

[Second Reprint]
ASSEMBLY, No. 843

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen COTTRELL and MALONE

1 AN ACT to license and certify alcohol and drug counselors, creating
2 ²[a State Board of] an² Alcohol and Drug Counselor ²[Examiners]
3 Committee², revising various parts of the statutory law and making
4 an appropriation.

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

8
9 1. (New section) This act shall be known and may be cited as the
10 "Alcohol and Drug Counselor Licensing and Certification Act."

11
12 2. (New section) The Legislature finds and declares that: the
13 profession of alcohol and drug counseling profoundly affects the lives
14 and public safety of the people of New Jersey; the public interest
15 requires the establishment of professional licensing and certification
16 standards for alcohol and drug counselors to protect the citizens of
17 this State by setting standards of education, ethics, competencies and
18 experience for those persons presently practicing and for those seeking
19 to practice and be licensed or certified as alcohol and drug counselors
20 in this State; licensing and certification will enable other professionals,
21 health services providers, employers and the general public to
22 recognize qualified practicing alcohol and drug counselors; and
23 licensing and certification will provide assurances that professionals
24 engaged in alcohol and drug counseling meet acceptable standards of
25 education, experience, ethics and competency in practice which will
26 encourage and promote quality treatment and rehabilitation for drug
27 and alcohol abusers.

28
29 3. (New section) As used in this act:
30 "Alcohol and drug counseling" means the professional application
31 of alcohol and drug counseling methods which assist an individual or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted May 20, 1996.

² Assembly floor amendments adopted December 4, 1997.

1 group to develop an understanding of alcohol and drug dependency
2 problems, define goals, and plan action reflecting the individual's or
3 group's interest, abilities and needs as affected by alcohol and drug
4 dependency problems.

5 ²"Alcohol and Drug Counselor Certification Board of New Jersey,
6 Inc." means the member of the International Certification Reciprocity
7 Consortium of Alcohol and Other Drug Abuse, Inc. which certifies
8 alcohol and drug counselors in the State of New Jersey.²

9 "Board" means the State Board of ²[Alcohol and Drug Counselor
10 Examiners established pursuant to section 11 of this act] Marriage and
11 Family Therapy Examiners².

12 "Certified alcohol and drug counselor" means a person who holds
13 a current, valid certificate issued pursuant to section 5 of this act.

14 ²"Committee" means the Alcohol and Drug Counselor Committee
15 established pursuant to section 12 of this act.²

16 "Department" means the Department of Law and Public Safety.

17 "Director" means the Director of the Division of Consumer Affairs
18 in the Department of Law and Public Safety.

19 "Licensed clinical alcohol and drug counselor" means a person who
20 holds a current, valid license issued pursuant to section 4 of this act.

21 "Self-help group" means a voluntary group of persons who offer
22 peer support to each other in recovering from an addiction.

23 "Supervised practical training" means supervision which seeks to
24 teach the knowledge and skills related to alcohol and drug counseling.

25 "Supervision" means the direct review of a supervisee for the
26 purpose of accountability ^{2, 2} teaching, training, administering, or
27 clinical review by a supervisor in the same area of specialized practice.

28

29 4. (New section) ¹a.¹ ²[The board shall issue a license as a
30 licensed clinical alcohol and drug counselor to an applicant who] Each
31 person applying for licensure as a licensed clinical alcohol and drug
32 counselor shall make application to the board on the form and in the
33 manner the committee prescribes and the board shall immediately refer
34 each application to the committee for appropriate action. Each
35 applicant shall furnish evidence satisfactory to the committee that he²
36 has:

37 ¹[a.] (1)¹ Received a master's degree from an accredited institution
38 of higher education with a minimum of 18 graduate semester hours in
39 counseling or counseling related subjects; and

40 ¹[b.] (2)¹ Successfully completed all the requirements to be a
41 certified alcohol and drug counselor pursuant to section 5 of this act.

42 ¹b. The board shall issue a license as a licensed clinical alcohol and
43 drug counselor to any health care provider licensed by this State who,
44 within the scope of that provider's practice, diagnoses and treats drug
45 or alcohol related disorders, or both, and demonstrates to the board
46 that the person has equivalent education, training and comparable

1 years of experience as required pursuant to subsection a. of this
2 section, except that the person shall be exempt from meeting the
3 provisions of paragraphs (5) and (6) of subsection a. of section 5 of
4 this act.¹

5
6 5. (New section) a. ²[The board shall issue a certificate as a
7 certified alcohol and drug counselor to an applicant who] Each person
8 applying for certification as a certified alcohol and drug counselor shall
9 make application to the board on the form and in the manner the
10 committee prescribes and the board shall immediately refer each
11 application to the committee for appropriate action. Each applicant
12 shall furnish evidence satisfactory to the committee that he has
13 received a high school diploma or a certificate of high school
14 equivalency and that he ² has:

15 (1) Had 300 hours of supervised practical training in alcohol and
16 drug counseling acceptable to the board. This practical training may
17 be part of the work experience pursuant to paragraph (2) of this
18 subsection a. and may be completed under more than one agency or
19 supervisor;

20 (2) Had two years of supervised work experience acceptable to the
21 board which may be paid or voluntary time working directly with
22 alcohol or other drug clients. This experience may include both direct
23 and indirect functions. Formal education or unsupervised work
24 experience may not be substituted for the required experience;

25 (3) Completed 270 hours of alcohol and drug education, including
26 formal classroom education, workshops, seminars, institutes,
27 in-service training and college or university work. This education shall
28 be related to the knowledge and skill base associated with the
29 functions of an alcohol and drug counselor. All education shall be
30 approved by the board;

31 (4) Attended alcohol and drug abuse self-help group meetings as
32 prescribed by the board; and

33 (5) Successfully completed an oral examination on the applicant's
34 written case presentation; and

35 (6) Successfully completed a written examination provided by the
36 board, which may be a written examination administered by a
37 nationally recognized alcohol and drug counseling certification
38 organization.

39 b. The experience and education requirements in subsection a. of
40 this section shall insure that the applicant is competent in the functions
41 of an alcohol and drug abuse counselor, which include: screening,
42 intake, orientation, assessment, treatment planning, counseling, case
43 management, crisis intervention, education and prevention, referral,
44 consultation with other professionals in regard to client treatment and
45 services, and reporting and recordkeeping.

1 ²6. (New section) The committee shall review the qualifications of
2 each person who applies for licensure or certification. No applicant
3 shall be licensed or certified by the board unless a majority of the full
4 committee first determines that the applicant has met the education
5 and experience requirements and performed satisfactorily on the
6 appropriate examinations required pursuant to this act. All applicants
7 who are determined to be qualified and are recommended for licensure
8 or certification by the committee shall be considered for licensure or
9 certification by the board, with the final decisions to be made by the
10 board. The board is authorized to review the actions taken by the
11 committee with respect to the committee's evaluation and examination
12 of applicants for licensure as licensed clinical alcohol and drug
13 counselors or for certification as certified alcohol and drug counselors
14 and the board may reverse, modify or fail to implement any
15 determination by the committee with an affirmative vote of a majority
16 of the board.²

17
18 ²[6.] 7.² (New section) ²[a. Each license or certification issued
19 by the board shall become effective upon issuance and shall expire on
20 the last day of the month in the year that is exactly two years from the
21 year and month in which the license or certification was issued.

22 b. The license or certification may be renewed biennially by the
23 payment of a renewal fee set by the board and by the execution and
24 submission of a sworn statement by the applicant, made on a form
25 provided by the board, that the license or certification for which
26 renewal is sought has not been revoked or is not currently suspended.
27 Each applicant shall present satisfactory evidence when seeking license
28 or certification renewal that in the period since the license or
29 certification was issued, the continuing education requirements of this
30 act have been completed. Applications for renewal may be made
31 within 180 days after the expiration of the license or certification.
32 Thereafter, a new license or certification application shall be required.]

33 Each initial application under this act shall be accompanied by a fee
34 as prescribed by the committee. Licenses and certifications shall be
35 renewed biennially upon a form provided by the board, accompanied
36 by payment of a fee prescribed by the board. Each applicant shall
37 apply for renewal of licensure or certification within 180 days of
38 expiration, and shall present satisfactory evidence that the continuing
39 education requirements have been completed. If the certificate or
40 license is not renewed within 180 days of expiration, the license or
41 certification shall be revoked upon notice by the board. A license or
42 certification which has been revoked may be reinstated within three
43 years, upon payment to the board of a prescribed reinstatement fee in
44 addition to the renewal fee for each year or part thereof during which
45 the license or certification was ineffective. After the three-year period,
46 the license or certification may be reinstated only by complying with

1 the provisions of this act regarding initial licensure or certification.²

2

3 ²[7.] 8.² (New section) a. No person shall engage in the practice
4 of alcohol and drug counseling as a licensed clinical alcohol and drug
5 counselor ²[or certified alcohol and drug counselor, or present, call or
6 represent himself as a licensed clinical alcohol and drug counselor or
7 certified alcohol and drug counselor]² unless licensed ²[or certified]²
8 under this act. ²No person shall engage in the practice of alcohol and
9 drug counseling as a certified alcohol and drug counselor unless
10 certified under this act. No person shall present, call or represent
11 himself as a licensed clinical alcohol and drug counselor unless
12 licensed under this act. No person shall present, call or represent
13 himself as a certified alcohol and drug counselor unless certified under
14 this act.²

15 b. No person shall assume, represent himself as, or use the title or
16 designation "alcoholism counselor," "alcohol counselor," "drug
17 counselor," "alcohol and drug counselor," "alcoholism and drug
18 counselor," "licensed clinical alcohol and drug counselor," "certified
19 alcohol and drug counselor," "substance abuse counselor," "chemical
20 dependency counselor," or "chemical dependency supervisor," or any
21 of the abbreviations for the above titles, unless licensed or certified
22 under this act, and unless the title or designation corresponds to the
23 license or certification held by the person pursuant to this act.

24 c. No person shall engage in the independent practice of alcohol
25 and drug counseling for a fee unless the person is licensed under this
26 act as a licensed clinical alcohol and drug counselor ²or the person is
27 a certified alcohol and drug counselor practicing under the supervision
28 of a licensed clinical alcohol and drug counselor².

29

30 ²[8.] 9.² (New section) a. Nothing in this act shall be construed
31 to prevent a person from engaging in or offering alcohol and drug
32 addiction services such as self-help, sponsorship through alcoholics
33 and narcotics anonymous groups or other uncompensated alcohol and
34 drug addiction counseling assistance.

35 b. Nothing in this act shall be construed to apply to the activities
36 and services of a designated employee or other agent of a private
37 employer who has been designated to be involved in the evaluation or
38 referral for counseling of employees of the private employer, or an
39 employee or other agent of a recognized academic institution, a
40 federal, State, county or local government institution, agency or
41 facility, or a school district, if the individual is performing these
42 activities solely within the company or agency, as the case may be, or
43 under the jurisdiction of that company or agency and if a license
44 granted under this act is not a requirement for employment.

45 c. Nothing in this act shall be construed to apply to the activities
46 and services of a rabbi, priest, minister, Christian Science practitioner

1 or clergyman of any religious denomination or sect, when engaging in
2 activities, which are within the scope of the performance of the
3 person's regular or specialized ministerial duties and for which no
4 separate charge is made, or when these activities are performed, with
5 or without charge, for or under the auspices or sponsorship,
6 individually or in conjunction with others, of an established and legally
7 cognizable church, denomination, or sect, and when the person
8 rendering services remains accountable to the established authority
9 thereof.

10 d. Nothing in this act shall be construed to apply to the activities
11 and services of a student, intern or trainee in alcohol and drug
12 addiction counseling pursuing a course of study in counseling in a
13 regionally accredited institution of higher education or training
14 institution, if these activities are performed under supervision and
15 constitute a part of the supervised course of study.

16 e. Nothing in this act shall be construed to ²[apply to the activities
17 and services of a person licensed in the State to practice medicine and
18 surgery, psychology, marriage counseling, social work, clinical social
19 work, chiropractic, acupuncture, physical therapy, occupational
20 therapy, speech pathology and audiology, nursing or any other
21 profession licensed by the State, when acting within the scope of the
22 person's profession or occupation and doing work of a nature
23 consistent with a person's training] prevent a person from doing work
24 of an alcohol or drug counseling nature, or advertising those services,
25 when acting within the scope of the person's profession or occupation
26 and doing work consistent with the person's training, including
27 physicians, clinical social workers, psychologists, nurses or any other
28 profession or occupation licensed by the State, or students within
29 accredited programs of these professions², if the person does not hold
30 himself out to the public as possessing a license or ²[certificate]
31 certification² issued pursuant to this act.

32
33 ²[9.] 10.² (New section) The board may grant a license or
34 certification to any person who at the time of application is licensed or
35 certified by a governmental agency located in another state, territory
36 or jurisdiction, if in the opinion of the ²[board] committee² the
37 requirements of that licensure or certification are substantially similar
38 to the requirements of this act.

39
40 ²[10.] 11.² (New section) An alcohol and drug counselor or
41 clinical alcohol and drug counselor certified or licensed pursuant to the
42 provisions of this act, or his employee, shall not disclose any
43 confidential information that the counselor, or his employee, may have
44 acquired while performing alcohol and drug counseling services for a
45 patient unless in accordance with the federal regulations regarding the
46 confidentiality of alcohol and drug patient records pursuant to 42

1 C.F.R. 2.1 et seq.

2

3 ²[11.] 12.² (New section) There is ²[created within the Division
4 of Consumer Affairs] established a committee of the board to be
5 known as² the ²[State Board of] ²Alcohol and Drug Counselor
6 ²[Examiners] Committee². The ²[board] committee² shall consist of
7 ²[nine] five² members who are residents of the State, ²[two] one² of
8 whom shall be ²a² public ²[members] member² appointed pursuant to
9 the provisions of subsection b. of section 2 of P.L.1971, c.60
10 (C.45:1-2.2) ²[and one of whom shall be the Commissioner of Health,
11 or his designee, appointed in fulfillment of the requirement of
12 subsection c. of that section]². Of the ²[six] four² remaining members,
13 ²[one shall be a person who is either an educator representing a
14 baccalaureate or master's level program in counseling or actively
15 engaged in alcohol and drug counseling research and five] all² shall
16 have been actively engaged in the practice of alcohol and drug
17 counseling for at least five years immediately preceding their
18 appointment, have spent the major portion of time devoted to such
19 activity, during the two years preceding appointment, in this State, and
20 except for the members first appointed, ²[three] two² shall be licensed
21 clinical alcohol and drug counselors and two shall be certified alcohol
22 and drug counselors.

23

24 ²[12.] 13.² (New section) a. The Governor shall appoint each
25 member of the ²[board] committee² for ²[a term] terms² of three
26 years, except that of the members first appointed, three shall serve for
27 ²[terms] a term² of three years ²[, three shall serve for terms of two
28 years]² and two shall serve for terms of ²[one year] two years². Any
29 vacancy in the membership shall be filled for the unexpired term in the
30 manner provided by the original appointment. No member of the
31 ²[board] committee² may serve more than two successive terms in
32 addition to any unexpired term to which he has been appointed. The
33 Governor may remove any member of the ²[board, other than the State
34 executive department member,] committee² for cause.

35 ²The committee shall annually elect from its members a chairperson
36 and a vice-chairperson.

37 Regular meetings of the committee shall be held at least once during
38 each quarter of the year and special meetings may be held upon the call
39 of the chairperson or the vice-chairperson in the chairperson's
40 absence.²

41 b. The first appointees to the ²[board who] committee must² meet
42 the qualifications to be licensed or certified ²and² shall ²[be deemed to
43 be and shall]² become licensed clinical alcohol and drug counselors or
44 certified alcohol and drug counselors ²[immediately upon their
45 appointment and qualification as members of the board] as soon as
46 practical².

- 1 ²[13.] 14.² (New section) The ²[board] committee² shall, in
2 addition to such other powers and duties as it may possess by law ²or
3 that may be delegated to the committee by the board²:
- 4 a. Administer the provisions of this act;
- 5 b. ²[Examine and pass on] Evaluate² the qualifications ²and make
6 a determination of the eligibility for licensure and certification² of all
7 applicants ²[for licensure or certification]² under this act, ²[and issue
8 a license or certificate to each qualified successful applicant, therefor]²
9 attesting to the applicant's professional qualification to practice as a
10 licensed clinical alcohol and drug counselor or certified alcohol and
11 drug counselor;
- 12 c. ²[Examine, evaluate and supervise all examinations and
13 procedures and certify as to whether or not the examinations and
14 procedures are as free as possible from cultural and linguistic bias]
15 Investigate allegations of practice violating the provisions of this act²;
- 16 d. ²[Adopt a seal which shall be affixed to all licenses and
17 certificates issued by it] Conduct hearings pursuant to the
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
19 seq.), except that the director shall have the right to administer oaths
20 to witnesses, and shall have the power to issue subpoenas for the
21 compulsory attendance of witnesses and the production of pertinent
22 books, papers and records²;
- 23 e. ²[Adopt] Recommend² rules and regulations pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
25 as it may deem necessary to enable it to perform its duties under and
26 to enforce the provisions of this act, including, but not limited to: rules
27 and regulations that set professional practice standards for licensed
28 clinical alcohol and drug counselors in the independent practice of
29 alcohol and drug counseling for a fee and for certified alcohol and
30 drug counselors;
- 31 f. ²[Annually publish] Maintain² a list of the names and addresses
32 of all licensed clinical alcohol and drug counselors and all certified
33 alcohol and drug counselors who are licensed or certified under this
34 act; ²and²
- 35 g. Establish standards for the continuing education of licensed
36 clinical alcohol and drug counselors and certified alcohol and drug
37 counselors ²[which shall not exceed 40 hours every two years];
- 38 h. Recommend to the Governor and Legislature modifications and
39 amendments to this act deemed necessary by it to effectuate its
40 purposes; and
- 41 i. Prescribe or change the charges for examinations, certifications,

1 licensures, renewals and other services performed pursuant to
2 P.L.1974, c.46 (C.45:1-3.1 et seq.)]².

3
4 ²[14.] 15.² (New section) a. ²[The] An² executive director of the
5 ²[board] committee² shall be appointed by the director and shall serve
6 at the director's pleasure. The salary of the executive director shall be
7 determined by the director within the limits of available funds. The
8 director shall be empowered within the limits of available funds to hire
9 any assistants as are necessary to administer this act.

10 b. Each member of the ²[board] committee² shall be ²compensated
11 on a per diem basis pursuant to subsection a. of section 2 of P.L.1977,
12 c.285 (C.45:1-2.5), and shall be² reimbursed for actual expenses
13 reasonably incurred in the performance of the duties as a member or
14 on behalf of the ²[board] committee².

15 c. The ²[board] committee², through its executive director, may
16 issue subpoenas to compel the attendance of witnesses to testify before
17 the ²[board] committee² and produce relevant books, records and
18 papers before the ²[board] committee² and may administer oaths in
19 taking testimony, in any matter pertaining to its duties under the act,
20 which subpoenas shall issue under the seal of the board and shall be
21 served in the same manner as subpoenas issued out of the Superior
22 Court. A person who refuses or neglects to obey the command of any
23 subpoena, or who, after hearing, refuses to be sworn and testify, shall,
24 in either event, be liable to a penalty.

25 ²d. The board shall by rule or regulation establish, prescribe or
26 change the fees for licenses, certifications or other services provided
27 by the board or the committee pursuant to the provisions of this act.²

28
29 ²[15. (New section) a. A person may file a petition with the board
30 if he has cause to believe that a licensed clinical alcohol and drug
31 counselor or certified alcohol and drug counselor has violated any
32 statutes, regulations or the code of ethics.

33 b. The board may direct its executive director to conduct any
34 investigation that it deems necessary.

35 c. If the executive director of the board finds that there is not
36 sufficient evidence to establish the alleged violation, he shall notify the
37 board, petitioner and respondent and no further action shall be taken.
38 If the executive director of the board finds that there is sufficient
39 evidence, he shall designate a hearing panel which shall consist of
40 three members of the board for the purposes of conducting any hearing
41 regarding a complaint against a licensed clinical alcohol and drug
42 counselor or certified alcohol and drug counselor and shall report the
43 panel's recommendations to the board.

44 (1) The board shall issue a notice of the hearing. All parties shall
45 be afforded the opportunity to respond and present oral and written
46 evidence on the issue involved in the complaint.

1 (2) The hearing panel shall make a written report to the board, the
2 respondents and any other party deemed by the panel to be entitled to
3 a copy. The report shall include the recommendations of the panel, a
4 brief statement of findings of fact and reasons supporting the
5 recommendations.

6 d. The board shall issue its decision on the complaint.

7 e. The licensed clinical alcohol and drug counselor's or certified
8 alcohol and drug counselor's name shall be removed from the registry
9 if the license or certification is revoked by the board. If the counselor
10 is suspended by the board, notice of the suspension shall be recorded
11 in the registry during the time the suspension is in force.]²

12
13 ²[16. (New section) In addition to the provisions of section 8 of
14 P.L.1978, c.73 (C.45:1-21), the board may refuse to grant a license or
15 certificate to, or may suspend, revoke, condition, limit, qualify or
16 restrict the license or certificate of, any individual who the board, after
17 a hearing, determines:

18 a. Is incompetent to practice under the provisions of this act, or is
19 found to engage in the practice of alcohol and drug counseling in a
20 manner harmful or dangerous to a client or to the public;

21 b. Was convicted by a court of competent jurisdiction of a crime
22 that the board determines is of a nature to render the convicted person
23 unfit to practice alcohol and drug counseling and the board shall
24 compile, maintain and publish a list of such crimes;

25 c. Obtained or attempted to obtain a license or certification, or
26 renewal thereof, by bribery or fraudulent representation;

27 d. Knowingly made a false statement on a form required by the
28 board for licensing or certification, or renewal thereof;

29 e. Practiced alcohol and drug counseling under a false or assumed
30 name or impersonation of a licensed clinical alcohol and drug
31 counselor or certified alcohol and drug counselor or permitted an
32 unlicensed or uncertified person to practice alcohol and drug
33 counseling in the name of a person licensed or certified pursuant to the
34 provisions of this act or to use his license or certificate for that
35 purpose;

36 f. Is impaired in the delivery of professional services because of
37 alcohol or drug abuse or because of a medical or psychiatric disability,
38 or has pleaded nolo contendere, non vult contendere or non vult to an
39 indictment, information or complaint alleging a violation of any federal
40 or State law relating to drug or alcohol use or possession or sale or
41 distribution of alcohol or drugs, or is convicted in any court for a
42 violation of such laws;

43 g. Was negligent or engaged in misconduct in the performance of
44 his professional duties as a licensed clinical or certified alcohol and
45 drug counselor;

46 h. Engaged in sexual misconduct with a patient or family member

1 of a patient;

2 i. Engaged in advertising in any manner, whether as an individual,
3 through a professional service corporation or through a third party on
4 behalf of a person licensed or certified pursuant to this act, the
5 practice of alcohol and drug counseling; provided, however, that the
6 following shall not be deemed to be advertising prohibited under this
7 act:

8 (1) Public information for educational purposes on the practice or
9 profession of alcohol and drug counseling;

10 (2) Publication of a brief announcement of the opening of an office
11 or the removal to a new location, containing the name, professional
12 degree, address, telephone number and office hours of the person
13 licensed or certified pursuant to the provisions of this act;

14 (3) A listing in an alphabetical telephone directory of the name of
15 a person licensed or certified pursuant to the provisions of this act,
16 together with his professional degree or the abbreviation therefor;

17 (4) A listing in a classified telephone directory with standard type
18 limited to the name, professional degree, office and home addresses
19 and telephone numbers, and office hours of a person licensed or
20 certified pursuant to the provisions of this act; and

21 (5) The use of small signs on the doors, windows and walls of a
22 licensee's or certified person's office or the building in which he
23 maintains an office setting out his name, professional degree, address
24 and office hours in lettering no larger than four inches in height for
25 street-level offices and no larger than six inches in height for offices
26 above street-level;

27 j. Failed to obtain the continuing education credits required by the
28 board; or

29 k. Violated any of the provisions of this act or any rule, regulation
30 or code of ethics subscribed to by the board.]]²

31

32 ²[17. (New section) The director shall set and adjust license and
33 certification fees for alcohol and drug counselors so that the total fees
34 collected will as closely as possible equal anticipated expenditures
35 during the fiscal year. All expenditures deemed necessary to carry out
36 the provisions of this act shall be paid by the State Treasurer from the
37 license and certification fees and other sources of income of the board,
38 but in no event shall expenditures exceed the revenues of the board
39 during any fiscal year.]]²

40

41 ²[18.] 16.² (New section) a. On or before the 730th day following
42 the effective date of this act, ²upon application to the board on the
43 form and in the manner the committee prescribes and the board
44 approves.² any person certified in New Jersey by the Alcohol and Drug
45 Counselor Certification Board of New Jersey², Inc.² as an alcoholism
46 counselor on the ²[effective] enactment² date of this act who

1 demonstrates to the board that he has successfully completed 30
2 classroom hours in drug education may acquire a certificate as a
3 certified alcohol and drug counselor without meeting the requirements
4 set forth in section 5 of this act.

5 b. On or before the 730th day following the effective date of this
6 act, ²upon application to the board on the form and in the manner the
7 committee prescribes and the board approves,² any person certified in
8 New Jersey by the Alcohol and Drug Counselor Certification Board of
9 New Jersey², Inc.² as a drug counselor on the ²[effective] enactment²
10 date of this act who demonstrates to the board that he has successfully
11 completed 50 classroom hours in alcohol education may acquire a
12 certificate as a certified alcohol and drug counselor without meeting
13 the requirements set forth in section 5 of this act.

14 ²c. On or before the 730th day following the effective date of this
15 act, upon application to the board on the form and in the manner the
16 committee prescribes and the board approves, any person who has
17 practiced as an alcohol and drug counselor for at least five years and
18 is certified in New Jersey by the Alcohol and Drug Counselor
19 Certification Board of New Jersey, Inc. as an alcohol and drug
20 counselor on the enactment date of this act may be licensed as a
21 licensed clinical alcohol and drug counselor without meeting the
22 requirements set forth in section 4 of this act.²

23
24 ²17. (New section) The provisions of P.L.1978, c.73 (C.45:1-14
25 et seq.) shall apply to this act. The authority of the board may be
26 delegated to the committee at the discretion of the board.²

27
28 ²18. (New section) The board shall refuse to admit a person to
29 an examination for licensure or certification and shall refuse to issue
30 and shall revoke a license or certificate issued upon:

31 a. proof that the applicant or holder of the license or certificate has
32 been convicted of a crime of the first, second, third or fourth degree
33 in this State, or the equivalent thereof or other indictable offense in
34 another jurisdiction; and

35 b. a determination by the board that the criminal conviction renders
36 the applicant or holder of a license or certificate unfit to engage in the
37 practice of alcohol and drug counseling. If an applicant or holder
38 affirmatively demonstrates rehabilitation by clear and convincing
39 evidence, the board shall not refuse to admit the applicant to an
40 examination and shall not refuse to issue nor revoke a license or
41 certificate to a holder thereof. In determining whether a person has
42 affirmatively demonstrated rehabilitation, the following factors shall be
43 considered:

44 (1) the nature and responsibility of the position which the convicted
45 person would hold or has held, as the case may be;

46 (2) the nature and seriousness of the offense;

- 1 (3) the circumstances under which the offense occurred;
2 (4) the date of the offense;
3 (5) the age of the person when the offense was committed;
4 (6) whether the offense was an isolated or repeated incident;
5 (7) any social conditions which may have contributed to the
6 offense; and
7 (8) any evidence of rehabilitation, including good conduct in prison
8 or in the community, counseling or psychiatric treatment received,
9 acquisition of additional academic or vocational schooling, successful
10 participation in correctional work-release programs, or the
11 recommendation of those who have had the person under their
12 supervision.²

13
14 ²19. Section 9 of P.L.1968, c.401 (C.45:8B-9) is amended to read
15 as follows:

16 9. There is hereby created in the Division of Consumer Affairs of
17 the Department of Law and Public Safety, the State Board of Marriage
18 and Family Therapy Examiners, which shall consist of [11] 12
19 members, who are residents of this State and citizens of the United
20 States, six of whom shall be licensed practicing marriage and family
21 therapists, one of whom shall be a licensed professional counselor
22 currently serving on the Professional Counselor Examiners Committee,
23 one of whom shall be a licensed clinical alcohol and drug counselor
24 currently serving on the Alcohol and Drug Counselor Committee, and
25 three of whom shall be public members, including the public member
26 appointed pursuant to the provisions of section 2 of P.L.1971, c.60
27 (C.45:1-2.2), and one of whom shall be a State executive department
28 member appointed pursuant to the provisions of P.L.1971, c.60
29 (C.45:1-2.1 et seq.).²
30 (cf: P.L.1995, c.366, s.7)

31
32 ²[19. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
33 as follows:

34 1. The provisions of this act shall apply to the following boards and
35 commissions: the New Jersey State Board of Accountancy, the New
36 Jersey State Board of Architects, the New Jersey State Board of
37 Cosmetology and Hairstyling, the Board of Examiners of Electrical
38 Contractors, the New Jersey State Board of Dentistry, the State Board
39 of Mortuary Science of New Jersey, the State Board of Professional
40 Engineers and Land Surveyors, the State Board of Marriage and
41 Family Therapy Examiners, the State Board of Medical Examiners, the
42 New Jersey Board of Nursing, the New Jersey State Board of
43 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
44 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
45 of Professional Planners, the State Board of Psychological Examiners,
46 the State Board of Examiners of Master Plumbers, the New Jersey

1 Real Estate Commission, the State Board of Shorthand Reporting, the
2 State Board of Veterinary Medical Examiners, the Radiologic
3 Technology Board of Examiners, the Acupuncture Examining Board,
4 the State Board of Chiropractic Examiners, the State Board of
5 Respiratory Care, the Real Estate Appraiser Board, the State Board of
6 Social Work Examiners, [and] the State Board of Public Movers and
7 Warehousemen and the State Board of Alcohol and Drug Counselor
8 Examiners.

9 (cf: P.L.1995, c.366, s.20)]²

10

11 ²[20. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
12 as follows:

13 2. a. All members of the several professional boards and
14 commissions shall be appointed by the Governor in the manner
15 prescribed by law; except in appointing members other than those
16 appointed pursuant to subsection b. or subsection c., the Governor
17 shall give due consideration to, but shall not be bound by,
18 recommendations submitted by the appropriate professional
19 organizations of this State.

20 b. In addition to the membership otherwise prescribed by law, the
21 Governor shall appoint in the same manner as presently prescribed by
22 law for the appointment of members, two additional members to
23 represent the interests of the public, to be known as public members,
24 to each of the following boards and commissions: the New Jersey
25 State Board of Accountancy, the New Jersey State Board of
26 Architects, the New Jersey State Board of Cosmetology and
27 Hairstyling, the New Jersey State Board of Dentistry, the State Board
28 of Mortuary Science of New Jersey, the State Board of Professional
29 Engineers and Land Surveyors, the State Board of Medical Examiners,
30 the New Jersey Board of Nursing, the New Jersey State Board of
31 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
32 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
33 of Professional Planners, the State Board of Psychological Examiners,
34 the New Jersey Real Estate Commission, the State Board of Shorthand
35 Reporting, the State Board of Social Work Examiners, [and] the State
36 Board of Veterinary Medical Examiners, and the State Board of
37 Alcohol and Drug Counselor Examiners, and one additional public
38 member to each of the following boards: the Board of Examiners of
39 Electrical Contractors, the State Board of Marriage and Family
40 Therapy Examiners, the State Board of Examiners of Master
41 Plumbers, and the State Real Estate Appraiser Board. Each public
42 member shall be appointed for the term prescribed for the other
43 members of the board or commission and until the appointment of his
44 successor. Vacancies shall be filled for the unexpired term only. The
45 Governor may remove any such public member after hearing, for

1 misconduct, incompetency, neglect of duty or for any other sufficient
2 cause.

3 No public member appointed pursuant to this section shall have any
4 association or relationship with the profession or a member thereof
5 regulated by the board of which he is a member, where such
6 association or relationship would prevent such public member from
7 representing the interest of the public. Such a relationship includes
8 a relationship with members of one's immediate family; and such
9 association includes membership in the profession regulated by the
10 board. To receive services rendered in a customary client relationship
11 will not preclude a prospective public member from appointment. This
12 paragraph shall not apply to individuals who are public members of
13 boards on the effective date of this act.

14 It shall be the responsibility of the Attorney General to insure that
15 no person with the aforementioned association or relationship or any
16 other questionable or potential conflict of interest shall be appointed
17 to serve as a public member of any board regulated by this section.

18 Where a board is required to examine the academic and professional
19 credentials of an applicant for licensure or to test such applicant
20 orally, no public member appointed pursuant to this section shall
21 participate in such examination process; provided, however, that
22 public members shall be given notice of and may be present at all such
23 examination processes and deliberations concerning the results thereof,
24 and, provided further, that public members may participate in the
25 development and establishment of the procedures and criteria for such
26 examination processes.

27 c. The Governor shall designate a department in the Executive
28 Branch of the State Government which is closely related to the
29 profession or occupation regulated by each of the boards or
30 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)
31 and shall appoint the head of such department, or the holder of a
32 designated office or position in such department, to serve without
33 compensation at the pleasure of the Governor as a member of such
34 board or commission.

35 d. A majority of the voting members of such boards or
36 commissions shall constitute a quorum thereof and no action of any
37 such board or commission shall be taken except upon the affirmative
38 vote of a majority of the members of the entire board or commission.
39 (cf: P.L.1995, c.336, s.21)]²

40

41 ²[21. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
42 as follows:

43 1. The provisions of this act shall apply to the following boards and
44 commissions: the New Jersey State Board of Accountancy, the New
45 Jersey State Board of Architects, the New Jersey State Board of
46 Cosmetology and Hairstyling, the Board of Examiners of Electrical

1 Contractors, the New Jersey State Board of Dentistry, the State Board
2 of Mortuary Science of New Jersey, the State Board of Professional
3 Engineers and Land Surveyors, the State Board of Marriage and
4 Family Therapy Examiners, the State Board of Medical Examiners, the
5 New Jersey Board of Nursing, the New Jersey State Board of
6 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
7 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
8 of Professional Planners, the State Board of Psychological Examiners,
9 the State Board of Examiners of Master Plumbers, the State Board of
10 Shorthand Reporting, the State Board of Veterinary Medical
11 Examiners, the Radiologic Technology Board of Examiners, the
12 Acupuncture Examining Board, the State Board of Chiropractic
13 Examiners, the State Board of Respiratory Care, the State Real Estate
14 Appraiser Board, [and] the State Board of Social Work Examiners ,
15 and the State Board of Alcohol and Drug Counselor Examiners.
16 (cf: P.L.1995, c.336, s.22)]²
17

18 ²[22. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
19 as follows:

20 2. The provisions of this act shall apply to the following boards and
21 all professions or occupations regulated by or through such boards:
22 the New Jersey State Board of Accountancy, the New Jersey State
23 Board of Architects, the New Jersey State Board of Cosmetology and
24 Hairstyling, the Board of Examiners of Electrical Contractors, the
25 New Jersey State Board of Dentistry, the State Board of Mortuary
26 Science of New Jersey, the State Board of Professional Engineers and
27 Land Surveyors, the State Board of Marriage and Family Therapy
28 Examiners, the State Board of Medical Examiners, the New Jersey
29 Board of Nursing, the New Jersey State Board of Optometrists, the
30 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic
31 Technicians, the Board of Pharmacy, the State Board of Professional
32 Planners, the State Board of Psychological Examiners, the State Board
33 of Examiners of Master Plumbers, the State Board of Shorthand
34 Reporting, the State Board of Veterinary Medical Examiners, the
35 Acupuncture Examining Board, the State Board of Chiropractic
36 Examiners, the State Board of Respiratory Care, the State Real Estate
37 Appraiser Board, [and] , the State Board of Social Work Examiners
38 and the State Board of Alcohol and Drug Counselor Examiners.
39 (cf: P.L.1995, c.336, s.23)]²
40

41 ²[23.] 20.² There is appropriated from the General Fund to the
42 Division of Consumer Affairs in the Department of Law and Public
43 Safety \$95,000 for the use of the board to implement and effectuate
44 the provisions of this act.
45

46 ²[24.] 21.² This act shall take effect ²[immediately except that

1 subsections a. and b. of section 7 of this act shall take effect on the
2 730th day following enactment] 360 days following the appointment
3 and qualification of committee members².

4

5

6

7

8 Establishes the "Alcohol and Drug Counselor Licensing and
9 Certification Act," appropriates \$95,000.