

[Passed Both Houses]

[Corrected Copy]

[Third Reprint]

SENATE, No. 685

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

**By Senators SINGER, O'Connor,
Assemblymen Cottrell and Malone**

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

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 education, experience, ethics and competency in practice which will
2 encourage and promote quality treatment and rehabilitation for drug
3 and alcohol abusers.

4
5 3. (New section) As used in this act:

6 "Alcohol and drug counseling" means the professional application
7 of alcohol and drug counseling methods which assist an individual or
8 group to develop an understanding of alcohol and drug dependency
9 problems, define goals, and plan action reflecting the individual's or
10 group's interest, abilities and needs as affected by alcohol and drug
11 dependency problems.

12 ¹"Alcohol and Drug Counselor Certification Board of New Jersey,
13 Inc." means the member of the International Certification Reciprocity
14 Consortium of Alcohol and Other Drug Abuse, Inc. which certifies
15 alcohol and drug counselors in the State of New Jersey.

16 "Board" means the State Board of Marriage and Family Therapy
17 Examiners.¹

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

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

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

23 "Director" means the Director of the Division of Consumer Affairs
24 in the Department of Law and Public Safety.

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

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

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

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

33 "Supervision" means the direct review of a supervisee for the
34 purpose of ¹accountability.¹ teaching, training, administering,
35 ¹[accountability]¹ or clinical review by a supervisor in the same area
36 of specialized practice.

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

46 ¹[a.] (1)¹ Received a master's degree from an accredited institution

1 of higher education with a minimum of 18 graduate semester hours in
2 counseling or counseling related subjects; and

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

5 ¹b. The board shall issue a license as a licensed clinical alcohol and
6 drug counselor to any health care provider licensed by this State who,
7 within the scope of that provider's practice, diagnoses and treats drug
8 or alcohol related disorders, or both, and demonstrates to the board
9 that the person has equivalent education, training and comparable
10 years of experience as required pursuant to subsection a. of this
11 section, except that the person shall be exempt from meeting the
12 provisions of paragraphs (5) and (6) of subsection a. of section 5 of
13 this act.¹

14

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

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

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

34 (3) Completed 270 hours of alcohol and drug education, including
35 formal classroom education, workshops, seminars, institutes,
36 in-service training and college or university work. This education shall
37 be related to the knowledge and skill base associated with the
38 functions of an alcohol and drug counselor. All education shall be
39 approved by the board;

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

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

44 (6) Successfully completed a written examination provided by the
45 board, which may be a written examination administered by a
46 nationally recognized alcohol and drug counseling certification

1 organization.

2 b. The experience and education requirements in subsection a. of
3 this section shall insure that the applicant is competent in the functions
4 of an alcohol and drug abuse counselor ¹,¹ which include: screening,
5 intake, orientation, assessment, treatment planning, counseling, case
6 management, crisis intervention, education and prevention, referral,
7 consultation with other professionals in regard to client treatment and
8 services, and reporting and recordkeeping.

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

26
27 ¹[6.] 7.¹ (New section) ¹[a. Each license or certification issued by
28 the board shall become effective upon issuance and shall expire on the
29 last day of the month in the year that is exactly two years from the
30 year and month in which the license or certification was issued.

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

42 Each initial application under this act shall be accompanied by a fee
43 as prescribed by the committee. Licenses and certifications shall be
44 renewed biennially upon a form provided by the board, accompanied
45 by payment of a fee prescribed by the board. Each applicant shall
46 apply for renewal of licensure or certification within 180 days of

1 expiration, and shall present satisfactory evidence that the continuing
2 education requirements have been completed. If the certificate or
3 license is not renewed within 180 days of expiration, the license or
4 certification shall be revoked upon notice by the board. A license or
5 certification which has been revoked may be reinstated within three
6 years, upon payment to the board of a prescribed reinstatement fee in
7 addition to the renewal fee for each year or part thereof during which
8 the license or certification was ineffective. After the three-year period,
9 the license or certification may be reinstated only by complying with
10 the provisions of this act regarding initial licensure or certification.¹
11

12 ¹[7.] 8.¹ (New section) a. No person shall engage in the practice
13 of alcohol and drug counseling as a licensed clinical alcohol and drug
14 counselor ¹[or certified alcohol and drug counselor, or present, call or
15 represent himself as a licensed clinical alcohol and drug counselor or
16 certified alcohol and drug counselor]¹ unless licensed ¹[or certified]¹
17 under this act. ¹No person shall engage in the practice of alcohol and
18 drug counseling as a certified alcohol and drug counselor unless
19 certified under this act. No person shall present, call or represent
20 himself as a licensed clinical alcohol and drug counselor unless
21 licensed under this act. No person shall present, call or represent
22 himself as a certified alcohol and drug counselor unless certified under
23 this act.¹

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

33 c. No person shall engage in the independent practice of alcohol
34 and drug counseling for a fee unless the person is licensed under this
35 act as a licensed clinical alcohol and drug counselor ¹or the person is
36 a certified alcohol and drug counselor practicing under the supervision
37 of a licensed clinical alcohol and drug counselor¹.
38

39 ¹[8.] 9.¹ (New section) a. Nothing in this act shall be construed
40 to prevent a person from engaging in or offering alcohol and drug
41 addiction services such as self-help, sponsorship through alcoholics
42 and narcotics anonymous groups or other uncompensated alcohol and
43 drug addiction counseling assistance.

44 b. Nothing in this act shall be construed to apply to the activities
45 and services of a designated employee or other agent of a private
46 employer who has been designated to be involved in the evaluation or

1 referral for counseling of employees of the private employer, or an
2 employee or other agent of a recognized academic institution, a
3 federal, State, county or local government institution, agency or
4 facility, or a school district, if the individual is performing these
5 activities solely within the company or agency, as the case may be, or
6 under the jurisdiction of that company or agency and if a license
7 granted under this act is not a requirement for employment.

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

19 d. Nothing in this act shall be construed to apply to the activities
20 and services of a student, intern or trainee in alcohol and drug
21 addiction counseling pursuing a course of study in counseling in a
22 regionally accredited institution of higher education or training
23 institution, if these activities are performed under supervision and
24 constitute a part of the supervised course of study.

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

41
42 ¹[9.] 10.¹ (New section) The board may grant a license or
43 certification to any person who at the time of application is licensed or
44 certified by a governmental agency located in another state, territory
45 or jurisdiction, if in the opinion of the ¹[board] committee ¹the
46 requirements of that licensure or certification are substantially similar

1 to the requirements of this act.

2

3 ¹[10.] 11.¹ (New section) An alcohol and drug counselor or
4 clinical alcohol and drug counselor certified or licensed pursuant to the
5 provisions of this act, or his employee, shall not disclose any
6 confidential information that the counselor, or his employee, may have
7 acquired while performing alcohol and drug counseling services for a
8 patient unless in accordance with the federal regulations regarding the
9 confidentiality of alcohol and drug patient records pursuant to 42
10 C.F.R. 2.1 et seq.

11

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

31

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

43 ¹The committee shall annually elect from its members a chairperson
44 and a vice-chairperson.

45 Regular meetings of the committee shall be held at least once during
46 each quarter of the year and special meetings may be held upon the call

1 of the chairperson or the vice-chairperson in the chairperson's
2 absence.¹

3 b. The first appointees to the ¹[board who] committee¹ must meet
4 the qualifications to be licensed or certified ¹and¹ shall ¹[be deemed to
5 be and shall]¹ become licensed clinical alcohol and drug counselors or
6 certified alcohol and drug counselors ¹[immediately upon their
7 appointment and qualification as members of the board] as soon as
8 practical¹.

9
10 ¹[13.] 14.¹ (New section) The [~~board~~] committee shall, in
11 addition to such other powers and duties as it may possess by law ¹or
12 that may be delegated to the committee by the board¹:

13 a. Administer the provisions of this act;

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

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

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

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

40 f. ¹[Annually publish] Maintain¹ a list of the names and addresses
41 of all licensed clinical alcohol and drug counselors and all certified
42 alcohol and drug counselors who are licensed or certified under this
43 act; ¹and¹

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

1 h. Recommend to the Governor and Legislature modifications and
2 amendments to this act deemed necessary by it to effectuate its
3 purposes; and

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

7
8 ¹[14.] 15.¹ (New section) a. ¹[The] An¹ executive director of the
9 ¹[board] committee¹ shall be appointed by the director and shall serve
10 at the director's pleasure. The salary of the executive director shall be
11 determined by the director within the limits of available funds. The
12 director shall be empowered within the limits of available funds to hire
13 any assistants as are necessary to administer this act.

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

19 c. The ¹[board] committee¹, through its executive director, may
20 issue subpoenas to compel the attendance of witnesses to testify before
21 the ¹[board] committee¹ and produce relevant books, records and
22 papers before the ¹[board] committee¹ and may administer oaths in
23 taking testimony, in any matter pertaining to its duties under the act,
24 which subpoenas shall issue under the seal of the board and shall be
25 served in the same manner as subpoenas issued out of the Superior
26 Court. A person who refuses or neglects to obey the command of any
27 subpoena, or who, after hearing, refuses to be sworn and testify, shall,
28 in either event, be liable to a penalty.

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

32
33 ¹[15. (New section) a. A person may file a petition with the board
34 if he has cause to believe that a licensed clinical alcohol and drug
35 counselor or certified alcohol and drug counselor has violated any
36 statutes, regulations or the code of ethics.

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

39 c. If the executive director of the board finds that there is not
40 sufficient evidence to establish the alleged violation, he shall notify the
41 board, petitioner and respondent and no further action shall be taken.
42 If the executive director of the board finds that there is sufficient
43 evidence, he shall designate a hearing panel which shall consist of
44 three members of the board for the purposes of conducting any hearing
45 regarding a complaint against a licensed clinical alcohol and drug
46 counselor or certified alcohol and drug counselor and shall report the

1 panel's recommendations to the board.

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

5 (2) The hearing panel shall make a written report to the board, the
6 respondents and any other party deemed by the panel to be entitled to
7 a copy. The report shall include the recommendations of the panel, a
8 brief statement of findings of fact and reasons supporting the
9 recommendations.

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

11 e. The licensed clinical alcohol and drug counselor's or certified
12 alcohol and drug counselor's name shall be removed from the registry
13 if the license or certification is revoked by the board. If the counselor
14 is suspended by the board, notice of the suspension shall be recorded
15 in the registry during the time the suspension is in force.]¹

16

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

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

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

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

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

33 e. Practiced alcohol and drug counseling under a false or assumed
34 name or impersonation of a licensed clinical alcohol and drug
35 counselor or certified alcohol and drug counselor or permitted an
36 unlicensed or uncertified person to practice alcohol and drug
37 counseling in the name of a person licensed or certified pursuant to the
38 provisions of this act or to use his license or certificate for that
39 purpose;

40 f. Is impaired in the delivery of professional services because of
41 alcohol or drug abuse or because of a medical or psychiatric disability,
42 or has pleaded nolo contendere, non vult contendere or non vult to an
43 indictment, information or complaint alleging a violation of any federal
44 or State law relating to drug or alcohol use or possession or sale or
45 distribution of alcohol or drugs, or is convicted in any court for a
46 violation of such laws;

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

4 h. Engaged in sexual misconduct with a patient or family member
5 of a patient;

6 i. Engaged in advertising in any manner, whether as an individual,
7 through a professional service corporation or through a third party on
8 behalf of a person licensed or certified pursuant to this act, the
9 practice of alcohol and drug counseling; provided, however, that the
10 following shall not be deemed to be advertising prohibited under this
11 act:

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

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

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

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

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

31 j. Failed to obtain the continuing education credits required by the
32 board; or

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

35

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

44

45 ¹[18.] 16.¹ (New section) a. On or before the 730th day following
46 the effective date of this act, ¹upon application to the board on the

1 form and in the manner the committee prescribes and the board
2 approves.¹ any person certified in New Jersey by the Alcohol and Drug
3 Counselor Certification Board of New Jersey¹, Inc.¹ as an alcoholism
4 counselor on the ¹[effective] enactment date of this act who
5 demonstrates to the board that he has successfully completed 30
6 classroom hours in drug education may acquire a certificate as a
7 certified alcohol and drug counselor without meeting the requirements
8 set forth in section 5 of this act.

9 b. On or before the 730th day following the effective date of this
10 act, ¹upon application to the board on the form and in the manner the
11 committee prescribes and the board approves.¹ any person certified in
12 New Jersey by the Alcohol and Drug Counselor Certification Board of
13 New Jersey¹, Inc.¹ as a drug counselor on the ¹[effective] enactment¹
14 date of this act who demonstrates to the board that he has successfully
15 completed 50 classroom hours in alcohol education may acquire a
16 certificate as a certified alcohol and drug counselor without meeting
17 the requirements set forth in section 5 of this act.

18 ¹c. ²[On or before the 730th day following the effective date of this
19 act, upon application to the board on the form and in the manner the
20 committee prescribes and the board approves, any person certified in
21 New Jersey by the National Association of Forensic Counselors as a
22 Master addiction counselor or by the National Board of Addiction
23 Examiners as an addiction counselor on the enactment date of this act
24 may acquire a certificate as a certified alcohol and drug counselor
25 without meeting the requirements set forth in section 5 of this act.

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

35
36 ¹17. (New section) The provisions of P.L.1978, c.73 (C.45:1-14
37 et seq.) shall apply to this act. The authority of the board may be
38 delegated to the committee at the discretion of the board.¹

39
40 ²18. (New section) The board shall refuse to admit a person to
41 an examination for licensure or certification and shall refuse to issue
42 and shall revoke a license or certificate issued upon³:

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

1 b. a determination by the board that the criminal conviction renders
2 the applicant or holder of a license or certificate unfit to engage in the
3 practice of alcohol and drug counseling. If an applicant or holder
4 affirmatively demonstrates rehabilitation by clear and convincing
5 evidence, the board shall not refuse to admit the applicant to an
6 examination and shall not refuse to issue nor revoke a license or
7 certificate to a holder thereof. In determining whether a person has
8 affirmatively demonstrated rehabilitation, the following factors shall be
9 considered:

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

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

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

14 (4) the date of the offense;

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

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

17 (7) any social conditions which may have contributed to the
18 offense; and

19 (8) any evidence of rehabilitation, including good conduct in prison
20 or in the community, counseling or psychiatric treatment received,
21 acquisition of additional academic or vocational schooling, successful
22 participation in correctional work-release programs, or the
23 recommendation of those who have had the person under their
24 supervision³ .²

25
26 ²[¹18.] ¹⁹.² Section 9 of P.L.1968, c.401 (C.45:8B-9) is amended
27 to read as follows:

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

1 member appointed pursuant to the provisions of P.L.1971, c.60
2 (C.45:1-2.1 et seq.).¹
3 (cf: P.L.1995, c.366, s.7)

4
5 ¹[19. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
6 as follows:

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

28
29 ¹[20. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
30 as follows:

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

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

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

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

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

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

43 c. The Governor shall designate a department in the Executive
44 Branch of the State Government which is closely related to the
45 profession or occupation regulated by each of the boards or
46 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)

1 and shall appoint the head of such department, or the holder of a
2 designated office or position in such department, to serve without
3 compensation at the pleasure of the Governor as a member of such
4 board or commission.

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

10
11 ¹[21. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
12 as follows:

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

32 (cf: P.L.1991, c.134, s.17)]¹

33
34 ¹[22. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
35 as follows:

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

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

10

11 ¹[23.] ²[19.] 20.² There is appropriated from the General Fund to
12 the Division of Consumer Affairs in the Department of Law and Public
13 Safety \$95,000 for the use of the board to implement and effectuate
14 the provisions of this act.

15

16 ¹[24.] ²[20.] 21.² This act shall take effect ¹[immediately except
17 that subsections a. and b. of section 7 of this act shall take effect on
18 the 730th day following enactment] 360 days following the
19 appointment and qualification of committee members¹.

20

21

22

23

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