

CHAPTER 34

**BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS**

Authority

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

Source and Effective Date

R.2004 d.158, effective March 22, 2004.
35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Chapter Expiration Date

Chapter 34, Board of Marriage and Family Therapy Examiners,
expires on March 22, 2009.

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 re-
named Application Qualifications; Board-Approved Examination by
R.1997 d.103, effective March 3, 1997. See: 28 N.J.R. 4165(a), 29
N.J.R. 783(a).

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

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

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

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

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

Chapter 34, Board of Marriage and Family Therapy Examiners
Rules, was readopted as R.2004 d.158, effective March 22, 2004. As
part of this readoption, Subchapter 12, Professional Counselors: Licensure
Until February 12, 1999 and Subchapter 22, Rehabilitative Counselors:
Licensure Until February 12, 1999 were repealed effective April
19, 2004. Subchapter 29, Professional Counselors, Associate Counselors
and Rehabilitation Counselors: Advertising and Subchapter 30,
Professional Counselors, Associate Counselors and Rehabilitation
Counselors: Business Practices; Professional Conduct, were adopted as
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See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:34-1.1 License fees and charges

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

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

New Rule, R.1975 d.100, effective April 15, 1975.
 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.
 Amended by R.2004 d.158, effective April 19, 2004.
 See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).
 In (a)3, substituted "Certification" for "Verification".

13:34-1.2 (Reserved)

New Rule, R.1976 d.309, effective October 6, 1976.
 See: 8 N.J.R. 136(c), 8 N.J.R. 532(b).
 Repealed by R.2004 d.158, effective April 19, 2004.
 See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).
 Section was "Examination review procedure".

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 and Family Therapists 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).
 Amended by R.1997 d.103, effective March 3, 1997.
 See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).
 Substituted "Marriage and Family Therapists" for "Marriage Counselors".

13:34-1.5 Applications

Application forms and information regarding licensure of practicing marriage and family therapists may be obtained from the State Board of Marriage and Family Therapy Examiners, Post Office Box 45007, 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).
 Amended by R.1997 d.103, effective March 3, 1997.
 See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).
 Substituted "marriage and family therapists" for "marriage counselor" and amended title of the Board.

13:34-1.6 Licensee to display notice

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

(Name of individual) is licensed by the State Board of Marriage and Family Therapy Examiners, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted should notice the State Board of Marriage and Family Therapy Examiners, 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).
Amended by R.1997 d.103, effective March 3, 1997.
See: 28 N.J.R. 4165(a), 29 N.J.R. 783(a).
Amended title of the Board.

13:34-1.7 Hearings to conform to law

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

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

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

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

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

(c) A licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report to the Board in writing his or her receipt of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

New Rule, R.1998 d.544, effective November 16, 1998.
See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

13:34-1.9 Notification of change of name

(a) A licensee whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name the following:

1. Legal evidence of such change; and
2. A copy of the licensee's original license with proof, such as a copy of a passport or a social security card, that he or she is the same person to whom the Board issued the license.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue to the licensee a new license.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Board.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34-1.10 License renewal; active/inactive status

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

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

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

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

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

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

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34-1.11 Reinstatement

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

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

SUBCHAPTER 2. PROFESSIONAL MISCONDUCT

13:34-2.1 Misconduct defined

(a) Professional or occupational misconduct in the practice of marriage and family therapy by persons licensed by the State Board of Marriage and Family Therapy 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. Failing to respond within 30 days to written communications from the Board of Marriage and Family Therapy Examiners and 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.

3. 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.

4. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed marriage and family therapist.

5. Failing to make available to a client, the client's guardian or authorized representative, or, upon a client's request 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 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.

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

7. 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.

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

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

10. Failing to notify the Board of Marriage and Family Therapy Examiners in writing of any change of address or name 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 or name.

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

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

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

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

Substituted references to marriage and family therapists or therapy for references to marriage counselor or counseling and amended title of the Board.

Amended by R.1998 d.544, effective November 16, 1998.

See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

Rewrote (a).

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

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

In (a), substituted "marriage and family therapist" for "or license eligible professional" in 4, rewrote the introductory paragraph of 5, and inserted "or name" following "address" throughout 10.

13:34-2.2 Professional interactions with clients

(a) Prior to commencing services, a licensee shall advise the client or the client's guardian, in terms that the client can understand, of the nature and purpose of the services to be rendered and the limits and obligations associated with such services.

(b) A licensee shall obtain written informed consent from clients before videotaping, audio recording, or permitting third-party observation of professional interactions with clients.

(c) A licensee shall not provide marriage and family therapy services while under the influence of alcohol or any other drug that may impair the delivery of services.

(d) A licensee shall obtain competent professional assistance in order to determine whether to voluntarily suspend, terminate, or limit the scope of the licensee's professional practice or research activities which are foreseeably likely to lead to inadequate performance or harm to the client, colleague, student, or research participant.

(e) When interacting with a research subject, a licensee shall observe research requirements consistent with accepted standards of practice.

New Rule, R.1998 d.544, effective November 16, 1998.

See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

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

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

Added a new (b) and recodified former (b) through (d) as (c) through (e).

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 and family therapy 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.

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

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

Substituted "marriage and family therapy" for "marriage counseling".

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 therapy 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).

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)1, substituted "marriage and family therapy" for "marriage and family counseling".

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 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 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.

(c) Licensees providing supervision of employees and interns shall not enter into any supervisory relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such prohibited supervisory relationships include, but are not limited to, the following: professional supervision of tenants, close friends, relatives, or spouses.

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

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

Deleted reference to counselor and counseling.

Amended by R.1998 d.544, effective November 16, 1998.

See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

Added (c).

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 and family therapy, 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 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 and Family Therapy 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).

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

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

In (b), substituted "marriage and family therapy" for "marriage counseling" and deleted a reference to counseling; and in (b)9, amended title of the Board.

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 or she has had a minimum of two years of full-time therapy 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 . . .".

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

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

Substituted "therapy" for "counseling".

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 therapy 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.

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

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

Substituted "therapy" for "counseling".

SUBCHAPTER 4. APPLICANT QUALIFICATIONS; BOARD-APPROVED EXAMINATION

13:34-4.1 General requirements

(a) Pursuant to N.J.S.A. 45:8B-14, a person who desires to obtain a license as a practicing marriage and family therapist shall submit the following to the Board:

- 1. A completed application form pursuant to N.J.A.C. 13:34-1.5, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:34-1.1; and

3. An official transcript indicating that the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:34-4.3.

(b) In addition to (a) above, the applicant shall furnish to the Board evidence that the applicant satisfies the following criteria:

1. The applicant is at least 21 years of age;
2. The applicant is of good moral character;
3. The applicant is not engaged in any practice or conduct upon which the Board shall have grounds to refuse to issue, suspend or revoke a license which it issues; and
4. The applicant qualifies for licensing by an examination of credentials pursuant to N.J.S.A. 45:8B-21, or for admission to an assembled examination to be conducted by the Board.

New Rule, R.1997 d.103, effective March 3, 1997.

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

Former section recodified to N.J.A.C. 13:34-4.2.

13:34-4.2 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 full-time counseling and therapy experience, or its equivalent, of a character which the Board has approved, two years of which shall be in marriage and family therapy. The candidate shall have completed two of the five required years in marriage and family therapy under the supervision of a person holding a degree specified in N.J.S.A. 45:8B-18(a) who has had no less than five years of full-time professional experience or the equivalent.

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)li and (a)lii, 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. Eight courses from Areas I, II and III as specified in (c) below;
2. One course from Area IV as specified in (c) below;
3. One course from Area V as specified in (c) below; and
4. One course taken in one semester from Area VI as specified in (c) below.

(c) The following are the required areas of course work prior to admission to an examination:

1. **Area I: Theoretical Foundations** (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include topics which deal with the historical development, theoretical foundations and contemporary conceptual directions of the field of marriage and family therapy. Course work in this area shall enable students to conceptualize and distinguish the critical epistemological issues in marriage and family therapy. Course work shall be related conceptually to clinical concerns.

2. **Area II: Clinical Practice** (a minimum of four, three semester hour or equivalent quarter hour, courses.) Course work in this area shall provide a comprehensive survey and substantive understanding of the major models of marriage and family therapy. Courses shall address marriage and family therapy practice and be related conceptually to theory. Course work in this area shall address a wide variety of presenting clinical problems and include assessment, marriage and family therapy methods and major mental health assessment methods and instruments.

3. **Area III: Individual Development and Family Relations** (a minimum of two, three semester hour or equivalent quarter hour, courses.) Course work in this area shall include:

- i. Material on individual development, family development and family relationships;
- ii. Material on issues of sexuality as they relate to marriage and family therapy theory and practice, including sexual dysfunctions and difficulties;
- iii. Issues of gender and sexual orientation as they relate to marriage and family therapy theory and practice; and
- iv. Material on issues of ethnicity, race, socioeconomic status and culture as they relate to marriage and family therapy theory and practice.

4. **Area IV: Professional Identity and Ethics** (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall include material on professional identity, including professional socialization, professional organizations, licensure, certification and ethical issues related to the practice and profession of marriage and family therapy. Generic courses in ethics shall not meet this requirement. Such course work shall inform applicants about legal responsibilities and liabilities of clinical practice and research, family law, confidentiality issues, ethics and the interface between therapist responsibility and the professional, social and political context of treatment.

5. **Area V: Research** (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall include significant material on quantitative and qualitative research in marriage and family therapy.

Course work in this area shall focus on research methodology, data analysis and the evaluation of research.

6. **Area VI: Additional Learning** (a minimum of one, three semester hour or equivalent quarter hour, course.) Course work in this area shall be elective and chosen from a variety of disciplines. 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.

Sec: 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).

Amended by R.2002 d.219, effective July 15, 2002.

See: 33 N.J.R. 2404(a), 34 N.J.R. 2459(a).

Rewrote section.

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.

13:34-5.4 Sexual conduct and harassment

(a) By this section, the Board is identifying for its licensees conduct which it shall deem to be violative of law as set forth in (j) below.

(b) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

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

2. "Client-therapist relationship" means the association between a therapist and a client wherein the therapist owes a continuing duty to the client to be available to render marriage and family therapy services consistent with his or her training and experience.

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

4. "Licensee" means any person authorized by the State Board of Marriage and Family Therapy Examiners to engage in marriage and family therapy.

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

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

non-sexual nature if it is based upon the sex of an individual.

(c) A licensee shall not engage in sexual contact with a client with whom he or she has a client-therapist relationship.

(d) A licensee shall not seek or solicit sexual contact with a client with whom he or she has a current client-therapist relationship, a former client to whom any marriage and family therapy services were rendered in the immediately preceding 24 months, or a current student, supervisee, supervisor, or research participant.

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

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

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

(g) A licensee shall not engage in any discussion of an intimate sexual nature with a client that serves the licensee's prurient interests or is for the sexual arousal or the sexual gratification of the licensee or client, or constitutes sexual abuse of the client. Such discussion shall not include disclosure by the licensee of his or her own intimate sexual relationships.

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

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

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

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

1. The patient solicited or consented to sexual contact with the licensee; or

2. The licensee was in love with or had affection for the patient.

13:34-5.5 Reporting of violations by other licensees

(a) Except as provided below, a licensee shall promptly notify the Board when in possession of information which reasonably indicates that another licensee has demonstrated an impairment, gross incompetence, or unprofessional conduct which would present an imminent danger to a client, or to the public health, safety, or welfare.

1. When the information is obtained in the course of a professional or consulting relationship with a client and the client is unwilling or unable to make the report, the licensee shall report the information only with the written permission of the client.

13:34-5.6 Prohibition on solicitation; unethical referrals and kickbacks

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

(b) A licensee shall not refer a client to a service in which the licensee and his or her immediate family has a financial interest as defined in the Health Care Cost Reduction Act, N.J.S.A. 45:9-22.4 et seq., including an equity or ownership interest in a practice or in a commercial entity holding itself out as offering a health care service.

(c) A licensee shall not prescribe goods or devices which the licensee sells or leases to the client in which the licensee has ownership or interest, unless the licensee advises the client of such ownership or interest.

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

(e) A licensee shall not receive any fee or other form of compensation for referral of a client for professional services or for referral of a client for the purchase of goods.

(f) A licensee shall not permit the division of fees for professional services unless the licensee is engaged in a bona fide partnership, professional service corporation, or employment relationship.

13:34-5.7 Prohibition on excessive fees

(a) The licensee shall not charge an excessive fee for services. Factors that the Board shall consider in determining whether a fee is excessive include the following:

1. The time or effort required to perform the service or treatment;

2. The skill required to properly perform the service or treatment;

3. The nature and length of the professional relationship with the client;

4. The experience, reputation, and ability of the licensee performing the services;

5. The nature and the circumstances under which services are provided; and

6. Whether the fee was set by an institution or agency.

SUBCHAPTER 6. ADVERTISING**13:34-6.1 Definitions**

For purposes of this subchapter, the following terms shall have indicated meanings unless the context clearly indicates otherwise:

“Advertisement” means an attempt, directly or indirectly by publication, dissemination or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase marriage and family therapy services, treatment, or goods related thereto.

“Certified” or “certifications” means that a licensee shall have fulfilled all requirements of the agency granting certification and shall have earned a certificate upon satisfactory completion of a program directly related to marriage and family therapy.

“Electronic media” includes radio, television, telephone, Internet, and other electronic means of communication.

“Marriage and family therapy service” means a service which a marriage and family therapist or professional association performs or lawfully authorizes a person under supervision to perform.

“Print media” includes business cards, newspapers, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, direct mail, match covers, and other items disseminated by means of the printed word. The term shall not include serial displays.

“Range of fees” means a statement of fees containing an upper and lower limit on the fees charged for services or goods offered by a licensee.

Amended by R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).
In “Electronic media” added “Internet”.

13:34-6.2 Advertising; general requirements

(a) A licensee shall be able to substantiate the truthfulness of any material, objective assertion, or representation set forth in an advertisement.

(b) A licensee identified in an advertisement as offering marriage and family therapy services or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a licensee.

(c) A licensee shall assure that an advertisement does not misrepresent, suppress, omit, or conceal a material fact. Omission, suppression, or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the licensee knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth on the advertisement.

13:34-6.3 Minimum content

(a) A licensee shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards, and professional stationery:

1. Name;
2. License number;
3. Licensure status; and
4. Street address and telephone number of the practice location.

(b) For good cause, a licensee may petition the Board for a waiver of the requirement to list the street address of the practice location. A licensee shall submit a request for a waiver in writing which shall detail the reason for the request which shall include the maintenance of personal or client safety.

13:34-6.4 Use of professional credentials and certifications

(a) A marriage and family therapist licensee shall accurately and objectively represent his or her competence, education, training, and experience, as of the time of the representations.

(b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of marriage and family therapy and shall refer only to degrees obtained from accredited academic institutions.

(c) An advertisement that includes information on certification shall include the full name of the institute or agency conferring the certification or the recognized name or abbreviation of the certification.

(d) In addition to the information required to appear pursuant to N.J.A.C. 13:34-6.3, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:

1. The highest academic degrees earned relating to the practice of marriage and family therapy shall appear immediately after the licensee's name;

2. Marriage and family therapy certifications; and

3. Other licenses or certifications issued by another State or Federal agency.

(e) Letters or abbreviations appearing immediately following the licensee's name shall appear in this order only: highest academic degrees earned related to the practice of marriage and family therapy; licensure or certification status; and marriage and family therapy certifications.

(f) Nothing in this section shall preclude any truthful or nondeceptive statement in regard to education or experience in a particular area of marriage and family therapy.

13:34-6.5 Advertisements regarding fees; required disclosures

(a) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described marriage and family therapy services.

(b) A licensee who advertises a fee or range of fees shall include the following disclosures in any such advertisement:

1. All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. Unless the advertisement states otherwise, the stated fees shall be presumed to include everything ordinarily required for the advertised services;

2. The additional services contemplated and the fee to be charged for such services. Unless the advertisement states otherwise, the licensee shall be prohibited from charging an additional fee for the advertised service; and

3. The period during which the advertised fee will remain in effect. Unless the advertisement states otherwise, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.

(c) The advertisement of a fee shall not preclude the licensee from adjusting the fee downward or waiving a fee in individual circumstances.

13:34-6.6 Prohibited types or methods of advertising

(a) A licensee shall not guarantee that satisfaction or a cure will result from the performance of marriage and family therapy services.

(b) A licensee shall not communicate information that may identify a client without the written consent of the client.

(c) A licensee shall not offer a professional service which the therapist knows or should know is beyond his or her ability to perform.

(d) A licensee shall not advertise or communicate in a manner which appears to intimidate, exert undue pressure, or unduly influence a prospective client.

13:34-6.7 Use of testimonials

(a) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a provider relationship with the therapist or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.

(b) Prior to using the testimonial, the licensee shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.

(c) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.

(d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(e) A licensee shall be able to substantiate any objective, verifiable statement of fact appearing in a testimonial.

(f) Where a licensee directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent: **COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL.**

13:34-6.8 Retention of advertisements

(a) The licensee shall retain, for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

(b) Documentation related to the use of testimonials shall be retained for a period of three years from the date of the last use of the testimonial. Documentation shall include:

1. The name, address, and telephone number of the testimonial giver;
2. The type and amount or value of compensation; and
3. The notarized statement and release required pursuant to N.J.A.C. 13:34-6.7(b).

SUBCHAPTER 7. CLIENT RECORDS; CONFIDENTIALITY

13:34-7.1 Preparation and maintenance of client records

(a) A licensee shall prepare and maintain separately for each client a contemporaneous, permanent client record that accurately reflects the client contact with the licensee whether in an office, hospital or other treatment, evaluation or consultation setting.

(b) The licensee shall include at least the following information in the client record:

1. The client name (on each page of the record), address, and telephone number;
2. The location and dates of all treatment, evaluation, or consultation settings;
3. The identity of each provider of treatment, evaluation, or consultation, and the supervisor, if any;
4. The presenting situation;
5. Significant medical and psychosocial history;
6. Past and current medication, when appropriate;
7. An assessment of current marriage and family life-style;
8. A diagnostic assessment and prognosis;
9. A treatment plan;
10. Progress notes for each session;
 - i. A therapist may dictate progress and session notes for later transcription provided the transcription is dated and identified as preliminary pending the therapist's final review and approval.
11. Information regarding referrals to other professionals and reports and records provided by other professionals; and
12. Fees charged and paid unless a separate financial record is kept.

(c) The licensee shall periodically review and update the treatment plan.

(d) The licensee shall retain the permanent client record for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a minor, the licensee shall retain the record until the minor reaches the age of 25.

1. This requirement shall not apply to a licensee employed in an agency setting if the agency's policy does not permit a licensee to control the retention of records.

13:34-7.2 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) 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.

(c) 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 such person obtains a CPC and uses the program in the same manner.

(d) A licensee wishing to continue a system of computerized client records that does not meet the requirements of this section shall promptly initiate arrangements for modification of the system. In the interim, the following will apply:

1. On the date of the first treatment, evaluation, or consultation subsequent to effective date of rule, and after each visit continuing to the date of the changeover, the licensee shall:
 - i. Print out a hard copy of the entire computer recorded client record; and
 - ii. Date and initial each page of the printout.
2. The licensee shall retain all hard copies as a permanent part of the client record.

(e) A licensee shall document any addenda or corrections to a client's record in a separately dated, signed, and timed note.

Amended by R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

In (d), deleted "The modification must be completed by no later than November 16, 1999." in the introductory paragraph.

13:34-7.3 Confidentiality

(a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing marriage and family therapy services for the client, except in the following circumstances:

1. Disclosure is required by Federal or State law or regulation;

2. Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;

3. Disclosure is required by a court of competent jurisdiction pursuant to an order;

4. The licensee has information that the client presents a clear and present danger to the health or safety of self and/or others;

5. The licensee is a party defendant to a civil, criminal or disciplinary action arising from the marriage and family therapy services provided, in which case disclosure shall be limited to that action; or

6. The patient or client agrees, in writing, to waive the privilege accorded by this section. In circumstances when more than one person in a family is receiving marriage and family therapy services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law, persons under the age of 18 years of age must agree to the waiver. Absent a waiver by each family member, a licensee shall not disclose any information received from any family member.

(b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.

(c) A 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.

Repeal and New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).
Section was "Confidentiality".

SUBCHAPTER 8. CONTINUING EDUCATION**13:34-8.1 Continuing education requirement for license renewal**

All licensed marriage and family therapists shall complete 40 contact hours of continuing education for license renewal. The licensed marriage and family therapist shall confirm on the renewal application that the licensee has completed the required continuing professional education programs, courses or articles as specified in this subchapter during the biennial period preceding the application for the renewal.

13:34-8.2 Contact hour requirement for licensed marriage and family therapists

(a) A marriage and family therapist applying for renewal for the first renewal period following October 6, 2003 shall complete a minimum of 40 contact hours of continuing

education directly related to the profession of marriage and family therapy during this renewal period.

(b) A licensee shall complete at least five of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-8.1 in ethical and legal standards related to marriage and family therapy, regardless of the number of hours accrued during the biennial period.

(c) If a licensee earns more than 40 contact hours of continuing education during a biennial period, the licensee may carry those extra hours, up to a maximum of 10 contact hours, into the next succeeding biennial period as long as those contact hours were earned within the last six months of the biennial period.

13:34-8.3 Approval of continuing education programs and courses

(a) The following are acceptable sources of continuing education as long as the course, program, or article is applicable to marriage and family therapy or falls within the content areas set forth in (c) below:

1. Courses and programs approved by the National Board for Certified Counselors (NBCC); the American Counseling Association (ACA); the American Psychological Association (APA); the American Psychiatric Association (APA); the National Association of Social Workers (NASW); the National Association of Social Workers-New Jersey (NASW-NJ); the American Association for Marriage and Family Therapy (AAMFT); the American Association for Marriage and Family Therapy of New Jersey, Inc. (AAMFT-NJ); the Commission on Rehabilitation Counselors Certification (CRCC); the American Ortho-Psychiatric Association; the American Medical Association (AMA); the American Nursing Association (ANA); the National Association of Drug Abuse Counselors (NADAC); a member of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.; the Commission of Accreditation for Marriage and Family Therapy Education (COAMFTE); the American Family Therapy Association (AFTA); or the American Society of Addiction Medicine;

2. Teaching or completing graduate coursework at a regionally accredited institution of higher education;

3. Authoring an article published in a professional refereed journal within the preceding biennial period;

4. Completing and having accepted a doctoral dissertation from a regionally accredited institution of higher education;

5. Presenting a new course, program or workshop approved by one of the organizations listed in (a)1 above; and

6. Developing and completing courses or programs that provide distance learning opportunities approved by one of the organizations listed in (a)1 above or a regional-accredited institution of higher education.

(b) If a licensee seeks approval of continuing education credit from the Board for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the licensee shall first apply to and obtain approval from one of the listed organizations prior to seeking approval of continuing education credit from the Board.

(c) The following are acceptable content areas for continuing education:

1. Marriage and family therapy concepts, theory and practice of human behavior and family/social systems which provide basic theories, principles and techniques of therapy and their specific application to marriage and family therapy settings;

2. Personal and professional ethics, ethical and legal practice considerations, contractual agreements with clients (fees, payment plans, third party payers, treatment plans), confidentiality issues, recordkeeping, uses of computers and other technologies, distance and e-therapy, liabilities of practice and basic concepts in family law;

3. The helping relationship which provides broad understanding of philosophical bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client self-help, self-understanding, and self-development, and facilitation of client change;

4. Human growth, development and maladaptive behavior which provides a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, lifespan theory, and learning theory within cultural contexts;

5. Practice in theories of family systems, treatment approaches, assessment of family function and dysfunction, and specific system treatment options as both science and art;

6. Programs that address anger management, family violence, patterns of behavior and substance addiction;

7. Lifestyles and career development which provide a broad understanding of differing lifestyles, career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyles and career decision-making, career development program planning, resources, and career option identification;

8. Group dynamics, processes, counseling and consulting which provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group therapy methods and skills, and other approaches to work with groups;

9. Appraisals of individuals which provides broad understanding of group and individual psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in the helping process and the specific ability to administer and interpret tests and inventories that assess abilities, aptitudes, interest, and identify career options—within the regulations for licensed marriage and family therapist's scope of practice;

10. Research and evaluation which provides a broad understanding of types of research, basic statistics, research and report development, research implementation, program evaluation, needs assessment, efficacy of treatment, publication of research information;

11. Social and cultural foundations which provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, social policy, multi cultural and pluralistic trends, differing lifestyles, and major societal concerns including discrimination, domestic violence, person abuse, stress, substance abuse, and methods of alleviating these concerns; and

12. The marriage and family therapy profession which provides a broad understanding of professional roles and function, business practices including finances, management and recordkeeping, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, professional credentialing, and supervised clinical training.

13:34-8.4 Contact hour calculations

(a) The Board shall grant credit only for continuing education courses or programs that are at least one contact hour long, and are directly related to the practice of marriage, family and individual therapy. For purposes of this subchapter, a contact hour represents a 60-minute clock hour containing no less than 50 minutes of content within the hour. Programs may include one 10-minute break for each contact hour.

(b) A licensee shall complete and be able to verify completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-8.3 in order to receive continuing education credit. The Board shall grant continuing education credit to a licensee in each biennial renewal period as follows:

1. Completing graduate or post-graduate coursework at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded beyond the required educational standards which an applicant must complete for licensure as set forth in N.J.S.A. 45:8B-18 and N.J.A.C. 13:34-4.3;

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

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

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

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

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

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

13:34-8.5 Documentation of continuing education credit

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

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

course or program, the signature of a program official and the number of continuing education hours awarded.

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

1. For publications, a copy of the published article;
2. For program presentations, copies of the program, syllabus, outlines and bibliographies;
3. For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-8.4(b)2;
4. For distance learning, a certificate of successful completion from the endorsing professional organization; and
5. For graduate coursework, an official transcript.

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

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

13:34-8.6 Waiver of continuing education requirements

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

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

SUBCHAPTER 9. (RESERVED)

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

13:34-10.1 Purpose and scope

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

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

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

13:34-10.2 Definitions

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

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

1. Facilitate human development and adjustment throughout the lifespan;
2. Clinically assess and evaluate, using currently accepted diagnostic classifications including, but not limited to, the DSM-IV, 4th ed., c1994, and future editions of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, incorporated by reference as amended and supplemented, (obtainable from the American Psychiatric Publishing, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901), mental, emotional, behavioral and associated distresses which interfere with mental health and development;
3. Conduct assessments and evaluations for the purpose of establishing goals and objectives; and
4. Plan, implement and evaluate counseling interventions.

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

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

1. Appraisal and assessment, defined as:
 - i. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, personal characteristics, disabilities and mental, emotional and behavioral disorders; and