

[Second Reprint]

ASSEMBLY, No. 4246

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 8, 2020

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Assemblyman DANIEL R. BENSON

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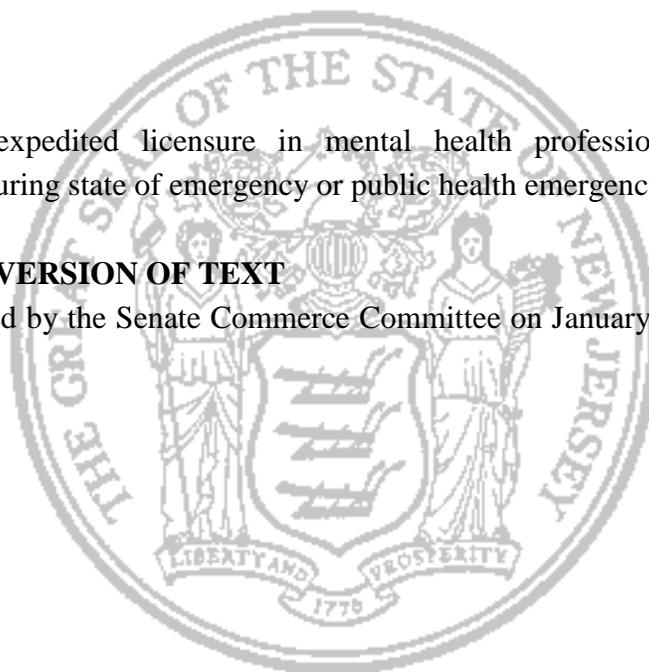
**Assemblyman Giblin, Assemblywomen Murphy, McKnight, Lampitt,
Jasey, Downey, Mosquera, Swain, Assemblymen Tully and Houghtaling**

SYNOPSIS

Permits expedited licensure in mental health professions for certain individuals during state of emergency or public health emergency.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on January 21, 2021, with amendments.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning professional and occupational licenses for
 2 certain out-of-State individuals, and supplementing P.L.1999,
 3 c.403 (C.45:1-7.1 et seq.).

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. a. Notwithstanding the provisions of any other law, rule or
 9 regulation to the contrary, during a state of emergency declared by the
 10 Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or a
 11 public health emergency declared by the Governor pursuant to
 12 P.L.2005, c.222 (C.26:13-1 et seq.), and with the approval of the
 13 Attorney General, a professional licensing board regulating a mental
 14 health profession within the Division of Consumer Affairs in the
 15 Department of Law and Public Safety or, with regard to mental health
 16 professions regulated by the division, the director of the division, as
 17 applicable, may grant a temporary license, certificate of registration or
 18 certification on an expedited basis to a recent graduate in ²New Jersey
 19 or² another state who earned a ¹**["bachelors'"]** master's¹ degree or
 20 higher from a program in ²New Jersey or² another state that is
 21 intended to lead to a career in a mental health profession and is not yet
 22 licensed, registered or certified to practice the mental health profession
 23 in any jurisdiction. Notwithstanding the provisions of any other law,
 24 rule or regulation to the contrary, and to effectuate the purposes of this
 25 act, the ²**["board or"]**² director ²**["**, as applicable,**"]**² may take additional
 26 action necessary to protect the public health, safety and welfare,
 27 including but not limited to the following:

28 (1) ¹**["Temporarily waive any requirements to undergo"]** Grant a
 29 temporary license, certificate of registration or certification pending
 30 the results of¹ a criminal history record background check ¹**["as a**
 31 **condition of granting a license, certificate of registration or**
 32 **certification by reciprocity pursuant to this section"]**¹;

33 (2) Temporarily waive any licensing, registration or certification
 34 fees; ²**["or"]**²

35 (3) ²Temporarily waive any examination required for licensing,
 36 registration, or certification; or

37 (4)² Temporarily waive any other requirements contained in Title
 38 45 or other applicable law.

39 b. An individual issued a temporary license, certificate of
 40 registration or certification pursuant to this act shall be:

41 (1) issued a temporary license, certificate of registration or
 42 certification, as applicable, to provide services with an expiration date
 43 marked clearly and conspicuously; and

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted October 8, 2020.

²Senate SCM committee amendments adopted January 21, 2021.

1 (2) supervised by an individual holding a New Jersey-issued
2 license, certificate of registration or certification, in good standing, in
3 the same profession in which the out-of-State individual is to provide
4 services.

5 c. Upon the Governor's lifting of the state of emergency or public
6 health emergency during which a temporary license, certificate of
7 registration or certification was issued to an individual pursuant to this
8 act to practice a mental health profession, or when the temporary
9 license, certificate of registration or certification expires, whichever is
10 sooner, and if the individual intends to remain in New Jersey and
11 practice the mental health profession for which the individual was
12 issued a temporary license, certificate of registration or certification,
13 the individual may apply for a full license, certificate of registration or
14 certification to the requisite licensing board or director, as applicable.

15 d. ²[An] At the discretion of the board or the director, as
16 applicable, an² individual issued a temporary license, certificate of
17 registration or certification pursuant to this act shall be allowed to
18 apply the experience gained in providing services during the state of
19 emergency or public health emergency to a requirement for experience
20 when applying for full professional licensure, registration or
21 certification to the requisite professional board or, for certain mental
22 health professions regulated by the Division of Consumer Affairs, the
23 director.

24 e. ²The Division of the Consumer Affairs shall be authorized to
25 impose program requirements that are not inconsistent with the
26 provisions of this section.

27 f. The exercise of the authority provided in this section to grant a
28 temporary license, certificate of registration, or certification on an
29 expedited basis or to take any other action necessary to protect the
30 public health, safety, and welfare shall not be required to comply with
31 the requirements of the "Administrative Procedures Act," P.L.1968,
32 c.410 (C.52:14B-1 et seq.).

33 g. ² As used in this act:

34 "Mental health profession" means a profession licensed by the
35 Alcohol and Drug Counselor Committee; the State Board of Creative
36 Arts and Activities Therapies; the State Board of Marriage and Family
37 Therapy Examiners; the State Board of Medical Examiners; the
38 Professional Counselor Examiners Committee; the Certified
39 Psychoanalysts Advisory Committee; the State Board of Psychological
40 Examiners; the State Board of Social Work Examiners¹; the New
41 Jersey Board of Nursing¹ and any other entity created hereafter under
42 Title 45 to license or otherwise regulate a mental health profession.

43
44 2. This act shall take effect immediately.