

[First Reprint]
SENATE, No. 685

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator SINGER

1 AN ACT to license and certify alcohol and drug counselors, creating
2 ¹[a State Board of] an¹ Alcohol and Drug Counselor ¹[Examiners]
3 Committee¹, 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
32 group to develop an understanding of alcohol and drug dependency

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 Senate SCM committee amendments adopted February 10, 1997.

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

4 ¹"Alcohol and Drug Counselor Certification Board of New Jersey,
5 Inc." means the member of the International Certification Reciprocity
6 Consortium of Alcohol and Other Drug Abuse, Inc. which certifies
7 alcohol and drug counselors in the State of New Jersey.

8 "Board" means the State Board of Marriage and Family Therapy
9 Examiners.¹

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

12 ¹"Committee" means the Alcohol and Drug Counselor Committee
13 established pursuant to section 12 of this act.¹

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

15 "Director" means the Director of the Division of Consumer Affairs
16 in the Department of Law and Public Safety.

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

19 ¹["Board" means the State Board of Alcohol and Drug Counselor
20 Examiners established pursuant to section 11 of this act.]¹

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 ¹accountability,¹ teaching, training, administering,
27 ¹[accountability]¹ or clinical review by a supervisor in the same area
28 of specialized practice.

29

30 4. (New section) ¹[The board shall issue a license as a licensed
31 clinical alcohol and drug counselor to an applicant who] a. Each
32 person applying for licensure as a licensed clinical alcohol and drug
33 counselor shall make application to the board on the form and in the
34 manner the committee prescribes and the board shall immediately refer
35 each application to the committee for appropriate action. Each
36 applicant shall furnish evidence satisfactory to the committee that he¹
37 has:

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

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

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

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

6
7 5. (New section) a. ¹[The board shall issue a certificate as a
8 certified alcohol and drug counselor to an applicant who] Each person
9 applying for certification as a certified alcohol and drug counselor shall
10 make application to the board on the form and in the manner the
11 committee prescribes and the board shall immediately refer each
12 application to the committee for appropriate action. Each applicant
13 shall furnish evidence satisfactory to the committee that he¹ has:

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

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

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

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

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

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

38 b. The experience and education requirements in subsection a. of
39 this section shall insure that the applicant is competent in the functions
40 of an alcohol and drug abuse counselor ^{1, 1} which include: screening,
41 intake, orientation, assessment, treatment planning, counseling, case
42 management, crisis intervention, education and prevention, referral,
43 consultation with other professionals in regard to client treatment and
44 services, and reporting and recordkeeping.

45
46 ¹6. (New section) The committee shall review the qualifications of

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

16

17 ¹[6.] 7.¹ (New section) ¹[a. Each license or certification issued by
18 the board shall become effective upon issuance and shall expire on the
19 last day of the month in the year that is exactly two years from the
20 year and month in which the license or certification was issued.

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

32 Each initial application under this act shall be accompanied by a fee
33 as prescribed by the committee. Licenses and certifications shall be
34 renewed biennially upon a form provided by the board, accompanied
35 by payment of a fee prescribed by the board. Each applicant shall
36 apply for renewal of licensure or certification within 180 days of
37 expiration, and shall present satisfactory evidence that the continuing
38 education requirements have been completed. If the certificate or
39 license is not renewed within 180 days of expiration, the license or
40 certification shall be revoked upon notice by the board. A license or
41 certification which has been revoked may be reinstated within three
42 years, upon payment to the board of a prescribed reinstatement fee in
43 addition to the renewal fee for each year or part thereof during which
44 the license or certification was ineffective. After the three-year period,
45 the license or certification may be reinstated only by complying with
46 the provisions of this act regarding initial licensure or certification.¹

1 ¹[7.] 8.¹ (New section) a. No person shall engage in the practice
2 of alcohol and drug counseling as a licensed clinical alcohol and drug
3 counselor ¹[or certified alcohol and drug counselor, or present, call or
4 represent himself as a licensed clinical alcohol and drug counselor or
5 certified alcohol and drug counselor]¹ unless licensed ¹[or certified]¹
6 under this act. ¹No person shall engage in the practice of alcohol and
7 drug counseling as a certified alcohol and drug counselor unless
8 certified under this act. No person shall present, call or represent
9 himself as a licensed clinical alcohol and drug counselor unless
10 licensed under this act. No person shall present, call or represent
11 himself as a certified alcohol and drug counselor unless certified under
12 this act.¹

13 b. No person shall assume, represent himself as, or use the title or
14 designation "alcoholism counselor," "alcohol counselor," "drug
15 counselor," "alcohol and drug counselor," ¹"alcoholism and drug
16 counselor," "licensed clinical alcohol and drug counselor," "certified
17 alcohol and drug counselor," "substance abuse counselor," "chemical
18 dependency counselor," or "chemical dependency supervisor," or any
19 of the abbreviations for the above titles, unless licensed or certified
20 under this act, and unless the title or designation corresponds to the
21 license or certification held by the person pursuant to this act.

22 c. No person shall engage in the independent practice of alcohol
23 and drug counseling for a fee unless the person is licensed under this
24 act as a licensed clinical alcohol and drug counselor ¹or the person is
25 a certified alcohol and drug counselor practicing under the supervision
26 of a licensed clinical alcohol and drug counselor¹.

27
28 ¹[8.] 9.¹ (New section) a. Nothing in this act shall be construed
29 to prevent a person from engaging in or offering alcohol and drug
30 addiction services such as self-help, sponsorship through alcoholics
31 and narcotics anonymous groups or other uncompensated alcohol and
32 drug addiction counseling assistance.

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

43 c. Nothing in this act shall be construed to apply to the activities
44 and services of a rabbi, priest, minister, Christian Science practitioner
45 or clergyman of any religious denomination or sect, when engaging in
46 activities, which are within the scope of the performance of the

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

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

14 e. Nothing in this act shall be construed to ¹[apply to the activities
15 and services of a person licensed in the State to practice medicine and
16 surgery, psychology, marriage counseling, social work, clinical social
17 work, chiropractic, acupuncture, physical therapy, occupational
18 therapy, speech pathology and audiology, nursing or any other
19 profession licensed by the State, when acting within the scope of the
20 person's profession or occupation and doing work of a nature
21 consistent with a person's training] prevent a person from doing work
22 of an alcohol or drug counseling nature, or advertising those services,
23 when acting within the scope of the person's profession or occupation
24 and doing work consistent with the person's training, including
25 physicians, clinical social workers, psychologists, nurses or any other
26 profession or occupation licensed by the State, or students within
27 accredited programs of these professions¹, if the person does not hold
28 himself out to the public as possessing a license or ¹[certificate]
29 certification¹ issued pursuant to this act.

30
31 ¹[9.] 10.¹ (New section) The board may grant a license or
32 certification to any person who at the time of application is licensed or
33 certified by a governmental agency located in another state, territory
34 or jurisdiction, if in the opinion of the ¹[board] committee¹ the
35 requirements of that licensure or certification are substantially similar
36 to the requirements of this act.

37
38 ¹[10.] 11.¹ (New section) An alcohol and drug counselor or
39 clinical alcohol and drug counselor certified or licensed pursuant to the
40 provisions of this act, or his employee, shall not disclose any
41 confidential information that the counselor, or his employee, may have
42 acquired while performing alcohol and drug counseling services for a
43 patient unless in accordance with the federal regulations regarding the

1 confidentiality of alcohol and drug patient records pursuant to 42
2 C.F.R. 2.1 et seq.

3
4 ¹[11.] 12.¹ (New section) There is¹[created within the Division of
5 Consumer Affairs] established a committee of the board to be known
6 as¹ the ¹[State Board of]¹ Alcohol and Drug Counselor ¹[Examiners]
7 Committee¹. The ¹[board] committee¹ shall consist of ¹[nine] five¹
8 members who are residents of the State, ¹[two] one¹ of whom shall be
9 ¹a¹ public ¹[members] member¹ appointed pursuant to the provisions
10 of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) ¹[and one
11 of whom shall be the Commissioner of Health, or his designee,
12 appointed in fulfillment of the requirement of subsection c. of that
13 section]¹. Of the ¹[six] four¹ remaining members, ¹[one shall be a
14 person who is either an educator representing a baccalaureate or
15 master's level program in counseling or actively engaged in alcohol and
16 drug counseling research and five] all¹ shall have been actively
17 engaged in the practice of alcohol and drug counseling for at least five
18 years immediately preceding their appointment, have spent the major
19 portion of time devoted to such activity, during the two years
20 preceding appointment, in this State, and except for the members first
21 appointed, ¹[three] two¹ shall be licensed clinical alcohol and drug
22 counselors and two shall be certified alcohol and drug counselors.

23
24 ¹[12.] 13.¹ (New section) a. The Governor shall appoint each
25 member of the ¹[board] committee¹ for ¹[a term] terms¹ of three years,
26 except that of the members first appointed, three shall serve for a term
27 of three years ¹[, three shall serve for terms of two years]¹ and two
28 shall serve for terms of ¹[one year] two years¹. Any vacancy in the
29 membership shall be filled for the unexpired term in the manner
30 provided by the original appointment. No member of the ¹[board]
31 committee¹ may serve more than two successive terms in addition to
32 any unexpired term to which he has been appointed. The Governor
33 may remove any member of the ¹[board, other than the State executive
34 department member,] committee¹ for cause.

35 ¹The 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.¹

41 b. The first appointees to the ¹[board who] committee¹ must meet
42 the qualifications to be licensed or certified ¹and¹ shall ¹[be deemed to
43 be and shall]¹ become licensed clinical alcohol and drug counselors or
44 certified alcohol and drug counselors ¹[immediately upon their
45 appointment and qualification as members of the board] as soon as
46 practical¹.

1 ¹[13.] 14.¹ (New section) The ~~[board]~~ committee shall, in
2 addition to such other powers and duties as it may possess by law ¹or
3 that may be delegated to the committee by the board¹:

- 4 a. Administer the provisions of this act;
- 5 b. ¹[Examine and pass on] Evaluate¹ the qualifications ¹and make
6 a determination of the eligibility for licensure and certification¹ of all
7 applicants ¹[for licensure or certification]¹ under this act, ¹[and issue
8 a license or certificate to each qualified successful applicant, therefor]¹
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. ¹[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 act¹;
- 16 d. ¹[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 records¹;
- 23 e. ¹[Adopt] Recommend¹ 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. ¹[Annually publish] Maintain¹ 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; ¹and¹
- 35 g. Establish standards for the continuing education of licensed
36 clinical alcohol and drug counselors and certified alcohol and drug
37 counselors ¹[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,
42 licensures, renewals and other services performed pursuant to
43 P.L.1974, c.46 (C.45:1-3.1 et seq.)¹.

44
45 ¹[14.] 15.¹ (New section) a. ¹[The] An¹ executive director of the
46 [board] committee¹ shall be appointed by the director and shall serve

1 at the director's pleasure. The salary of the executive director shall be
2 determined by the director within the limits of available funds. The
3 director shall be empowered within the limits of available funds to hire
4 any assistants as are necessary to administer this act.

5 b. Each member of the ¹[board] committee¹ shall be ¹compensated
6 on a per diem basis pursuant to subsection a. of section 2 of P.L.
7 1977, c. 285 (C. 45:1-2.5), and shall be¹ reimbursed for actual
8 expenses reasonably incurred in the performance of the duties as a
9 member or on behalf of the ¹[board] committee¹.

10 c. The ¹[board] committee¹, through its executive director, may
11 issue subpoenas to compel the attendance of witnesses to testify before
12 the ¹[board] committee¹ and produce relevant books, records and
13 papers before the ¹[board] committee¹ and may administer oaths in
14 taking testimony, in any matter pertaining to its duties under the act,
15 which subpoenas shall issue under the seal of the board and shall be
16 served in the same manner as subpoenas issued out of the Superior
17 Court. A person who refuses or neglects to obey the command of any
18 subpoena, or who, after hearing, refuses to be sworn and testify, shall,
19 in either event, be liable to a penalty.

20 ¹d. The board shall by rule or regulation establish, prescribe or
21 change the fees for licenses, certifications or other services provided
22 by the board or the committee pursuant to the provisions of this act.¹
23

24 ¹[15. (New section) a. A person may file a petition with the board
25 if he has cause to believe that a licensed clinical alcohol and drug
26 counselor or certified alcohol and drug counselor has violated any
27 statutes, regulations or the code of ethics.

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

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

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

42 (2) The hearing panel shall make a written report to the board, the
43 respondents and any other party deemed by the panel to be entitled to
44 a copy. The report shall include the recommendations of the panel, a
45 brief statement of findings of fact and reasons supporting the
46 recommendations.

- 1 d. The board shall issue its decision on the complaint.
- 2 e. The licensed clinical alcohol and drug counselor's or certified
3 alcohol and drug counselor's name shall be removed from the registry
4 if the license or certification is revoked by the board. If the counselor
5 is suspended by the board, notice of the suspension shall be recorded
6 in the registry during the time the suspension is in force.]¹

7

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

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

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

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

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

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

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

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

41 h. Engaged in sexual misconduct with a patient or family member
42 of a patient;

43 i. Engaged in advertising in any manner, whether as an individual,
44 through a professional service corporation or through a third party on
45 behalf of a person licensed or certified pursuant to this act, the
46 practice of alcohol and drug counseling; provided, however, that the

1 following shall not be deemed to be advertising prohibited under this
2 act:

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

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

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

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

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

22 j. Failed to obtain the continuing education credits required by the
23 board; or

24 k. Violated any of the provisions of this act or any rule, regulation
25 or code of ethics subscribed to by the board.]¹

26

27 ¹[17. (New section) The director shall set and adjust license and
28 certification fees for alcohol and drug counselors so that the total fees
29 collected will as closely as possible equal anticipated expenditures
30 during the fiscal year. All expenditures deemed necessary to carry out
31 the provisions of this act shall be paid by the State Treasurer from the
32 license and certification fees and other sources of income of the board,
33 but in no event shall expenditures exceed the revenues of the board
34 during any fiscal year.]¹

35

36 ¹[18.] 16.¹ (New section) a. On or before the 730th day following
37 the effective date of this act, ¹upon application to the board on the
38 form and in the manner the committee prescribes and the board
39 approves,¹ any person certified in New Jersey by the Alcohol and Drug
40 Counselor Certification Board of New Jersey¹, Inc.¹ as an alcoholism
41 counselor on the ¹[effective] enactment¹ date of this act who
42 demonstrates to the board that he has successfully completed 30
43 classroom hours in drug education may acquire a certificate as a
44 certified alcohol and drug counselor without meeting the requirements
45 set forth in section 5 of this act.

46 b. On or before the 730th day following the effective date of this

1 act, ¹upon application to the board on the form and in the manner the
2 committee prescribes and the board approves. ¹ any person certified in
3 New Jersey by the Alcohol and Drug Counselor Certification Board of
4 New Jersey¹, Inc.¹ as a drug counselor on the ¹[effective] enactment¹
5 date of this act who demonstrates to the board that he has successfully
6 completed 50 classroom hours in alcohol education may acquire a
7 certificate as a certified alcohol and drug counselor without meeting
8 the requirements set forth in section 5 of this act.

9 ¹c. On or before the 730th day following the effective date of this
10 act, upon application to the board on the form and in the manner the
11 committee prescribes and the board approves, any person certified in
12 New Jersey by the National Association of Forensic Counselors as a
13 Master addiction counselor or by the National Board of Addiction
14 Examiners as an addiction counselor on the enactment date of this act
15 may acquire a certificate as a certified alcohol and drug counselor
16 without meeting the requirements set forth in section 5 of this act.

17 d. On or before the 730th day following the effective date of this
18 act, upon application to the board on the form and in the manner the
19 committee prescribes and the board approves, any person who has
20 practiced as an alcohol and drug counselor for at least five years and
21 is certified in New Jersey by the Alcohol and Drug Counselor
22 Certification Board of New Jersey, Inc. as an alcohol and drug
23 counselor on the enactment date of this act may be licensed as a
24 licensed clinical alcohol and drug counselor without meeting the
25 requirements set forth in section 4 of this act.¹

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

30
31 ¹18. Section 9 of P.L. 1968, c. 401 (C. 45:8B-9) is amended to
32 read as follows:

33 9. There is hereby created in the Division of Consumer Affairs of
34 the Department of Law and Public Safety, the State Board of Marriage
35 and Family Therapy Examiners, which shall consist of [11] 12.
36 members, who are residents of this State and citizens of the United
37 States, six of whom shall be licensed practicing marriage and family
38 therapists, one of whom shall be a licensed professional counselor
39 currently serving on the Professional Counselor Examiners Committee,
40 one of whom shall be a licensed clinical alcohol and drug counselor
41 currently serving on the Alcohol and Drug Counselor Committee, and
42 three of whom shall be public members, including the public member
43 appointed pursuant to the provisions of section 2 of P.L.1971, c.60
44 (C.45:1-2.2), and one of whom shall be a State executive department
45 member appointed pursuant to the provisions of P.L.1971, c.60
46 (C.45:1-2.1 et seq.).¹

1 (cf: P.L.1995, c.366, s.7)

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

4 1. The provisions of this act shall apply to the following boards and
5 commissions: the New Jersey State Board of Accountancy, the New
6 Jersey State Board of Architects, the New Jersey State Board of
7 Cosmetology and Hairstyling, the Board of Examiners of Electrical
8 Contractors, the New Jersey State Board of Dentistry, the State Board
9 of Mortuary Science of New Jersey, the State Board of Professional
10 Engineers and Land Surveyors, the State Board of Marriage Counselor
11 Examiners, the State Board of Medical Examiners, the New Jersey
12 Board of Nursing, the New Jersey State Board of Optometrists, the
13 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic
14 Technicians, the Board of Pharmacy, the State Board of Professional
15 Planners, the State Board of Psychological Examiners, the State Board
16 of Examiners of Master Plumbers, the New Jersey Real Estate
17 Commission, the State Board of Shorthand Reporting, the State Board
18 of Veterinary Medical Examiners, the Radiologic Technology Board
19 of Examiners, the Acupuncture Examining Board, the State Board of
20 Chiropractic Examiners, the State Board of Respiratory Care, the Real
21 Estate Appraiser Board, the State Board of Social Work Examiners,
22 [and] the State Board of Public Movers and Warehousemen and the
23 State Board of Alcohol and Drug Counselor Examiners.

24 (cf: P.L.1993, c.365, s.18)]¹

25

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

28 2. a. All members of the several professional boards and
29 commissions shall be appointed by the Governor in the manner
30 prescribed by law; except in appointing members other than those
31 appointed pursuant to subsection b. or subsection c., the Governor
32 shall give due consideration to, but shall not be bound by,
33 recommendations submitted by the appropriate professional
34 organizations of this State.

35 b. In addition to the membership otherwise prescribed by law, the
36 Governor shall appoint in the same manner as presently prescribed by
37 law for the appointment of members, two additional members to
38 represent the interests of the public, to be known as public members,
39 to each of the following boards and commissions: the New Jersey
40 State Board of Accountancy, the New Jersey State Board of
41 Architects, the New Jersey State Board of Cosmetology and
42 Hairstyling, the New Jersey State Board of Dentistry, the State Board
43 of Mortuary Science of New Jersey, the State Board of Professional
44 Engineers and Land Surveyors, the State Board of Medical Examiners,
45 the New Jersey Board of Nursing, the New Jersey State Board of
46 Optometrists, the State Board of Examiners of Ophthalmic Dispensers

1 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
2 of Professional Planners, the State Board of Psychological Examiners,
3 the New Jersey Real Estate Commission, the State Board of Shorthand
4 Reporting, the State Board of Social Work Examiners, [and] the State
5 Board of Veterinary Medical Examiners, and the State Board of
6 Alcohol and Drug Counselor Examiners, and one additional public
7 member to each of the following boards: the Board of Examiners of
8 Electrical Contractors, the State Board of Marriage Counselor
9 Examiners, the State Board of Examiners of Master Plumbers, and the
10 State Real Estate Appraiser Board. Each public member shall be
11 appointed for the term prescribed for the other members of the board
12 or commission and until the appointment of his successor. Vacancies
13 shall be filled for the unexpired term only. The Governor may remove
14 any such public member after hearing, for misconduct, incompetency,
15 neglect of duty or for any other sufficient cause.

16 No public member appointed pursuant to this section shall have any
17 association or relationship with the profession or a member thereof
18 regulated by the board of which he is a member, where such
19 association or relationship would prevent such public member from
20 representing the interest of the public. Such a relationship includes
21 a relationship with members of one's immediate family; and such
22 association includes membership in the profession regulated by the
23 board. To receive services rendered in a customary client relationship
24 will not preclude a prospective public member from appointment. This
25 paragraph shall not apply to individuals who are public members of
26 boards on the effective date of this act.

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

31 Where a board is required to examine the academic and professional
32 credentials of an applicant for licensure or to test such applicant
33 orally, no public member appointed pursuant to this section shall
34 participate in such examination process; provided, however, that
35 public members shall be given notice of and may be present at all such
36 examination processes and deliberations concerning the results thereof,
37 and, provided further, that public members may participate in the
38 development and establishment of the procedures and criteria for such
39 examination processes.

40 c. The Governor shall designate a department in the Executive
41 Branch of the State Government which is closely related to the
42 profession or occupation regulated by each of the boards or
43 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)
44 and shall appoint the head of such department, or the holder of a
45 designated office or position in such department, to serve without
46 compensation at the pleasure of the Governor as a member of such

1 board or commission.

2 d. A majority of the voting members of such boards or
3 commissions shall constitute a quorum thereof and no action of any
4 such board or commission shall be taken except upon the affirmative
5 vote of a majority of the members of the entire board or commission.
6 (cf: P.L.1991, c.134, s.16)]¹

7

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

10 1. The provisions of this act shall apply to the following boards and
11 commissions: the New Jersey State Board of Accountancy, the New
12 Jersey State Board of Architects, the New Jersey State Board of
13 Cosmetology and Hairstyling, the Board of Examiners of Electrical
14 Contractors, the New Jersey State Board of Dentistry, the State Board
15 of Mortuary Science of New Jersey, the State Board of Professional
16 Engineers and Land Surveyors, the State Board of Marriage Counselor
17 Examiners, the State Board of Medical Examiners, the New Jersey
18 Board of Nursing, the New Jersey State Board of Optometrists, the
19 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic
20 Technicians, the Board of Pharmacy, the State Board of Professional
21 Planners, the State Board of Psychological Examiners, the State Board
22 of Examiners of Master Plumbers, the State Board of Shorthand
23 Reporting, the State Board of Veterinary Medical Examiners, the
24 Radiologic Technology Board of Examiners, the Acupuncture
25 Examining Board, the State Board of Chiropractic Examiners, the
26 State Board of Respiratory Care, the State Real Estate Appraiser
27 Board, [and] the State Board of Social Work Examiners , and the
28 State Board of Alcohol and Drug Counselor Examiners.
29 (cf: P.L.1991, c.134, s.17)]¹

30

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

33 2. The provisions of this act shall apply to the following boards and
34 all professions or occupations regulated by or through such boards:
35 the New Jersey State Board of Accountancy, the New Jersey State
36 Board of Architects, the New Jersey State Board of Cosmetology and
37 Hairstyling, the Board of Examiners of Electrical Contractors, the
38 New Jersey State Board of Dentistry, the State Board of Mortuary
39 Science of New Jersey, the State Board of Professional Engineers and
40 Land Surveyors, the State Board of Marriage Counselor Examiners,
41 the State Board of Medical Examiners, the New Jersey Board of
42 Nursing, the New Jersey State Board of Optometrists, the State Board
43 of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
44 the Board of Pharmacy, the State Board of Professional Planners, the
45 State Board of Psychological Examiners, the State Board of Examiners
46 of Master Plumbers, the State Board of Shorthand Reporting, the

1 State Board of Veterinary Medical Examiners, the Acupuncture
2 Examining Board, the State Board of Chiropractic Examiners, the
3 State Board of Respiratory Care, the State Real Estate Appraiser
4 Board, [and] , the State Board of Social Work Examiners and the
5 State Board of Alcohol and Drug Counselor Examiners.
6 (cf: P.L.1991, c.134, s.14)]¹
7

8 ¹[23.] 19.¹ There is appropriated from the General Fund to the
9 Division of Consumer Affairs in the Department of Law and Public
10 Safety \$95,000 for the use of the board to implement and effectuate
11 the provisions of this act.
12

13 ¹[24.] 20.¹ This act shall take effect [immediately except that
14 subsections a. and b. of section 7 of this act shall take effect on the
15 730th day following enactment] 360 days following the appointment
16 and qualification of committee members¹.
17

18
19
20
21 Establishes the "Alcohol and Drug Counselor Licensing and
22 Certification Act," appropriates \$95,000.