

[First Reprint]

SENATE, No. 3175

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on January 21, 2021, with amendments.



(Sponsorship Updated As Of: 2/4/2021)

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 the
 10 Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or a
 11 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 mental
 14 health profession within the Division of Consumer Affairs in the
 15 Department of Law and Public Safety or, with regard to mental health
 16 professions regulated by the division, the director of the division, as
 17 applicable, may grant a temporary license, certificate of registration or
 18 certification on an expedited basis to a recent graduate in ¹New Jersey
 19 or¹ another state who earned a master's degree or higher from a
 20 program in ¹New Jersey or¹ another state that is intended to lead to a
 21 career in a mental health profession and is not yet licensed, registered
 22 or certified to practice the mental health profession in any jurisdiction.
 23 Notwithstanding the provisions of any other law, rule or regulation to
 24 the contrary, and to effectuate the purposes of this act, the ¹[board
 25 or]¹ director ¹[, as applicable,]¹ may take additional action necessary
 26 to 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; ¹[or]¹

33 (3) ¹Temporarily waive any examination required for licensing,
 34 registration, or certification; or

35 (4)¹ Temporarily waive any other requirements contained in Title
 36 45 or other applicable law.

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted January 21, 2021.

1 c. Upon the Governor's lifting of the state of emergency or public
2 health emergency during which a temporary license, certificate of
3 registration or certification was issued to an individual pursuant to this
4 act to practice a mental health profession, or when the temporary
5 license, certificate of registration or certification expires, whichever is
6 sooner, and if the individual intends to remain in New Jersey and
7 practice the mental health profession for which the individual was
8 issued a temporary license, certificate of registration or certification,
9 the individual may apply for a full license, certificate of registration or
10 certification to the requisite licensing board or director, as applicable.

11 d. ¹[An] At the discretion of the board or the director, as
12 applicable, an¹ individual issued a temporary license, certificate of
13 registration or certification pursuant to this act shall be allowed to
14 apply the experience gained in providing services during the state of
15 emergency or public health emergency to a requirement for experience
16 when applying for full professional licensure, registration or
17 certification to the requisite professional board or, for certain mental
18 health professions regulated by the Division of Consumer Affairs, the
19 director.

20 e. ¹The Division of Consumer Affairs shall be authorized to
21 impose program requirements that are not inconsistent with the
22 provisions of this section.

23 f. The exercise of the authority provided in this section to grant a
24 temporary license, certificate of registration, or certification on an
25 expedited basis or to take any other action necessary to protect the
26 public health, safety, and welfare shall not be required to comply with
27 the requirements of the "Administration Procedures Act," P.L.1968,
28 c.410 (C.52:14B-1 et seq.).

29 g. ¹As used in this act:

30 "Mental health profession" means a profession licensed by the
31 Alcohol and Drug Counselor Committee; the State Board of Creative
32 Arts and Activities Therapies; the State Board of Marriage and Family
33 Therapy Examiners; the State Board of Medical Examiners; the
34 Professional Counselor Examiners Committee; the Certified
35 Psychoanalysts Advisory Committee; the State Board of Psychological
36 Examiners; the State Board of Social Work Examiners; the New Jersey
37 Board of Nursing and any other entity created hereafter under Title 45
38 to license or otherwise regulate a mental health profession.

39

40 2. This act shall take effect immediately.