

SENATE, No. 657

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JANUARY 24, 2000

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen)

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

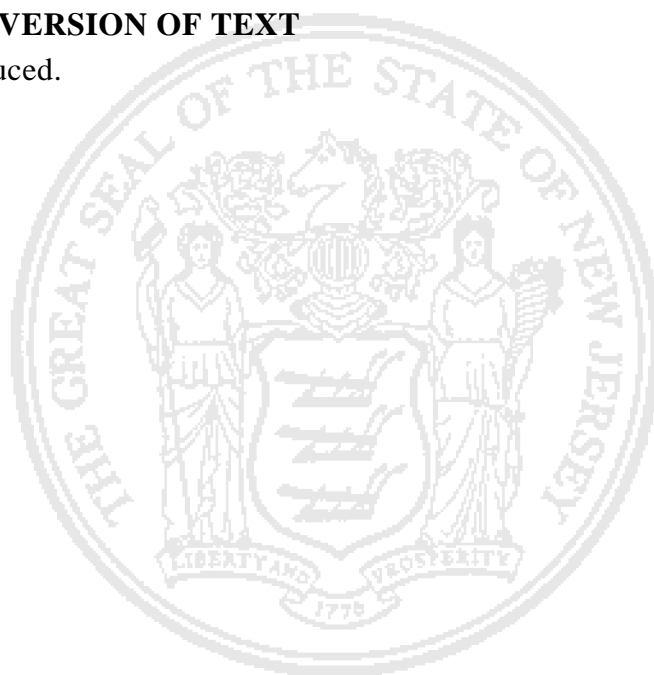
**Senators Bucco, Singer, Lesniak, Cafiero, Assemblymen Moran and
Impreveduto**

SYNOPSIS

"Psychoanalysts State Certification Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/28/2000)

1 AN ACT providing for the certification of psychoanalysts by the
2 Director of the Division of Consumer Affairs.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Psychoanalysts
8 State Certification Act."

9
10 2. The Legislature finds and declares that the public interest
11 requires the establishment of clear certification standards for
12 psychoanalysts; and that the health and welfare of the residents of the
13 State will be protected by identifying to the public those individuals
14 who are qualified to call themselves State certified psychoanalysts.

15
16 3. As used in this act:

17 "Advisory committee" means the Certified Psychoanalysts Advisory
18 Committee established pursuant to section 4 of this act.

19 "Director" means the Director of the Division of Consumer Affairs
20 in the Department of Law and Public Safety.

21 "National psychoanalytic association" means a national professional
22 organization of psychoanalysts that conducts on-site visits of
23 psychoanalytic institutes applying for association membership.

24 "Psychoanalytic services" means therapeutic services that are based
25 on an understanding of the unconscious and how unconscious
26 processes affect the human mind as a whole, including actions,
27 thoughts, perceptions and emotions.

28 "State certified psychoanalyst" means an individual who has met the
29 eligibility requirements contained in section 6 of this act and holds a
30 current, valid certificate of State certification.

31
32 4. a. There is created within the Division of Consumer Affairs in
33 the Department of Law and Public Safety a Certified Psychoanalysts
34 Advisory Committee which shall serve as an advisory body to the
35 director with respect to the State certification of psychoanalysts. The
36 advisory committee shall consist of six members who are residents of
37 the State. The members shall be, except for the members first
38 appointed, State certified psychoanalysts under the provisions of this
39 act and shall have been actively engaged in the practice of
40 psychoanalytic services in the State for at least five years immediately
41 preceding their appointment.

42 b. The Governor shall appoint the members with the advice and
43 consent of the Senate. Each member shall be appointed for a term of
44 three years, except that: of the members first appointed, two shall
45 serve for a term of three years, two shall serve for terms of two years
46 and two shall serve for a term of one year. Any vacancy in the

1 membership of the advisory committee shall be filled for the unexpired
2 term in the manner provided by the original appointment.

3 c. Members of the advisory committee shall be compensated and
4 reimbursed for expenses and provided with office and meeting facilities
5 and personnel required for the proper conduct of the business of the
6 advisory committee.

7 d. The advisory committee shall organize within 30 days after the
8 appointment of its members and shall annually elect from among its
9 members a chairperson and vice-chairperson, and a secretary who need
10 not be a member of the committee. The advisory committee may meet
11 as necessary to discharge its duties and shall meet at the call of the
12 director. A majority of the committee membership shall constitute a
13 quorum.

14 e. The advisory committee shall advise and make recommendations
15 to the director with respect to State certification of psychoanalysts.

16

17 5. The director shall:

18 a. Review the qualifications of applicants for certification;

19 b. Insure the proper conduct and standards of examinations;

20 c. Issue and renew biennial certificates of State certification for
21 psychoanalysts pursuant to this act;

22 d. Refuse to admit a person to an examination or refuse to issue or
23 suspend, revoke or fail to renew the certificate of State certification of
24 a psychoanalyst pursuant to the provisions of P.L.1978, c.73
25 (C.45:1-14 et seq.);

26 e. Maintain a record of every psychoanalyst certified in this State,
27 their places of business, place of residence and the date and number of
28 their certificate of certification;

29 f. Prescribe or change the charges for examinations, certification,
30 renewals and other services performed pursuant to P.L.1974, c.46
31 (C.45:1-3.1 et seq.); and

32 g. Adopt standards for and approve continuing education
33 requirements.

34

35 6. To be eligible to be certified as a psychoanalyst, an applicant
36 shall:

37 a. Be at least 18 years of age;

38 b. Be of good moral character;

39 c. Have received a master's degree from an accredited institution
40 of higher education;

41 d. Have received a graduate certificate in psychoanalysis from a
42 free-standing psychoanalytic institute that is chartered by a state or
43 foreign government or accredited by a national psychoanalytic
44 association; and

45 e. Have successfully passed an examination approved by the
46 director, in consultation with the advisory committee, to determine the

1 applicant's competence to practice psychoanalytic services.

2

3 7. a. The examination required by subsection e. of section 6 of this
4 act shall cover the theories relating to an applicant's psychoanalytic
5 educational background. The director may use psychoanalytic tests
6 utilized by state or foreign psychoanalytic training institutions or by
7 national psychoanalytic associations.

8 b. The examination required by subsection e. of section 6 of this
9 act shall be held within the State at least once each year at a time and
10 place to be determined by the director, in consultation with the
11 advisory committee, except that an examination need not be conducted
12 when no one has applied to be examined. The director shall give
13 adequate written notice of the examination to applicants for State
14 certification and examination.

15 c. If an applicant fails an examination twice, the applicant may take
16 a third examination not less than one year nor more than three years
17 from the date of the applicant's initial examination. Additional
18 examinations may be permitted in accordance with standards set by the
19 director, after consultation with the advisory committee.

20

21 8. The director shall issue a certificate of State certification to any
22 applicant who, in the opinion of the director, has satisfactorily met the
23 requirements of this act.

24 All certificates of State certification shall be issued for a two-year
25 period upon the payment of the certification fee prescribed by the
26 director, after consultation with the advisory committee, and shall be
27 renewed upon filing of a renewal application, the payment of a
28 certification fee and presentation of satisfactory evidence that the
29 renewal applicant has successfully completed the continuing education
30 requirements prescribed by the director by regulation.

31

32 9. No person shall use the title, "State certified psychoanalyst" or
33 the abbreviation "SCP," unless certified pursuant to the provisions of
34 this act.

35

36 10. The director may waive the education, experience and
37 examination requirements for State certification pursuant to this act
38 and issue a State certification by endorsement to any applicant who
39 holds a current license, registration or certificate to practice
40 psychoanalysis issued by the agency of another state or country
41 which, in the opinion of the director, has requirements for licensure,
42 registration or certification equivalent to or higher than those required
43 to be certified pursuant to this act.

44

45 11. The provisions of P.L.1978, c.73 (C.45:1-14 et seq.) shall
46 apply to this act.

1 12. The director, after consultation with the advisory committee,
2 shall adopt rules and regulations pursuant to the "Administrative
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to
4 effectuate the purposes of this act.

5
6 13. This act shall take effect immediately.

7
8
9 STATEMENT

10
11 This bill provides for the State certification of psychoanalysts by the
12 Director of the Division of Consumer Affairs and establishes a
13 Certified Psychoanalysts Advisory Committee to advise the director.
14 The advisory committee is to consist of six certified psychoanalysts
15 who are residents of the State and who have practiced psychoanalytic
16 services for at least five years.

17 To be eligible for State certification as a psychoanalyst, an applicant
18 must be at least 18 years of age, be of good moral character, have a
19 master's degree, have a graduate certificate in psychoanalysis from a
20 free-standing psychoanalytic institute, and pass an examination.

21 The bill prohibits any person from using the title, "State certified
22 psychoanalyst," or the abbreviation "SCP," unless certified pursuant
23 to the provisions of the bill.

24 The provisions of the uniform enforcement powers and procedures
25 act, P.L.1978, c.73 (C.45:1-14 et seq.) regarding disciplinary and
26 remedial authority of professional boards, applies to the provisions of
27 this bill.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 657

STATE OF NEW JERSEY

DATED: JANUARY 31, 2000

The Senate Commerce Committee reports favorably Senate Bill No. 657.

This bill provides for the State certification of psychoanalysts by the Director of the Division of Consumer Affairs and establishes a Certified Psychoanalysts Advisory Committee to advise the director. The advisory committee is to consist of six certified psychoanalysts who are residents of the State and who have practiced psychoanalytic services for at least five years.

To be eligible for State certification as a psychoanalyst, an applicant must be at least 18 years of age, be of good moral character, have a master's degree, have a graduate certificate in psychoanalysis from a free-standing psychoanalytic institute, and pass an examination approved by the director. The examination shall cover the theories relating to an applicant's psychoanalytic educational background.

The director may waive the education, experience and examination requirements for State certification and issue a State certification by endorsement to any applicant who holds a current license, registration or certificate to practice psychoanalysis by another state or country which has requirements for licensure, registration or certification equivalent to or higher than those required by this bill.

The bill prohibits any person from using the title, "State certified psychoanalyst," or the abbreviation "SCP," unless certified pursuant to the provisions of the bill.

The provisions of the uniform enforcement powers and procedures act, P.L.1978, c.73 (C.45:1-14 et seq.) regarding disciplinary and remedial authority of professional boards, applies to the provisions of this bill.

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 657

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 2000

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Senate Bill No. 657.

This bill provides for the State certification of psychoanalysts by the Director of the Division of Consumer Affairs and establishes a Certified Psychoanalysts Advisory Committee to advise the director. The advisory committee is to consist of six certified psychoanalysts who are residents of the State and who have practiced psychoanalytic services for at least five years.

To be eligible for State certification as a psychoanalyst, an applicant must be at least 18 years of age, be of good moral character, have a master's degree, have a graduate certificate in psychoanalysis from a free-standing psychoanalytic institute, and pass an examination approved by the director. The examination shall cover the theories relating to an applicant's psychoanalytic educational background.

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The bill prohibits any person from using the title, "State certified psychoanalyst," or the abbreviation "SCP," unless certified pursuant to the provisions of the bill.

The provisions of the uniform enforcement powers and procedures act, P.L.1978, c.73 (C.45:1-14 et seq.) regarding disciplinary and remedial authority of professional boards, applies to the provisions of this bill.

FISCAL NOTE
SENATE, No. 657
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: MARCH 1, 2000

SUMMARY

Synopsis: "Psychoanalysts State Certification Act."
Type of Impact: Fees paid by licensees would defray program costs.
Agencies Affected: Department of Law and Public Safety, Division of Consumer Affairs

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$47,000	\$48,000	\$180,000
State Revenue	None	None	\$340,000

- ! The Office of Legislative Services concurs with the executive estimate.
- ! The bill authorizes the division to establish fees for examinations, certifications and renewals as necessary to defray administrative costs, pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.).
- ! A loan from the General Fund to be repaid through fee revenues would cover State costs in Year 1 and Year 2.

BILL DESCRIPTION

Senate Bill No. 657 of 2000 provides for the certification of psychoanalysts by the Division of Consumer Affairs in the Department of Law and Public Safety and establishes a Certified Psychoanalysts Advisory Committee to advise the director. The advisory committee is to consist of six certified psychoanalysts who are residents of the State and who have practiced psychoanalytic services for at least five years. To be eligible for State certification as a psychoanalyst, an applicant must be at least 18 years of age, be of good moral character, have a master's degree, have a graduate certificate in psychoanalysis from a free-standing psychoanalytic institute, and pass an examination.

The bill authorizes the division to establish fees for examinations, certifications and renewals as necessary to defray administrative costs, pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.).

FISCAL ANALYSIS

EXECUTIVE BRANCH

Based on information provided by the National Association for Advancement of Psychoanalysis, the Division of Consumer Affairs estimates that 550 psychoanalysts would be eligible for certification under the bill, with 400 individuals certified during the third year following enactment and the remainder certified in year four.

Based on its experience in launching similar programs, the division estimates that a two-year startup period will be required before psychoanalysts can be registered. The division estimates that administrative costs of the advisory committee would total \$47,000 in the first year of the program. This figure includes salaries and fringe benefits for board members, a part-time executive director and a senior clerk typist totaling \$22,000; materials and supplies at \$1,000; services other than personal at \$19,000; and equipment at \$5,000. After adjusting for inflation, the division estimates a year-two cost of \$48,000. The division estimates that costs in year three would increase to \$180,000. This rise is due to an increase in the "Services Other Than Personal" category of \$86,000 and an increase of \$35,000 in the salary account. The services amount includes increased payment for enforcement and Division of Law services and an assessment of \$23,000 for Division of Consumer Affairs services. The estimated salary amount includes the hiring of a data entry operator and increasing the time of the part-time executive director.

The division estimates that a \$500 initial application and certification fee and a \$350 annual renewal licensure fee would generate \$340,000 in revenue in year three.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the executive's cost estimate. OLS notes, however, that since this program is intended to be self-supporting, the amounts needed to administer the program in years one and two should be advanced as a loan from the general fund. Indeed the amount of revenues estimated by the division for year three would be more than sufficient to repay this loan. OLS further observes that the fee levels estimated by the division will yield revenue in excess of administrative costs in year four and beyond and should be adjusted at that time.

Section: *Law and Public Safety*

Analyst: *James F. Vari*
Associate Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 657

STATE OF NEW JERSEY

DATED: MARCH 2, 2000

The Assembly Appropriations Committee reports favorably Senate Bill No. 657.

Senate Bill No. 657 provides for the State certification of psychoanalysts by the Director of the Division of Consumer Affairs and establishes a Certified Psychoanalysts Advisory Committee to advise the director. The advisory committee is to consist of six certified psychoanalysts who are residents of the State and who have practiced psychoanalytic services for at least five years.

To be eligible for State certification as a psychoanalyst, an applicant must be at least 18 years of age, be of good moral character, have a master's degree, have a graduate certificate in psychoanalysis from a free-standing psychoanalytic institute, and pass an examination approved by the director. The examination shall cover the theories relating to an applicant's psychoanalytic educational background.

The director may waive the education, experience and examination requirements for State certification and issue a State certification by endorsement to any applicant who holds a current license, registration or certificate to practice psychoanalysis by another state or country which has requirements for licensure, registration or certification equivalent to or higher than those required by this bill.

The bill prohibits any person from using the title, "State certified psychoanalyst," or the abbreviation "SCP," unless certified pursuant to the provisions of the bill.

The provisions of the uniform enforcement powers and procedures act, P.L.1978, c.73 (C.45:1-14 et seq.) regarding disciplinary and remedial authority of professional boards, applies to the provisions of this bill.

As reported, this bill is identical to Assembly Bill No. 1886, as also reported by the committee.

FISCAL IMPACT:

Based on costs associated with similar Department of Law and Public Safety advisory committees that certify similar numbers of professionals, the Division of Consumer Affairs estimates administrative costs at approximately \$47,000 in the first and second years and about \$180,000 in the third year when the advisory committee becomes fully operational. The Office of Legislative

Services (OLS) has contended that the program shall become fully operational in the second year after enactment for a cost of \$180,000 in the second and third years. The OLS estimated that initial application and certification fees of \$500 and renewal fees of \$350 would be sufficient to cover the administrative costs.

[First Reprint]

SENATE, No. 657

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 24, 2000

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen)

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

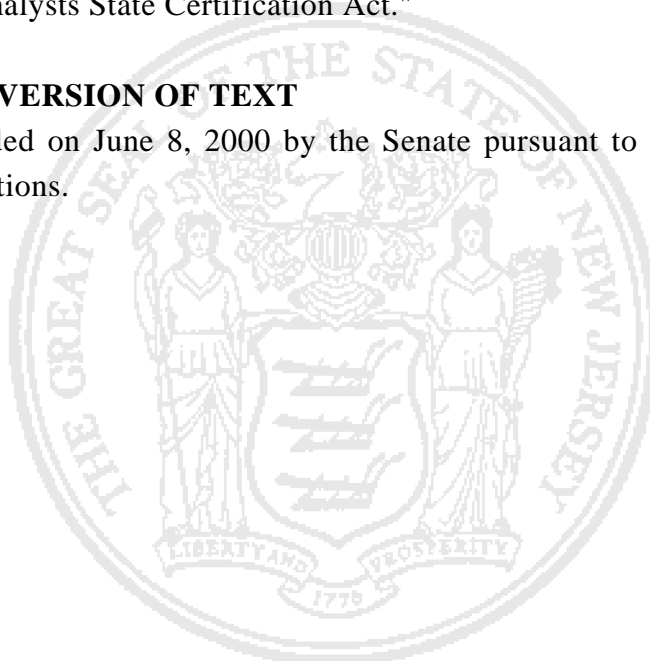
**Senators Bucco, Singer, Lesniak, Cafiero, Assemblymen Moran and
Impeveduto**

SYNOPSIS

"Psychoanalysts State Certification Act."

CURRENT VERSION OF TEXT

As amended on June 8, 2000 by the Senate pursuant to the Governor's
recommendations.



(Sponsorship Updated As Of: 3/28/2000)

1 AN ACT providing for the certification of psychoanalysts by the
2 Director of the Division of Consumer Affairs.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Psychoanalysts
8 State Certification Act."

9
10 2. The Legislature finds and declares that the public interest
11 requires the establishment of clear certification standards for
12 psychoanalysts; and that the health and welfare of the residents of the
13 State will be protected by identifying to the public those individuals
14 who are qualified to call themselves State certified psychoanalysts.

15
16 3. As used in this act:

17 "Advisory committee" means the Certified Psychoanalysts Advisory
18 Committee established pursuant to section 4 of this act.

19 "Director" means the Director of the Division of Consumer Affairs
20 in the Department of Law and Public Safety ¹or his designee¹.

21 "National psychoanalytic association" means a national professional
22 organization of psychoanalysts that conducts on-site visits of
23 psychoanalytic institutes applying for association membership.

24 "Psychoanalytic services" means therapeutic services that are based
25 on an understanding of the unconscious and how unconscious
26 processes affect the human mind as a whole, including actions,
27 thoughts, perceptions and emotions.

28 "State certified psychoanalyst" means an individual who has met the
29 eligibility requirements contained in section 6 of this act and holds a
30 current, valid certificate of State certification.

31
32 4. a. There is created within the Division of Consumer Affairs in
33 the Department of Law and Public Safety a Certified Psychoanalysts
34 Advisory Committee which shall serve as an advisory body to the
35 director with respect to the State certification of psychoanalysts. The
36 advisory committee shall consist of six members who are residents of
37 the State¹, four of whom shall be State certified psychoanalysts and
38 two of whom shall be public members¹. The ¹four psychoanalyst¹
39 members shall be, except for the members first appointed, State
40 certified psychoanalysts under the provisions of this act and shall have
41 been actively engaged in the practice of psychoanalytic services in the

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 amendments adopted in accordance with Governor's recommendations
June 8, 2000.

1 State for at least five years immediately preceding their appointment.

2 b. The Governor shall appoint the members with the advice and
3 consent of the Senate. Each member shall be appointed for a term of
4 three years, except that: of the members first appointed, two¹, one of
5 whom shall be a public member and one of whom shall be a
6 psychoanalyst.¹ shall serve for a term of three years, two¹, one of
7 whom shall be a public member and one of whom shall be a
8 psychoanalyst.¹ shall serve for terms of two years and two shall serve
9 for a term of one year. Any vacancy in the membership of the advisory
10 committee shall be filled for the unexpired term in the manner provided
11 by the original appointment.

12 c. Members of the advisory committee shall be compensated and
13 reimbursed for expenses and provided with office and meeting facilities
14 and personnel required for the proper conduct of the business of the
15 advisory committee.

16 d. The advisory committee shall organize within 30 days after the
17 appointment of its members and shall annually elect from among its
18 members a chairperson and vice-chairperson, and a secretary who need
19 not be a member of the committee. The advisory committee may meet
20 as necessary to discharge its duties and shall meet at the call of the
21 director. A majority of the committee membership shall constitute a
22 quorum.

23 e. The advisory committee shall advise and make recommendations
24 to the director with respect to State certification of psychoanalysts.

25
26 5. The director shall:

27 a. Review the qualifications of applicants for certification;

28 b. Insure the proper conduct and standards of examinations;

29 c. Issue and renew biennial certificates of State certification for
30 psychoanalysts pursuant to this act;

31 d. Refuse to admit a person to an examination or refuse to issue or
32 suspend, revoke or fail to renew the certificate of State certification of
33 a psychoanalyst pursuant to the provisions of P.L.1978, c.73
34 (C.45:1-14 et seq.);

35 e. Maintain a record of every psychoanalyst certified in this State,
36 their places of business, place of residence and the date and number of
37 their certificate of certification;

38 f. Prescribe or change the charges for examinations, certification,
39 renewals and other services performed pursuant to P.L.1974, c.46
40 (C.45:1-3.1 et seq.); and

41 g. Adopt standards for and approve continuing education
42 requirements.

43
44 6. To be eligible to be certified as a psychoanalyst, an applicant
45 shall:

46 a. Be at least 18 years of age;

- 1 b. Be of good moral character;
- 2 c. Have received a master's degree from an accredited institution
- 3 of higher education;
- 4 d. Have received a graduate certificate in psychoanalysis from a
- 5 free-standing psychoanalytic institute that is chartered by a state or
- 6 foreign government ¹and approved by the director¹ or accredited by
- 7 a national psychoanalytic association ¹and approved by the director¹;
- 8 and
- 9 e. Have successfully passed an examination approved by the
- 10 director, in consultation with the advisory committee, to determine the
- 11 applicant's competence to practice psychoanalytic services.

12

13 7. a. The examination required by subsection e. of section 6 of this

14 act shall cover the theories relating to an applicant's psychoanalytic

15 educational background. The director may use psychoanalytic tests

16 utilized by state or foreign psychoanalytic training institutions or by

17 national psychoanalytic associations.

18 b. The examination required by subsection e. of section 6 of this

19 act shall be held within the State at least once each year at a time and

20 place to be determined by the director, in consultation with the

21 advisory committee, except that an examination need not be conducted

22 when no one has applied to be examined. The director shall give

23 adequate written notice of the examination to applicants for State

24 certification and examination.

25 c. If an applicant fails an examination twice, the applicant may take

26 a third examination not less than one year nor more than three years

27 from the date of the applicant's initial examination. Additional

28 examinations may be permitted in accordance with standards set by the

29 director, after consultation with the advisory committee.

30

31 8. The director shall issue a certificate of State certification to any

32 applicant who, in the opinion of the director, has satisfactorily met the

33 requirements of this act. ¹The director may waive the requirement

34 under subsection d. of section 6 of this act and allow an applicant to

35 sit for the State certification examination if in the opinion of the

36 director, the applicant has sufficient experience in psychoanalysis and

37 holds a current State of New Jersey license, registration, or certificate

38 in a mental health profession.¹

39 All certificates of State certification shall be issued for a two-year

40 period upon the payment of the certification fee prescribed by the

41 director, after consultation with the advisory committee, and shall be

42 renewed upon filing of a renewal application, the payment of a

43 certification fee and presentation of satisfactory evidence that the

44 renewal applicant has successfully completed the continuing education

45 requirements prescribed by the director by regulation.

1 9. No person shall use the title, "State certified psychoanalyst" or
2 the abbreviation "SCP," unless certified pursuant to the provisions of
3 this act.

4

5 10. The director may waive the education, experience and
6 examination requirements for State certification pursuant to this act
7 and issue a State certification by endorsement to any applicant who
8 holds a current license, registration or certificate to practice
9 psychoanalysis issued by the agency of another state or country
10 which, in the opinion of the director, has requirements for licensure,
11 registration or certification equivalent to or higher than those required
12 to be certified pursuant to this act.

13

14 11. The provisions of P.L.1978, c.73 (C.45:1-14 et seq.) shall
15 apply to this act.

16

17 12. The director, after consultation with the advisory committee,
18 shall adopt rules and regulations pursuant to the "Administrative
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to
20 effectuate the purposes of this act.

21

22 13. This act shall take effect immediately.

SENATE BILL NO. 657

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 657 with my recommendations for reconsideration.

A. Summary of Bill

The bill creates a process for State certification of psychoanalysts by the Director of the Division of Consumer Affairs (“Director”) and establishes a Certified Psychoanalysts Advisory Committee (“Committee”) to advise the Director. To be eligible for State certification as a psychoanalyst, an applicant must be at least 18 years of age, be of good moral character, possess a master’s degree and have a graduate certificate in psychoanalysis from a free-standing psychoanalytic institute. Lastly, the applicant must pass an examination approved by the Director in consultation with the Committee.

Recommended Action

I commend the sponsors and the Legislature for recognizing the need to protect the public by providing for appropriate oversight of psychoanalysts. A certification process for these mental health professionals will allow consumers to identify whether persons practicing psychoanalysis have met certain educational and other qualifications. While I believe this is proper and necessary, I have concerns about three provisions of the legislation.

First, the bill requires that an applicant for certification has obtained a graduate certificate from a freestanding psychoanalytic institute that is chartered by a state or foreign government or accredited by a national psychoanalytic association. In order to ensure that applicants for certification have attended institutions that maintain proper academic standards, I recommend that the Director of the Division of Consumer Affairs be provided the authority to approve these institutions.

Second, the bill directs the Director of the Division of Consumer Affairs to issue a certificate to any applicant who, in the Director’s opinion, has satisfactorily met all certification requirements. I am advised that the intent of this provision, in part, is to allow the Director to waive the bill’s specific educational requirements based upon an applicant’s experience in psychoanalysis, where the applicant is a

mental health professional properly trained in another field. Such an applicant could then take the examination for certification without obtaining additional graduate education. I believe it is necessary to clarify this intention in order to avoid any possible confusion, and recommend language specifying the Director's authority to waive educational requirements under these circumstances.

Third, in order to provide for more balanced representation on the Committee, I recommend that it be comprised of two public members and four psychoanalysts, rather than six psychoanalysts.

I also recommend a technical amendment to provide that the Director, or the Director's designee, may oversee the day-to-day administration of the certification process.

Therefore, I herewith return Senate Bill No. 657 and recommend that it be amended as follows:

- | | |
|------------------------------------|---|
| <u>Page 2, Section 3, Line 20:</u> | After "Safety" insert "or his designee" |
| <u>Page 2, Section 4, Line 37:</u> | After "State" insert ", four of whom shall be State certified psychoanalysts and two of whom shall be public members" |
| <u>Page 2, Section 4, Line 37:</u> | After "The" insert "four psychoanalyst" |
| <u>Page 2, Section 4, Line 44:</u> | After "two" insert ", one of whom shall be a public member and one of whom shall be a psychoanalyst," |
| <u>Page 2, Section 4, Line 45:</u> | After "years, two" insert ", one of whom shall be a public member and one of whom shall be a psychoanalyst," |
| <u>Page 3, Section 6, Line 43:</u> | After "government" insert "and approved by the director" |
| <u>Page 3, Section 6, Line 44:</u> | After "association" insert "and approved by the director" |
| <u>Page 4, Section 8, Line 23:</u> | After "act." insert "The director may waive the requirement under subsection d. of section 6 of this act and allow an applicant to sit for the State certification examination if in the opinion of the |

director, the applicant has sufficient experience in psychoanalysis and holds a current State of New Jersey license, registration, or certificate in a mental health profession.”

Respectfully,

/s/ Christine Todd Whitman

Governor

[seal]

Attest:

/s/ Richard S. Mroz

Chief Counsel to the Governor

P.L. 2000, CHAPTER 57, *approved July 6, 2000*
Senate, No. 657 (*First Reprint*)

1 AN ACT providing for the certification of psychoanalysts by the
2 Director of the Division of Consumer Affairs.

3

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

6

7 1. This act shall be known and may be cited as the "Psychoanalysts
8 State Certification Act."

9

10 2. The Legislature finds and declares that the public interest
11 requires the establishment of clear certification standards for
12 psychoanalysts; and that the health and welfare of the residents of the
13 State will be protected by identifying to the public those individuals
14 who are qualified to call themselves State certified psychoanalysts.

15

16 3. As used in this act:

17 "Advisory committee" means the Certified Psychoanalysts Advisory
18 Committee established pursuant to section 4 of this act.

19 "Director" means the Director of the Division of Consumer Affairs
20 in the Department of Law and Public Safety ¹or his designee¹.

21 "National psychoanalytic association" means a national professional
22 organization of psychoanalysts that conducts on-site visits of
23 psychoanalytic institutes applying for association membership.

24 "Psychoanalytic services" means therapeutic services that are based
25 on an understanding of the unconscious and how unconscious
26 processes affect the human mind as a whole, including actions,
27 thoughts, perceptions and emotions.

28 "State certified pyschoanalyst" means an individual who has met the
29 eligibility requirements contained in section 6 of this act and holds a
30 current, valid certificate of State certification.

31

32 4. a. There is created within the Division of Consumer Affairs in
33 the Department of Law and Public Safety a Certified Psychoanalysts
34 Advisory Committee which shall serve as an advisory body to the

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 amendments adopted in accordance with Governor's recommendations
June 8, 2000.

1 director with respect to the State certification of psychoanalysts. The
2 advisory committee shall consist of six members who are residents of
3 the State¹, four of whom shall be State certified psychoanalysts and
4 two of whom shall be public members¹. The ¹four psychoanalyst¹
5 members shall be, except for the members first appointed, State
6 certified psychoanalysts under the provisions of this act and shall have
7 been actively engaged in the practice of psychoanalytic services in the
8 State for at least five years immediately preceding their appointment.

9 b. The Governor shall appoint the members with the advice and
10 consent of the Senate. Each member shall be appointed for a term of
11 three years, except that: of the members first appointed, two¹, one of
12 whom shall be a public member and one of whom shall be a
13 psychoanalyst,¹ shall serve for a term of three years, two¹, one of
14 whom shall be a public member and one of whom shall be a
15 psychoanalyst,¹ shall serve for terms of two years and two shall serve
16 for a term of one year. Any vacancy in the membership of the advisory
17 committee shall be filled for the unexpired term in the manner provided
18 by the original appointment.

19 c. Members of the advisory committee shall be compensated and
20 reimbursed for expenses and provided with office and meeting facilities
21 and personnel required for the proper conduct of the business of the
22 advisory committee.

23 d. The advisory committee shall organize within 30 days after the
24 appointment of its members and shall annually elect from among its
25 members a chairperson and vice-chairperson, and a secretary who need
26 not be a member of the committee. The advisory committee may meet
27 as necessary to discharge its duties and shall meet at the call of the
28 director. A majority of the committee membership shall constitute a
29 quorum.

30 e. The advisory committee shall advise and make recommendations
31 to the director with respect to State certification of psychoanalysts.
32

33 5. The director shall:

34 a. Review the qualifications of applicants for certification;

35 b. Insure the proper conduct and standards of examinations;

36 c. Issue and renew biennial certificates of State certification for
37 psychoanalysts pursuant to this act;

38 d. Refuse to admit a person to an examination or refuse to issue or
39 suspend, revoke or fail to renew the certificate of State certification of
40 a psychoanalyst pursuant to the provisions of P.L.1978, c.73
41 (C.45:1-14 et seq.);

42 e. Maintain a record of every psychoanalyst certified in this State,
43 their places of business, place of residence and the date and number of
44 their certificate of certification;

45 f. Prescribe or change the charges for examinations, certification,
46 renewals and other services performed pursuant to P.L.1974, c.46

- 1 (C.45:1-3.1 et seq.); and
- 2 g. Adopt standards for and approve continuing education
3 requirements.
- 4
- 5 6. To be eligible to be certified as a psychoanalyst, an applicant
6 shall:
- 7 a. Be at least 18 years of age;
- 8 b. Be of good moral character;
- 9 c. Have received a master's degree from an accredited institution
10 of higher education;
- 11 d. Have received a graduate certificate in psychoanalysis from a
12 free-standing psychoanalytic institute that is chartered by a state or
13 foreign government ¹and approved by the director¹ or accredited by
14 a national psychoanalytic association ¹and approved by the director¹;
15 and
- 16 e. Have successfully passed an examination approved by the
17 director, in consultation with the advisory committee, to determine the
18 applicant's competence to practice psychoanalytic services.
- 19
- 20 7. a. The examination required by subsection e. of section 6 of this
21 act shall cover the theories relating to an applicant's psychoanalytic
22 educational background. The director may use psychoanalytic tests
23 utilized by state or foreign psychoanalytic training institutions or by
24 national psychoanalytic associations.
- 25 b. The examination required by subsection e. of section 6 of this
26 act shall be held within the State at least once each year at a time and
27 place to be determined by the director, in consultation with the
28 advisory committee, except that an examination need not be conducted
29 when no one has applied to be examined. The director shall give
30 adequate written notice of the examination to applicants for State
31 certification and examination.
- 32 c. If an applicant fails an examination twice, the applicant may take
33 a third examination not less than one year nor more than three years
34 from the date of the applicant's initial examination. Additional
35 examinations may be permitted in accordance with standards set by the
36 director, after consultation with the advisory committee.
- 37
- 38 8. The director shall issue a certificate of State certification to any
39 applicant who, in the opinion of the director, has satisfactorily met the
40 requirements of this act. ¹The director may waive the requirement
41 under subsection d. of section 6 of this act and allow an applicant to
42 sit for the State certification examination if in the opinion of the
43 director, the applicant has sufficient experience in psychoanalysis and
44 holds a current State of New Jersey license, registration, or certificate
45 in a mental health profession.¹
- 46 All certificates of State certification shall be issued for a two-year

1 period upon the payment of the certification fee prescribed by the
2 director, after consultation with the advisory committee, and shall be
3 renewed upon filing of a renewal application, the payment of a
4 certification fee and presentation of satisfactory evidence that the
5 renewal applicant has successfully completed the continuing education
6 requirements prescribed by the director by regulation.

7
8 9. No person shall use the title, "State certified psychoanalyst" or
9 the abbreviation "SCP," unless certified pursuant to the provisions of
10 this act.

11
12 10. The director may waive the education, experience and
13 examination requirements for State certification pursuant to this act
14 and issue a State certification by endorsement to any applicant who
15 holds a current license, registration or certificate to practice
16 psychoanalysis issued by the agency of another state or country
17 which, in the opinion of the director, has requirements for licensure,
18 registration or certification equivalent to or higher than those required
19 to be certified pursuant to this act.

20
21 11. The provisions of P.L.1978, c.73 (C.45:1-14 et seq.) shall
22 apply to this act.

23
24 12. The director, after consultation with the advisory committee,
25 shall adopt rules and regulations pursuant to the "Administrative
26 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to
27 effectuate the purposes of this act.

28
29 13. This act shall take effect immediately.

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34 "Psychoanalysts State Certification Act."

CHAPTER 57

AN ACT providing for the certification of psychoanalysts by the Director of the Division of Consumer Affairs.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.45:14BB-1 Short title.

1. This act shall be known and may be cited as the "Psychoanalysts State Certification Act."

C.45:14BB-2 Findings, declarations relative to certification of psychoanalysts.

2. The Legislature finds and declares that the public interest requires the establishment of clear certification standards for psychoanalysts; and that the health and welfare of the residents of the State will be protected by identifying to the public those individuals who are qualified to call themselves State certified psychoanalysts.

C.45:14BB-3 Definitions relative to certification of psychoanalysts.

3. As used in this act:

"Advisory committee" means the Certified Psychoanalysts Advisory Committee established pursuant to section 4 of this act.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety or his designee.

"National psychoanalytic association" means a national professional organization of psychoanalysts that conducts on-site visits of psychoanalytic institutes applying for association membership.

"Psychoanalytic services" means therapeutic services that are based on an understanding of the unconscious and how unconscious processes affect the human mind as a whole, including actions, thoughts, perceptions and emotions.

"State certified psychoanalyst" means an individual who has met the eligibility requirements contained in section 6 of this act and holds a current, valid certificate of State certification.

C.45:14BB-4 Certified Psychoanalysts Advisory Committee.

4. a. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety a Certified Psychoanalysts Advisory Committee which shall serve as an advisory body to the director with respect to the State certification of psychoanalysts. The advisory committee shall consist of six members who are residents of the State, four of whom shall be State certified psychoanalysts and two of whom shall be public members. The four psychoanalyst members shall be, except for the members first appointed, State certified psychoanalysts under the provisions of this act and shall have been actively engaged in the practice of psychoanalytic services in the State for at least five years immediately preceding their appointment.

- b. The Governor shall appoint the members with the advice and consent of the Senate. Each member shall be appointed for a term of three years, except that: of the members first appointed, two, one of whom shall be a public member and one of whom shall be a psychoanalyst, shall serve for a term of three years, two, one of whom shall be a public member and one of whom shall be a psychoanalyst, shall serve for terms of two years and two shall serve for a term of one year. Any vacancy in the membership of the advisory committee shall be filled for the unexpired term in the manner provided by the original appointment.

- c. Members of the advisory committee shall be compensated and reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the advisory committee.

- d. The advisory committee shall organize within 30 days after the appointment of its members and shall annually elect from among its members a chairperson and vice-chairperson, and a secretary who need not be a member of the committee. The advisory committee may meet as necessary to discharge its duties and shall meet at the call of the director. A majority of the committee membership shall constitute a quorum.

- e. The advisory committee shall advise and make recommendations to the director with respect to State certification of psychoanalysts.

C.45:14BB-5 Responsibilities of director.

5. The director shall:
 - a. Review the qualifications of applicants for certification;
 - b. Insure the proper conduct and standards of examinations;
 - c. Issue and renew biennial certificates of State certification for psychoanalysts pursuant to this act;
 - d. Refuse to admit a person to an examination or refuse to issue or suspend, revoke or fail to renew the certificate of State certification of a psychoanalyst pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
 - e. Maintain a record of every psychoanalyst certified in this State, their places of business, place of residence and the date and number of their certificate of certification;
 - f. Prescribe or change the charges for examinations, certification, renewals and other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.); and
 - g. Adopt standards for and approve continuing education requirements.

C.45:14BB-6 Requirements for certification as psychoanalyst.

6. To be eligible to be certified as a psychoanalyst, an applicant shall:
 - a. Be at least 18 years of age;
 - b. Be of good moral character;
 - c. Have received a master's degree from an accredited institution of higher education;
 - d. Have received a graduate certificate in psychoanalysis from a free-standing psychoanalytic institute that is chartered by a state or foreign government and approved by the director or accredited by a national psychoanalytic association and approved by the director; and
 - e. Have successfully passed an examination approved by the director, in consultation with the advisory committee, to determine the applicant's competence to practice psychoanalytic services.

C.45:14BB-7 Contents of examination; administration.

7. a. The examination required by subsection e. of section 6 of this act shall cover the theories relating to an applicant's psychoanalytic educational background. The director may use psychoanalytic tests utilized by state or foreign psychoanalytic training institutions or by national psychoanalytic associations.
- b. The examination required by subsection e. of section 6 of this act shall be held within the State at least once each year at a time and place to be determined by the director, in consultation with the advisory committee, except that an examination need not be conducted when no one has applied to be examined. The director shall give adequate written notice of the examination to applicants for State certification and examination.
- c. If an applicant fails an examination twice, the applicant may take a third examination not less than one year nor more than three years from the date of the applicant's initial examination. Additional examinations may be permitted in accordance with standards set by the director, after consultation with the advisory committee.

C.45:14BB-8 Issuance of certification.

8. The director shall issue a certificate of State certification to any applicant who, in the opinion of the director, has satisfactorily met the requirements of this act. The director may waive the requirement under subsection d. of section 6 of this act and allow an applicant to sit for the State certification examination if in the opinion of the director, the applicant has sufficient experience in psychoanalysis and holds a current State of New Jersey license, registration, or certificate in a mental health profession. All certificates of State certification shall be issued for a two-year period upon the payment of the certification fee prescribed by the director, after consultation with the advisory committee, and shall be renewed upon filing of a renewal application, the payment of a certification fee and presentation of satisfactory evidence that the renewal applicant has successfully completed the continuing education requirements prescribed by the director by regulation.

C.45:14BB-9 Use of title restricted.

9. No person shall use the title, "State certified psychoanalyst" or the abbreviation "SCP," unless certified pursuant to the provisions of this act.

C.45:14BB-10 Director's discretion in issuance of certification.

10. The director may waive the education, experience and examination requirements for State certification pursuant to this act and issue a State certification by endorsement to any applicant who holds a current license, registration or certificate to practice psychoanalysis issued by the agency of another state or country which, in the opinion of the director, has requirements for licensure, registration or certification equivalent to or higher than those required to be certified pursuant to this act.

C.45:14BB-11 Provisions of C.45:1-14 et seq. applicable.

11. The provisions of P.L.1978, c.73 (C.45:1-14 et seq.) shall apply to this act.

C.45:14BB-12 Rules, regulations.

12. The director, after consultation with the advisory committee, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.

13. This act shall take effect immediately.

Approved July 6, 2000.

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Office of the Governor
NEWS RELEASE

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RELEASE: July 6, 2000

Governor Christie Whitman today signed the following piece of legislation:

S-657, sponsored by Senators Gerald Cardinale (R-Bergen) and Peter A. Inverso (R-Mercer/Middlesex) and Assembly Members Jeffrey W. Moran (R-Atlantic/Burlington/Ocean) and Anthony Impreveduto (D-Bergen/Hudson), provides for State certification of psychoanalysts by the Director of the Division of Consumer Affairs and establishes a Certified Psychoanalysts Advisory Committee to advise the Director.

Under the law, an applicant must be at least 18 years old, of good moral character and hold a master's degree and a graduate certificate in psychoanalysis from a free-standing psychoanalytic institute to be eligible for state certification in this field. The applicant must also pass an examination approved by the Director in consultation with the Committee.

The bill prohibits any person from using the title of "State certified psychoanalyst" or the abbreviation "SCP" unless that person is certified as stated in the bill.

The current piece of legislation signed into law by Gov. Whitman was conditionally vetoed May 12th . In her conditional veto, the Governor had recommended that the Director of the Division of Consumer Affairs approve the psychoanalytic institute from which an applicant has obtained a graduate certification. The Governor also clarified that the Director can waive the bill's educational requirement for those persons who have related experience in psychoanalysis and are practicing professionals in another mental health profession. And Gov. Whitman changed the make-up of the advisory committee to four psychoanalysts and two public members, from six psychoanalysts.