

**CHAPTER 42**

**BOARD OF PSYCHOLOGICAL EXAMINERS**

**Authority**

N.J.S.A. 45:14B-13.

**Source and Effective Date**

R.2009 d.241, effective July 2, 2009.  
See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 42, Board of Psychological Examiners, expires on July 2, 2016. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 42, Board of Psychological Examiners, Subchapter 1, General Provisions, was adopted as R.1975 d.310, effective October 20, 1975. See: 7 N.J.R. 510(a). Subchapters 2 through 5 regarding licensure requirements, examinations, misconduct, and advertising, were adopted as R.1979 d.24, effective January 17, 1979. See: 10 N.J.R. 505(a), 11 N.J.R. 78(d).

Pursuant to Executive Order No. 66(1978), Chapter 42, Board of Psychological Examiners, was readopted as R.1983 d.543, effective November 3, 1983. See: 15 N.J.R. 1497(a), 15 N.J.R. 1947(b).

Pursuant to Executive Order No. 66(1978), Chapter 42, Board of Psychological Examiners, was readopted as R.1988 d.557, effective October 31, 1988. See: 20 N.J.R. 2244(a), 20 N.J.R. 3023(a).

Chapter 42, Board of Psychological Examiners, was repealed and new Board rules were adopted as R.1993 d.547, effective November 1, 1993. See: 25 N.J.R. 3062(a), 25 N.J.R. 4937(a).

Pursuant to Executive Order No. 66(1978), Chapter 42, Board of Psychological Examiners, was readopted as R.1998 d.532, effective October 13, 1998.

Chapter 42, Board of Psychological Examiners, was readopted as R.2004 d.140, effective March 12, 2004. See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Chapter 42, Board of Psychological Examiners, was readopted as R.2009 d.241, effective July 2, 2009. See: Source and Effective Date. See, also, section annotations.

Subchapter 12, Custody/Parenting Time Evaluations and/or Termination of Parental Rights Evaluations, was adopted as new rules by R.2010 d.192, effective September 7, 2010. See: 41 N.J.R. 3024(a), 42 N.J.R. 2135(a).

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#### SUBCHAPTER 1. SCOPE OF PRACTICE; PERSONS REQUIRING LICENSURE; EXEMPTIONS FROM LICENSURE; UNLICENSED PRACTICE

##### 13:42-1.1 Scope of practice

(a) The scope of practice of a licensed psychologist includes, but is not limited to, the use or advertisement of the use of theories, principles, procedures, techniques or devices of psychology, whether or not for a fee or other recompense. Psychological services include, but are not limited to:

1. Psychological assessment of a person or group including, but not limited to: administration or interpretation of psychological tests and devices for the purpose of educational placement, job placement, job suitability, personality evaluation, intelligence, psychodiagnosis, treatment planning and disposition; career and vocational planning and development; personal development; management development; institutional placements; and assessments in connection with legal proceedings and the actions of governmental agencies including, but not limited to, cases involving education, divorce, child custody, disability issues and criminal matters;

2. Psychological intervention or consultation in the form of verbal, behavioral or written interaction to promote optimal development or growth or to ameliorate personality disturbances or maladjustments of an individual or group. Psychological intervention includes, but is not limited to, individual, couples, group and family psychotherapy, and psychological consultation includes consultation to or for private individuals, groups and organizations and to or for governmental agencies, police and any level of the judicial system;

3. Use of psychological principles, which are operating assumptions derived from the theories of psychology that include, but are not limited to: personality, motivation, learning and behavior systems, psychophysiological psychology including biofeedback, neuropsychology, cognitive psychology and psychological measurement; and

4. Use of psychological procedures, which are applications employing the principles of psychology and associated techniques, instruments and devices. These procedures include, but are not limited to, psychological interviews, counseling, psychotherapy, hypnotherapy, biofeedback, and psychological assessments.

##### 13:42-1.2 Persons requiring licensure; persons not requiring licensure

(a) Persons requiring licensure include all those whose conduct is within the scope of practice set forth in N.J.A.C. 13:42-1.1 and whose practice is not otherwise exempt pursuant to N.J.S.A. 45:14B-6, and 45:14B-8, N.J.A.C. 13:42-1.4 and 1.5 and (b) below, including the following:

11. A school psychologist or guidance counselor who is certified by the New Jersey State Department of Education and who is employed by, and whose services are rendered in or for, a public or private school. No exemption shall be permitted to any school psychologist/counselor not certified by a governmental department of the State of New Jersey and not employed in an exempt setting as set forth in N.J.A.C. 13:42-1.3 and N.J.S.A. 45:14B-6(a)1 and (b) unless otherwise authorized by law;

12. A professional counselor or associate counselor licensed pursuant to N.J.S.A. 45:8B-1 et seq., as amended by P.L. 1993, c.340;

13. A licensed marriage and family therapist;

14. A licensed occupational therapist;

15. A licensed physical therapist;

16. A career counselor registered pursuant to N.J.S.A. 34:8-65 et seq.; and

17. Any other category of practitioners specifically authorized by law to perform work of a psychological nature consistent with the accepted standards of their respective professions/occupations.

Amended by R.1995 d.332, effective June 19, 1995.

See: 27 N.J.R. 4738(a), 27 N.J.R. 2422(a).

Amended by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

In (a)13, substituted "and family therapist" for "counselor".

### 13:42-1.6 Ineligibility for exemption

A person denied a permit or license for reasons other than clear educational deficiency, or whose permit or license has been suspended, revoked or limited by the Board, shall be deemed ineligible to be employed in an exempt setting as defined in or to qualify for practice under N.J.S.A. 45:14B-6 except by order of the Board.

## SUBCHAPTER 2. INITIAL QUALIFICATIONS

### 13:42-2.1 Application; qualifications to sit for examination

(a) An applicant for licensure shall file with the Board an application together with all supporting material. The application form requests a brief summary of educational and employment experience. Supporting material required to be submitted with the application includes official transcripts; an abstract of the applicant's doctoral dissertation as published in Dissertation Abstracts International; and two certificates of good moral character. Documentation of two years of full time or full time equivalent supervised experience in the practice of psychology is required upon the applicant's completion of such experience.

(b) In order to be eligible to sit for the examination, an applicant shall have two years of full time or full time

equivalent supervised experience in accordance with N.J.A.C. 13:42-4, and:

1. An earned doctorate, which meets the criteria set forth in (d) through (i) below, in the field of psychology from an educational institution recognized by the Board;

2. An earned doctorate, which meets the criteria set forth in (d) through (i) below, in a field allied to psychology; or

3. Equivalent training as set forth in N.J.A.C. 13:42-2.3.

(c) The institution at which the applicant earned his or her doctorate shall have been fully accredited during the entirety of the applicant's attendance by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education. Alternatively, an educational institutional program shall have been granted continuous provisional accreditation by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education during the entirety of the applicant's attendance, with full accreditation having been awarded within five years of the candidate's graduation.

(d) No more than one-third of the doctoral credits shall have been transferred from other regionally/nationally accredited graduate schools.

(e) The doctoral degree must be based upon at least 40 doctoral credit hours earned specifically within the field of psychology and within a doctoral program requiring personal attendance at the degree-granting institution that meets the requirements of (f) below. Thirty-six of the required 40 credit hours shall be distributed across the following areas of graduate study:

1. Personality Theory and Human Development Theory: six credits;

2. Learning Theory and/or Physiological Psychology: six credits;

3. Psychological Measurement and Psychological Assessment: six credits;

4. Psychopathology: six credits;

5. Psychological therapy/counseling or Industrial/Organizational Psychology: six credits; and

6. Research and Statistical Design: six credits.

(f) In order to qualify as a doctoral program for the purposes of (e) above, a doctoral program shall:

1. Be accredited by the American Psychological Association or the Canadian Psychological Association, or listed by the Association of State and Provincial Psychology Boards/National Register Joint Designation; or

2. Meet the following:

i. Have full-time faculty who are doctorally prepared in psychology;

- ii. Require full-time students to physically attend classes on campus for at least one academic year; and
- iii. Require part-time students to physically attend classes on campus for at least two academic years.

(g) An applicant for licensure who was enrolled in a doctoral program prior to September 19, 2011 shall not be required to show that the doctoral program met the requirements of (f) above.

(h) The applicant shall submit evidence of an additional 20 credit hours, also specifically in the field of psychology, but which were not necessarily obtained as part of the doctoral program. The additional 20 credits can have been granted at a pre-doctoral or post-doctoral graduate level and must have been obtained as part of an educational program in a regionally accredited institution.

(i) The Board may, in its discretion, recognize up to six credits for a dissertation which is psychological in nature. The six credits may be used either to satisfy the requirement of having at least 40 doctoral credit hours specifically within the field of psychology and earned within a doctoral program, or to satisfy a credit deficiency in one or more of the required distribution areas of doctoral study.

(j) The Board may, in its discretion, accept up to nine credits, taken at a regionally accredited school or university, to remediate a deficiency in the requirements of (e) and (h) above.

Amended by R.1995 d.332, effective June 19, 1995.  
See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).  
Amended by R.2009 d.241, effective August 3, 2009.  
See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

Deleted former (g); and recodified former (h) and (i) as (g) and (h).  
Amended by R.2011 d.241, effective September 19, 2011.  
See: 42 N.J.R. 2228(a), 43 N.J.R. 381(a), 43 N.J.R. 2530(a).

In (c), substituted "a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education" for "an accrediting body generally recognized within the national academic community" and "regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education" for "recognized regional or national entity"; in the introductory paragraph of (e), inserted "that meets the requirements of (f) below"; added new (f) and (g); recodified former (f) through (h) as (h) through (j); and in (j), substituted "(h)" for "(f)".

### **13:42-2.2 Academic degree in a field allied to psychology**

(a) An applicant for licensure based on receipt of an earned doctoral degree in a field allied to psychology shall arrange for transmittal to the Board of an official copy of all undergraduate and graduate transcripts from a regionally and/or nationally accredited educational institution or one which is recognized by the New Jersey State Department of Higher Education and by the Board.

(b) The doctoral degree must meet the criteria set forth in N.J.A.C. 13:42-2.1(d) through (f), and the doctoral dissertation must be psychological in nature.

### **13:42-2.3 Equivalent training**

(a) An applicant for licensure based on equivalent training shall submit evidence to the Board that the applicant has all of the following equivalent training:

1. An earned doctorate based upon a dissertation which is clearly psychological in nature from a regionally and/or nationally accredited educational institution or one which is recognized by the New Jersey State Department of Higher Education and by the Board; or, if the dissertation is not clearly psychological in nature, authorship of work in a refereed scholarly publication which work the Board deems to be clearly psychological in nature and equivalent to a dissertation; and

2. Extensive experience, subsequent to receipt of the earned doctorate and for at least the five years immediately preceding application, in the field of applied psychology. The applicant's work in the field of applied psychology must be generally accepted by the local and/or regional psychological community as meeting the standards of professional psychological practice and contributing substantially to that community; and

3. Substantial formal post-doctoral study in a training program accredited by a bona fide accrediting body acceptable to the Board.

### **13:42-2.4 Degrees earned outside the United States**

(a) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the Board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States.

(b) Individuals who apply pursuant to (a) above shall provide the Board with a comprehensive evaluation of their degree performed by World Education Services, Inc. (WES) or a foreign credential evaluation service that is member of the National Association of Credential Evaluation Services (NACES) and acceptable to the Board, and any other documentation the Board deems necessary.

New Rule, R.2010 d.167, effective August 2, 2010.  
See: 41 N.J.R. 4182(a), 42 N.J.R. 1738(a).

## **SUBCHAPTER 3. ONE-YEAR UNSUPERVISED AND THREE-YEAR SUPERVISED TEMPORARY PERMITS FOR TRAINING PENDING ORAL EXAMINATIONS**

### **13:42-3.1 One-year unsupervised permit**

(a) The Board shall issue a numbered temporary permit for the unsupervised practice of psychology for a period not to exceed one year to a psychologist who:

1. Holds a license in good standing as a psychologist in another state with licensure requirements substantially similar to those of this State;

2. Otherwise qualifies for licensure pursuant to the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq.;

3. Has not engaged in any act or practice which would be the basis for denying a permit under the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq.;

4. Meets all requirements of New Jersey law other than passing of the oral examination in this State;

5. Has had at least two years of active post-doctoral experience in the practice of applied psychology within the four years immediately preceding application;

6. Has had no disciplinary action taken against a license to practice psychology held in any other state;

7. Provides the Board with a specific written plan for the practice of psychology in this State during the one-year term of unsupervised practice including, but not limited to, the number and kind of cases to be assumed, any affiliation or association with another mental health care provider in this State, and a statement in regard to whether the permit holder will be billing clients for psychological services directly or through another entity such as an employer; and

8. Has filed an application for licensure with the Board.

(b) The holder of a temporary permit pursuant to (a) above shall, within 90 days of issuance of the permit, submit to the Board a work sample for oral examination. Failure to meet this deadline may, upon notice to the permit holder, result in revocation of the permit.

(c) The permit holder shall complete the examination process before the expiration of the permit.

(d) The permit holder shall assume only the number and kind of cases that can be readily transferred to a licensed psychologist in the event the permit holder fails the examination or has his or her permit suspended or revoked prior to the expiration of the one-year period.

Amended by R.2000 d.476, effective December 4, 2000.  
See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).  
Rewrote the section.

### 13:42-3.2 Three-year supervised permit

(a) The Board shall issue a numbered temporary permit for the supervised practice of psychology for a period not to exceed three years to a qualified individual who meets all requirements of New Jersey law, including the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq., other than the requisite number of hours of post-doctoral supervised experience and/or passing of the written and oral examinations and has not engaged in any act or practice which would be the basis for denying a permit under the Uniform

Enforcement Act, N.J.S.A. 45:1-14 et seq. An applicant for licensure who has not completed the requirement for post-doctoral supervised experience shall be required to obtain a three-year supervised permit and comply with all of the provisions of this subchapter including those applicants who intend to obtain the supervised experience in a practice or facility that is otherwise exempt pursuant to N.J.S.A. 45:14B-6, N.J.S.A. 45:14B-8, or N.J.A.C. 13:42-1.2 through 1.5.

(b) The permit holder shall practice only in accordance with the standards of supervised practice set forth in N.J.A.C. 13:42-4.

(c) The permit holder shall obtain the required supervised experience and successfully complete the written and oral examinations prior to the expiration of the permit.

(d) The permit holder shall undertake only the number and kind of cases that may be readily transferred to a licensed psychologist should the permit holder fail to obtain the required supervised experience, have his or her permit suspended or revoked, or fail to successfully complete the examination process prior to the expiration of the three-year period.

Amended by R.2000 d.476, effective December 4, 2000.  
See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).  
Rewrote (a) and deleted (e).

### 13:42-3.3 Limitation, suspension or revocation of permit by Board

(a) The Board may, upon notice to the permit holder limit, suspend or revoke the permit of an individual who fails the written or oral examination.

(b) The Board may, upon notice to the permit holder and the opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, limit, suspend or revoke the permit of an individual who fails to properly discharge his or her responsibilities.

### 13:42-3.4 Extension of permit upon request of permit holder

(a) Upon the written request of a permit holder, the Board may, in its discretion, extend the temporary permit for good cause shown.

(b) The permit holder shall submit the request for extension, together with the required fee, no later than 30 days before expiration of the permit. The request shall include the reason for the extension.

(c) Extension of a permit may be conditioned upon the individual meeting the following requirements:

1. Immediate appearance by the permit holder, upon notice, before a committee of the Board to review the current caseload;

2. Acceptance of such limitations and conditions (for example, reduction of caseload, alterations in the supervisory arrangement, personal therapy, etc.) as the Board may deem necessary to promote competent psychological practice; and/or

3. Demonstration to the satisfaction of the Board that the welfare of the public is protected by extension of the permit, with appropriate limitations and conditions.

### 13:42-3.5 Return of permit

All temporary permits are the property of the Board. The holder of a temporary permit shall return the permit to the Board no later than 10 days after its expiration or within 10 days of notice of suspension or revocation of the permit.

### 13:42-3.6 Responsibilities of applicant for one-year unsupervised and three-year supervised temporary permits

(a) An applicant for a one-year unsupervised or three-year supervised temporary permit shall have on file with the Board an application for licensure together with all supporting material as required by N.J.A.C. 13:42-2.1(a), with the exception of the two year supervised experience requirement.

(b) The applicant shall request in writing the issuance of a one-year unsupervised or three-year supervised temporary permit to practice psychology until passing of the written and oral examinations and/or for the purpose of meeting the supervised experience requirement.

(c) An applicant for a one-year unsupervised or three-year supervised temporary permit shall not provide psychological services until a permit has been issued by the Board.

(d) A supervised permit holder shall see only those clients assigned to the permit holder by the supervisor.

(e) A supervised permit holder shall not set a professional fee or receive a professional fee from a client. A supervised permit holder may be compensated only through the supervisor or employing entity as provided in N.J.A.C. 13:42-4.6. An unsupervised permit holder may set and receive professional fees.

(f) A one-year unsupervised and three-year supervised permit holder shall limit client contact to no more than 20 client or group contact hours in any one week.

(g) A supervised permit holder shall not engage in unsupervised or independent practice.

(h) A supervised permit holder shall be responsible for the supervisor's compliance with the requirements of N.J.A.C. 13:42-4.4(a) through (c).

(i) A permit holder shall include his or her permit number on any printed representations of practice.

(j) A permit holder shall not advertise, except a one-year unsupervised permit holder may identify the location of his or her practice solely by name and address. A permit holder may indicate the degree held such as Ph.D., but any use of the words "psychology," "psychologist," or any of its derivatives shall be prohibited for any permit holder prior to licensure.

(k) Prior to commencement of client treatment, a one-year unsupervised permit holder shall obtain a written disclosure form, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that:

1. Services are to be rendered by a permit holder who is not a licensed psychologist; and

2. Third party payors may not necessarily reimburse services rendered by a person not licensed by the Board.

(l) A one-year unsupervised and three-year supervised temporary permit holder shall be prohibited from performing custody/parenting time evaluations and termination of parental rights evaluations.

New Rule, R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Amended by R.2010 d.192, effective September 7, 2010.

See: 41 N.J.R. 3024(a), 42 N.J.R. 2135(a).

In (k), inserted "temporary" and "custody/parenting time" and substituted "and termination of parental rights evaluation" for "in custody cases".

Amended by R.2013 d.011, effective January 22, 2013.

See: 44 N.J.R. 554(a), 45 N.J.R. 130(a).

Added new (c); and recodified former (c) through (k) as (d) through (l).

## SUBCHAPTER 4. SUPERVISION OF CANDIDATES FOR LICENSURE

### 13:42-4.1 Amount of supervision required

(a) An applicant for licensure shall be required to document the competent performance of at least two years of full time or full time equivalent supervised experience in the practice of psychology, at least one year of which shall have been completed subsequent to the applicant's receipt of his or her doctoral degree.

(b) The equivalent of one year of full-time supervised experience shall be a minimum of 1,750 hours. The 1,750 hours shall include:

1. One thousand client contact hours completed in accordance with the limitations provided in N.J.A.C. 13:42-3.6(f);

2. Two hundred hours of supervision. At least 100 hours shall be individual face-to-face supervision; the remaining 100 hours may be individual or group supervision. The ratio shall be one hour of supervision for each five hours of client contact per week; and

3. Five hundred fifty hours in other work-related activities such as recordkeeping, consultations, report writing, etc.

Amended by R.2000 d.476, effective December 4, 2000.  
See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

In (a), inserted "the competent performance of" following "document"; in (b), rewrote 1, and deleted "At least" at the beginning of 2 and 3.

Amended by R.2013 d.011, effective January 22, 2013.  
See: 44 N.J.R. 554(a), 45 N.J.R. 130(a).

In the introductory paragraph of (b), substituted "full-time" for "full time"; and in (b)1, updated the N.J.A.C. reference.

### 13:42-4.2 Authorized supervisors

(a) Supervision of experience for licensure purposes, including experience in exempt settings, shall be rendered by:

1. A psychologist licensed in New Jersey for at least two years; or
2. For supervised experience obtained in another state, a psychologist licensed in that state for at least two years and who is eligible for licensure in New Jersey.

Amended by R.2000 d.476, effective December 4, 2000.  
See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote the section.

### 13:42-4.3 (Reserved)

Repealed by R.2000 d.476, effective December 4, 2000.  
See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Section was "Responsibilities of applicant for three-year temporary permit".

### 13:42-4.4 Responsibilities of supervisor

(a) A supervisor shall obtain prior Board approval and shall provide the Board with a letter stating that the supervisor has agreed to enter into a supervisory arrangement with the permit holder.

(b) A supervisor shall supervise no more than three permit holders at any one time, except for good cause shown and at the discretion of the Board.

(c) Every six months and at the completion of the supervision, the supervisor shall document the supervised experience on a form provided by the Board. The information to be supplied on the form includes the dates during which the permit holder was under supervision, the nature of the cases assigned, and the proficiency rating earned by the permit holder.

(d) A supervisor shall ensure that the permit holder has, at all times, a current and valid Board permit or other required authorization.

(e) A supervisor shall provide adequate and timely evaluations, as required by the work setting, to employees, permit holders, students and others whose work is being supervised.

(f) Prior to a permit holder's commencement of client treatment, the supervisor shall obtain a written disclosure form, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that:

1. Services are to be rendered by a permit holder who is not a licensed psychologist; and
2. Third party payors may not necessarily reimburse services rendered by a person not licensed by this Board, notwithstanding supervision by a licensed psychologist.

(g) A supervisor shall retain full professional responsibility for setting fees, billing clients and collecting fees from clients consistent with the provisions of N.J.A.C. 13:42-10.10 and 10.11.

(h) A supervisor shall provide professional working conditions, constructive consultation and experience opportunities.

(i) A supervisor shall not condone or knowingly permit an applicant for a three-year supervised temporary permit to provide psychological services prior to the Board issuing a permit to the applicant.

(j) A supervisor shall not condone or knowingly permit the permit holder to practice without supervision or independently.

(k) A supervisor shall not enter into supervisory arrangements involving a potential conflict of interest such as, but not limited to, arrangements with:

1. Family members;
2. Those with whom the supervisor has close personal associations;
3. Those with whom the supervisor has financial relationships (such as creditor-debtor), other than as specifically permitted by N.J.A.C. 13:42-4.6; or
4. Those with whom the licensee has a therapist/client relationship.

(l) A supervisor shall be responsible for ensuring that a permit holder maintains client records consistent with the requirements of N.J.A.C. 13:42-8.1.

Administrative correction.

See: 41 N.J.R. 3938(b).

Amended by R.2013 d.011, effective January 22, 2013.

See: 44 N.J.R. 554(a), 45 N.J.R. 130(a).

Added new (i) and (l); and recodified former (i) and (j) as (j) and (k).

### 13:42-4.5 Supervision of individuals exempt from licensure

(a) A psychologist may supervise services of a psychological nature rendered in:

1. A private practice setting by a health care professional exempt from licensure pursuant to N.J.S.A. 45:14B-8; and

2. An exempt non-profit bona fide community organization as defined in N.J.A.C. 13:42-1.3.

(b) The supervisor shall ensure that the exempt supervisee complies with all Board regulatory requirements (including preparation of client records) and with accepted standards of professional and ethical practice of the exempt agency or exempt health care professional.

New Rule, R.1995 d.332, effective June 19, 1995.  
See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).

#### **13:42-4.6 Financial arrangements between supervisor and supervisee**

(a) Financial arrangements between the supervisor and supervisee shall be reasonable and may take into account the special teaching arrangement that forms the context of the relationship. For example, the supervisor may designate the supervisee as a part-time employee.

(b) The supervisor shall charge the supervisee separately, if at all, for the supervision itself or for ancillary costs such as rent for use of premises, equipment, malpractice insurance, etc.

Recodified from 13:42-4.5 by R.1995 d.332, effective June 19, 1995.  
See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).  
Amended by R.2004 d.140, effective April 5, 2004.  
See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Deleted former (a) and recodified former (b) through (c) as new (a) through (b).  
Amended by R.2009 d.241, effective August 3, 2009.  
See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).  
Rewrote (a).

### **SUBCHAPTER 5. EXAMINATION**

#### **13:42-5.1 Board-approved written examination; oral examination**

(a) A candidate who has been admitted to sit for examination shall take the Examination for Professional Practice in Psychology sponsored by the Association of State and Provincial Psychology Boards (ASPPB). A passing score shall be that as established by the ASPPB at the time of the examination.

(b) A candidate who passes the written examination shall then take an oral examination of his or her professional practice based on a work sample in accord with guidelines to be supplied to the candidate by the Board and as follows:

1. The candidate shall within 90 days of notification of successful completion of the written examination, present a current work sample representative of the candidate's present practice. For the purposes of this rule, "current"

work sample is defined to mean a work sample either in progress or where the treatment services were terminated within one year before the submission of the work sample. The dates of client service shall be specifically mentioned on the cover page.

2. The candidate shall identify the work sample by the area of the candidate's specialty.

3. The text of the work sample shall be typed and double spaced and shall not exceed 20 pages in length. All tests and protocols used as the basis for professional intervention shall be presented as appendices.

(c) The examiner(s) shall tape the oral examination for the purpose of creating a record. The candidate shall not tape the oral examination.

Amended by R.1995 d.369, effective July 17, 1995.  
See: 27 N.J.R. 1754(a), 27 N.J.R. 2696(a).  
Amended by R.2000 d.476, effective December 4, 2000.  
See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).  
In (b)1, substituted a reference to 90 days for a reference to 45 days.  
Amended by R.2004 d.140, effective April 5, 2004.  
See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).  
Rewrote (a) and (b)1.

#### **13:42-5.2 Examination review procedures**

(a) A candidate who fails the written examination may request a handscoring of answer sheets, copy of individual answer sheet or role-feedback as available from the Professional Examination Service (PES). The candidate shall be responsible for payment of any fees required by the PES. The candidate's written request for review must reach the Board's Executive Director within 45 days of the date of the letter of notification of examination results.

(b) A candidate who fails the oral examination may request a review of his or her oral examination tape. The candidate's written request for review must reach the Board's Executive Director within 45 days of the date of the letter of notification of examination results. The Executive Director will make the tape of the oral examination available to the candidate at the Board office on a mutually convenient date. Neither the candidate nor an agent of the candidate may tape the Board's copy of the oral examination tape during this or any review of the tape of the oral examination.

(c) Following review of the examination tape, a candidate who failed the oral examination may request reconsideration of the decision. The candidate's written request for reconsideration must reach the Board's Executive Director within 45 days of the date of the examination review. The request for reconsideration must be limited to no more than 5 8 1/2 inch by 11 inch sized pages, single spaced, with normal size type set and standard margins. Only one side of the page may be used.

(d) The Board shall grant a request for reconsideration only upon the candidate's showing of good cause establishing that the request is meritorious and made in good faith. Good cause for this purpose shall mean:

1. Proof of unusual circumstances surrounding the examination which adversely and significantly influenced the candidate's performance;

2. Proof that the scope of the examination conducted did not sufficiently address the candidate's professional work sample;

3. Proof of examiner bias against the candidate, the candidate's orientation or kind of work; or

4. Proof of a substantial and material error on the part of the examiners.

(e) If, upon review of the written request for reconsideration, the Board determines that the candidate has demonstrated good cause for reconsideration, the Board may designate a subcommittee to review the matter and make a recommendation to the Board after conducting such inquiry or investigation as the subcommittee deems necessary. The subcommittee shall subsequently present to the Board the following information in closed session: the basis for the request for reconsideration; the reasons advanced by the applicant for changing the Board's previous decision; and the subcommittee's recommendation to sustain, modify, overturn or vacate the Board's previous decision and the reasons for that recommendation.

(f) The Board shall promptly mail to the candidate a copy of the Board's final decision and supporting reasons.

(g) A transcript of the oral examination may be prepared by a shorthand reporter, at the candidate's expense, only if the transcript is required for appellate review by the Superior Court.

### 13:42-5.3 Out-of-State psychologists; admittance to oral examination

(a) An out-of-State psychologist shall be admitted to take the oral examination in New Jersey provided the individual can demonstrate to the satisfaction of the Board that he or she:

1. Has taken the Board-approved written examination in another state;

2. Has passed the examination at the minimum level established by the Board and in effect at the time of application; and

3. Meets all other requirements for licensure, including submission of a work sample as defined in N.J.A.C. 13:42-5.1(b).

(b) An out-of-State psychologist, who can demonstrate proof of meeting all requirements for licensure other than the Board-approved written examination and who can demonstrate satisfactory completion of 20 years of licensed, responsible and competent practice in another state, shall be admitted to take the oral examination in New Jersey.

(c) The Board shall not recognize licensing examinations other than the Board-approved examination sponsored by an individual state or other entity, if completed subsequent to January 1, 1980.

Amended by R.2004 d.140, effective April 5, 2004.  
See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).  
Rewrote (b).

### 13:42-5.4 License without examination

(a) A psychologist who holds a diploma from the American Board of Professional Psychology awarded by examination, and who meets all other requirements of New Jersey law, shall be licensed following satisfactory completion of an oral interview with the Board or designated member(s) thereof.

(b) A psychologist who obtained the Association of State and Provincial Psychology Boards (ASPPB) Certificate of Professional Qualification (CPQ) in psychology prior to June 30, 2006, and who meets all other requirements of New Jersey law, shall be licensed following satisfactory completion of an oral interview with the Board or designated member(s) thereof.

Amended by R.2004 d.140, effective April 5, 2004.  
See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).  
Designated former section as (a); added (b).

Amended by R.2010 d.167, effective August 2, 2010.  
See: 41 N.J.R. 4182(a), 42 N.J.R. 1738(a).

In (b), substituted "obtained" for "holds" and inserted "prior to June 30, 2006,".

### 13:42-5.5 Subversion of the licensing examination process

(a) Any individual found by the Board to have engaged in conduct which subverts or attempts to subvert the licensing examination process may, at the discretion of the Board, have his or her scores on the licensing examination withheld or declared invalid, be found ineligible for licensure, be dis-

qualified from the practice of the pertinent profession, and/or be subject to the imposition of other appropriate sanctions pursuant to N.J.S.A. 45:1-22.

(b) Conduct which subverts or attempts to subvert the licensing examination process includes:

1. Conduct which violates the security of the examination materials, such as removing from the examination room any of the examination materials; taping, reproducing or reconstructing any portion of the licensing examination; aiding by any means in the reproduction or reconstruction of any portion of the licensing examination; or selling, distributing, buying, receiving or having unauthorized possession of any portion of a current or future licensing examination;

2. Conduct which violates the standard of test administration, such as communicating with any other examinee during the administration of the licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the licensing examination; or having in one's possession during the administration of the licensing examination any copying or taping equipment, or any books, notes, written or printed materials or data of any kind, other than the examination materials distributed; or

3. Conduct which violates the credentialing process, such as falsifying or misrepresenting educational credentials or other information required for admission to the licensing examination, impersonating an examinee, or having an impersonator take the licensing examination on one's behalf.

#### 13:42-5.6 Failure of examination; when retaking permitted

(a) The written examination may be retaken in accordance with the rules established by the Association of State and Provincial Psychology Boards (ASPPB) provided that all applicable requirements have been satisfied.

(b) The oral examination may be retaken only as follows:

1. First reexamination no sooner than six months after the first examination;

2. Successive reexamination no sooner than one year after the date of the previous reexamination;

3. After the first failure and each subsequent failure, the Board may mandate additional training, educational casework and/or supervision prior to reexamination.

Amended by R.2004 d.140, effective April 5, 2004.  
See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Rewrote the section.

## SUBCHAPTER 6. BOARD FEES

### 13:42-6.1 Board fees

(a) Charges for examinations, licensure and other services are:

1. Application fee: \$125.00.

2. Examination fee: \$300.00 oral.

3. Initial license fee:

i. During the first year of a biennial license renewal period: \$300.00.

ii. During the second year of a biennial license renewal period: \$150.00.

4. License renewal fee, biennial: \$300.00.

5. Late renewal fee in addition to biennial renewal:

i. Up to 30 days late: \$75.00.

6. Reinstatement fee in addition to biennial renewal fee: \$ 300.00.

7. Temporary permit:

i. \$110.00 plus \$50.00 for each additional supervisor.

ii. Review of extension request for one-year and three-year permits, each: \$25.00.

8. Replacement wall certificate: \$50.00.

9. Certification of licensure: \$35.00.

10. Duplicate renewal certificate: \$25.00.

(b) It is the candidate's responsibility to see that all mandated fees reach the Board office as follows:

1. Application, examination, reexamination and reinstatement fees are required to initiate Board action on one's behalf;

2. An initial license fee is required upon notice of successful completion of candidacy and before issuance of a license; and

3. A license renewal fee must reach the Board office by June 30 of the renewal year in order to avoid a late renewal fee.

Amended by R.1994 d.22, effective January 3, 1994.

See: 25 N.J.R. 3929(a), 26 N.J.R. 249(a).

Amended by R.1997 d.181, effective July 7, 1997.

See: 29 N.J.R. 309(a), 29 N.J.R. 2837(a).

In (a), raised fees throughout.

Amended by R.2001 d.125, effective April 16, 2001.

See: 33 N.J.R. 171(a), 33 N.J.R. 1204(a).

In (a)3i, substituted "\$300.00" for "\$530.00"; in (a)3ii, substituted "\$150.00" for "\$265.00"; in (a)4, substituted "\$300.00" for "\$530.00"; and in (a)7i, substituted "\$110.00" for "\$190.00".

Amended by R.2004 d.140, effective April 5, 2004.

See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

In (a)9, substituted "Certification" for "Verification".

Amended by R.2009 d.241, effective August 3, 2009.

See: 41 N.J.R. 712(a), 41 N.J.R. 2975(a).

In (a)2, substituted "\$300.00" for "\$200.00".

Amended by R.2010 d.167, effective August 2, 2010.

See: 41 N.J.R. 4182(a), 42 N.J.R. 1738(a).

In (a)2, deleted "\$350.00 written," preceding "\$300.00"; deleted (a)5ii; in (b)1, substituted "reexamination" for "re-examination", "on" for "in" preceding "one's" and a semicolon for a period at the end; in (b)2, substituted "; and" for a period at the end; and deleted (b)4.

## SUBCHAPTER 7. ACCEPTABLE PROFESSIONAL PRACTICE

### 13:42-7.1 Independent practice

(a) A licensee practicing independently may employ or otherwise remunerate the following individuals to render professional services only in circumstances where quality control of the employed practitioner's professional practice can be and is lawfully supervised and evaluated by the licensee:

1. Other licensed practitioners to render services within the scope of practice of each employee's license; and
2. Practitioners who are authorized to practice psychology under an exemption from licensure pursuant to N.J.A.C. 13:42-1.3.

(b) A licensee with a restricted or limited license to practice psychology as a result of a disciplinary action shall not employ a licensee or hire an independent contractor with an unrestricted or unlimited license to practice psychology.

(c) A licensee may employ ancillary non-licensed staff, limited to:

1. Clerical staff;
2. Permit holders;
3. Biofeedback technicians, as defined in N.J.A.C. 13:42-7.3;
4. Neuropsychometric technicians, as defined in N.J.A.C. 13:42-7.4; and
5. A person engaged in the practice of alcohol, drug abuse or gambling intervention, prevention or treatment who is certified and providing such services in a private setting supervised by the licensee.

(d) Any additional types of employees or other remunerated licensed or certified mental health or health professionals other than those in (c) above may be employed within the professional practice only with the advance review and approval of the Board.

Amended by R.1995 d.332, effective June 19, 1995.

See: 26 N.J.R. 4738(a), 27 N.J.R. 2422(a).

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote (b).

Amended by R.2004 d.140, effective April 5, 2004.

See: 35 N.J.R. 5039(a), 36 N.J.R. 1815(a).

Rewrote (d).

### 13:42-7.2 Partnership, professional service corporation, or limited liability entity

(a) A licensee shall not practice psychology in a general business corporation except as provided in N.J.A.C. 13:42-7.5. A licensee may practice in any of the following business entities:

1. Partnership;
2. Professional service corporation;
3. Limited liability company; or
4. Limited liability partnership, as long as the owners (partners, shareholders, members) of the entity consist solely of New Jersey licensed health care professionals.

(b) A licensee may practice in a business entity described in this section which itself is owned by one or more of the entities described, so long as all of the owners of such entities are New Jersey licensed health care professionals and as allowed by law pursuant to N.J.S.A. 42:2B-1 et seq.

(c) In all business entities described in this section, each licensee who is an owner shall retain authority to exercise his or her own professional judgment within accepted standards of practice regarding care, skill and diligence in examinations, diagnosis and treatment of the licensee's individual clients.

(d) The professional services offered by each practitioner, whether a partner, shareholder, or member, shall be the same or shall be in a closely allied professional health care field.

(e) If the scope of practice authorized by law for each such person differs, any document used in connection with professional practice, including, but not limited to, professional stationery, business cards, advertisements of listings and bills, shall designate the field to which such person's practice is limited.

(f) The term "Associates" in the name of a professional office connotes an actual group enterprise such as a professional association or partnership. The term "Associates" shall not be utilized to refer to individuals sharing office expenses or rental space but practicing independently of each other or having the relationship of independent contractor.

Petition for Rulemaking.

See: 26 N.J.R. 263(a).

Amended by R.2000 d.476, effective December 4, 2000.

See: 31 N.J.R. 3218(a), 32 N.J.R. 4260(a).

Rewrote (a); in (b), added "or member,".