



P.L.2013, CHAPTER 168, *approved October 16, 2013*  
Assembly, No. 732 (*Fourth Reprint*)

1 AN ACT <sup>3</sup>**[concerning the unlicensed]** criminalizing unauthorized  
2 activities related to the<sup>3</sup> practice of <sup>3</sup>, or representations  
3 concerning,<sup>3</sup> certain <sup>3</sup>health care related<sup>3</sup> professions and  
4 supplementing chapter 21 of Title 2C of the New Jersey  
5 Statutes.

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

9  
10 1. A person is guilty of a crime of the third degree if he <sup>4</sup>is  
11 required to be licensed to practice psychology pursuant to the  
12 “Practicing Psychology Licensing Act,” P.L.1966, c.282 (C.45:14B-  
13 1 et seq.), and he<sup>4</sup> knowingly does not possess a license to practice  
14 psychology, or knowingly has had such license suspended, revoked  
15 or otherwise limited by an order entered by the State Board of  
16 Psychological Examiners, and he:  
17 a. engages in the practice of psychology;  
18 b. exceeds the scope of practice permitted by the board order;  
19 c. holds himself out to the public or any person as being  
20 eligible to engage in that practice;  
21 d. engages in any activity for which such license is a necessary  
22 prerequisite; or  
23 e. practices psychology under a false or assumed name or  
24 falsely impersonates another person licensed by the board.

25 <sup>4</sup>This section shall not apply to any person who is authorized to  
26 practice psychology without a license pursuant to the “Practicing  
27 Psychology Licensing Act,” P.L.1966, c.282 (C.45:14B-1 et seq.) or  
28 any other applicable law.<sup>4</sup>

29  
30 <sup>1</sup>**[**2. A person is guilty of a crime of the third degree if he  
31 knowingly does not possess a license to practice marriage and  
32 family therapy, or knowingly has had such license suspended,  
33 revoked or otherwise limited by an order entered by the State Board  
34 of Marriage and Family Therapy Examiners, and he:  
35 a. engages in the practice of marriage and family therapy;  
36 b. exceeds the scope of practice permitted by the board order;

**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:

<sup>1</sup>Assembly AJU committee amendments adopted January 17, 2013.

<sup>2</sup>Assembly floor amendments adopted February 14, 2013.

<sup>3</sup>Senate SJU committee amendments adopted June 6, 2013.

<sup>4</sup>Assembly floor amendments adopted June 27, 2013.

1 c. holds himself out to the public or any person as being  
2 eligible to engage in that practice;

3 d. engages in any activity for which such license is a necessary  
4 prerequisite; or

5 e. practices marriage and family therapy under a false or  
6 assumed name or falsely impersonates another person licensed by  
7 the board.<sup>1</sup>

8  
9 <sup>1</sup>[3.] 2.<sup>1</sup> A person is guilty of a crime of the third degree if he <sup>4</sup>is  
10 required to be licensed to practice chiropractic pursuant to the  
11 “Chiropractic Board Act,” P.L.1989, c.153 (C.45:9-41.17 et al.), or  
12 R.S.45:9-14.5, R.S.45:9-14.6, or R.S.45:9-14.10, or P.L.1953, c.233  
13 (C.45:9-41.4 et al.), and he<sup>4</sup> knowingly does not possess a license to  
14 practice chiropractic, or knowingly has had such license suspended,  
15 revoked or otherwise limited by an order entered by the State Board  
16 of Chiropractic Examiners, and he:

17 a. engages in the practice of chiropractic;

18 b. exceeds the scope of practice permitted by the board order;

19 c. holds himself out to the public or any person as being  
20 eligible to engage in that practice;

21 d. engages in any activity for which such license is a necessary  
22 prerequisite; or

23 e. practices chiropractic under a false or assumed name or  
24 falsely impersonates another person licensed by the board.

25 <sup>4</sup>This section shall not apply to any person who is authorized to  
26 practice chiropractic without a license pursuant to the “Chiropractic  
27 Board Act,” P.L.1989, c.153 (C.45:9-41.17 et al.), or R.S.45:9-14.5,  
28 R.S.45:9-14.6, or R.S.45:9-14.10, or P.L.1953, c.233 (C.45:9-41.4  
29 et al.), or any other applicable law.<sup>4</sup>

30  
31 <sup>3</sup>3. A person is guilty of a crime of the third degree if he <sup>4</sup>is  
32 required to be licensed or certified to practice social work pursuant  
33 to the “Social Workers’ Licensing Act of 1991,” P.L.1991, c.134  
34 (C.45:15BB-1 et seq.), and he<sup>4</sup> knowingly does not possess a  
35 license or certification <sup>4</sup>[to practice social work pursuant to the  
36 “Social Workers’ Licensing Act of 1991,” P.L.1991, c.134  
37 (C.45:15BB-1 et seq.)] ,<sup>4</sup> or knowingly has had such license or  
38 certification suspended, revoked or otherwise limited by an order  
39 entered into by the State Board of Social Work Examiners, and he:

40 a. engages in the practice of social work;

41 b. exceeds the scope of practice permitted by the board order;

42 c. holds himself out to the public or any person as being eligible  
43 to engage in that practice;

44 d. engages in any activity for which such license or certification  
45 is a necessary prerequisite; or

46 e. practices social work under a false or assumed name or falsely  
47 impersonates another person licensed or certified by the board.<sup>3</sup>

1 <sup>4</sup>This section shall not apply to any person who is authorized to  
2 practice social work without a license or certification pursuant to  
3 the “Social Workers’ Licensing Act of 1991,” P.L.1991, c.134  
4 (C.45:15BB-1 et seq.) or any other applicable law.<sup>4</sup>  
5

6 <sup>1</sup>~~[4.]~~ <sup>3</sup>~~[3.1]~~ 4.<sup>3</sup> A person is guilty of a crime of the third degree  
7 if he knowingly does not possess a certification to practice  
8 psychoanalysis pursuant to the provisions of P.L.2000, c.57  
9 (C.45:14BB-1 et seq.) or knowingly has had such certification  
10 suspended, revoked or otherwise limited by an order entered by the  
11 Director of the Division of Consumer Affairs in the Department of  
12 Law and Public Safety or his designee and the person:

- 13 a. <sup>2</sup>~~[engages in the practice of State certified psychoanalysis;~~  
14 b. exceeds the scope of practice permitted by the order;  
15 c. <sup>2</sup>~~] holds himself out to the public or any person as being a~~  
16 State certified psychoanalyst;  
17 <sup>2</sup>~~[d. engages in any activity for which such certification is a~~  
18 necessary prerequisite; <sup>2</sup>~~]~~ or  
19 e. <sup>2</sup>~~b.] practices as a State certified psychoanalyst under a false~~  
20 or assumed name or falsely impersonates another person who is a  
21 State certified psychoanalyst.  
22

23 <sup>1</sup>~~[5.]~~ <sup>3</sup>~~[4.1]~~ 5.<sup>3</sup> This act shall take effect immediately.  
24  
25  
26

27  
28 \_\_\_\_\_  
29 Makes it a crime of the third degree to practice or represent  
30 oneself to others concerning certain licensed or certified health care  
related professions.

# ASSEMBLY, No. 732

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman HOLLY SCHEPISI**

**District 39 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Wagner**

**SYNOPSIS**

Makes it a crime of the third degree to practice psychology, marriage and family therapy, chiropractic or State-certified psychoanalysis without the appropriate license or certification.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/3/2012)

A732 EUSTACE, SCHEPISI

2

1 AN ACT concerning the unlicensed practice of certain professions  
2 and supplementing chapter 21 of Title 2C of the New Jersey  
3 Statutes.

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

7  
8 1. A person is guilty of a crime of the third degree if he  
9 knowingly does not possess a license to practice psychology, or  
10 knowingly has had such license suspended, revoked or otherwise  
11 limited by an order entered by the State Board of Psychological  
12 Examiners, and he:

- 13 a. engages in the practice of psychology;  
14 b. exceeds the scope of practice permitted by the board order;  
15 c. holds himself out to the public or any person as being  
16 eligible to engage in that practice;  
17 d. engages in any activity for which such license is a necessary  
18 prerequisite; or  
19 e. practices psychology under a false or assumed name or  
20 falsely impersonates another person licensed by the board.

21  
22 2. A person is guilty of a crime of the third degree if he  
23 knowingly does not possess a license to practice marriage and  
24 family therapy, or knowingly has had such license suspended,  
25 revoked or otherwise limited by an order entered by the State Board  
26 of Marriage and Family Therapy Examiners, and he:

- 27 a. engages in the practice of marriage and family therapy;  
28 b. exceeds the scope of practice permitted by the board order;  
29 c. holds himself out to the public or any person as being  
30 eligible to engage in that practice;  
31 d. engages in any activity for which such license is a necessary  
32 prerequisite; or  
33 e. practices marriage and family therapy under a false or  
34 assumed name or falsely impersonates another person licensed by  
35 the board.

36  
37 3. A person is guilty of a crime of the third degree if he  
38 knowingly does not possess a license to practice chiropractic, or  
39 knowingly has had such license suspended, revoked or otherwise  
40 limited by an order entered by the State Board of Chiropractic  
41 Examiners, and he:

- 42 a. engages in the practice of chiropractic;  
43 b. exceeds the scope of practice permitted by the board order;  
44 c. holds himself out to the public or any person as being  
45 eligible to engage in that practice;  
46 d. engages in any activity for which such license is a necessary  
47 prerequisite; or  
48 e. practices chiropractic under a false or assumed name or

1 falsely impersonates another person licensed by the board.

2

3 4. A person is guilty of a crime of the third degree if he  
4 knowingly does not possess a certification to practice  
5 psychoanalysis pursuant to the provisions of P.L.2000, c.57  
6 (C.45:14BB-1 et seq.) or knowingly has had such certification  
7 suspended, revoked or otherwise limited by an order entered by the  
8 Director of the Division of Consumer Affairs in the Department of  
9 Law and Public Safety or his designee and the person:

10 a. engages in the practice of State certified psychoanalysis;

11 b. exceeds the scope of practice permitted by the order;

12 c. holds himself out to the public or any person as being a State  
13 certified psychoanalyst;

14 d. engages in any activity for which such certification is a  
15 necessary prerequisite; or

16 e. practices as a State certified psychoanalyst under a false or  
17 assumed name or falsely impersonates another person who is a State  
18 certified psychoanalyst.

19

20 5. This act shall take effect immediately.

21

22

23 STATEMENT

24

25 Currently, the unlicensed practice of medicine, podiatry or  
26 dentistry is a crime of the third degree (punishable by a term of  
27 three to five years or a fine of up to \$15,000 or both). This bill  
28 would provide that the unlicensed practice of psychology, marriage  
29 and family therapy or chiropractic would also constitute a crime of  
30 the third degree. In addition, the bill would provide that any person  
31 who practices as a "State certified psychoanalyst" without  
32 appropriate authority to do so also is guilty of a crime of the third  
33 degree.

34 Under the bill, a person is guilty of a crime of the third degree if  
35 he knowingly does not possess a license to practice psychology,  
36 marriage and family therapy or chiropractic, or knowingly has had  
37 such license suspended, revoked or otherwise limited by an order  
38 entered by the appropriate State licensing board, and he:

39 a. engages in that practice;

40 b. exceeds the scope of practice permitted by the board order;

41 c. holds himself out to the public or any person as being eligible  
42 to engage in that practice;

43 d. engages in any activity for which such license is a necessary  
44 prerequisite; or

45 e. practices any of these professions under a false or assumed  
46 name or falsely impersonates another person licensed by the  
47 appropriate licensing board.

48 Under current law, psychologists are licensed by the State Board

A732 EUSTACE, SCHEPISI

1 of Psychological Examiners; marriage and family therapists are  
2 licensed by the State Board of Marriage and Family Therapy  
3 Examiners, and chiropractors are licensed by the State Board of  
4 Chiropractic Examiners. By contrast, persons who meet the  
5 eligibility requirements of the "Psychoanalysts State Certification  
6 Act," P.L.2000, c.57 (N.J.S.A..45:14BB-1 et seq.) are not regulated  
7 by a licensing board but instead receive certification as "State  
8 certified psychoanalysts" under the supervision of the director of  
9 the Division of Consumer Affairs in the Department of Law and  
10 Public Safety or his designee. Thus, the bill provides that a person  
11 is guilty of a crime of the third degree if he knowingly does not  
12 possess a certification to practice psychoanalysis pursuant to the  
13 provisions of N.J.S.A. 45:14BB-1 et seq. or knowingly has had such  
14 certification suspended, revoked or otherwise limited by an order  
15 entered by the Director of the Division of Consumer Affairs in the  
16 Department of Law and Public Safety or his designee and the  
17 person:

- 18 a. engages in the practice of State certified psychoanalysis;
- 19 b. exceeds the scope of practice permitted by the order;
- 20 c. holds himself out to the public or any person as being a State  
21 certified psychoanalyst;
- 22 d. engages in any activity for which such certification is a  
23 necessary prerequisite; or
- 24 e. practices as a State certified psychoanalyst under a false or  
25 assumed name or falsely impersonates another person who is a State  
26 certified psychoanalyst.



# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 732

with committee amendments

# STATE OF NEW JERSEY

DATED: JANUARY 17, 2013

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 732.

Currently, it is a crime of the third degree to practice medicine, podiatric medicine, dentistry, or acupuncture without a license. A crime of the third degree is punishable by a term of three to five years or a fine of up to \$15,000 or both.

As originally introduced, this bill would also provide that the unlicensed practice of psychology, marriage and family therapy, State certified psychoanalysis, or chiropractic would also constitute a crime of the third degree. The committee amended the bill to eliminate the unlawful practice of marriage and family therapy.

Under the bill as amended, a person is guilty of a crime of the third degree if he knowingly does not possess a license to practice psychology or chiropractic or a certification to practice psychoanalysis or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the appropriate State licensing board, and he:

- a. engages in that practice;
- b. exceeds the scope of practice permitted by the board order;
- c. holds himself out to the public or any person as being eligible to engage in that practice;
- d. engages in any activity for which such license is a necessary prerequisite; or
- e. practices any of these professions under a false or assumed name or falsely impersonates another person licensed by the appropriate licensing board.

Under current law, psychologists are licensed by the State Board of Psychological Examiners and chiropractors are licensed by the State Board of Chiropractic Examiners. "State certified psychoanalysts" are those who meet the eligibility requirements of the "Psychoanalysts State Certification Act," P.L.2000, c.57 (N.J.S.A..45:14BB-1 et seq.). They receive certification through the director of the Division of Consumer Affairs in the Department of Law and Public Safety.

It is the understanding of the committee that this bill is not intended to criminalize activities of a licensed professional conducted

within the authorized duties of that profession. For example, the committee recognizes that there may be instances where psychoanalysis is a component of a psychologist's therapy and in this situation it would not constitute the act of unlawfully practicing "State certified psychoanalysis."

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS

1. Delete section 2 of the bill to eliminate marriage and family therapists.
2. Replace synopsis to reflect the changes to the bill.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 732**

with Assembly Floor Amendments  
(Proposed by Assemblyman EUSTACE)

ADOPTED: FEBRUARY 14, 2013

These floor amendments remove certain provisions from the bill concerning the unlawful practice of State certified psychoanalysis.

Although licenses are required in order to practice the other two professions encompassed by this bill (psychology and chiropractic), this is not the case with State certified psychoanalysis, which requires certification. Thus, several provisions of the bill are not applicable to the profession of State certified psychoanalysis and are deleted by these amendments.

The deleted provisions are: engaging in the practice of State certified psychoanalysis; exceeding the scope of practice permitted by an order entered by the Division of Consumer Affairs; and engaging in activity for which such certification is a prerequisite.

As amended, the bill would apply to a person who fraudulently holds himself out to the public or any person as being a State certified psychoanalyst and to a person who practices as a State certified psychoanalyst under a false or assumed name or falsely impersonates another person who is a State certified psychoanalyst.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

[Second Reprint]  
**ASSEMBLY, No. 732**

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 6, 2013

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 732 (2R).

This bill, as amended, makes criminal the unauthorized practice of psychology, chiropractic, and social work, as well as representing oneself to be a State-certified psychoanalyst without such valid certification. The first three listed professions require either a license or certification as a prerequisite to practice, while the latter profession's certification requirement, while not a prerequisite to practice, provides clear public standards as to certified psychoanalysts' education and training (see the "Psychoanalysts State Certification Act," P.L.2000, c.57 (C.45:14BB-1 et seq.)); both the prerequisite licensing and certification schemes for psychology, chiropractic, and social work, and the certification scheme for psychoanalysis would be protected by criminalizing unauthorized activities associated with each professional field.

As set forth in the bill, such unauthorized activities associated with psychology, chiropractic, or social work would include: (1) engaging in professional practice or related activities while knowingly not in possession of a State-issued license or certification; or (2) continuing to engage in professional practice or related activities while knowingly having a license or certification that is suspended, revoked or otherwise limited, or exceeding the authorized scope of that limited license or certification. The unauthorized activities associated with State-certified psychoanalysis would include holding oneself out to the public or any person as being a State-certified psychoanalyst or practicing as such, when knowingly not in possession of a State-issued certification or knowingly having that certification suspended, revoked, or otherwise limited.

Concerning each profession, the associated unauthorized activity would constitute a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. By criminalizing the unauthorized practice of psychology, chiropractic, and social work, as well as representing oneself to be a State-certified psychoanalyst

without such valid certification, the bill would add to the current law's list of those health-related professions for which unauthorized activities related to their professional practice is made criminal; those professions are: medicine and surgery, podiatry, acupuncture, and dentistry. See P.L.1989, c.300, s.14 (C.2C:21-20), P.L.2009, c.56, s.16 (C.2C:21-20.1), and P.L.1995, c.124, s.1 (C.2C:21-30) (all crimes of the third degree).

The committee amendments to the bill:

- add provisions, in a new section 3 to the bill, to include the unauthorized practice of social work among the types of health care related professions covered under the bill, as explained above; and
- update the bill's title and synopsis to better reflect the changes made to the bill by the amendments.

This bill is identical to Senate Bill No. 2543, as amended and also reported today by the committee.

STATEMENT TO  
[Third Reprint]  
**ASSEMBLY, No. 732**

with Assembly Floor Amendments  
(Proposed by Assemblyman EUSTACE)

ADOPTED: JUNE 27, 2013

These floor amendments clarify who may be subject to criminal liability under the bill, which makes criminal the unauthorized practice of psychology, chiropractic, and social work, as well as representing oneself to be a State-certified psychoanalyst without such valid certification.

Although the first three listed professions require either a license or certification as a prerequisite to practice, there are exceptions under the law permitting persons to practice in such fields without being licensed or certified. The amendments account for these exceptions, so that only persons who are required to be licensed or certified under the law are subject to criminal prosecution.

As to the last listed profession, State-certified psychoanalyst, such certification in this field is not a required prerequisite to practice but is used by persons who have attained certain high standards of psychoanalysis education and training (see the "Psychoanalyst State Certification Act," P.L.2000, c.57 (C.45:14BB-1 et seq.)). Thus, a clarifying amendment for State-certified psychoanalysts (section 4 of the underlying bill) targeting only persons who are required to be certified is not necessary and is not included.