a)(1), (2) and (3), employees of certain organizations may only perform marriage counseling functions at the employer's place of business and under the eligible organization's control.

(b) The right to practice under the conditions of (a) above does not confer the privilege of unsupervised, independent practice.

13:34-3.2 Bona fide community agency defined

(a) For the purpose of N.J.S.A. 45:8B-6(a)(2), legal incorporation as a not-for-profit organization shall not in itself be satisfactory evidence of a de facto clinic or bona fide community agency.

1. Such corporations shall give other evidence of their status as a bona fide community agency, such as proof that the organization is supported wholly or in major part by public funds, before being permitted to advertise performance of marriage and family counseling services.

2. Organizations determined to be bona fide community agencies by the Board will be permitted to make their services known to the public through phone listings and other media.

Amended by R.1993 d.599, effective December 6, 1993.
See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

13:34-3.3 Supervision of employees and interns

(a) For the purpose of N.J.S.A. 45:8B-6(a)(3) and 6(b), all licensed marriage and family counselors and therapists who have unlicensed individuals in employee or intern status shall seek the approval of their supervisory arrangement by the Board prior to the commencement of the employment or internship involving the practice of marriage and family counseling or therapy.

(b) Persons approved by the Board to supervise individuals in employee and intern status are required to exercise appropriate supervision over those persons in accordance with the requirements for supervised experience of candidates as detailed in N.J.A.C. 13:34-3.4.

13:34-3.4 Supervised experience

(a) With respect to the supervised experience requirement as set forth in N.J.S.A. 45:8B-18(b), the provisions of (b) below shall be applicable.

(b) The processing of a candidate's application is dependent upon successful completion and documentation of a minimum of five years of experience, two years of which shall have been in supervised marriage counseling, one year of which shall be after receipt of a qualifying degree. As prescribed in N.J.S.A. 45:8B-18(b), "supervised experience" shall mean marriage and family counseling or therapy that meets the following criteria:

1. The equivalent of one year of full-time experience is set at a minimum of 1,750 hours, equal to but no more than 35 hours per week on a 50-week per year basis. The 35 hours per week shall include:

i. Twenty hours of face-to-face client contact per week;

ii. Four hours of supervision, at least two hours of which must be individual face-to-face supervision. The remaining two hours may be individual or group supervision. The ratio shall be one hour of supervision for each five hours of client contact; and

iii. Eleven hours in other work-related activities such as recordkeeping, consultations, report writing, etc.

2. Unsupervised independent practice by the candidate is prohibited. The candidate's clients shall include only those who have been approved in advance by the supervisor(s).

3. No more than three candidates shall be under concurrent supervision by any supervisor.

4. The final professional responsibility for the welfare of the client with respect to the treatment being rendered rests with the supervisor(s).

5. Supervisors are required to attest to compliance with (b)1 and 2 above, using forms provided by the board for that purpose, indicating the dates during which the candidate has been under direct supervision, the nature of the cases assigned, and the proficiency rating earned by the candidate.

6. Supervised experience not completed prior to the filing of an application for licensure, unless conducted in a facility expressly permitted by law (N.J.S.A. 45:8B-6), will require the issuance of a temporary permit (N.J.S.A. 45:8B-6(e)), obtainable by the following procedures:

i. Filing the application with all supporting materials;

ii. Submission of request in writing for a temporary permit;

iii. Arranging for a supervisor to provide the Board with a written statement detailing the planned hours of supervised time, hours of practice required for the candidate to qualify for admission to examination and/or licensure, the nature of the work assignments planned, and evidence that the supervisor meets the requirements of N.J.S.A. 45:8B-18(b); and

iv. Estimated date of completion of supervised experience.

7. Documentation of supervised experience for holders of temporary permits shall be filed with the Board by both the candidate and the supervisor(s), individually and in confidence, every six months for evaluation of the candidate's progress.

i. The candidate is responsible in this regard for the filing of the report.

8. Under no circumstances are fees for client service to be billed or accepted by the candidate.

i. The supervisor retains full professional responsibility for assessing and collecting fees from clients.

ii. The supervisor may indicate that the services are rendered in association with a supervisee.

9. Any question concerning the implementation of all or any part of this policy shall be directed in writing to the Board of Marriage Counselor Examiners for its consideration and ruling.

Amended by R.1993 d.599, effective December 6, 1993.
See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

13:34-3.5 Permit without supervision

Pursuant to N.J.S.A. 45:8B-6(d), temporary permits not requiring supervision will only be issued in extraordinary circumstances and will not be renewable.

13:34-3.6 Temporary permit requiring supervision

Pursuant to N.J.S.A. 45:8B-6(e) and N.J.S.A. 45:8B-18(b), prior to the Board's approval of a three-year temporary permit the applicant must show that he has had a minimum of two years of full-time counseling experience and meets the education requirement for licensure.

Amended by R.1988 d.228, effective May 16, 1988.
See: 20 N.J.R. 501(a), 20 N.J.R. 1095(a).

Deleted text "The temporary permit. . ."

13:34-3.7 Advertising by unlicensed persons

Advertising by or on behalf of an unlicensed individual who is authorized to practice marriage or family counseling pursuant to N.J.S.A. 45:8B-6 or N.J.S.A. 45:8B-8, shall disclose the name of the unlicensed individual and the fact of non-licensure.

SUBCHAPTER 4. QUALIFICATION FOR ADMISSION TO EXAMINATION

13:34-4.1 Experiential requirements

(a) Pursuant to N.J.S.A. 45:8B-18(b), the processing of a candidate's application is dependent upon successful completion and documentation of a minimum of five years of supervised counseling experience, two years of which shall be in marriage counseling.

1. "Supervised experience" for a period of one year is defined as:

i. A minimum of 20 hours per week of actual marriage and family counseling client contact, with a minimum of one hour of supervision for every five hours of client contact; and

ii. A minimum of 1,000 hours of counseling with couples and families and a minimum of 200 hours of supervision is required.

2. Individuals may prorate the experience requirements on a part-time basis so long as the two-year experience requirement is satisfied within the permit period of three years.

Amended by R.1993 d.599, effective December 6, 1993.
See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

13:34-4.2 Educational requirements

(a) Pursuant to N.J.S.A. 45:8B-18(a), any person applying to the Board after January 1, 1970 with a doctorate degree in a closely allied field of study or a doctor of medicine, shall establish through official transcripts from regionally accredited educational institutions that a course of study including the following components has been completed. In addition, a post-masters degree pursuant to N.J.S.A. 45:8B-18(a) in marriage and family counseling is defined as a degree which requires as a prerequisite a masters degree in a mental health related field and which includes the following components:

1. Human Development (12 semester hours minimum).
 - i. Human development.
 - ii. Personality theory.
 - iii. Human sexuality.
 - iv. Behavior pathology (psychopathology).
 - v. Principles and practices of counseling or psychotherapy.
2. Marital Studies and Therapy (six semester hours minimum).
 - i. Marital interaction.
 - ii. Marital therapy.
3. Family Studies and Therapy (nine semester hours minimum).
 - i. Family development.
 - ii. Family studies.

iii. Family therapy.

4. Professional Studies (three semester hours minimum).

- i. Ethics.
- ii. Professional organizations.
- iii. Family law/legislation.
- iv. Private practice/agency practice.

5. Supervised Clinical Work (nine semester hours minimum).

- i. Individual therapy.
- ii. Marital therapy.
- iii. Family therapy.

6. Research Methodology (six semester hours minimum).

- i. Tests and measurement.
- ii. Assessment.
- iii. Research design.
- iv. Statistics.

(b) The Board shall not base its determination as to whether it will recognize an educational institution's program solely on the failure of any professional organization of marriage counselors to accredit the program.

Amended by R.1993 d.599, effective December 6, 1993.
See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).