

**SENATE, No. 3175**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

INTRODUCED NOVEMBER 12, 2020

**Sponsored by:**  
**Senator NELLIE POU**  
**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Permits expedited licensure in mental health professions for certain out-of-State individuals during state of emergency or public health emergency.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning professional and occupational licenses for  
2 certain out-of-State individuals, and supplementing P.L.1999,  
3 c.403 (C.45:1-7.1 et seq.).  
4

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

8 1. a. Notwithstanding the provisions of any other law, rule or  
9 regulation to the contrary, during a state of emergency declared by  
10 the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.),  
11 or a public health emergency declared by the Governor pursuant to  
12 P.L.2005, c.222 (C.26:13-1 et seq.), and with the approval of the  
13 Attorney General, a professional licensing board regulating a  
14 mental health profession within the Division of Consumer Affairs in  
15 the Department of Law and Public Safety or, with regard to mental  
16 health professions regulated by the division, the director of the  
17 division, as applicable, may grant a temporary license, certificate of  
18 registration or certification on an expedited basis to a recent  
19 graduate in another state who earned a master's degree or higher  
20 from a program in another state that is intended to lead to a career  
21 in a mental health profession and is not yet licensed, registered or  
22 certified to practice the mental health profession in any jurisdiction.  
23 Notwithstanding the provisions of any other law, rule or regulation  
24 to the contrary, and to effectuate the purposes of this act, the board  
25 or director, as applicable, may take additional action necessary to  
26 protect the public health, safety and welfare, including but not  
27 limited to the following:

28 (1) Grant a temporary license, certificate of registration or  
29 certification pending the results of a criminal history record  
30 background check;

31 (2) Temporarily waive any licensing, registration or certification  
32 fees; or

33 (3) Temporarily waive any other requirements contained in Title  
34 45 or other applicable law.

35 b. An individual issued a temporary license, certificate of  
36 registration or certification pursuant to this act shall be:

37 (1) issued a temporary license, certificate of registration or  
38 certification, as applicable, to provide services with an expiration  
39 date marked clearly and conspicuously; and

40 (2) supervised by an individual holding a New Jersey-issued  
41 license, certificate of registration or certification, in good standing,  
42 in the same profession in which the out-of-State individual is to  
43 provide services.

44 c. Upon the Governor's lifting of the state of emergency or  
45 public health emergency during which a temporary license,  
46 certificate of registration or certification was issued to an individual  
47 pursuant to this act to practice a mental health profession, or when  
48 the temporary license, certificate of registration or certification

1 expires, whichever is sooner, and if the individual intends to remain  
2 in New Jersey and practice the mental health profession for which  
3 the individual was issued a temporary license, certificate of  
4 registration or certification, the individual may apply for a full  
5 license, certificate of registration or certification to the requisite  
6 licensing board or director, as applicable.

7 d. An individual issued a temporary license, certificate of  
8 registration or certification pursuant to this act shall be allowed to  
9 apply the experience gained in providing services during the state of  
10 emergency or public health emergency to a requirement for  
11 experience when applying for full professional licensure,  
12 registration or certification to the requisite professional board or,  
13 for certain mental health professions regulated by the Division of  
14 Consumer Affairs, the director.

15 e. As used in this act:

16 “Mental health profession” means a profession licensed by the  
17 Alcohol and Drug Counselor Committee; the State Board of  
18 Creative Arts and Activities Therapies; the State Board of Marriage  
19 and Family Therapy Examiners; the State Board of Medical  
20 Examiners; the Professional Counselor Examiners Committee; the  
21 Certified Psychoanalysts Advisory Committee; the State Board of  
22 Psychological Examiners; the State Board of Social Work  
23 Examiners; the New Jersey Board of Nursing and any other entity  
24 created hereafter under Title 45 to license or otherwise regulate a  
25 mental health profession.

26  
27 2. This act shall take effect immediately.  
28  
29

## 30 STATEMENT

31  
32 This bill allows, with the approval of the Attorney General, a  
33 professional licensing board regulating a mental health profession  
34 or, in the case of certain mental health professions, the director of  
35 the Division of Consumer Affairs to expedite the issuance of a  
36 temporary license, certificate of registration or certification to  
37 practice a mental health profession to a recent graduate in another  
38 state who earned a master’s degree or higher from a program in  
39 another state that is intended to lead to a career in a mental health  
40 profession and is not yet licensed, registered or certified to practice  
41 the mental health profession in any jurisdiction. The individual is  
42 granted a temporary credential pending the results of a criminal  
43 history background record check. The temporary license, certificate  
44 of registration or certification is to include an expiration date posted  
45 clearly and conspicuously. Additionally, the individual with the  
46 temporary credential is to be supervised by someone licensed in  
47 New Jersey in the same profession that the out-of-State individual is  
48 temporarily practicing.

**S3175 POU**

4

1       Once the Governor has lifted the state of emergency or public  
2 health emergency under which a temporary license, certificate of  
3 registration or certification was issued to an individual to practice a  
4 mental health profession, or when the temporary license, certificate  
5 of registration or certification expires, whichever is sooner, and the  
6 individual intends to remain in New Jersey and practice the mental  
7 health profession for which the individual was a issued a temporary  
8 license, certificate of registration or certification, the individual is  
9 to apply for a full license, certificate of registration or certification  
10 to the requisite professional board or, for certain mental health  
11 professions regulated by the Division of Consumer Affairs, the  
12 director. If an individual applies for a full license, certificate of  
13 registration or certification and there is a requirement on the  
14 application to demonstrate experience, the individual may use the  
15 experience gained in providing services during the state of  
16 emergency or public health emergency on the application.