

[Third 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 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

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.

² Senate floor amendments adopted April 21, 1997.

³ Senate floor amendments adopted June 5, 1997.

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

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

10 "Board" means the State Board of Marriage and Family Therapy
11 Examiners.¹

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

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

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

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

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

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

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

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

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

31

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

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

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

45 ¹b. The board shall issue a license as a licensed clinical alcohol and
46 drug counselor to any health care provider licensed by this State who,

1 within the scope of that provider's practice, diagnoses and treats drug
2 or alcohol related disorders, or both, and demonstrates to the board
3 that the person has equivalent education, training and comparable
4 years of experience as required pursuant to subsection a. of this
5 section, except that the person shall be exempt from meeting the
6 provisions of paragraphs (5) and (6) of subsection a. of section 5 of
7 this act.¹

8
9 5. (New section) a. ¹[The board shall issue a certificate as a
10 certified alcohol and drug counselor to an applicant who] Each person
11 applying for certification as a certified alcohol and drug counselor shall
12 make application to the board on the form and in the manner the
13 committee prescribes and the board shall immediately refer each
14 application to the committee for appropriate action. Each applicant
15 shall furnish evidence satisfactory to the committee that he¹ ²has
16 received a high school diploma or a certificate of high school
17 equivalency and that he² has:

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

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

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

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

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

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

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

1 consultation with other professionals in regard to client treatment and
2 services, and reporting and recordkeeping.

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

20

21 ¹[6.] 7.¹ (New section) ¹[a. Each license or certification issued by
22 the board shall become effective upon issuance and shall expire on the
23 last day of the month in the year that is exactly two years from the
24 year and month in which the license or certification was issued.

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

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

1 addition to the renewal fee for each year or part thereof during which
2 the license or certification was ineffective. After the three-year period,
3 the license or certification may be reinstated only by complying with
4 the provisions of this act regarding initial licensure or certification.¹

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

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

27 c. No person shall engage in the independent practice of alcohol
28 and drug counseling for a fee unless the person is licensed under this
29 act as a licensed clinical alcohol and drug counselor ¹or the person is
30 a certified alcohol and drug counselor practicing under the supervision
31 of a licensed clinical alcohol and drug counselor¹.

32
33 ¹[8.] 9.¹ (New section) a. Nothing in this act shall be construed
34 to prevent a person from engaging in or offering alcohol and drug
35 addiction services such as self-help, sponsorship through alcoholics
36 and narcotics anonymous groups or other uncompensated alcohol and
37 drug addiction counseling assistance.

38 b. Nothing in this act shall be construed to apply to the activities
39 and services of a designated employee or other agent of a private
40 employer who has been designated to be involved in the evaluation or
41 referral for counseling of employees of the private employer, or an
42 employee or other agent of a recognized academic institution, a
43 federal, State, county or local government institution, agency or
44 facility, or a school district, if the individual is performing these
45 activities solely within the company or agency, as the case may be, or
46 under the jurisdiction of that company or agency and if a license

1 granted under this act is not a requirement for employment.

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

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

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

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

42
43 ¹[10.] 11.¹ (New section) An alcohol and drug counselor or
44 clinical alcohol and drug counselor certified or licensed pursuant to the
45 provisions of this act, or his employee, shall not disclose any
46 confidential information that the counselor, or his employee, may have

1 acquired while performing alcohol and drug counseling services for a
2 patient unless in accordance with the federal regulations regarding the
3 confidentiality of alcohol and drug patient records pursuant to 42
4 C.F.R. 2.1 et seq.

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

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

37 ¹The committee shall annually elect from its members a chairperson
38 and a vice-chairperson.

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

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

1 appointment and qualification as members of the board] as soon as
2 practical¹.

3
4 ¹[13.] 14.¹ (New section) The ¹[board] committee¹ shall, in
5 addition to such other powers and duties as it may possess by law ¹or
6 that may be delegated to the committee by the board¹:

7 a. Administer the provisions of this act;

8 b. ¹[Examine and pass on] Evaluate¹ the qualifications ¹and make
9 a determination of the eligibility for licensure and certification¹ of all
10 applicants ¹[for licensure or certification]¹ under this act, ¹[and issue
11 a license or certificate to each qualified successful applicant, therefor]¹
12 attesting to the applicant's professional qualification to practice as a
13 licensed clinical alcohol and drug counselor or certified alcohol and
14 drug counselor;

15 c. ¹[Examine, evaluate and supervise all examinations and
16 procedures and certify as to whether or not the examinations and
17 procedures are as free as possible from cultural and linguistic bias]
18 Investigate allegations of practice violating the provisions of this act¹;

19 d. ¹[Adopt a seal which shall be affixed to all licenses and
20 certificates issued by it] Conduct hearings pursuant to the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
22 seq.), except that the director shall have the right to administer oaths
23 to witnesses, and shall have the power to issue subpoenas for the
24 compulsory attendance of witnesses and the production of pertinent
25 books, papers and records¹;

26 e. ¹[Adopt] Recommend¹ rules and regulations pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
28 as it may deem necessary to enable it to perform its duties under and
29 to enforce the provisions of this act, including, but not limited to: rules
30 and regulations that set professional practice standards for licensed
31 clinical alcohol and drug counselors in the independent practice of
32 alcohol and drug counseling for a fee and for certified alcohol and
33 drug counselors;

34 f. ¹[Annually publish] Maintain¹ a list of the names and addresses
35 of all licensed clinical alcohol and drug counselors and all certified
36 alcohol and drug counselors who are licensed or certified under this
37 act; ¹and¹

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

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

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

1 ¹[14.] 15.¹ (New section) a. ¹[The] An¹ executive director of the
2 ¹[board] committee¹ 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 ¹[board] committee¹ shall be ¹compensated
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 be¹ reimbursed for actual expenses
10 reasonably incurred in the performance of the duties as a member or
11 on behalf of the ¹[board] committee¹.

12 c. The ¹[board] committee¹, through its executive director, may
13 issue subpoenas to compel the attendance of witnesses to testify before
14 the ¹[board] committee¹ and produce relevant books, records and
15 papers before the ¹[board] committee¹ 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 ¹d. 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.¹
25

26 ¹[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.]¹

9

10 ¹[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.]¹

28

29 ¹[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.]¹

37

38 ¹[18.] 16.¹ (New section) a. On or before the 730th day following
39 the effective date of this act, ¹upon application to the board on the
40 form and in the manner the committee prescribes and the board
41 approves,¹ any person certified in New Jersey by the Alcohol and Drug
42 Counselor Certification Board of New Jersey¹, Inc.¹ as an alcoholism
43 counselor on the ¹[effective] enactment 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,¹ any person certified in
5 New Jersey by the Alcohol and Drug Counselor Certification Board of
6 New Jersey¹, Inc.¹ as a drug counselor on the ¹[effective] enactment¹
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 ¹c. ²[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.]² 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.¹

28

29 ¹17. (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.¹

32

33 ²18. (New section) The board shall refuse to admit a person to an
34 examination for licensure or certification and shall refuse to issue and
35 shall revoke a license or certificate issued upon³:

36 a.³ proof that the applicant or holder of the license or certificate
37 has been convicted of a crime of the first, second, third or fourth
38 degree in this State, or the equivalent thereof or other indictable
39 offense in another jurisdiction³; and

40 b. a determination by the board that the criminal conviction renders
41 the applicant or holder of a license or certificate unfit to engage in the
42 practice of alcohol and drug counseling. If an applicant or holder
43 affirmatively demonstrates rehabilitation by clear and convincing
44 evidence, the board shall not refuse to admit the applicant to an
45 examination and shall not refuse to issue nor revoke a license or
46 certificate to a holder thereof. In determining whether a person has

1 affirmatively demonstrated rehabilitation, the following factors shall be
2 considered:

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

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

6 (3) the circumstances under which the offense occurred;

7 (4) the date of the offense;

8 (5) the age of the person when the offense was committed ;

9 (6) whether the offense was an isolated or repeated incident;

10 (7) any social conditions which may have contributed to the
11 offense; and

12 (8) any evidence of rehabilitation, including good conduct in prison
13 or in the community, counseling or psychiatric treatment received,
14 acquisition of additional academic or vocational schooling, successful
15 participation in correctional work-release programs, or the
16 recommendation of those who have had the person under their
17 supervision³ .²

18

19 ¹[19. Section 1 of P.L.1971, c.60 (C.45:1-2.1) 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 New Jersey Real Estate
34 Commission, the State Board of Shorthand Reporting, the State Board
35 of Veterinary Medical Examiners, the Radiologic Technology Board
36 of Examiners, the Acupuncture Examining Board, the State Board of
37 Chiropractic Examiners, the State Board of Respiratory Care, the Real
38 Estate Appraiser Board, the State Board of Social Work Examiners,
39 [and] the State Board of Public Movers and Warehousemen and the

1 State Board of Alcohol and Drug Counselor Examiners.

2 (cf: P.L.1993, c.365, s.18)]¹

3

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

6 2. a. All members of the several professional boards and
7 commissions shall be appointed by the Governor in the manner
8 prescribed by law; except in appointing members other than those
9 appointed pursuant to subsection b. or subsection c., the Governor
10 shall give due consideration to, but shall not be bound by,
11 recommendations submitted by the appropriate professional
12 organizations of this State.

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

40 No public member appointed pursuant to this section shall have any
41 association or relationship with the profession or a member thereof
42 regulated by the board of which he is a member, where such
43 association or relationship would prevent such public member from
44 representing the interest of the public. Such a relationship includes
45 a relationship with members of one's immediate family; and such
46 association includes membership in the profession regulated by the

1 board. To receive services rendered in a customary client relationship
2 will not preclude a prospective public member from appointment. This
3 paragraph shall not apply to individuals who are public members of
4 boards on the effective date of this act.

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

9 Where a board is required to examine the academic and professional
10 credentials of an applicant for licensure or to test such applicant
11 orally, no public member appointed pursuant to this section shall
12 participate in such examination process; provided, however, that
13 public members shall be given notice of and may be present at all such
14 examination processes and deliberations concerning the results thereof,
15 and, provided further, that public members may participate in the
16 development and establishment of the procedures and criteria for such
17 examination processes.

18 c. The Governor shall designate a department in the Executive
19 Branch of the State Government which is closely related to the
20 profession or occupation regulated by each of the boards or
21 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)
22 and shall appoint the head of such department, or the holder of a
23 designated office or position in such department, to serve without
24 compensation at the pleasure of the Governor as a member of such
25 board or commission.

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

31

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

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

1 Reporting, the State Board of Veterinary Medical Examiners, the
 2 Radiologic Technology Board of Examiners, the Acupuncture
 3 Examining Board, the State Board of Chiropractic Examiners, the
 4 State Board of Respiratory Care, the State Real Estate Appraiser
 5 Board, [and] the State Board of Social Work Examiners , and the
 6 State Board of Alcohol and Drug Counselor Examiners.
 7 (cf: P.L.1991, c.134, s.17)]¹

8
 9 ¹[22. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
 10 as follows:

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

31
 32 ¹[23.] ²[19.] ^{20.}² There is appropriated from the General Fund to
 33 the Division of Consumer Affairs in the Department of Law and Public
 34 Safety \$95,000 for the use of the board to implement and effectuate
 35 the provisions of this act.

36
 37 ¹[24.] ²[20.] ^{21.}² This act shall take effect ¹[immediately except
 38 that subsections a. and b. of section 7 of this act shall take effect on
 39 the 730th day following enactment] 360 days following the
 40 appointment and qualification of committee members¹.

41

42

43

44

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