

P.L. 1997, CHAPTER 155, *approved July 3, 1997*  
Senate, No. 671 (*Second Reprint*)

1 **AN ACT** concerning the licensure of professional counselors <sup>1</sup>[and] <sup>1</sup>  
2 associate counselors <sup>1</sup>, and rehabilitation counselors<sup>1</sup> and amending  
3 the title and body of and supplementing<sup>1</sup> 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 <sup>1</sup>1. 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.<sup>1</sup>

12 (cf: P.L.1993, c.340, Title)

13

14 <sup>1</sup>2. 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.<sup>1</sup>

23 (cf: P.L.1993, c.340, s.2)

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25 <sup>1</sup>3. 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.

30 "Committee" means the Professional Counselor Examiners

**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 floor amendments adopted March 13, 1997.

<sup>2</sup> Senate floor amendments adopted March 24, 1997.

1 Committee.

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

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

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

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

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

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

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

29

30 <sup>1</sup>4. Section 4 of P.L.1993, c.340 (C.45:8B-37) is amended to read  
31 as follows:

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

41 The members of the committee shall be appointed by the Governor  
42 for terms of three years, except that the terms of the first [~~five~~] six  
43 members of the committee shall be as follows: one member for a term  
44 of one year, two members for a term of two years, and [~~two~~] three  
45 members for a term of three years. A member of the committee shall  
46 not be eligible to succeed himself more than once. Vacancies shall be

1 filled for the unexpired term in the manner provided by the original  
2 appointment. The Governor may remove any member of the board for  
3 cause, upon notice and opportunity to be heard.

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

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

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

11 Regular meetings of the committee shall be held at least once during  
12 each quarter of the year and special meetings may be held upon the call  
13 of the chairperson or the vice-chairperson in the chairperson's absence.  
14 ~~[Three]~~ Four members of the committee shall constitute a quorum and  
15 no action shall be taken at a meeting without at least ~~[three]~~ four votes  
16 in accord.<sup>1</sup>

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

18

19 <sup>1</sup>5. Section 5 of P.L.1993, c.340 (C.45:8B-38) is amended to read  
20 as follows:

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

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

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

41

42 <sup>1</sup>6. Section 6 of P.L.1993, c.340 (C.45:8B-39) is amended to read  
43 as follows:

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

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

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

13 (cf: P.L.1993, c.340, s.6)

14

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

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

23 a. Is at least 18 years of age;

24 b. <sup>1</sup>Is of good moral character;

25 c.<sup>1</sup> Has [completed a minimum of 60 graduate semester hours in a  
26 planned educational program, which includes a master's degree or  
27 doctorate in counseling from a regionally accredited institution of  
28 higher education, of which 45 graduate semester hours are distributed  
29 in at least eight of the following areas:

30 (1) Counseling theory and practice;

31 (2) The helping relationship;

32 (3) Human growth and development and maladaptive behavior;

33 (4) Lifestyle and career development;

34 (5) Group dynamics, processes, counseling, and consulting;

35 (6) Appraisal of individuals;

36 (7) Social and cultural foundations;

37 (8) Research and evaluation;

38 (9) The counseling profession] <sup>1</sup>[received a master's degree or  
39 doctorate from a regionally accredited institution of higher education,  
40 in subject matter which is primarily counseling in content and which  
41 meets the academic and training content standards established by the  
42 committee and the board, or the substantial equivalent in both subject  
43 matter and extent of training. The committee and the board shall use  
44 the standards of appropriate professional counseling associations as  
45 determined by the committee and the board as a guide in establishing  
46 the training standards for counselor licensure] completed a minimum

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

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

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

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

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

32

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

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

- 41 a. Is at least 18 years of age;
- 42 b. <sup>1</sup>Is of good moral character;

43 c.<sup>1</sup> Has [completed a minimum of 60 graduate semester hours in a  
44 planned educational program, which includes a master's degree or  
45 doctorate in co

46 unseling from a regionally accredited institution of higher

1 education, of which 45 graduate semester hours are distributed in  
2 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] <sup>1</sup>[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 profession<sup>1</sup>; and

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

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

38

39 <sup>1</sup>9. (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.<sup>1</sup>

20  
21 <sup>1</sup>[3.] 10.<sup>1</sup> (New section) <sup>1</sup>[During the first 360 days after the  
22 effective date of this 1995 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.<sup>1</sup>

29  
30 <sup>1</sup>11. 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.<sup>1</sup>

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

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5 <sup>1</sup>12. 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.<sup>1</sup>

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

14

15 <sup>1</sup>13. 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.<sup>1</sup>

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

17

18 <sup>1</sup>14. 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.<sup>1</sup>

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

32

33 <sup>1</sup>15. 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.<sup>1</sup>

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

41

42 <sup>2</sup>[<sup>1</sup>16. Section 20 of P.L.1993, c.340 is amended to read as  
43 follows:

44 20. This act shall take effect immediately but shall remain  
45 inoperative for 180 days [and this act shall expire if any licensed  
46 professional counselor or licensed associate counselor or any group

1 thereof, either directly or indirectly, attempts, by any means, to secure  
2 mandatory reimbursement by insurers of their services by law,  
3 regulation or other means in this State].<sup>1</sup>

4 (cf: P.L.1993, c.340, s.20)]<sup>2</sup>

5

6 <sup>1</sup>[4.] <sup>2</sup>[17.1] 16.<sup>2</sup> This act shall take effect immediately.

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9

10

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