

[Second Reprint]

**ASSEMBLY, No. 4246**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JUNE 8, 2020

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator KRISTIN M. CORRADO**

**District 40 (Bergen, Essex, Morris and Passaic)**

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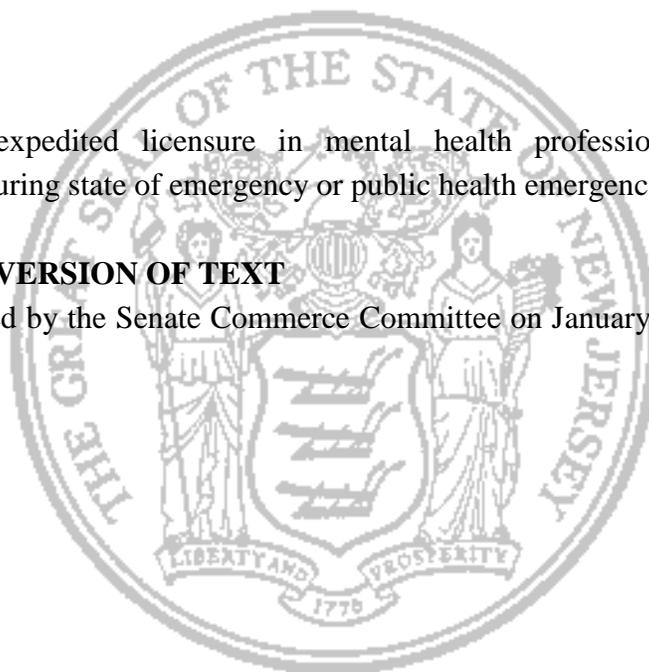
**Assemblyman Giblin, Assemblywomen Murphy, McKnight, Lampitt,  
Jasey, Downey, Mosquera, Swain, Assemblymen Tully and Houghtaling**

**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 <sup>2</sup>New Jersey  
 19 or<sup>2</sup> another state who earned a <sup>1</sup>**["bachelors'"]** master's<sup>1</sup> degree or  
 20 higher from a program in <sup>2</sup>New Jersey or<sup>2</sup> 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 <sup>2</sup>**["board or"]**<sup>2</sup> director <sup>2</sup>**["**, as applicable,**"]**<sup>2</sup> may take additional  
 26 action necessary to protect the public health, safety and welfare,  
 27 including but not limited to the following:

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

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

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

37 (4)<sup>2</sup> 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:

<sup>1</sup>Assembly ARP committee amendments adopted October 8, 2020.

<sup>2</sup>Senate 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. <sup>2</sup>[An] At the discretion of the board or the director, as  
16 applicable, an<sup>2</sup> 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. <sup>2</sup>The 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. <sup>2</sup> 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 Examiners<sup>1</sup>; the New  
41 Jersey Board of Nursing<sup>1</sup> 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.