

[First Reprint]
ASSEMBLY, No. 2106

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblyman STEELE, Assemblywoman POU,
Assemblyman Greenwald, Assemblywoman Weinberg and
Assemblyman Dalton

1 AN ACT concerning the licensure of professional counselors ¹[and] ¹
2 associate counselors ¹, and rehabilitation counselors¹ and amending
3 the title and body of and supplementing¹ P.L.1993, c.340.

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

7
8 ¹1. The title of P.L.1993, c.340 is amended to read as follows:
9 AN ACT to license professional counselors [and], associate counselors
10 and rehabilitation counselors and amending and supplementing
11 Chapter 8B of Title 45 of the Revised Statutes.¹
12 (cf: P.L.1993, c.340, Title)

13
14 ¹2. Section 2 of P.L.1993, c.340 (C.45:8B-35) is amended to read
15 as follows:

16 2. The [profession] professions of counseling and rehabilitation
17 counseling in the State of New Jersey [is] are determined to affect the
18 public safety and welfare, and to be subject to regulation and control
19 in the public interest in order to protect the public by setting standards
20 of qualification, education, training, and experience for those persons
21 seeking to practice and be licensed as professional counselors [and] ,
22 associate counselors and rehabilitation counselors.¹
23 (cf: P.L.1993, c.340, s.2)

24
25 ¹3. Section 3 of P.L.1993, c.340 (C.45:8B-36) is amended to read
26 as follows:

27 3. As used in this act:
28 "Board" means the State Board of Marriage and Family Therapy
29 Examiners.

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 floor amendments adopted March 13, 1997.

1 "Committee" means the Professional Counselor Examiners
2 Committee.

3 "Counseling" means offering to assist or assisting, for a fee or other
4 compensation, an individual or group through a counseling relationship
5 to develop an understanding of interpersonal and intra personal
6 problems and to plan and act on a course of action to restore optimal
7 functioning to that individual or group but does not mean
8 rehabilitation counseling.

9 "Counseling specialty" means a field of specialization in which
10 counseling takes place and which has been designated as a counseling
11 specialty by the committee.

12 "Licensed associate counselor" means an individual who holds a
13 current, valid license as a licensed associate counselor pursuant to this
14 act and who practices counseling under the direct supervision of a
15 licensed professional counselor or a supervisor acceptable to the
16 committee.

17 "Licensed professional counselor" means an individual who holds
18 a current, valid license as a licensed professional counselor pursuant
19 to this act.

20 "Licensed rehabilitation counselor" means an individual who holds
21 a current, valid license as a licensed rehabilitation counselor pursuant
22 to this amendatory and supplementary act.

23 "Rehabilitation counseling" means offering to assist or assisting, for
24 a fee or other compensation, an individual through a rehabilitation
25 counseling relationship to develop an understanding of the personal,
26 social and vocational impact of their disabilities and to plan and
27 implement a rehabilitation program, which may include training to help
28 the person become more independent and employable.¹

29 (cf: P.L.1995, c.366, s.18)

30

31 ¹4. Section 4 of P.L.1993, c.340 (C.45:8B-37) is amended to read
32 as follows:

33 4. There is established a committee of the board to be known as
34 the Professional Counselor Examiners Committee. The committee
35 shall consist of [~~five~~] six residents of this State, four of whom shall be
36 licensed professional counselors engaged primarily in the practice of
37 counseling [~~and~~] , one of whom shall be a licensed professional
38 counselor engaged primarily in teaching, training or research in
39 counseling and one of whom shall be a licensed rehabilitation
40 counselor primarily engaged in the practice of rehabilitation
41 counseling.

42 The members of the committee shall be appointed by the Governor
43 for terms of three years, except that the terms of the first [~~five~~] six
44 members of the committee shall be as follows: one member for a term
45 of one year, two members for a term of two years, and [~~two~~] three
46 members for a term of three years. A member of the committee shall

1 not be eligible to succeed himself more than once. Vacancies shall be
2 filled for the unexpired term in the manner provided by the original
3 appointment. The Governor may remove any member of the board for
4 cause, upon notice and opportunity to be heard.

5 The first appointees shall become licensed as soon as practicable
6 after their appointments.

7 Members of the committee shall receive no compensation for their
8 services, but may be reimbursed for all necessary expenses incidental
9 to performance of their duties as members of the committee.

10 The committee shall annually elect from its members a chairperson
11 and a vice-chairperson.

12 Regular meetings of the committee shall be held at least once during
13 each quarter of the year and special meetings may be held upon the call
14 of the chairperson or the vice-chairperson in the chairperson's absence.

15 ~~Three~~ Four members of the committee shall constitute a quorum and
16 no action shall be taken at a meeting without at least ~~three~~ four votes
17 in accord.¹

18 (cf: P.L.1993, c.340, s.4)

19
20 ¹5. Section 5 of P.L.1993, c.340 (C.45:8B-38) is amended to read
21 as follows:

22 5. The committee is authorized to: administer examinations
23 required pursuant to this act; review the content and duration of
24 courses of study offered by colleges and universities for degrees in
25 counseling or rehabilitation counseling, and to establish and maintain
26 a register of colleges and universities whose curricula in counseling
27 or rehabilitation counseling are approved by the committee or an
28 accrediting body acceptable to the committee; establish and maintain
29 a list of recognized subjects and courses of study; and establish
30 minimum requirements therefor which shall be acceptable to the board
31 and the committee.

32 In addition to those records of proceedings and applicants
33 established by the board, the committee shall keep a record of its
34 proceedings and a record of all applicants for licensure, showing for
35 each whether the application is for a license as a licensed professional
36 counselor ~~[or] , licensed rehabilitation counselor~~, licensed associate
37 counselor or a counseling specialty, the date of application, name, age,
38 education, and other qualifications, place of practice and place of
39 residence, and whether the applicant was rejected or a license or
40 specialty granted, and the date of that action.¹

41 (cf: P.L.1993, c.340, s.5)

42
43 ¹6. Section 6 of P.L.1993, c. 340 (C.45:8B-39) is amended to read
44 as follows:

45 6. a. No person shall engage in the practice of counseling as a
46 licensed professional counselor or licensed associate counselor or

1 represent or hold himself out as a licensed professional counselor or
2 licensed associate counselor unless licensed pursuant to this act. No
3 person licensed as a professional counselor or an associate counselor
4 shall engage in the practice of rehabilitation counseling unless licensed
5 as a rehabilitation counselor pursuant to this amendatory and
6 supplementary act.

7 b. No person shall engage in the practice of rehabilitation
8 counseling as a licensed rehabilitation counselor or represent or hold
9 himself out as a licensed rehabilitation counselor unless licensed
10 pursuant to this amendatory and supplementary act. No person
11 licensed as a rehabilitation counselor shall engage in the practice of
12 professional counseling unless licensed as a professional counselor
13 pursuant to section 7 of P.L.1993, c.340 (C.45:8B-40).¹
14 (cf: P.L.1993, c.340, s.6)

15
16 ¹[1.] 7.¹ Section 7 of P.L.1993, c.340 (C.45:8B-40) is amended
17 to read as follows:

18 7. Each person applying for licensure as a licensed professional
19 counselor shall make application therefor to the board on the form and
20 in the manner the committee prescribes and the board shall
21 immediately refer each application to the committee for appropriate
22 action. Each applicant shall furnish evidence satisfactory to the
23 committee that he:

- 24 a. Is at least 18 years of age;
- 25 b. ¹Is of good moral character;
- 26 c.¹ Has [completed a minimum of 60 graduate semester hours in a
27 planned educational program, which includes a master's degree or
28 doctorate in counseling from a regionally accredited institution of
29 higher education, of which 45 graduate semester hours are distributed
30 in at least eight of the following areas:
- 31 (1) Counseling theory and practice;
 - 32 (2) The helping relationship;
 - 33 (3) Human growth and development and maladaptive behavior;
 - 34 (4) Lifestyle and career development;
 - 35 (5) Group dynamics, processes, counseling, and consulting;
 - 36 (6) Appraisal of individuals;
 - 37 (7) Social and cultural foundations;
 - 38 (8) Research and evaluation;
 - 39 (9) The counseling profession] ¹[received a master's degree or
40 doctorate from a regionally accredited institution of higher education,
41 in subject matter which is primarily counseling in content and which
42 meets the academic and training content standards established by the
43 committee and the board, or the substantial equivalent in both subject
44 matter and extent of training. The committee and the board shall use
45 the standards of appropriate professional counseling associations as
46 determined by the committee and the board as a guide in establishing

1 the training standards for counselor licensure] completed a minimum
2 of 60 graduate semester hours in a planned educational program,
3 which includes a master's degree or doctorate in counseling from a
4 regionally accredited institution of higher education, of which 45
5 graduate semester hours are distributed in at least eight of the
6 following areas:

- 7 (1) Counseling theory and practice;
- 8 (2) The helping relationship;
- 9 (3) Human growth and development and maladaptive behavior;
- 10 (4) Lifestyle and career development;
- 11 (5) Group dynamics, processes, counseling, and consulting;
- 12 (6) Appraisal of individuals;
- 13 (7) Social and cultural foundations;
- 14 (8) Research and evaluation;
- 15 (9) The counseling profession¹;

16 ¹[c.] d.¹ Has had at least three years of supervised full-time
17 counseling experience in a professional counseling setting acceptable
18 to the committee, one year of which may be obtained prior to the
19 granting of the master's degree. The committee shall establish criteria
20 for determining the qualifications and status which may constitute
21 supervised counseling experience. An applicant may eliminate one
22 year of the required supervised counseling experience by substituting
23 30 graduate semester hours beyond the master's degree if those
24 graduate semester hours are clearly related to counseling and are
25 acceptable to the committee. In no case, however, may the applicant
26 have less than one year of supervised professional counseling
27 experience after the granting of the master's degree; and

28 ¹[d.] e.¹ Has passed the National ¹[Certified]¹ Counselor
29 Examination of the National Board for Certified Counselors ¹[or the
30 Certified Rehabilitation Counselor Examination by the Commission on
31 Rehabilitation Counselor Certification]¹.

32 (cf: P.L.1993, c.340, s.7)

33

34 ¹[2.] g.¹ Section 8 of P.L.1993, c.340 (C.45:8B-41) is amended
35 to read as follows:

36 8. Each person applying for licensure as a licensed associate
37 counselor shall make application therefor to the board on the form and
38 in the manner the committee prescribes and the board shall
39 immediately refer each application to the committee for appropriate
40 action. Each applicant shall furnish evidence satisfactory to the
41 committee that he:

- 42 a. Is at least 18 years of age;
- 43 b. ¹Is of good moral character;
- 44 c.¹ Has [completed a minimum of 60 graduate semester hours in a
45 planned educational program, which includes a master's degree or
46 doctorate in counseling from a regionally accredited institution of

1 higher education, of which 45 graduate semester hours are distributed
2 in at least eight of the following areas:

- 3 (1) Counseling theory and practice;
- 4 (2) The helping relationship;
- 5 (3) Human growth and development and maladaptive behavior;
- 6 (4) Lifestyle and career development;
- 7 (5) Group dynamics, processes, counseling, and consulting;
- 8 (6) Appraisal of individuals;
- 9 (7) Social and cultural foundations;
- 10 (8) Research and evaluation;

11 (9) The counseling profession] ¹[received a master's degree or
12 doctorate from a regionally accredited institution of higher education,
13 in subject matter which is primarily counseling in content and which
14 meets the academic and training content standards established by the
15 committee and the board, or the substantial equivalent in both subject
16 matter and extent of training. The committee and the board shall use
17 the standards of appropriate professional counseling associations as
18 determined by the committee and the board as a guide in establishing
19 the training standards for counselor licensure] completed a minimum
20 of 60 graduate semester hours in a planned educational program,
21 which includes a master's degree or doctorate in counseling from a
22 regionally accredited institution of higher education, of which 45
23 graduate semester hours are distributed in at least eight of the
24 following areas:

- 25 (1) Counseling theory and practice;
- 26 (2) The helping relationship;
- 27 (3) Human growth and development and maladaptive behavior;
- 28 (4) Lifestyle and career development;
- 29 (5) Group dynamics, processes, counseling, and consulting;
- 30 (6) Appraisal of individuals;
- 31 (7) Social and cultural foundations;
- 32 (8) Research and evaluation;
- 33 (9) The counseling profession¹; and

34 ¹[c.] d.¹ Has passed ¹[an examination approved by the committee]
35 the National Counselor Examination of the National Board for
36 Certified Counselors¹.

37 (cf: P.L.1993, c.340, s.8)

38

39 ¹9. (New section) Each person applying for licensure as a
40 rehabilitation counselor shall make application therefor to the board on
41 the form and in the manner the committee prescribes and the board
42 shall immediately refer each application to the committee for
43 appropriate action. Each applicant shall furnish evidence satisfactory
44 to the committee that he:

- 45 a. Is at least 18 years of age;
- 46 b. Is of good moral character;

1 c. Has completed a planned educational program in rehabilitation
2 counseling approved by the committee, which includes a master's
3 degree in rehabilitation counseling from a regionally accredited
4 institution of higher education;

5 d. Has had at least three years of supervised full-time rehabilitation
6 counseling experience in a rehabilitation counseling setting acceptable
7 to the committee, one year of which may be obtained prior to the
8 granting of the master's degree. The committee shall establish criteria
9 for determining the qualifications and status which may constitute
10 supervised rehabilitation counseling experience. An applicant may
11 eliminate one year of the required supervised rehabilitation counseling
12 experience by substituting 30 graduate semester hours beyond the
13 master's degree if those graduate semester hours are clearly related to
14 rehabilitation counseling and are acceptable to the committee. In no
15 case, however, may the applicant have less than one year of supervised
16 rehabilitation counseling experience after the granting of the master's
17 degree; and

18 e. Has passed the Certified Rehabilitation Counselor Examination
19 by the Commission on Rehabilitation Counselor Certification.¹

20
21 ¹ [3.] 10.¹ (New section) ¹[During the first 360 days after the
22 effective date of this 1996 amendatory and supplementary act, the
23 board shall issue to any individual upon application a professional
24 counselor license, provided that the applicant meets the requirements
25 of subsections a. and b. of section 7 of P.L.1993, c.340 (C.45:8B-40)
26 and the board shall have the power to consider experience of the
27 applicant prior to application for licensure as a waiver of all or part
28 of the supervised experience requirements of subsection c. of that
29 section 7. If the prior experience of the applicant does not meet all the
30 requirements of that subsection c. then the applicant shall be issued an
31 associate counselor license with acceptable experience credited toward
32 the experience requirements of that subsection c. The board shall
33 waive written examination of these applicants, but may require oral or
34 situational examinations, or both.]

35 a. The board shall issue to any individual, upon application during
36 the first 360 days after the effective date of this amendatory and
37 supplementary act, a professional counselor license, if the applicant
38 has either:

39 (1) completed a minimum of 45 graduate semester hours, which
40 includes a master's degree or doctorate from a regionally accredited
41 institution of higher education, in subject matter that is primarily
42 counseling in content; and has documented five years of experience in
43 the practice of professional counseling acceptable to the committee
44 prior to the date of application for licensure. The board shall waive
45 written examination of these applicants; or

46 (2) completed fewer than 45 semester hours, which includes a

1 master's degree from a regionally accredited institution of higher
2 education, in subject matter that is primarily counseling in content; and
3 has documented five years of experience in the practice of professional
4 counseling acceptable to the committee prior to the date of application
5 for licensure. The board shall require that the applicant provide
6 evidence that he has passed the National Counselor Examination of the
7 National Board for Certified Counselors.

8 b. The board shall issue to any individual, upon application during
9 the first 360 days after the effective date of this amendatory and
10 supplementary act, a rehabilitation counselor license if the applicant
11 has either:

12 (1) completed a minimum of 45 graduate semester hours, which
13 includes a master's degree or doctorate from a regionally accredited
14 institution of higher education, in subject matter that is primarily
15 counseling or rehabilitation counseling in content; and has documented
16 five years of experience in the practice of rehabilitation counseling
17 acceptable to the committee prior to the date of application for
18 licensure. The board shall waive written examination of these
19 applicants; or

20 (2) completed a master's degree of fewer than 45 semester hours
21 or bachelor's degree from a regionally accredited institution of higher
22 education in subject matter that is primarily counseling or a related
23 field in content; has documented 10 years of experience, during the
24 last 15 years immediately preceding the enactment date of this
25 amendatory and supplementary act, in the practice of rehabilitation
26 counseling acceptable to the committee; and provides evidence that he
27 has passed the Certified Rehabilitation Counselor Examination by the
28 Commission on Rehabilitation Certification.¹

29
30 ¹11. Section 9 of P.L.1993, c.340 (C.45:8B-42) is amended to read
31 as follows:

32 9. The committee shall review the qualifications of each person
33 who applies for licensure. No applicant shall be licensed by the board
34 unless a majority of the full committee first determines that the
35 applicant has met the education and experience requirements and
36 performed satisfactorily on the appropriate examination required
37 pursuant to this act. All applicants who are determined to be qualified
38 and are recommended for licensure by the committee shall be
39 considered for licensure by the board. Licenses shall be issued for a
40 period of two years and may be renewed biennially.

41 The committee is authorized to make recommendations to the board
42 with the final decisions to be made by the board. The board is
43 authorized to review the actions taken by the committee with respect
44 to the committee's evaluation and examination of applicants for
45 licensure as licensed professional counselors [or] , licensed associate
46 counselors or licensed rehabilitation counselors but the board may

1 reverse, modify or fail to implement any determination by the
2 committee with an affirmative vote of a majority of the board.¹

3 (cf: P.L.1993, c.340, s.9)

4

5 ¹12. Section 13 of P.L.1993, C.340 (C.45:8B-46) is amended to
6 read as follows:

7 13. The board may grant a license to practice counseling or
8 rehabilitation counseling to any person who at the time of application
9 is licensed or certified by an agency located in another state, territory
10 or jurisdiction, if in the opinion of the committee the requirements of
11 that licensure or certification are substantially similar to the
12 requirements of this act.¹

13 (cf: P.L.1993, c.340, s.13)

14

15 ¹13. Section 15 of P.L.1993, c.340 (C.45:8B-48) is amended to
16 read as follows:

17 15. Nothing in this act shall be construed to apply to:

18 a. The activities and services of qualified members of other
19 professions, including physicians, psychologists, registered nurses,
20 marriage and family therapists, attorneys, social workers or any other
21 professionals licensed by the State, when acting within the scope of
22 their profession and doing work of a nature consistent with their
23 training, provided they do not hold themselves out to the public as
24 possessing a license issued pursuant to this act or represent themselves
25 by any professional title regulated by this act.

26 b. The activities, services and use of an official title on the part of
27 a person employed as a counselor or rehabilitation counselor by any
28 federal, State, county, or municipal agency; or public or private
29 educational institution, but only when these persons are performing
30 counseling [or counseling-related activities], rehabilitation counseling
31 or activities related to counseling or rehabilitation counseling within
32 the scope of their employment.

33 c. The activities and services of a student, intern or trainee in
34 counseling or rehabilitation counseling pursuing a course of study in
35 counseling or rehabilitation counseling in a regionally accredited
36 institution of higher education or training institution, if these activities
37 are performed under supervision and constitute a part of the
38 supervised course of study, and if the person is clearly designated a
39 "Counselor intern" or a "Rehabilitation counselor intern".

40 d. The activities and services in this State of a nonresident person
41 rendered on not more than 30 days during any calendar year, if that
42 person is duly authorized to perform those activities and services
43 under the laws of his residence.

44 e. The activities and services of a rabbi, priest, minister, Christian
45 Science practitioner or clergyman of any religious denomination or
46 sect, if those activities and services are within the scope of the

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

8 f. The activities, services, titles and descriptions of persons
9 employed as professionals or volunteers in the practice of counseling
10 or rehabilitation counseling for public or private nonprofit
11 organizations or charities.

12 g. The activities and services of persons employed as peer
13 counselors in organizations devoted to prevention of alcoholism, drug
14 abuse, or relief of emotional effects of rape or other crimes, and
15 telephone "hotline" organizations.¹

16 (cf: P.L.1995, c.366, s.19)

17

18 ¹14. Section 16 of P.L.1993, c.340 (C.45:8B-49) is amended to
19 read as follows:

20 16. Any communication between a licensed professional counselor
21 ~~[or]~~, licensed associate counselor or licensed rehabilitation counselor
22 and the person or persons counseled while performing counseling or
23 rehabilitation counseling shall be confidential and its secrecy
24 preserved. This privilege shall not be subject to waiver, except when
25 disclosure is required by State law or when the licensed professional
26 counselor ~~[or]~~, licensed associate counselor or licensed rehabilitation
27 counselor is a party defendant to a civil, criminal or disciplinary action
28 arising from that counseling or rehabilitation counseling, in which case
29 the waiver of the privilege accorded by this section shall be limited to
30 that action.¹

31 (cf: P.L.1993, c.340, s.16)

32

33 ¹15. Section 17 of P.L.1993, c.340 (C.45:8B-50) is amended to
34 read as follows:

35 17. No licensed associate counselor shall practice without direct
36 supervision by a licensed professional counselor or a supervisor
37 acceptable to the committee. The plan for supervision of the licensed
38 associate counselor shall be approved by the committee prior to any
39 actual performance of counseling by the licensed associate counselor.¹

40 (cf: P.L.1993, c.340, s.17)

41

42 ¹16. Section 20 of P.L.1993, c.340 is amended to read as follows:

43 20. This act shall take effect immediately but shall remain
44 inoperative for 180 days [and this act shall expire if any licensed
45 professional counselor or licensed associate counselor or any group
46 thereof, either directly or indirectly, attempts, by any means, to secure

1 mandatory reimbursement by insurers of their services by law,
2 regulation or other means in this State].¹

3 (cf: P.L.1993, c.340, s.20)

4

5 ¹[4.] 17.¹ This act shall take effect immediately.

6

7

8

9

10 Modifies licensure requirement for professional counselors and
11 associate counselors and establishes licensure requirements for
12 rehabilitation counselors.