

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3175

STATE OF NEW JERSEY

DATED: JANUARY 21, 2021

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3175.

As amended, this bill allows, with the approval of the Attorney General, a professional licensing board regulating a mental health profession or, in the case of certain mental health professions, the director of the Division of Consumer Affairs to expedite the issuance of a temporary license, certificate of registration or certification to practice a mental health profession to a recent graduate in New Jersey or another state who earned a master's degree or higher from a program in New Jersey or another state that is intended to lead to a career in a mental health profession and is not yet licensed, registered or certified to practice the mental health profession in any jurisdiction. The individual is granted a temporary credential pending the results of a criminal history background record check. Additionally, requirements such as fees and examinations are temporarily waived for these individuals. The temporary license, certificate of registration or certification is to include an expiration date posted clearly and conspicuously. Moreover, the individual with the temporary credential is to be supervised by someone licensed in New Jersey in the same profession that the out-of-State individual is temporarily practicing.

Once the Governor has lifted the state of emergency or public health emergency under which a temporary license, certificate of registration or certification was issued to an individual to practice a mental health profession, or when the temporary license, certificate of registration or certification expires, whichever is sooner, and the individual intends to remain in New Jersey and practice the mental health profession for which the individual was issued a temporary license, certificate of registration or certification, the individual is to apply for a full license, certificate of registration or certification to the requisite professional board or, for certain mental health professions regulated by the Division of Consumer Affairs, the director. If an individual applies for a full license, certificate of registration or certification and there is a requirement on the application to demonstrate experience, the individual, at the discretion of the board or director of the Division of Consumer Affairs, may use the experience gained in providing services during the state of emergency or public health emergency on the

application. The Division of Consumer Affairs is authorized, under the bill, to impose program requirements that are not inconsistent with the rest of the bill. Lastly, the exercise of the authority in the bill to grant a temporary credential on an expedited basis or to protect the public's health, safety, and welfare is not required to comply with the requirements of the "Administrative Procedures Act."

As amended and reported, this bill is identical to Assembly Bill No. 4246(1R), as amended and reported by the Senate Commerce Committee on January 21, 2021.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) make the provisions of the bill applicable to graduates of New Jersey;
- 2) grant the director of the Division of Consumer Affairs (the "director") the sole authority allowed to take additional action if necessary to protect the public's health, safety and welfare;
- 3) make waiving an examination required to receive a credential as an item the director may waive temporarily to protect the public's health, safety and welfare;
- 4) give licensing boards and the director the discretion to allow individuals temporarily credentialed under this act to apply experience gained with the temporary credential towards any experience requirements to attain a full credential;
- 5) allow the Division of Consumer Affairs to impose other program requirements not inconsistent with the provisions of the bill; and
- 6) state that the exercise of authority provided in the bill to grant temporary credentials does not require compliance with the "Administrative Procedures Act."