

**CHAPTER 34**

**BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS**

**Authority**

N.J.S.A. 45:1-3.2, 45:8B-13 and 45:8B-34 et seq.

**Source and Effective Date**

R.1998 d.544, effective October 22, 1998.  
See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 34, Board of Marriage and Family Therapy Examiners, expires on October 22, 2003.

**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: Source and Effective Date. See, also, section annotations. Administrative change. See: 31 N.J.R. 547(b).

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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. Verification 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.  
 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).  
 Amended by R.1997 d.103, effective March 3, 1997.  
 See: 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.  
 See: 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.  
 See: 33 N.J.R. 4199(a), 34 N.J.R. 1551(b).  
 In (a), decreased fees in 2 and 6.

**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.

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 therapy 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 therapy 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).

Recodified from 13:34-4.1 and amended by R.1997 d.103, effective March 3, 1997.

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

In (a), substituted "full-time counseling" for "supervised counseling", inserted references to equivalent experience and therapy experience, and inserted provision requiring experience under the supervision of a person holding a degree; and in (a)1i and (a)1ii, substituted "therapy" for "counseling". Former section recodified to N.J.A.C. 13:34-4.3.

### 13:34-4.3 Educational requirements

(a) Pursuant to N.J.S.A. 45:8B-18(a), any person applying to the Board after January 1, 1970 shall be admitted to an examination if he or she meets the qualifications set forth in subsections (a), (b) and (c) of Section 14 of P.L. 1968, c.401 (45:8B-14) and provides evidence that he or she has met the following educational requirements, unless the person appears for examination in an obviously diminished state of mental faculty or otherwise demonstrates behavior which is inappropriate and offensive to the test-taking environment and to other examinees.

1. An applicant shall have a minimum of a master's degree in marriage and family therapy, a master's degree in social work or a graduate degree in a related field. All applicants shall have obtained their degrees from regionally accredited institutions so recognized at the time of the granting of the degrees. If the applicant has a graduate degree in a related field, the applicant shall demonstrate to the Board that he or she has completed substantial equivalents to the course work at the required levels as set out in (b) below. An applicant with a graduate degree in a related field which does not provide the training and course work substantially equivalent in content to those set out in (b) below shall be deemed to meet the educational requirements set forth in this section upon satisfactory completion of either a post graduate degree recognized by the Board which includes the course work at the required levels as stated in (b) below, or a program of training and course work at an institute or training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) To satisfy the basic educational requirements for admission to an examination, an applicant shall complete a minimum of:

1. Nine courses (27 semester hours or 36 quarter hours) from Areas I, II and III as specified in (c) below;

2. One course (three semester hours for four quarter hours) from Area IV;

3. One course (three semester hours or four quarter hours) from Area V;

4. Three courses (nine semester hours or 12 quarter hours) taken in 12 successive months from Area VI; and

5. One course (three semester hours or four quarter hours) from Area VII.

(c) Areas of course work are as follows:

1. Area I: Theoretical Foundations of Marriage and Family Therapy (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work which qualifies in this area shall include topics which deal with the historical development, theoretical foundations and conceptual directions of the field of marriage and family therapy.

2. Area II: Assessment and Treatment in Marriage and Family Therapy (a minimum of four three-credit courses equivalent to 12 semester hours or 16 quarter hours.) Course work which qualifies in this area shall provide a comprehensive survey and substantive understanding of the major models of marriage and family therapy. Courses shall also address the applied aspects of marriage and family therapy. Courses shall focus on two major interdependent components: diagnosis/assessment and treatment processes. Within the context of marital and family systems, course work topics shall include the diagnosis and treatment of dysfunctional relationship patterns and nervous and mental disorders, whether cognitive, affective or behavioral. Course work in this area shall also include major marriage and family assessment methods and instruments, the use of appropriate major mental health assessment instruments within a systemic context and topics which deal with a wide variety of presenting problems including, but not limited to, incest, intense stress, problems of life cycle transitions, sexual dysfunctions, substance abuse, suicide and violence.

3. Area III: Human Development and Family Studies (a minimum of two three-credit courses equivalent to six semester hours or eight quarter hours.) Courses shall address the developmental processes in the family, and shall emphasize the interface between the interpersonal and the intrapersonal as well as the patterns and dynamics of family life. Courses shall also address the life cycle of the family, the processes and modifications of family structures over time and as they relate to marriage and family practice and theory, issues of gender, sex discrimination, gender role stereotyping, ethnicity, race, socioeco-

conomic status and culture. Courses shall address social, educational, economic and behavioral factors.

4. Area IV: Ethics and Professional Studies (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work shall deal with the development of a professional attitude and identity. It shall address professional socialization, the role of professional organizations, legal responsibilities and liabilities of clinical practice and research, family law, confidentiality issues, professional ethics and interprofessional cooperation.

5. Area V: Research (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work in this area shall deal with the understanding of research methodology and data analysis and the evaluation of research in marriage and family therapy. The content must include both quantitative and qualitative research models.

6. Area VI: Supervised Clinical Practice (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work shall focus on the therapist's development of a professional attitude and identity. Topics shall include professional socialization, the role of professional organizations, legal responsibilities and liabilities of clinical practice and research, family law, confidentiality issues, professional ethics and interprofessional cooperation.

7. Area VII: Additional Courses (a minimum of one three-credit course equivalent to three semester hours or four quarter hours.) Course work shall be elective, and this area shall seek to augment an applicant's individual interest and background in marriage and family therapy. The applicant may choose courses from a variety of disciplines.

(d) 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 and family therapists 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).

Recodified from 13:34-4.2 and amended by R.1997 d.103, effective March 3, 1997.

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

Rewrote (a); inserted new (b); inserted (c); and recodified former (b) to (d).

## SUBCHAPTER 5. GENERAL OBLIGATIONS OF A LICENSEE

### 13:34-5.1 Financial arrangements with clients

(a) Fees for marriage and family therapy services shall be reasonable and commensurate with the status and experience of a licensee consistent with the provisions of N.J.A.C. 13:34-5.7 prohibiting excessive fees.

(b) When an appropriate fee schedule cannot be arranged, or the payment of the usual fee would be a hardship, a licensee shall refer the client to other sources for the provision of needed services.

(c) A licensee providing marriage and family therapy services shall provide and maintain a written list of current fees for standard services and shall provide the list to a client prior to the commencement of services.

(d) Before engaging in a clinical relationship, a licensee shall assist a client to understand financial arrangements. The information provided to the client shall include at least the following:

1. The fee for services or the basis for determining the fee to be charged;
2. Whether the licensee will accept installment payments or assignments from a third party payor;
3. That insurance coverage may not be available in all circumstances; and
4. The financial consequences, if any, of missed appointments.

### 13:34-5.2 Conflicts of interest

(a) A licensee providing marriage and family therapy 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, the following: professional treatment of employees, tenants, students, supervisees, close friends, spouses, or relatives.

(b) A licensee who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

(c) A licensee providing marriage and family therapy services shall not provide those services in circumstances that would be expected to limit the licensee's objectivity and impair professional judgment or increase the risk of exploitation.

### 13:34-5.3 Termination of service

(a) A licensee 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 licensee shall not abandon or 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 licensee who anticipates the termination or interruption of services to a client shall notify the client promptly and shall provide for the transfer, referral, or continuation of services in relation to the client's needs and preferences.

(d) A supervisor shall retain full professional responsibility for collecting fees from clients.

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

(f) The supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a professional counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in (a) above and shall indicate the hours and dates during which the supervisee has been under direct supervision, the nature of the cases assigned, and the proficiency rating earned by the supervisee.

(g) A supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.

(h) A supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, relatives, current students, current and former employees or close friends.

**13:34-13.3 Responsibilities of supervisee**

(a) The supervisee shall maintain documentation of supervised experience for each 50 week period of supervised experience until the supervisee is licensed as a professional counselor.

(b) A supervisee shall not engage in practice under supervision in any area for which the supervisee has not had appropriate education and training.

(c) A supervisee shall not engage in unsupervised or independent practice.

(d) A supervisee shall not receive a professional fee from a client. A supervisee may be compensated only through the supervisor or employing entity.

(e) A supervisee shall not advertise professional services.

**13:34-13.4 Permissible supervisor**

(a) A supervisor shall be:

1. Licensed as a professional counselor; or
2. A licensed psychologist; a licensed clinical social worker; a licensed physician practicing in the field of psychiatry; a licensed marriage and family therapist; or any other supervisor acceptable to the Committee.

**SUBCHAPTER 14. PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS**

**13:34-14.1 Specialty designations**

(a) A licensed professional counselor may utilize a professional specialty designation provided that the licensee:

1. Is certified in one of the following specialties by the NBCC:
  - i. Clinical mental health counselor;
  - ii. Career counselor;
  - iii. Gerontological counselor;
  - iv. School counselor; or
  - v. Master addictions counselor; and

2. Has satisfied the Committee that he or she has met the recognized minimum standards of the NBCC.

(b) A qualified professional counselor who the Committee determines satisfies the requirements of (a) above may claim or advertise that specialty by using only the specific specialty designation assigned to the specialty by the NBCC.

(c) A professional counselor shall post the NBCC certificate in a conspicuous place in a waiting room or other area where it will be visible to the professional counselor's clients.

(d) The Committee may approve other specialty designations through the rulemaking process. Consistent with the requirements for use of the designations outlined above in this subchapter, any additional approved specialty designations must meet nationally accepted standards as established by the NBCC.

**SUBCHAPTERS 15 THROUGH 16. (RESERVED)**

**SUBCHAPTER 17. FEES**

**13:34-17.1 Fees**

(a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of professional counselors and associate counselors:

1. Application fee . . . . . \$75.00
2. Initial license fee:
  - i. Professional counselor:
    - (1) During the first year of a biennial renewal period . . . . . \$250.00

- (2) During the second year of a biennial renewal period . . . . . \$125.00
- ii. Associate counselor:
  - (1) During the first year of a biennial renewal period . . . . . \$180.00
  - (2) During the second year of a biennial renewal period . . . . . \$ 90.00
- 3. Biennial renewal:
  - i. Professional counselor . . . . . \$250.00
  - ii. Associate counselor . . . . . \$180.00
- 4. Late fee . . . . . \$100.00
- 5. Reinstatement Fee . . . . . \$150.00
- 6. Duplicate wall certificate . . . . . \$40.00
- 7. Change of address . . . . . \$25.00
- 8. Verification of licensure . . . . . \$40.00
- 9. Verification of specialty designation . . . . . \$40.00

Amended by R.1998 d.272, effective June 1, 1998.  
 See: 30 N.J.R. 794(a), 30 N.J.R. 2050(a).  
 In (a), substituted dollar amounts for reserved fees in 2 and 3.  
 Amended by R.2002 d.216, effective July 1, 2002.  
 See: 34 N.J.R. 210(a), 34 N.J.R. 2318(a).  
 In (a), decreased fees in 2 and 3.

**SUBCHAPTER 18. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY**

**13:34-18.1 Preparation and maintenance of client records**

- (a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.
- (b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.
- (c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, for example:
  - 1. The client name, address and telephone number;
  - 2. The client complaint on intake;
  - 3. Medical history recognized as of potential significance;
  - 4. Past and current medications;
  - 5. Significant social history;
  - 6. Findings on appropriate examination;
  - 7. Raw data and interpretation of tests administered;

- 8. Current functional impairments and rating levels thereof;
- 9. A diagnostic impression;
- 10. Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
- 11. Dates of all treatment, evaluation or consultation sessions;
- 12. The location of treatment, evaluation or consultation;
- 13. An evaluation of progress (if applicable);
- 14. A prognosis;
- 15. The client identity on each page;
- 16. Fees charged and paid;
- 17. The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);
- 18. If services are rendered by an associate counselor, the written disclosure form signed by the client; and
- 19. Information regarding referrals to other professionals.

(d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-13.2(b) and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.

(e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.

(f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.

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

(h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.

(i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

**13:34-18.2 Use of personal or other computer to prepare client records**

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;

2. Automatically prepares a back-up copy of the file; and

3. Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.

(c) The licensee shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.

(d) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each person obtains a CPC and uses the program in the same manner.

(e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000, print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialled by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the change over of computer program, with each page initialled by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

### 13:34-18.3 Access to copy of client record

(a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third party payor with whom the client has a contract which provides that the third party be given access to records to assess a claim for monetary damages or reimbursement. If the client is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

(b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) and (h) below and in N.J.A.C. 13:34-18.5.

(c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.

(d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

(e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.

(f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.

(g) A licensee may withhold information contained in the client record from a client or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:

1. The client's attorney;
2. Another licensed health care professional; or
3. The client's health insurance carrier.

(h) A licensee shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

### 13:34-18.4 Access by a managed health care plan to information in client record

(a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.

(b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payor whose benefit plan is qualified under the Federal Employee

Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

### 13:34-18.5 Confidentiality

(a) Any communication between a licensed professional counselor or a licensed associate counselor and the person or persons counseled while performing counseling shall be confidential and its secrecy preserved.

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

1. When disclosure is required by State law including, but not limited to, N.J.S.A. 2A:62A-16, 2A:62A-17 and 9:6-8.10; or
2. When the licensed professional counselor or licensed associate counselor is a party defendant to a civil, criminal or disciplinary action arising from that counseling, in which case the waiver of the privilege shall be limited to that action.

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## SUBCHAPTER 19. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE

### 13:34-19.1 Posting of practice authorization and notification of availability of fee information

(a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:

1. Professional counselors and associate counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public may notify the Committee of any complaint relative to the practice conducted by a professional or associate counselor. The Committee's address is: Division of Consumer Affairs, Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101.

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

### 13:34-19.2 Notification of change of address; service of process

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

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

(c) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Board in writing.

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## SUBCHAPTER 20. REHABILITATION COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE

### 13:34-20.1 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 rehabilitation counseling, as defined in N.J.A.C. 13:34-20.2, within the State of New Jersey.

(b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render rehabilitation counseling services, as defined in N.J.A.C. 13:34-20.2, 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 possessing a license issued pursuant to the Act.

### 13:34-20.2 Definitions

The following words and terms, as used in N.J.A.C. 13:34-20 through 28, shall have the following meanings, unless the context clearly indicates otherwise:

"Appraisal" means selecting, administering, scoring, and interpreting instruments designed to assess a person's attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, or behavioral disorders as well as the use of methods and techniques for understanding human behavior in relating to, adapting to, or changing life situations for persons with disabilities.

14. A prognosis;

15. The client identity on each page;

16. Fees charged and paid;

17. The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);

18. If services are rendered by a supervisee, the written disclosure form signed by the client; and

19. Information regarding referrals to other professionals.

(d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-23.2(b), and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.

(e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.

(f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.

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

(h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.

(i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

#### **13:34-27.2 Use of personal or other computer to prepare client records**

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;

2. Automatically prepares a back-up copy of the file; and

3. Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.

(c) The licensee shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.

(d) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each person obtains a CPC and uses the program in the same manner.

(e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000 print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialed by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the change-over of computer program, with each page initialed by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

#### **13:34-27.3 Access to copy of client record**

(a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third party payor with whom the client has a contract which provides that the third party payor be given access to records to assess a claim for monetary damages or reimbursement. If the client is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

(b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) and (h) below and in N.J.A.C. 13:34-27.5.

(c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.

(d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

(e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.

(f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.

(g) A licensee may withhold information contained in the client record or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:

1. The client's attorney;
2. Another licensed health care professional; or
3. The client's health insurance carrier.

(h) A licensee shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

#### **13:34-27.4 Access by a managed health care plan to information in client record**

(a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.

(b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payor whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

#### **13:34-27.5 Confidentiality**

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

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

1. When disclosure is required by State law including, but not limited to, N.J.S.A. 2A:62A-16, 2A:62A-17 and 9:6-8.10; or
2. When the rehabilitation counselor is a party defendant to a civil, criminal or disciplinary action arising from that counseling, in which case the waiver of the privilege shall be limited to that action.

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### **SUBCHAPTER 28. REHABILITATION COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE**

#### **13:34-28.1 Posting of practice authorization and notification of availability of fee information**

(a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:

1. Rehabilitation counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public may notify the Committee of any complaint relative to the practice conducted by a rehabilitation counselor. The Committee's address is: Division of Consumer Affairs, Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101.

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

#### **13:34-28.2 Notification of change of address; service of process**

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

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

(c) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Board in writing.