

[Second Reprint]  
SENATE, No. 685

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators SINGER and O'Connor

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

5

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

8

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

11

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

28

29 3. (New section) As used in this act:

30 "Alcohol and drug counseling" means the professional application  
31 of alcohol and drug counseling methods which assist an individual or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SCM committee amendments adopted February 10, 1997.

<sup>2</sup> Senate floor amendments adopted April 21, 1997.

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

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

9 "Board" means the State Board of Marriage and Family Therapy  
 10 Examiners.<sup>1</sup>

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

13 <sup>1</sup>"Committee" means the Alcohol and Drug Counselor Committee  
 14 established pursuant to section 12 of this act.<sup>1</sup>

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

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

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

20 <sup>1</sup>["Board" means the State Board of Alcohol and Drug Counselor  
 21 Examiners established pursuant to section 11 of this act.]<sup>1</sup>

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

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

26 "Supervision" means the direct review of a supervisee for the  
 27 purpose of <sup>1</sup>accountability,<sup>1</sup> teaching, training, administering,  
 28 <sup>1</sup>[accountability]<sup>1</sup> or clinical review by a supervisor in the same area  
 29 of specialized practice.

30

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

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

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

44 <sup>1</sup>b. The board shall issue a license as a licensed clinical alcohol and  
 45 drug counselor to any health care provider licensed by this State who,  
 46 within the scope of that provider's practice, diagnoses and treats drug

1 or alcohol related disorders, or both, and demonstrates to the board  
2 that the person has equivalent education, training and comparable  
3 years of experience as required pursuant to subsection a. of this  
4 section, except that the person shall be exempt from meeting the  
5 provisions of paragraphs (5) and (6) of subsection a. of section 5 of  
6 this act.<sup>1</sup>

7  
8 5. (New section) a. <sup>1</sup>[The board shall issue a certificate as a  
9 certified alcohol and drug counselor to an applicant who] Each person  
10 applying for certification as a certified alcohol and drug counselor shall  
11 make application to the board on the form and in the manner the  
12 committee prescribes and the board shall immediately refer each  
13 application to the committee for appropriate action. Each applicant  
14 shall furnish evidence satisfactory to the committee that he<sup>1</sup> has  
15 received a high school diploma or a certificate of high school  
16 equivalency and that he<sup>2</sup> has:

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

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

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

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

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

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

41 b. The experience and education requirements in subsection a. of  
42 this section shall insure that the applicant is competent in the functions  
43 of an alcohol and drug abuse counselor <sup>1, 1</sup> which include: screening,  
44 intake, orientation, assessment, treatment planning, counseling, case  
45 management, crisis intervention, education and prevention, referral,  
46 consultation with other professionals in regard to client treatment and

1 services, and reporting and recordkeeping.

2

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

19

20 <sup>1</sup>[6.] 7.<sup>1</sup> (New section) <sup>1</sup>[ a. Each license or certification issued by  
21 the board shall become effective upon issuance and shall expire on the  
22 last day of the month in the year that is exactly two years from the  
23 year and month in which the license or certification was issued.

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

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

1 the license or certification was ineffective. After the three-year period,  
2 the license or certification may be reinstated only by complying with  
3 the provisions of this act regarding initial licensure or certification.<sup>1</sup>

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

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

26 c. No person shall engage in the independent practice of alcohol  
27 and drug counseling for a fee unless the person is licensed under this  
28 act as a licensed clinical alcohol and drug counselor <sup>1</sup>or the person is  
29 a certified alcohol and drug counselor practicing under the supervision  
30 of a licensed clinical alcohol and drug counselor<sup>1</sup>.

31  
32 <sup>1</sup>[8.] 9.<sup>1</sup> (New section) a. Nothing in this act shall be construed  
33 to prevent a person from engaging in or offering alcohol and drug  
34 addiction services such as self-help, sponsorship through alcoholics  
35 and narcotics anonymous groups or other uncompensated alcohol and  
36 drug addiction counseling assistance.

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

1 c. Nothing in this act shall be construed to apply to the activities  
2 and services of a rabbi, priest, minister, Christian Science practitioner  
3 or clergyman of any religious denomination or sect, when engaging in  
4 activities, which are within the scope of the performance of the  
5 person's regular or specialized ministerial duties and for which no  
6 separate charge is made, or when these activities are performed, with  
7 or without charge, for or under the auspices or sponsorship,  
8 individually or in conjunction with others, of an established and legally  
9 cognizable church, denomination, or sect, and when the person  
10 rendering services remains accountable to the established authority  
11 thereof.

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

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

34  
35 <sup>1</sup>[9.] 10.<sup>1</sup> (New section) The board may grant a license or  
36 certification to any person who at the time of application is licensed or  
37 certified by a governmental agency located in another state, territory  
38 or jurisdiction, if in the opinion of the <sup>1</sup>[board] committee<sup>1</sup> the  
39 requirements of that licensure or certification are substantially similar  
40 to the requirements of this act.

41  
42 <sup>1</sup>[10.] 11.<sup>1</sup> (New section) An alcohol and drug counselor or  
43 clinical alcohol and drug counselor certified or licensed pursuant to the  
44 provisions of this act, or his employee, shall not disclose any  
45 confidential information that the counselor, or his employee, may have  
46 acquired while performing alcohol and drug counseling services for a

1 patient unless in accordance with the federal regulations regarding the  
2 confidentiality of alcohol and drug patient records pursuant to 42  
3 C.F.R. 2.1 et seq.

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

24  
25 <sup>1</sup>[12.] 13.<sup>1</sup> (New section) a. The Governor shall appoint each  
26 member of the <sup>1</sup>[board] committee<sup>1</sup> for <sup>1</sup>[a term] terms<sup>1</sup> of three years,  
27 except that of the members first appointed, three shall serve for a term  
28 of three years <sup>1</sup>[, three shall serve for terms of two years]<sup>1</sup> and two  
29 shall serve for terms of <sup>1</sup>[one year] two years<sup>1</sup>. Any vacancy in the  
30 membership shall be filled for the unexpired term in the manner  
31 provided by the original appointment. No member of the <sup>1</sup>[board]  
32 committee<sup>1</sup> may serve more than two successive terms in addition to  
33 any unexpired term to which he has been appointed. The Governor  
34 may remove any member of the <sup>1</sup>[board, other than the State executive  
35 department member,] committee<sup>1</sup> for cause.

36 <sup>1</sup>The committee shall annually elect from its members a chairperson  
37 and a vice-chairperson.

38 Regular meetings of the committee shall be held at least once during  
39 each quarter of the year and special meetings may be held upon the call  
40 of the chairperson or the vice-chairperson in the chairperson's  
41 absence.<sup>1</sup>

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

1 practical<sup>1</sup>.

2

3 <sup>1</sup>[13.] 14.<sup>1</sup> (New section) The <sup>1</sup>[board] committee<sup>1</sup> shall, in  
4 addition to such other powers and duties as it may possess by law <sup>1</sup>or  
5 that may be delegated to the committee by the board<sup>1</sup>:

6 a. Administer the provisions of this act;

7 b. <sup>1</sup>[Examine and pass on] Evaluate<sup>1</sup> the qualifications <sup>1</sup>and make  
8 a determination of the eligibility for licensure and certification<sup>1</sup> of all  
9 applicants <sup>1</sup>[for licensure or certification]<sup>1</sup> under this act, <sup>1</sup>[and issue  
10 a license or certificate to each qualified successful applicant, therefor]<sup>1</sup>  
11 attesting to the applicant's professional qualification to practice as a  
12 licensed clinical alcohol and drug counselor or certified alcohol and  
13 drug counselor;

14 c. <sup>1</sup>[Examine, evaluate and supervise all examinations and  
15 procedures and certify as to whether or not the examinations and  
16 procedures are as free as possible from cultural and linguistic bias]  
17 Investigate allegations of practice violating the provisions of this act<sup>1</sup>;

18 d. <sup>1</sup>[Adopt a seal which shall be affixed to all licenses and  
19 certificates issued by it] Conduct hearings pursuant to the  
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
21 seq.), except that the director shall have the right to administer oaths  
22 to witnesses, and shall have the power to issue subpoenas for the  
23 compulsory attendance of witnesses and the production of pertinent  
24 books, papers and records<sup>1</sup>;

25 e. <sup>1</sup>[Adopt] Recommend<sup>1</sup> rules and regulations pursuant to the  
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
27 as it may deem necessary to enable it to perform its duties under and  
28 to enforce the provisions of this act, including, but not limited to: rules  
29 and regulations that set professional practice standards for licensed  
30 clinical alcohol and drug counselors in the independent practice of  
31 alcohol and drug counseling for a fee and for certified alcohol and  
32 drug counselors;

33 f. <sup>1</sup>[Annually publish] Maintain<sup>1</sup> a list of the names and addresses  
34 of all licensed clinical alcohol and drug counselors and all certified  
35 alcohol and drug counselors who are licensed or certified under this  
36 act; <sup>1</sup>and<sup>1</sup>

37 g. Establish standards for the continuing education of licensed  
38 clinical alcohol and drug counselors and certified alcohol and drug  
39 counselors <sup>1</sup>[which shall not exceed 40 hours every two years;

40 h. Recommend to the Governor and Legislature modifications and  
41 amendments to this act deemed necessary by it to effectuate its  
42 purposes; and

43 i. Prescribe or change the charges for examinations, certifications,  
44 licensures, renewals and other services performed pursuant to  
45 P.L.1974, c.46 (C.45:1-3.1 et seq.)<sup>1</sup>.

46

1       <sup>1</sup>[14.] 15.<sup>1</sup> (New section) a. <sup>1</sup>[The] An<sup>1</sup> executive director of the  
2 <sup>1</sup>[board] committee<sup>1</sup> shall be appointed by the director and shall serve  
3 at the director's pleasure. The salary of the executive director shall be  
4 determined by the director within the limits of available funds. The  
5 director shall be empowered within the limits of available funds to hire  
6 any assistants as are necessary to administer this act.

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

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

22       <sup>1</sup>d. The board shall by rule or regulation establish, prescribe or  
23 change the fees for licenses, certifications or other services provided  
24 by the board or the committee pursuant to the provisions of this act.<sup>1</sup>  
25

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

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

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

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

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

1 brief statement of findings of fact and reasons supporting the  
2 recommendations.

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

4 e. The licensed clinical alcohol and drug counselor's or certified  
5 alcohol and drug counselor's name shall be removed from the registry  
6 if the license or certification is revoked by the board. If the counselor  
7 is suspended by the board, notice of the suspension shall be recorded  
8 in the registry during the time the suspension is in force.]<sup>1</sup>

9

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

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

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

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

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

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

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

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

43 h. Engaged in sexual misconduct with a patient or family member  
44 of a patient;

45 i. Engaged in advertising in any manner, whether as an individual,  
46 through a professional service corporation or through a third party on

1 behalf of a person licensed or certified pursuant to this act, the  
2 practice of alcohol and drug counseling; provided, however, that the  
3 following shall not be deemed to be advertising prohibited under this  
4 act:

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

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

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

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

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

24 j. Failed to obtain the continuing education credits required by the  
25 board; or

26 k. Violated any of the provisions of this act or any rule, regulation  
27 or code of ethics subscribed to by the board.]<sup>1</sup>

28

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

37

38 <sup>1</sup>[18.] 16.<sup>1</sup> (New section) a. On or before the 730th day following  
39 the effective date of this act, <sup>1</sup>upon application to the board on the  
40 form and in the manner the committee prescribes and the board  
41 approves,<sup>1</sup> any person certified in New Jersey by the Alcohol and Drug  
42 Counselor Certification Board of New Jersey<sup>1</sup>, Inc.<sup>1</sup> as an alcoholism  
43 counselor on the <sup>1</sup>[effective] enactment<sup>1</sup> date of this act who  
44 demonstrates to the board that he has successfully completed 30  
45 classroom hours in drug education may acquire a certificate as a  
46 certified alcohol and drug counselor without meeting the requirements

1 set forth in section 5 of this act.

2 b. On or before the 730th day following the effective date of this  
3 act, upon application to the board on the form and in the manner the  
4 committee prescribes and the board approves,<sup>1</sup> any person certified in  
5 New Jersey by the Alcohol and Drug Counselor Certification Board of  
6 New Jersey<sup>1</sup>, Inc.<sup>1</sup> as a drug counselor on the <sup>1</sup>[effective] enactment<sup>1</sup>  
7 date of this act who demonstrates to the board that he has successfully  
8 completed 50 classroom hours in alcohol education may acquire a  
9 certificate as a certified alcohol and drug counselor without meeting  
10 the requirements set forth in section 5 of this act.

11 <sup>1</sup>c. <sup>2</sup>[On or before the 730th day following the effective date of this  
12 act, upon application to the board on the form and in the manner the  
13 committee prescribes and the board approves, any person certified in  
14 New Jersey by the National Association of Forensic Counselors as a  
15 Master addiction counselor or by the National Board of Addiction  
16 Examiners as an addiction counselor on the enactment date of this act  
17 may acquire a certificate as a certified alcohol and drug counselor  
18 without meeting the requirements set forth in section 5 of this act.

19 d.]<sup>2</sup> On or before the 730th day following the effective date of this  
20 act, upon application to the board on the form and in the manner the  
21 committee prescribes and the board approves, any person who has  
22 practiced as an alcohol and drug counselor for at least five years and  
23 is certified in New Jersey by the Alcohol and Drug Counselor  
24 Certification Board of New Jersey, Inc. as an alcohol and drug  
25 counselor on the enactment date of this act may be licensed as a  
26 licensed clinical alcohol and drug counselor without meeting the  
27 requirements set forth in section 4 of this act.<sup>1</sup>

28

29 <sup>1</sup>17. (New section) The provisions of P.L.1978, c.73 (C.45:1-14  
30 et seq.) shall apply to this act. The authority of the board may be  
31 delegated to the committee at the discretion of the board.<sup>1</sup>

32

33 <sup>2</sup>18. (New section) The board shall refuse to admit a person to  
34 an examination for licensure or certification and shall refuse to issue  
35 and shall revoke a license or certificate issued upon proof that the  
36 applicant or holder of the license or certificate has been convicted of  
37 a crime of the first, second, third or fourth degree in this State, or the  
38 equivalent thereof or other indictable offense in another  
39 jurisdiction.<sup>2</sup>

40

41 <sup>2</sup>[<sup>1</sup>18.] 19.<sup>2</sup> Section 9 of P.L.1968, c.401 (C.45:8B-9) is amended  
42 to read as follows:

43 9. There is hereby created in the Division of Consumer Affairs of  
44 the Department of Law and Public Safety, the State Board of Marriage  
45 and Family Therapy Examiners, which shall consist of [11] 12.  
46 members, who are residents of this State and citizens of the United

1 States, six of whom shall be licensed practicing marriage and family  
2 therapists, one of whom shall be a licensed professional counselor  
3 currently serving on the Professional Counselor Examiners Committee,  
4 one of whom shall be a licensed clinical alcohol and drug counselor  
5 currently serving on the Alcohol and Drug Counselor Committee, and  
6 three of whom shall be public members, including the public member  
7 appointed pursuant to the provisions of section 2 of P.L.1971, c.60  
8 (C.45:1-2.2), and one of whom shall be a State executive department  
9 member appointed pursuant to the provisions of P.L.1971, c.60  
10 (C.45:1-2.1 et seq.).<sup>1</sup>  
11 (cf: P.L.1995, c.366, s.7)

12  
13 <sup>1</sup>[19. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read  
14 as follows:

15 1. The provisions of this act shall apply to the following boards and  
16 commissions: the New Jersey State Board of Accountancy, the New  
17 Jersey State Board of Architects, the New Jersey State Board of  
18 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
19 Contractors, the New Jersey State Board of Dentistry, the State Board  
20 of Mortuary Science of New Jersey, the State Board of Professional  
21 Engineers and Land Surveyors, the State Board of Marriage Counselor  
22 Examiners, the State Board of Medical Examiners, the New Jersey  
23 Board of Nursing, the New Jersey State Board of Optometrists, the  
24 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic  
25 Technicians, the Board of Pharmacy, the State Board of Professional  
26 Planners, the State Board of Psychological Examiners, the State Board  
27 of Examiners of Master Plumbers, the New Jersey Real Estate  
28 Commission, the State Board of Shorthand Reporting, the State Board  
29 of Veterinary Medical Examiners, the Radiologic Technology Board  
30 of Examiners, the Acupuncture Examining Board, the State Board of  
31 Chiropractic Examiners, the State Board of Respiratory Care, the Real  
32 Estate Appraiser Board, the State Board of Social Work Examiners,  
33 [and] the State Board of Public Movers and Warehousemen and the  
34 State Board of Alcohol and Drug Counselor Examiners.  
35 (cf: P.L.1993, c.365, s.18)]<sup>1</sup>

36  
37 <sup>1</sup>[20. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read  
38 as follows:

39 2. a. All members of the several professional boards and  
40 commissions shall be appointed by the Governor in the manner  
41 prescribed by law; except in appointing members other than those  
42 appointed pursuant to subsection b. or subsection c., the Governor  
43 shall give due consideration to, but shall not be bound by,  
44 recommendations submitted by the appropriate professional  
45 organizations of this State.

46 b. In addition to the membership otherwise prescribed by law, the

1 Governor shall appoint in the same manner as presently prescribed by  
2 law for the appointment of members, two additional members to  
3 represent the interests of the public, to be known as public members,  
4 to each of the following boards and commissions: the New Jersey  
5 State Board of Accountancy, the New Jersey State Board of  
6 Architects, the New Jersey State Board of Cosmetology and  
7 Hairstyling, the New Jersey State Board of Dentistry, the State Board  
8 of Mortuary Science of New Jersey, the State Board of Professional  
9 Engineers and Land Surveyors, the State Board of Medical Examiners,  
10 the New Jersey Board of Nursing, the New Jersey State Board of  
11 Optometrists, the State Board of Examiners of Ophthalmic Dispensers  
12 and Ophthalmic Technicians, the Board of Pharmacy, the State Board  
13 of Professional Planners, the State Board of Psychological Examiners,  
14 the New Jersey Real Estate Commission, the State Board of Shorthand  
15 Reporting, the State Board of Social Work Examiners, [and] the State  
16 Board of Veterinary Medical Examiners, and the State Board of  
17 Alcohol and Drug Counselor Examiners, and one additional public  
18 member to each of the following boards: the Board of Examiners of  
19 Electrical Contractors, the State Board of Marriage Counselor  
20 Examiners, the State Board of Examiners of Master Plumbers, and the  
21 State Real Estate Appraiser Board. Each public member shall be  
22 appointed for the term prescribed for the other members of the board  
23 or commission and until the appointment of his successor. Vacancies  
24 shall be filled for the unexpired term only. The Governor may remove  
25 any such public member after hearing, for misconduct, incompetency,  
26 neglect of duty or for any other sufficient cause.

27 No public member appointed pursuant to this section shall have any  
28 association or relationship with the profession or a member thereof  
29 regulated by the board of which he is a member, where such  
30 association or relationship would prevent such public member from  
31 representing the interest of the public. Such a relationship includes  
32 a relationship with members of one's immediate family; and such  
33 association includes membership in the profession regulated by the  
34 board. To receive services rendered in a customary client relationship  
35 will not preclude a prospective public member from appointment. This  
36 paragraph shall not apply to individuals who are public members of  
37 boards on the effective date of this act.

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

42 Where a board is required to examine the academic and professional  
43 credentials of an applicant for licensure or to test such applicant  
44 orally, no public member appointed pursuant to this section shall  
45 participate in such examination process; provided, however, that  
46 public members shall be given notice of and may be present at all such

1 examination processes and deliberations concerning the results thereof,  
2 and, provided further, that public members may participate in the  
3 development and establishment of the procedures and criteria for such  
4 examination processes.

5 c. The Governor shall designate a department in the Executive  
6 Branch of the State Government which is closely related to the  
7 profession or occupation regulated by each of the boards or  
8 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)  
9 and shall appoint the head of such department, or the holder of a  
10 designated office or position in such department, to serve without  
11 compensation at the pleasure of the Governor as a member of such  
12 board or commission.

13 d. A majority of the voting members of such boards or  
14 commissions shall constitute a quorum thereof and no action of any  
15 such board or commission shall be taken except upon the affirmative  
16 vote of a majority of the members of the entire board or commission.  
17 (cf: P.L.1991, c.134, s.16)]<sup>1</sup>

18

19 <sup>1</sup>[21. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read  
20 as follows:

21 1. The provisions of this act shall apply to the following boards and  
22 commissions: the New Jersey State Board of Accountancy, the New  
23 Jersey State Board of Architects, the New Jersey State Board of  
24 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
25 Contractors, the New Jersey State Board of Dentistry, the State Board  
26 of Mortuary Science of New Jersey, the State Board of Professional  
27 Engineers and Land Surveyors, the State Board of Marriage Counselor  
28 Examiners, the State Board of Medical Examiners, the New Jersey  
29 Board of Nursing, the New Jersey State Board of Optometrists, the  
30 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic  
31 Technicians, the Board of Pharmacy, the State Board of Professional  
32 Planners, the State Board of Psychological Examiners, the State Board  
33 of Examiners of Master Plumbers, the State Board of Shorthand  
34 Reporting, the State Board of Veterinary Medical Examiners, the  
35 Radiologic Technology Board of Examiners, the Acupuncture  
36 Examining Board, the State Board of Chiropractic Examiners, the  
37 State Board of Respiratory Care, the State Real Estate Appraiser  
38 Board, [and] the State Board of Social Work Examiners , and the  
39 State Board of Alcohol and Drug Counselor Examiners.

40 (cf: P.L.1991, c.134, s.17)]<sup>1</sup>

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

3       2. The provisions of this act shall apply to the following boards and  
4 all professions or occupations regulated by or through such boards:  
5 the New Jersey State Board of Accountancy, the New Jersey State  
6 Board of Architects, the New Jersey State Board of Cosmetology and  
7 Hairstyling, the Board of Examiners of Electrical Contractors, the  
8 New Jersey State Board of Dentistry, the State Board of Mortuary  
9 Science of New Jersey, the State Board of Professional Engineers and  
10 Land Surveyors, the State Board of Marriage Counselor Examiners,  
11 the State Board of Medical Examiners, the New Jersey Board of  
12 Nursing, the New Jersey State Board of Optometrists, the State Board  
13 of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,  
14 the Board of Pharmacy, the State Board of Professional Planners, the  
15 State Board of Psychological Examiners, the State Board of Examiners  
16 of Master Plumbers, the State Board of Shorthand Reporting, the  
17 State Board of Veterinary Medical Examiners, the Acupuncture  
18 Examining Board, the State Board of Chiropractic Examiners, the  
19 State Board of Respiratory Care, the State Real Estate Appraiser  
20 Board, [and] ~~the State Board of Social Work Examiners~~ and the  
21 State Board of Alcohol and Drug Counselor Examiners.

22 (cf: P.L.1991, c.134, s.14)]<sup>1</sup>

23

24       <sup>1</sup>[23.] <sup>2</sup>[~~19.1~~] ~~20.~~<sup>2</sup> There is appropriated from the General Fund to  
25 the Division of Consumer Affairs in the Department of Law and Public  
26 Safety \$95,000 for the use of the board to implement and effectuate  
27 the provisions of this act.

28

29       <sup>1</sup>[24.] <sup>2</sup>[~~20.1~~] ~~21.~~<sup>2</sup> This act shall take effect <sup>1</sup>[immediately except  
30 that subsections a. and b. of section 7 of this act shall take effect on  
31 the 730th day following enactment] 360 days following the  
32 appointment and qualification of committee members<sup>1</sup>.

33

34

35

36

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