

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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HEARINGS: No

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RH/CL

P.L. 2017, CHAPTER 350, *approved January 16, 2018*
Assembly, No. 1414

1 AN ACT concerning marriage and family therapists, amending
2 P.L.2000, c.119, and amending and supplementing P.L.1968,
3 c.401.

4

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

7

8 1. Section 2 of P.L.1968, c.401 (C.45:8B-2) is amended to read
9 as follows:

10 2. As used in this act, unless the context clearly requires
11 otherwise and except as in this act expressly otherwise provided:

12 (a) "Licensed marriage and family therapist" means an
13 individual **【to whom a license has been issued】** who holds a
14 current, valid license as a licensed marriage and family therapist
15 pursuant to the provisions of this act**【, which license is in force and**
16 **not suspended or revoked as of the particular time in question】**.

17 (b) The "practice of marriage and family therapy" means the
18 rendering of professional marriage and family therapy services to
19 individuals, couples and families, singly or in groups, whether in
20 the general public or in organizations, either public or private, for a
21 fee, monetary or otherwise. "Marriage and family therapy" is a
22 specialized field of therapy which includes premarital counseling
23 and therapy, pre- and post-divorce counseling and therapy, and
24 family therapy. The practice of marriage and family therapy
25 consists of the application of principles, methods and techniques of
26 counseling and psychotherapy for the purpose of resolving
27 psychological conflict, modifying perception and behavior, altering
28 old attitudes and establishing new ones in the area of marriage and
29 family life. In its concern with the antecedents of marriage, with
30 the vicissitudes of marriage, and with the consequences of the
31 failure of marriage, marriage and family therapy keeps in sight its
32 objective of enabling clients to achieve the optimal adjustment
33 consistent with their welfare as individuals, as members of a family,
34 and as citizens in society.

35 (c) "Board" means the State Board of Marriage and Family
36 Therapy Examiners acting as such under the provisions of this act.

37 (d) "Recognized educational institution" means any educational
38 institution which grants the bachelor's, master's and doctor's

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.

1 degrees, or any one or more thereof, and which is recognized by the
2 Commission on Higher Education or by any accrediting body
3 acceptable to the State Board of Marriage and Family Therapy
4 Examiners.

5 (e) “Licensed associate marriage and family therapist” means an
6 individual who hold a current, valid license as a licensed associate
7 marriage and family therapist pursuant to the provisions of
8 P.L.1968, c.401 (C.45:8B-1 et seq.) and P.L. , c. (C.)
9 (pending before the Legislature as this bill).
10 (cf: P.L.1995, c.366, s.2)

11

12 2. Section 5 of P.L.1968, c.401 (C.45:8B-5) is amended to read
13 as follows:

14 5. **【Commencing January 1, 1969, except】** Except as provided
15 in sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), a person
16 who is not licensed under this act, shall not advertise the
17 performance of marriage and family therapy services or represent
18 himself to be a licensed practicing marriage and family therapist,
19 use a title or description, including the following titles: marriage
20 and family therapist, counselor, advisor or consultant; an associate
21 marriage and family therapist, counselor, advisor or consultant; a
22 family counselor, therapist, advisor or consultant; a family guidance
23 counselor, therapist, advisor or consultant; a marriage guidance
24 counselor, therapist, advisor or consultant; a family relations
25 counselor, therapist, advisor or consultant; a marriage relations
26 counselor, therapist, advisor or consultant; a marriage counselor,
27 therapist, advisor or consultant; or any other name, style or
28 description denoting that the person so engages in marriage and
29 family therapy. Except as otherwise specifically provided in
30 sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), only a
31 person licensed under this act shall advertise the performance of
32 marriage and family therapy or counseling services; use a title or
33 description such as marriage and family therapist, counselor,
34 advisor or consultant; an associate marriage and family therapist,
35 counselor, advisor or consultant; a family guidance counselor,
36 therapist, advisor, or consultant; a family relations counselor,
37 therapist, advisor, or consultant; a marriage counselor, therapist,
38 advisor or consultant; or any other name, style or description
39 denoting that the person is a licensed marriage and family therapist;
40 or licensed to practice marriage and family therapy. The use by a
41 person who is not licensed under this act of such terms, whether in
42 titles or descriptions or otherwise, is not prohibited by this act
43 except when in connection with the offer to practice or the practice
44 of marriage and family therapy as defined in subsection (b) of
45 section 2 of P.L.1968, c.401 (C.45:8B-2). Use of such terms in
46 connection with professional activities other than the rendering of
47 professional marriage and family therapy services to individuals for
48 a fee, monetary or otherwise, shall not be construed as implying

1 that a person is licensed under this act or as an offer to practice or
2 as the practice of marriage and family therapy.
3 (cf: P.L.1995, c.366, s.4)
4

5 3. Section 6 of P.L.1968, c.401 (C.45:8B-6) is amended to read
6 as follows:

7 6. An individual who is not a licensed practicing marriage and
8 family therapist or a licensed associate marriage and family
9 therapist shall not be limited in his activities:

10 (a) As part of his duties as an employee of:

11 (1) an accredited academic institution, a federal, State, county or
12 local governmental institution or agency, or a research facility while
13 performing those duties for which he was employed by the
14 institution, agency or facility;

15 (2) an organization which is nonprofit and which is, in the
16 opinion of the board, a bona fide community agency, while
17 performing those duties for which he was employed by the agency;

18 (3) a proprietary organization while performing those duties for
19 which he was employed by the organization, provided his marriage
20 and family therapy duties are under the direct supervision of a
21 licensed practicing marriage and family therapist.

22 (b) As a student of marriage and family therapy, marriage and
23 family therapy intern or person preparing for the practice of
24 marriage and family therapy under qualified supervision in a
25 training institution or facility recognized by the board, provided he
26 is designated by such titles as "marriage and family therapy intern,"
27 or others, clearly indicating the training status.

28 (c) As a practicing marriage and family therapist for a period
29 not to exceed 10 consecutive business days or 15 business days in
30 any 90-day period, if he resides outside and his major practice is
31 outside of the State of New Jersey, and gives the board a summary
32 of his qualifications and a minimum of 10 days' written notice of his
33 intention to practice in the State of New Jersey under this
34 subsection, provided he (1) is certified or licensed in another state
35 under requirements the board considers to be the equivalent of
36 requirements for licensing as a marriage and family therapist under
37 this act, or (2) resides in a state which does not certify or license
38 marriage and family therapists and the board considers his
39 professional qualifications to be the equivalent of requirements for
40 licensing under this act; and is not adjudged and notified by the
41 board that he is ineligible for licensing under this act.

42 (d) (Deleted by amendment, P.L.2005, c.49.)

43 (e) **【**As a practicing marriage and family therapist for a period
44 not exceeding three years under the supervision of a licensed
45 practicing marriage and family therapist, or a person designated by
46 the board as an eligible supervisor, if he has a temporary permit
47 therefor which the board shall issue upon presentation by the
48 applicant of satisfactory evidence of his completion of all the

1 educational requirements as provided in subsection (a) of section 18
2 of P.L.1968, c.401 (C.45:8B-18) and filing and review of an
3 application for a temporary permit under this act.】 (Deleted by
4 amendment, P.L. , c.) (pending before the Legislature as this
5 bill)
6 (cf: P.L.2005, c.49, s.1)

7
8 4. Section 7 of P.L.1968, c.401 (C.45:8B-7) is amended to read
9 as follows:

10 7. The exceptions specified in **【subsections】** subsection (c)
11 **【and (e)】** of section 6 of P.L.1968, c.401 (C.45:8B-6) shall not be
12 available to any person who has been found by a court of this or any
13 State of the United States to have been convicted of, or engaged in
14 acts constituting, any crime or offense involving moral turpitude or
15 relating adversely to the activity regulated by the board. For the
16 purposes of this section, a judgment of conviction or a plea of
17 guilty, non vult, nolo contendere or any other such disposition of
18 alleged criminal activity shall be deemed a conviction. An action to
19 determine whether any person asserting an exception under
20 subsection (c) **【or (e)】** of section 6 of P.L.1968, c.401 (C.45:8B-6)
21 has committed one or more of the acts listed in this section may be
22 brought by the Attorney General on behalf of the board.
23 (cf: P.L.2005, c.49, s.2)

24
25 5. Section 14 of P.L.1968, c.401 (C.45:8B-14) is amended to
26 read as follows:

27 14. A person desiring to obtain a license as a practicing marriage
28 and family therapist or as an associate marriage and family therapist
29 shall make application therefor to the board upon such form and in
30 such manner as the board shall prescribe and shall furnish evidence
31 satisfactory to the board that he:

- 32 (a) Is at least 21 years of age;
33 (b) Is of good moral character;
34 (c) Is not engaged in any practice or conduct which would be a
35 ground for refusing to issue, suspending or revoking a license
36 issued pursuant to this act; and
37 (d) Qualifies for licensing by an examination of credentials or
38 for admission to an assembled examination to be conducted by the
39 board.

40 (cf: P.L.1995, c.366, s.11)

41

42 6. Section 18 of P.L.1968, c.401 (C.45:8B-18) is amended to
43 read as follows:

44 18. A person applying to the board **【, after January 1, 1970,】** to
45 obtain a license as a practicing marriage and family therapist may
46 be admitted to an examination if he meets the qualifications set
47 forth in subsections (a), (b) and (c) of section 14 of P.L.1968, c.401

1 (C.45:8B-14) and provides evidence satisfactory to the board that
2 he has met educational and experiential qualifications as follows:

3 (a) Educational Requirement:

4 To meet the educational requirements, an applicant shall have a
5 minimum of a master's degree in marriage and family therapy, a
6 master's degree in social work, or a graduate degree in a related
7 field and shall demonstrate that he has completed **【**substantially
8 equivalent**】** course work content and training substantially
9 equivalent to a master's degree in marriage and family therapy; and
10 the degree shall have been obtained from an accredited institution
11 so recognized at the time of granting of the degrees.

12 Pursuant to regulations adopted by the board, an applicant with a
13 graduate degree in a related field which does not provide training
14 and course work substantially equivalent in content to a master's
15 degree in marriage and family therapy, shall be deemed to meet the
16 educational requirements set forth in this section upon satisfactory
17 completion of either a post graduate degree recognized by the
18 board, or a program of training and course work at an institute or
19 training program accredited by the Commission on Accreditation
20 for Marriage and Family Therapy Education.

21 (b) Experience Requirements:

22 To meet the experience requirements, an applicant shall have
23 three years of full-time counseling experience, or its equivalent, of
24 a character approved by the board, two years of which shall have
25 been in marriage and family therapy; two of the three required years
26 shall have been under the supervision of a person holding a degree
27 specified in subsection (a) of this section and who has himself had
28 no less than five full-time years of professional experience or the
29 equivalent. For those with a master's degree, two of the three
30 required years shall occur after the applicant has earned the master's
31 degree, and for those with a post-master's or doctoral degree, one of
32 the three required years shall occur after the applicant has earned
33 the post-master's or doctoral degree.

34 (cf: P.L 2005, c.49, s.3)

35

36 7. Section 1 of P.L.2000, c.119 (C.45:8B-24.1) is amended to
37 read as follows:

38 1. a. The State Board of Marriage and Family Therapy
39 Examiners shall require each marriage and family therapist, as a
40 condition of biennial license renewal pursuant to section 1 of
41 P.L.1972, c.108 (C.45:1-7) and each associate marriage and family
42 therapist, as a condition of biennial license renewal pursuant to
43 section 9 of P.L. , c. (C.) (pending before the Legislature as
44 this bill), to complete any continuing education requirements
45 imposed by the board pursuant to this section.

46 b. The board shall:

1 (1) Promulgate rules and regulations for implementing
2 continuing education requirements as a condition of license renewal
3 for licenses issued under its jurisdiction;

4 (2) Establish standards for continuing education, including the
5 subject matter and content of courses of study, and the number and
6 type of continuing education credits required of a licensee as a
7 condition of biennial license renewal;

8 (3) Recognize the American Association for Marriage and
9 Family Therapy, the New Jersey Division of the American
10 Association for Marriage and Family Therapy and other
11 organizations as providers of continuing education, and accredit
12 educational programs, including, but not limited to, meetings of
13 constituents and components of marriage and family therapy
14 associations recognized by the board, examinations, papers,
15 publications, presentations, teaching and research appointments,
16 and shall establish procedures for the issuance of credit upon
17 satisfactory proof of the completion of these programs. In the case
18 of education courses or programs, each hour of instruction shall be
19 equivalent to one credit; and

20 (4) Approve only those continuing education programs as are
21 available to all marriage and family therapists in this State on a
22 reasonable nondiscriminatory basis.

23 (cf: P.L.2000, c.119, s.1)

24

25 8. Section 29 of P.L.1968, c.401 (C.45:8B-29) is amended to
26 read as follows:

27 29. A communication between a marriage and family therapist,
28 or an associate marriage and family therapist, and the person or
29 persons in therapy shall be confidential and its secrecy preserved.
30 This privilege shall not be subject to waiver, except where the
31 marriage and family therapist is a party defendant to a civil,
32 criminal or disciplinary action arising from the therapy, in which
33 case, the waiver shall be limited to that action.

34 (cf: P.L.1995, c.366, s.16)

35

36 9. (New section) All associate marriage and family therapist
37 licenses shall be issued for a two-year period upon the payment of
38 the prescribed fee, and shall be renewed upon filing of a renewal
39 application, the payment of the fee, and presentation of satisfactory
40 evidence to the board that in the period since the license was issued
41 or last renewed any continuing education requirements have been
42 completed as specified by the board. An associate marriage and
43 family therapist license shall be renewed no more than two times.

44

45 10. (New section) No licensed associate marriage and family
46 therapist shall practice without direct supervision by a licensed
47 marriage and family therapist or a supervisor acceptable to the
48 board. The plan for supervision of the licensed associate marriage

1 and family therapist shall be approved by the board prior to any
2 actual performance of counseling by the licensed associate marriage
3 and family therapist.

4

5 11. This act shall take effect on the 180th day after the date of
6 enactment but the board may take such anticipatory action in
7 advance thereof as shall be necessary for the implementation of this
8 act.

9

10

11

12

13 Establishes licensure for associate marriage and family
14 therapists.

ASSEMBLY, No. 1414

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblymen Singleton, Diegnan, Ciattarelli and Moriarty

SYNOPSIS

Establishes licensure for associate marriage and family therapists.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/5/2016)

A1414 JOHNSON, GIBLIN

2

1 AN ACT concerning marriage and family therapists, amending
2 P.L.2000, c.119, and amending and supplementing P.L.1968,
3 c.401.
4

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

7
8 1. Section 2 of P.L.1968, c.401 (C.45:8B-2) is amended to read
9 as follows:

10 2. As used in this act, unless the context clearly requires
11 otherwise and except as in this act expressly otherwise provided:

12 (a) "Licensed marriage and family therapist" means an
13 individual **[to whom a license has been issued]** who holds a
14 current, valid license as a licensed marriage and family therapist
15 pursuant to the provisions of this act**],** which license is in force and
16 not suspended or revoked as of the particular time in question**].**

17 (b) The "practice of marriage and family therapy" means the
18 rendering of professional marriage and family therapy services to
19 individuals, couples and families, singly or in groups, whether in
20 the general public or in organizations, either public or private, for a
21 fee, monetary or otherwise. "Marriage and family therapy" is a
22 specialized field of therapy which includes premarital counseling
23 and therapy, pre- and post-divorce counseling and therapy, and
24 family therapy. The practice of marriage and family therapy
25 consists of the application of principles, methods and techniques of
26 counseling and psychotherapy for the purpose of resolving
27 psychological conflict, modifying perception and behavior, altering
28 old attitudes and establishing new ones in the area of marriage and
29 family life. In its concern with the antecedents of marriage, with
30 the vicissitudes of marriage, and with the consequences of the
31 failure of marriage, marriage and family therapy keeps in sight its
32 objective of enabling clients to achieve the optimal adjustment
33 consistent with their welfare as individuals, as members of a family,
34 and as citizens in society.

35 (c) "Board" means the State Board of Marriage and Family
36 Therapy Examiners acting as such under the provisions of this act.

37 (d) "Recognized educational institution" means any educational
38 institution which grants the bachelor's, master's and doctor's
39 degrees, or any one or more thereof, and which is recognized by the
40 Commission on Higher Education or by any accrediting body
41 acceptable to the State Board of Marriage and Family Therapy
42 Examiners.

43 (e) "Licensed associate marriage and family therapist" means an
44 individual who hold a current, valid license as a licensed associate

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.

1 marriage and family therapist pursuant to the provisions of
2 P.L.1968, c.401 (C.45:8B-1 et seq.) and P.L. _____, c. _____ (C. _____)
3 (pending before the Legislature as this bill).
4 (cf: P.L.1995, c.366, s.2)

5
6 2. Section 5 of P.L.1968, c.401 (C.45:8B-5) is amended to read
7 as follows:

8 5. **【Commencing January 1, 1969, except】** Except as provided
9 in sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), a person
10 who is not licensed under this act, shall not advertise the
11 performance of marriage and family therapy services or represent
12 himself to be a licensed practicing marriage and family therapist,
13 use a title or description, including the following titles: marriage
14 and family therapist, counselor, advisor or consultant; an associate
15 marriage and family therapist, counselor, advisor or consultant; a
16 family counselor, therapist, advisor or consultant; a family guidance
17 counselor, therapist, advisor or consultant; a marriage guidance
18 counselor, therapist, advisor or consultant; a family relations
19 counselor, therapist, advisor or consultant; a marriage relations
20 counselor, therapist, advisor or consultant; a marriage counselor,
21 therapist, advisor or consultant; or any other name, style or
22 description denoting that the person so engages in marriage and
23 family therapy. Except as otherwise specifically provided in
24 sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), only a
25 person licensed under this act shall advertise the performance of
26 marriage and family therapy or counseling services; use a title or
27 description such as marriage and family therapist, counselor,
28 advisor or consultant; an associate marriage and family therapist,
29 counselor, advisor or consultant; a family guidance counselor,
30 therapist, advisor, or consultant; a family relations counselor,
31 therapist, advisor, or consultant; a marriage counselor, therapist,
32 advisor or consultant; or any other name, style or description
33 denoting that the person is a licensed marriage and family therapist;
34 or licensed to practice marriage and family therapy. The use by a
35 person who is not licensed under this act of such terms, whether in
36 titles or descriptions or otherwise, is not prohibited by this act
37 except when in connection with the offer to practice or the practice
38 of marriage and family therapy as defined in subsection (b) of
39 section 2 of P.L.1968, c.401 (C.45:8B-2). Use of such terms in
40 connection with professional activities other than the rendering of
41 professional marriage and family therapy services to individuals for
42 a fee, monetary or otherwise, shall not be construed as implying
43 that a person is licensed under this act or as an offer to practice or
44 as the practice of marriage and family therapy.
45 (cf: P.L.1995, c.366, s.4)

46
47 3. Section 6 of P.L.1968, c.401 (C.45:8B-6) is amended to read
48 as follows:

1 6. An individual who is not a licensed practicing marriage and
2 family therapist or a licensed associate marriage and family
3 therapist shall not be limited in his activities:
4 (a) As part of his duties as an employee of:
5 (1) an accredited academic institution, a federal, State, county or
6 local governmental institution or agency, or a research facility while
7 performing those duties for which he was employed by the
8 institution, agency or facility;
9 (2) an organization which is nonprofit and which is, in the
10 opinion of the board, a bona fide community agency, while
11 performing those duties for which he was employed by the agency;
12 (3) a proprietary organization while performing those duties for
13 which he was employed by the organization, provided his marriage
14 and family therapy duties are under the direct supervision of a
15 licensed practicing marriage and family therapist.
16 (b) As a student of marriage and family therapy, marriage and
17 family therapy intern or person preparing for the practice of
18 marriage and family therapy under qualified supervision in a
19 training institution or facility recognized by the board, provided he
20 is designated by such titles as "marriage and family therapy intern,"
21 or others, clearly indicating the training status.
22 (c) As a practicing marriage and family therapist for a period
23 not to exceed 10 consecutive business days or 15 business days in
24 any 90-day period, if he resides outside and his major practice is
25 outside of the State of New Jersey, and gives the board a summary
26 of his qualifications and a minimum of 10 days' written notice of his
27 intention to practice in the State of New Jersey under this
28 subsection, provided he (1) is certified or licensed in another state
29 under requirements the board considers to be the equivalent of
30 requirements for licensing as a marriage and family therapist under
31 this act, or (2) resides in a state which does not certify or license
32 marriage and family therapists and the board considers his
33 professional qualifications to be the equivalent of requirements for
34 licensing under this act; and is not adjudged and notified by the
35 board that he is ineligible for licensing under this act.
36 (d) (Deleted by amendment, P.L.2005, c.49.)
37 (e) **【**As a practicing marriage and family therapist for a period
38 not exceeding three years under the supervision of a licensed
39 practicing marriage and family therapist, or a person designated by
40 the board as an eligible supervisor, if he has a temporary permit
41 therefor which the board shall issue upon presentation by the
42 applicant of satisfactory evidence of his completion of all the
43 educational requirements as provided in subsection (a) of section 18
44 of P.L.1968, c.401 (C.45:8B-18) and filing and review of an
45 application for a temporary permit under this act.**】** (Deleted by
46 amendment, P.L. , c.) (pending before the Legislature as this
47 bill)
48 (cf: P.L.2005, c.49, s.1)

1 4. Section 7 of P.L.1968, c.401 (C.45:8B-7) is amended to read
2 as follows:

3 7. The exceptions specified in **【subsections】** subsection (c)
4 **【and (e)】** of section 6 of P.L.1968, c.401 (C.45:8B-6) shall not be
5 available to any person who has been found by a court of this or any
6 State of the United States to have been convicted of, or engaged in
7 acts constituting, any crime or offense involving moral turpitude or
8 relating adversely to the activity regulated by the board. For the
9 purposes of this section, a judgment of conviction or a plea of
10 guilty, non vult, nolo contendere or any other such disposition of
11 alleged criminal activity shall be deemed a conviction. An action to
12 determine whether any person asserting an exception under
13 subsection (c) **【or (e)】** of section 6 of P.L.1968, c.401 (C.45:8B-6)
14 has committed one or more of the acts listed in this section may be
15 brought by the Attorney General on behalf of the board.
16 (cf: P.L.2005, c.49, s.2)

17

18 5. Section 14 of P.L.1968, c.401 (C.45:8B-14) is amended to
19 read as follows:

20 14. A person desiring to obtain a license as a practicing marriage
21 and family therapist or as an associate marriage and family therapist
22 shall make application therefor to the board upon such form and in
23 such manner as the board shall prescribe and shall furnish evidence
24 satisfactory to the board that he:

- 25 (a) Is at least 21 years of age;
26 (b) Is of good moral character;
27 (c) Is not engaged in any practice or conduct which would be a
28 ground for refusing to issue, suspending or revoking a license
29 issued pursuant to this act; and
30 (d) Qualifies for licensing by an examination of credentials or
31 for admission to an assembled examination to be conducted by the
32 board.

33 (cf: P.L.1995, c.366, s.11)

34

35 6. Section 18 of P.L.1968, c.401 (C.45:8B-18) is amended to
36 read as follows:

37 18. A person applying to the board **【, after January 1, 1970,】** to
38 obtain a license as a practicing marriage and family therapist may
39 be admitted to an examination if he meets the qualifications set
40 forth in subsections (a), (b) and (c) of section 14 of P.L.1968, c.401
41 (C.45:8B-14) and provides evidence satisfactory to the board that
42 he has met educational and experiential qualifications as follows:

- 43 (a) Educational Requirement:

44 To meet the educational requirements, an applicant shall have a
45 minimum of a master's degree in marriage and family therapy, a
46 master's degree in social work, or a graduate degree in a related
47 field and shall demonstrate that he has completed **【substantially**

1 equivalent] course work content and training substantially
2 equivalent to a master's degree in marriage and family therapy; and
3 the degree shall have been obtained from an accredited institution
4 so recognized at the time of granting of the degrees.

5 Pursuant to regulations adopted by the board, an applicant with a
6 graduate degree in a related field which does not provide training
7 and course work substantially equivalent in content to a master's
8 degree in marriage and family therapy, shall be deemed to meet the
9 educational requirements set forth in this section upon satisfactory
10 completion of either a post graduate degree recognized by the
11 board, or a program of training and course work at an institute or
12 training program accredited by the Commission on Accreditation
13 for Marriage and Family Therapy Education.

14 (b) Experience Requirements:

15 To meet the experience requirements, an applicant shall have
16 three years of full-time counseling experience, or its equivalent, of
17 a character approved by the board, two years of which shall have
18 been in marriage and family therapy; two of the three required years
19 shall have been under the supervision of a person holding a degree
20 specified in subsection (a) of this section and who has himself had
21 no less than five full-time years of professional experience or the
22 equivalent. For those with a master's degree, two of the three
23 required years shall occur after the applicant has earned the master's
24 degree, and for those with a post-master's or doctoral degree, one of
25 the three required years shall occur after the applicant has earned
26 the post-master's or doctoral degree.

27 (cf: P.L 2005, c.49, s.3)

28

29 7. Section 1 of P.L.2000, c.119 (C.45:8B-24.1) is amended to
30 read as follows:

31 1. a. The State Board of Marriage and Family Therapy
32 Examiners shall require each marriage and family therapist, as a
33 condition of biennial license renewal pursuant to section 1 of
34 P.L.1972, c.108 (C.45:1-7) and each associate marriage and family
35 therapist, as a condition of biennial license renewal pursuant to
36 section 9 of P.L. , c. (C.) (pending before the Legislature as
37 this bill), to complete any continuing education requirements
38 imposed by the board pursuant to this section.

39 b. The board shall:

40 (1) Promulgate rules and regulations for implementing
41 continuing education requirements as a condition of license renewal
42 for licenses issued under its jurisdiction;

43 (2) Establish standards for continuing education, including the
44 subject matter and content of courses of study, and the number and
45 type of continuing education credits required of a licensee as a
46 condition of biennial license renewal;

47 (3) Recognize the American Association for Marriage and
48 Family Therapy, the New Jersey Division of the American

1 Association for Marriage and Family Therapy and other
2 organizations as providers of continuing education, and accredit
3 educational programs, including, but not limited to, meetings of
4 constituents and components of marriage and family therapy
5 associations recognized by the board, examinations, papers,
6 publications, presentations, teaching and research appointments,
7 and shall establish procedures for the issuance of credit upon
8 satisfactory proof of the completion of these programs. In the case
9 of education courses or programs, each hour of instruction shall be
10 equivalent to one credit; and

11 (4) Approve only those continuing education programs as are
12 available to all marriage and family therapists in this State on a
13 reasonable nondiscriminatory basis.

14 (cf: P.L.2000, c.119, s.1)

15

16 8. Section 29 of P.L.1968, c.401 (C.45:8B-29) is amended to
17 read as follows:

18 29. A communication between a marriage and family therapist,
19 or an associate marriage and family therapist, and the person or
20 persons in therapy shall be confidential and its secrecy preserved.
21 This privilege shall not be subject to waiver, except where the
22 marriage and family therapist is a party defendant to a civil,
23 criminal or disciplinary action arising from the therapy, in which
24 case, the waiver shall be limited to that action.

25 (cf: P.L.1995, c.366, s.16)

26

27 9. (New section) All associate marriage and family therapist
28 licenses shall be issued for a two-year period upon the payment of
29 the prescribed fee, and shall be renewed upon filing of a renewal
30 application, the payment of the fee, and presentation of satisfactory
31 evidence to the board that in the period since the license was issued
32 or last renewed any continuing education requirements have been
33 completed as specified by the board. An associate marriage and
34 family therapist license shall be renewed no more than two times.

35

36 10. (New section) No licensed associate marriage and family
37 therapist shall practice without direct supervision by a licensed
38 marriage and family therapist or a supervisor acceptable to the
39 board. The plan for supervision of the licensed associate marriage
40 and family therapist shall be approved by the board prior to any
41 actual performance of counseling by the licensed associate marriage
42 and family therapist.

43

44 11. This act shall take effect on the 180th day after the date of
45 enactment but the board may take such anticipatory action in
46 advance thereof as shall be necessary for the implementation of this
47 act.

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STATEMENT

This bill amends and supplements the “Practicing Marriage and Family Therapy Act.” Under current law, an individual who is not a licensed practicing marriage and family therapist, as part of his duties as an employee, is permitted to act as a marriage and family therapist for a period not exceeding three years under the supervision of a licensed practicing marriage and family therapist, or a person designated by the State Board of Marriage and Family Therapy Examiners as an eligible supervisor, if that individual has a temporary permit which the board may issue upon completion of the existing statutory requirements for licensing, except the supervised experience requirement.

The bill eliminates these temporary permits, and instead establishes a new license for associate marriage and family therapists. A person desiring to obtain a license as an associate marriage and family therapist shall apply to the State Board of Marriage and Family Therapy Examiners and shall furnish evidence satisfactory to the board that he: (1) is at least 21 years of age; (2) is of good moral character; (3) is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to this act; and (4) qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

The bill further provides that no licensed associate marriage and family therapist shall practice without direct supervision by a licensed marriage and family therapist or a supervisor acceptable to the board. The plan for supervision of the licensed associate marriage and family therapist shall be approved by the board prior to any actual performance of counseling by the licensed associate marriage and family therapist.

Licenses issued for the new category of associate marriage and family therapist shall be issued for two years, and may be renewed no more than two times.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1414

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2016

The Assembly Regulated Professions Committee reports favorably on Assembly Bill No. 1414.

This bill amends and supplements the “Practicing Marriage and Family Therapy Act.” Under current law, an individual who is not a licensed practicing marriage and family therapist, as part of his duties as an employee, is permitted to act as a marriage and family therapist for a period not exceeding three years under the supervision of a licensed practicing marriage and family therapist, or a person designated by the State Board of Marriage and Family Therapy Examiners as an eligible supervisor, if that individual has a temporary permit which the board may issue upon completion of the existing statutory requirements for licensing, except the supervised experience requirement.

The bill eliminates these temporary permits, and instead establishes a new license for associate marriage and family therapists. A person desiring to obtain a license as an associate marriage and family therapist shall apply to the State Board of Marriage and Family Therapy Examiners and shall furnish evidence satisfactory to the board that he: (1) is at least 21 years of age; (2) is of good moral character; (3) is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to this act; and (4) qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

The bill further provides that no licensed associate marriage and family therapist shall practice without direct supervision by a licensed marriage and family therapist or a supervisor acceptable to the board. The plan for supervision of the licensed associate marriage and family therapist shall be approved by the board prior to any actual performance of counseling by the licensed associate marriage and family therapist.

Licenses issued for the new category of associate marriage and family therapist shall be issued for two years, and may be renewed no more than two times.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1414

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2017

The Senate Commerce Committee reports favorably Assembly Bill No. 1414.

This bill amends and supplements the “Practicing Marriage and Family Therapy Act.” Under current law, an individual who is not a licensed practicing marriage and family therapist, as part of his duties as an employee, is permitted to act as a marriage and family therapist for a period not exceeding three years under the supervision of a licensed practicing marriage and family therapist, or a person designated by the State Board of Marriage and Family Therapy Examiners as an eligible supervisor, if that individual has a temporary permit which the board may issue upon completion of the existing statutory requirements for licensing, except the supervised experience requirement.

The bill eliminates these temporary permits, and instead establishes a new license for associate marriage and family therapists. A person desiring to obtain a license as an associate marriage and family therapist shall apply to the State Board of Marriage and Family Therapy Examiners and shall furnish evidence satisfactory to the board that he: (1) is at least 21 years of age; (2) is of good moral character; (3) is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to this act; and (4) qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

The bill further provides that no licensed associate marriage and family therapist shall practice without direct supervision by a licensed marriage and family therapist or a supervisor acceptable to the board. The plan for supervision of the licensed associate marriage and family therapist shall be approved by the board prior to any actual performance of counseling by the licensed associate marriage and family therapist.

Licenses issued for the new category of associate marriage and family therapist shall be issued for two years, and may be renewed no more than two times.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1414

STATE OF NEW JERSEY

DATED: JANUARY 5, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1414.

This bill amends and supplements the “Practicing Marriage and Family Therapy Act” to establish licensure for associate marriage and family therapists.

Under current law, an individual who is not a licensed practicing marriage and family therapist, as part of his duties as an employee, is permitted to act as a marriage and family therapist for a period not exceeding three years under the supervision of a licensed practicing marriage and family therapist, or a person designated by the State Board of Marriage and Family Therapy Examiners as an eligible supervisor, if that individual has a temporary permit which the board may issue upon completion of the existing statutory requirements for licensing, except the supervised experience requirement.

The bill eliminates these temporary permits, and instead establishes a new license for associate marriage and family therapists. A person desiring to obtain a license as an associate marriage and family therapist shall apply to the State Board of Marriage and Family Therapy Examiners and shall furnish evidence satisfactory to the board that he: (1) is at least 21 years of age; (2) is of good moral character; (3) is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to this act; and (4) qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

The bill provides that no licensed associate marriage and family therapist shall practice without direct supervision by a licensed marriage and family therapist or a supervisor acceptable to the board. The plan for supervision of the licensed associate marriage and family therapist shall be approved by the board prior to any actual performance of counseling by the licensed associate marriage and family therapist.

Under the bill, licenses issued for the new category of associate marriage and family therapist shall be issued for two years, and may be renewed no more than two times.

The bill takes effect on the 180th day after the date of enactment, but permits the board to take anticipatory administrative actions in advance of the bill’s effective date.

As reported, this bill is identical to Senate Bill No. 2812, as also reported by the committee.

FISCAL IMPACT:

The OLS estimates that this bill may cause indeterminate annual expenditure and revenue increases to the State Board of Marriage and Family Therapy Examiners.

In establishing the new associate marriage and family therapist licenses in lieu of the current temporary permits for individuals who meet the educational requirements to become licensed marriage and family therapists but have not yet completed the supervised experience requirements, the bill will increase the board's annual workload. This is so because the bill increases the time period during which concerned individuals may complete the supervised experience requirements from three to six years. As a result, the board will at any point in time supervise more individuals practicing marriage and family therapy without the supervised experience requirements to be marriage and family therapists. Furthermore, to the extent that the longer period to complete the supervised experience requirements leads to a larger number of licensed marriage and family therapists the board will incur an additional annual workload increase from the supervision of the additional professionals. The magnitude of any related expenditure increase, however, will depend on operational decisions to be made by the board, which the OLS cannot anticipate.

The OLS determines that the bill is likely to increase annual State Board of Marriage and Family Therapy Examiners revenues by an indeterminate amount from fees collected in issuing additional marriage and family therapist licenses to the extent that the bill's six-year period, rather than the current three-year period, to complete the supervised experience requirements to become a licensed marriage and family therapist will result in additional marriage and family therapist licensees. The current marriage and family therapist license fee is \$250 for a two-year period.

The OLS cannot determine whether fee collections from the new associate license will differ from temporary permit fee collections under current law. This is so because the bill grants discretion to the board in setting the fee for the new associate license and because the OLS cannot anticipate whether the board will adopt a fee amount that will alter collections relative to collections from the current \$75 fee for the three-year temporary permit.

The OLS notes that the board is statutorily required to finance its operating expenditures out of fee collections and other sources of income. If the bill results in a discrepancy between revenue collections and expenditures that materially alters the board's financial position, the board can be expected to adjust its expenditures or fee amounts.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 1414
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: APRIL 12, 2016

SUMMARY

- Synopsis:** Establishes licensure for associate marriage and family therapists.
- Type of Impact:** Indeterminate; fees paid by licenses would defray licensure and program costs.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs; State Board of Marriage and Family Therapy Examiners

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
State Revenue	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) notes that the cost to implement this bill is indeterminate. New licenses for associate marriage and family therapists would replace the current temporary permits. While it is uncertain if the fees would be revised, licensure revenues are expected to offset administrative expenditures.
- This bill establishes a new license for associate marriage and family therapists and eliminates the current three-year temporary permit. The new associate license would be issued for two years, and may be renewed no more than two times.
- The fee currently imposed for licensure as a marriage and family therapist is \$250, and \$75 for a temporary permit. The amount of the fee to be imposed for the new associate marriage and family therapist license is unknown at this time. However, the fee cycle would be shortened from three to two years, thereby potentially increasing the amount of fees collected during the same period of time.

BILL DESCRIPTION

Assembly Bill No. 1414 of 2016 amends and supplements the “Practicing Marriage and Family Therapy Act.” Under current law, an individual who is not a licensed practicing marriage and family therapist, as part of his duties as an employee, is permitted to act as a marriage and



family therapist for a period not exceeding three years under the supervision of a licensed practicing marriage and family therapist, or a person designated by the State Board of Marriage and Family Therapy Examiners as an eligible supervisor, if that individual has a temporary permit. The board may issue a temporary permit upon a person completing the existing statutory requirements for licensing, with the exception of the supervised experience requirement.

The bill eliminates these temporary permits, and instead establishes a new license for associate marriage and family therapists. A person desiring to obtain a license as an associate marriage and family therapist would apply to the State Board of Marriage and Family Therapy Examiners and would furnish evidence satisfactory to the board that he or she: (1) is at least 21 years of age; (2) is of good moral character; (3) is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to the “Practicing Marriage and Family Therapy Act”; and (4) qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

The bill further provides that no licensed associate marriage and family therapist can practice without direct supervision by a licensed marriage and family therapist or a supervisor acceptable to the board. The plan for supervision of the licensed associate marriage and family therapist would be approved by the board prior to any actual performance of counseling by the licensed associate marriage and family therapist.

Licenses issued for the new category of associate marriage and family therapist would be issued for two years, and may be renewed no more than two times.

Generally, a person who is issued a temporary permit is a graduate with an advanced degree pursuing full-time employment as a marriage and family therapist. Working under a permit and with supervision, this person would gain the experience hours necessary to be fully licensed as a marriage and family therapist. This bill would create a new associate license prior to full licensure as a marriage and family therapist similar to the existing licensed professional counselor and associate counselor titles under current law and regulation. Additionally, by allowing for the two-year associate license to be renewed up to two times, for a total of six years as a licensed associate, a person would have additional time to practice compared to the restrictive three-year temporary permit, which is not renewable.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the cost to implement this bill is indeterminate. The bill creates a new two-year license for associate marriage and family therapists that could be renewed up to two additional times (six years in total), and eliminates the current temporary permits, which are issued for a period of no more than three years. It is uncertain if the fees would be revised; however, licensure revenues are expected to offset administrative expenditures. According to the Division of Consumer Affairs website, there are currently 129 active three-year temporary permits and 70 pending three-year temporary permits.

Under existing regulations, an applicant for a temporary permit is required to pay the board application fee in addition to a temporary permit fee. As set forth in N.J.A.C.13:34-1.1, both the application fee and the temporary permit fee are \$75.

This bill eliminates the temporary permit issued by the board. It is assumed that the board would continue to collect the \$75 application fee. The bill authorizes the board to collect a fee for the associate marriage and family therapist license. The current fee for licensure or license renewal, as a marriage and family therapist, is \$250 for a two-year period; the fee for an initial license in the second year of a biennial period is \$125.

The amount of the fee to be imposed for the new associate marriage and family therapist license is unknown at this time. However, the fee cycle would be shortened from three years to two years, thereby potentially increasing the amount of fees collected during the same period of time. Informally, the Division of Consumer Affairs indicated that the number of associate licenses issued is expected to be similar to the number of temporary permits issued. However, there may be a small increase in applicants because the associate license designation is perceived to be more prestigious and provides greater flexibility in accumulating hours of experience.

Section: Law and Public Safety

*Analyst: Amy Denholtz
Senior Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2812

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED DECEMBER 5, 2016

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Establishes licensure for associate marriage and family therapists.

CURRENT VERSION OF TEXT

As introduced.



S2812 DIEGNAN

2

1 AN ACT concerning marriage and family therapists, amending
2 P.L.2000, c.119, and amending and supplementing P.L.1968,
3 c.401.

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

7
8 1. Section 2 of P.L.1968, c.401 (C.45:8B-2) is amended to read
9 as follows:

10 2. As used in this act, unless the context clearly requires
11 otherwise and except as in this act expressly otherwise provided:

12 (a) "Licensed marriage and family therapist" means an
13 individual **[to whom a license has been issued]** who holds a
14 current, valid license as a licensed marriage and family therapist
15 pursuant to the provisions of this act**[**, which license is in force and
16 not suspended or revoked as of the particular time in question**]**.

17 (b) The "practice of marriage and family therapy" means the
18 rendering of professional marriage and family therapy services to
19 individuals, couples and families, singly or in groups, whether in
20 the general public or in organizations, either public or private, for a
21 fee, monetary or otherwise. "Marriage and family therapy" is a
22 specialized field of therapy which includes premarital counseling
23 and therapy, pre- and post-divorce counseling and therapy, and
24 family therapy. The practice of marriage and family therapy
25 consists of the application of principles, methods and techniques of
26 counseling and psychotherapy for the purpose of resolving
27 psychological conflict, modifying perception and behavior, altering
28 old attitudes and establishing new ones in the area of marriage and
29 family life. In its concern with the antecedents of marriage, with
30 the vicissitudes of marriage, and with the consequences of the
31 failure of marriage, marriage and family therapy keeps in sight its
32 objective of enabling clients to achieve the optimal adjustment
33 consistent with their welfare as individuals, as members of a family,
34 and as citizens in society.

35 (c) "Board" means the State Board of Marriage and Family
36 Therapy Examiners acting as such under the provisions of this act.

37 (d) "Recognized educational institution" means any educational
38 institution which grants the bachelor's, master's and doctor's
39 degrees, or any one or more thereof, and which is recognized by the
40 Commission on Higher Education or by any accrediting body
41 acceptable to the State Board of Marriage and Family Therapy
42 Examiners.

43 (e) "Licensed associate marriage and family therapist" means an
44 individual who hold a current, valid license as a licensed associate

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.

S2812 DIEGNAN

3

1 marriage and family therapist pursuant to the provisions of
2 P.L.1968, c.401 (C.45:8B-1 et seq.) and P.L. _____, c. _____ (C. _____)
3 (pending before the Legislature as this bill).
4 (cf: P.L.1995, c.366, s.2)

5
6 2. Section 5 of P.L.1968, c.401 (C.45:8B-5) is amended to read
7 as follows:

8 5. **【Commencing January 1, 1969, except】** Except as provided
9 in sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), a person
10 who is not licensed under this act, shall not advertise the
11 performance of marriage and family therapy services or represent
12 himself to be a licensed practicing marriage and family therapist,
13 use a title or description, including the following titles: marriage
14 and family therapist, counselor, advisor or consultant; an associate
15 marriage and family therapist, counselor, advisor or consultant; a
16 family counselor, therapist, advisor or consultant; a family guidance
17 counselor, therapist, advisor or consultant; a marriage guidance
18 counselor, therapist, advisor or consultant; a family relations
19 counselor, therapist, advisor or consultant; a marriage relations
20 counselor, therapist, advisor or consultant; a marriage counselor,
21 therapist, advisor or consultant; or any other name, style or
22 description denoting that the person so engages in marriage and
23 family therapy. Except as otherwise specifically provided in
24 sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), only a
25 person licensed under this act shall advertise the performance of
26 marriage and family therapy or counseling services; use a title or
27 description such as marriage and family therapist, counselor,
28 advisor or consultant; an associate marriage and family therapist,
29 counselor, advisor or consultant; a family guidance counselor,
30 therapist, advisor, or consultant; a family relations counselor,
31 therapist, advisor, or consultant; a marriage counselor, therapist,
32 advisor or consultant; or any other name, style or description
33 denoting that the person is a licensed marriage and family therapist;
34 or licensed to practice marriage and family therapy. The use by a
35 person who is not licensed under this act of such terms, whether in
36 titles or descriptions or otherwise, is not prohibited by this act
37 except when in connection with the offer to practice or the practice
38 of marriage and family therapy as defined in subsection (b) of
39 section 2 of P.L.1968, c.401 (C.45:8B-2). Use of such terms in
40 connection with professional activities other than the rendering of
41 professional marriage and family therapy services to individuals for
42 a fee, monetary or otherwise, shall not be construed as implying
43 that a person is licensed under this act or as an offer to practice or
44 as the practice of marriage and family therapy.

45 (cf: P.L.1995, c.366, s.4)

46

47 3. Section 6 of P.L.1968, c.401 (C.45:8B-6) is amended to read
48 as follows:

1 6. An individual who is not a licensed practicing marriage and
2 family therapist or a licensed associate marriage and family
3 therapist shall not be limited in his activities:

4 (a) As part of his duties as an employee of:

5 (1) an accredited academic institution, a federal, State, county or
6 local governmental institution or agency, or a research facility while
7 performing those duties for which he was employed by the
8 institution, agency or facility;

9 (2) an organization which is nonprofit and which is, in the
10 opinion of the board, a bona fide community agency, while
11 performing those duties for which he was employed by the agency;

12 (3) a proprietary organization while performing those duties for
13 which he was employed by the organization, provided his marriage
14 and family therapy duties are under the direct supervision of a
15 licensed practicing marriage and family therapist.

16 (b) As a student of marriage and family therapy, marriage and
17 family therapy intern or person preparing for the practice of
18 marriage and family therapy under qualified supervision in a
19 training institution or facility recognized by the board, provided he
20 is designated by such titles as "marriage and family therapy intern,"
21 or others, clearly indicating the training status.

22 (c) As a practicing marriage and family therapist for a period
23 not to exceed 10 consecutive business days or 15 business days in
24 any 90-day period, if he resides outside and his major practice is
25 outside of the State of New Jersey, and gives the board a summary
26 of his qualifications and a minimum of 10 days' written notice of his
27 intention to practice in the State of New Jersey under this
28 subsection, provided he (1) is certified or licensed in another state
29 under requirements the board considers to be the equivalent of
30 requirements for licensing as a marriage and family therapist under
31 this act, or (2) resides in a state which does not certify or license
32 marriage and family therapists and the board considers his
33 professional qualifications to be the equivalent of requirements for
34 licensing under this act; and is not adjudged and notified by the
35 board that he is ineligible for licensing under this act.

36 (d) (Deleted by amendment, P.L.2005, c.49.)

37 (e) **【**As a practicing marriage and family therapist for a period
38 not exceeding three years under the supervision of a licensed
39 practicing marriage and family therapist, or a person designated by
40 the board as an eligible supervisor, if he has a temporary permit
41 therefor which the board shall issue upon presentation by the
42 applicant of satisfactory evidence of his completion of all the
43 educational requirements as provided in subsection (a) of section 18
44 of P.L.1968, c.401 (C.45:8B-18) and filing and review of an
45 application for a temporary permit under this act.**】** (Deleted by
46 amendment, P.L. , c.) (pending before the Legislature as this
47 bill)

48 (cf: P.L.2005, c.49, s.1)

1 4. Section 7 of P.L.1968, c.401 (C.45:8B-7) is amended to read
2 as follows:

3 7. The exceptions specified in **【subsections】** subsection (c)
4 **【and (e)】** of section 6 of P.L.1968, c.401 (C.45:8B-6) shall not be
5 available to any person who has been found by a court of this or any
6 State of the United States to have been convicted of, or engaged in
7 acts constituting, any crime or offense involving moral turpitude or
8 relating adversely to the activity regulated by the board. For the
9 purposes of this section, a judgment of conviction or a plea of
10 guilty, non vult, nolo contendere or any other such disposition of
11 alleged criminal activity shall be deemed a conviction. An action to
12 determine whether any person asserting an exception under
13 subsection (c) **【or (e)】** of section 6 of P.L.1968, c.401 (C.45:8B-6)
14 has committed one or more of the acts listed in this section may be
15 brought by the Attorney General on behalf of the board.
16 (cf: P.L.2005, c.49, s.2)

17

18 5. Section 14 of P.L.1968, c.401 (C.45:8B-14) is amended to
19 read as follows:

20 14. A person desiring to obtain a license as a practicing marriage
21 and family therapist or as an associate marriage and family therapist
22 shall make application therefor to the board upon such form and in
23 such manner as the board shall prescribe and shall furnish evidence
24 satisfactory to the board that he:

25 (a) Is at least 21 years of age;

26 (b) Is of good moral character;

27 (c) Is not engaged in any practice or conduct which would be a
28 ground for refusing to issue, suspending or revoking a license
29 issued pursuant to this act; and

30 (d) Qualifies for licensing by an examination of credentials or
31 for admission to an assembled examination to be conducted by the
32 board.

33 (cf: P.L.1995, c.366, s.11)

34

35 6. Section 18 of P.L.1968, c.401 (C.45:8B-18) is amended to
36 read as follows:

37 18. A person applying to the board **【, after January 1, 1970,】** to
38 obtain a license as a practicing marriage and family therapist may
39 be admitted to an examination if he meets the qualifications set
40 forth in subsections (a), (b) and (c) of section 14 of P.L.1968, c.401
41 (C.45:8B-14) and provides evidence satisfactory to the board that
42 he has met educational and experiential qualifications as follows:

43 (a) Educational Requirement:

44 To meet the educational requirements, an applicant shall have a
45 minimum of a master's degree in marriage and family therapy, a
46 master's degree in social work, or a graduate degree in a related
47 field and shall demonstrate that he has completed **【substantially**

1 equivalent] course work content and training substantially
2 equivalent to a master's degree in marriage and family therapy; and
3 the degree shall have been obtained from an accredited institution
4 so recognized at the time of granting of the degrees.

5 Pursuant to regulations adopted by the board, an applicant with a
6 graduate degree in a related field which does not provide training
7 and course work substantially equivalent in content to a master's
8 degree in marriage and family therapy, shall be deemed to meet the
9 educational requirements set forth in this section upon satisfactory
10 completion of either a post graduate degree recognized by the
11 board, or a program of training and course work at an institute or
12 training program accredited by the Commission on Accreditation
13 for Marriage and Family Therapy Education.

14 (b) Experience Requirements:

15 To meet the experience requirements, an applicant shall have
16 three years of full-time counseling experience, or its equivalent, of
17 a character approved by the board, two years of which shall have
18 been in marriage and family therapy; two of the three required years
19 shall have been under the supervision of a person holding a degree
20 specified in subsection (a) of this section and who has himself had
21 no less than five full-time years of professional experience or the
22 equivalent. For those with a master's degree, two of the three
23 required years shall occur after the applicant has earned the master's
24 degree, and for those with a post-master's or doctoral degree, one of
25 the three required years shall occur after the applicant has earned
26 the post-master's or doctoral degree.

27 (cf: P.L.2005, c.49, s.3)

28

29 7. Section 1 of P.L.2000, c.119 (C.45:8B-24.1) is amended to
30 read as follows:

31 1. a. The State Board of Marriage and Family Therapy
32 Examiners shall require each marriage and family therapist, as a
33 condition of biennial license renewal pursuant to section 1 of
34 P.L.1972, c.108 (C.45:1-7) and each associate marriage and family
35 therapist, as a condition of biennial license renewal pursuant to
36 section 9 of P.L. , c. (C.) (pending before the Legislature as
37 this bill), to complete any continuing education requirements
38 imposed by the board pursuant to this section.

39 b. The board shall:

40 (1) Promulgate rules and regulations for implementing
41 continuing education requirements as a condition of license renewal
42 for licenses issued under its jurisdiction;

43 (2) Establish standards for continuing education, including the
44 subject matter and content of courses of study, and the number and
45 type of continuing education credits required of a licensee as a
46 condition of biennial license renewal;

47 (3) Recognize the American Association for Marriage and
48 Family Therapy, the New Jersey Division of the American

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1 Association for Marriage and Family Therapy and other
2 organizations as providers of continuing education, and accredit
3 educational programs, including, but not limited to, meetings of
4 constituents and components of marriage and family therapy
5 associations recognized by the board, examinations, papers,
6 publications, presentations, teaching and research appointments,
7 and shall establish procedures for the issuance of credit upon
8 satisfactory proof of the completion of these programs. In the case
9 of education courses or programs, each hour of instruction shall be
10 equivalent to one credit; and

11 (4) Approve only those continuing education programs as are
12 available to all marriage and family therapists in this State on a
13 reasonable nondiscriminatory basis.

14 (cf: P.L.2000, c.119, s.1)

15

16 8. Section 29 of P.L.1968, c.401 (C.45:8B-29) is amended to
17 read as follows:

18 29. A communication between a marriage and family therapist,
19 or an associate marriage and family therapist, and the person or
20 persons in therapy shall be confidential and its secrecy preserved.
21 This privilege shall not be subject to waiver, except where the
22 marriage and family therapist is a party defendant to a civil,
23 criminal or disciplinary action arising from the therapy, in which
24 case, the waiver shall be limited to that action.

25 (cf: P.L.1995, c.366, s.16)

26

27 9. (New section) All associate marriage and family therapist
28 licenses shall be issued for a two-year period upon the payment of
29 the prescribed fee, and shall be renewed upon filing of a renewal
30 application, the payment of the fee, and presentation of satisfactory
31 evidence to the board that in the period since the license was issued
32 or last renewed any continuing education requirements have been
33 completed as specified by the board. An associate marriage and
34 family therapist license shall be renewed no more than two times.

35

36 10. (New section) No licensed associate marriage and family
37 therapist shall practice without direct supervision by a licensed
38 marriage and family therapist or a supervisor acceptable to the
39 board. The plan for supervision of the licensed associate marriage
40 and family therapist shall be approved by the board prior to any
41 actual performance of counseling by the licensed associate marriage
42 and family therapist.

43

44 11. This act shall take effect on the 180th day after the date of
45 enactment but the board may take such anticipatory action in
46 advance thereof as shall be necessary for the implementation of this
47 act.

STATEMENT

1

2

3 This bill amends and supplements the “Practicing Marriage and
4 Family Therapy Act.” Under current law, an individual who is not a
5 licensed practicing marriage and family therapist, as part of his
6 duties as an employee, is permitted to act as a marriage and family
7 therapist for a period not exceeding three years under the
8 supervision of a licensed practicing marriage and family therapist,
9 or a person designated by the State Board of Marriage and Family
10 Therapy Examiners as an eligible supervisor, if that individual has a
11 temporary permit which the board may issue upon completion of
12 the existing statutory requirements for licensing, except the
13 supervised experience requirement.

14 The bill eliminates these temporary permits, and instead
15 establishes a new license for associate marriage and family
16 therapists. A person desiring to obtain a license as an associate
17 marriage and family therapist shall apply to the State Board of
18 Marriage and Family Therapy Examiners and shall furnish evidence
19 satisfactory to the board that he: (1) is at least 21 years of age; (2) is
20 of good moral character; (3) is not engaged in any practice or
21 conduct which would be a ground for refusing to issue, suspending
22 or revoking a license issued pursuant to this act; and (4) qualifies
23 for licensing by an examination of credentials or for admission to
24 an assembled examination to be conducted by the board.

25 The bill further provides that no licensed associate marriage and
26 family therapist shall practice without direct supervision by a
27 licensed marriage and family therapist or a supervisor acceptable to
28 the board. The plan for supervision of the licensed associate
29 marriage and family therapist shall be approved by the board prior
30 to any actual performance of counseling by the licensed associate
31 marriage and family therapist.

32 Licenses issued for the new category of associate marriage and
33 family therapist shall be issued for two years, and may be renewed
34 no more than two times.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2812

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2017

The Senate Commerce Committee reports favorably Senate Bill No. 2812.

This bill amends and supplements the “Practicing Marriage and Family Therapy Act.” Under current law, an individual who is not a licensed practicing marriage and family therapist, as part of his duties as an employee, is permitted to act as a marriage and family therapist for a period not exceeding three years under the supervision of a licensed practicing marriage and family therapist, or a person designated by the State Board of Marriage and Family Therapy Examiners as an eligible supervisor, if that individual has a temporary permit which the board may issue upon completion of the existing statutory requirements for licensing, except the supervised experience requirement.

The bill eliminates these temporary permits, and instead establishes a new license for associate marriage and family therapists. A person desiring to obtain a license as an associate marriage and family therapist shall apply to the State Board of Marriage and Family Therapy Examiners and shall furnish evidence satisfactory to the board that he: (1) is at least 21 years of age; (2) is of good moral character; (3) is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to this act; and (4) qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

The bill further provides that no licensed associate marriage and family therapist shall practice without direct supervision by a licensed marriage and family therapist or a supervisor acceptable to the board. The plan for supervision of the licensed associate marriage and family therapist shall be approved by the board prior to any actual performance of counseling by the licensed associate marriage and family therapist.

Licenses issued for the new category of associate marriage and family therapist shall be issued for two years, and may be renewed no more than two times.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2812

STATE OF NEW JERSEY

DATED: JANUARY 5, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2812.

This bill amends and supplements the “Practicing Marriage and Family Therapy Act” to establish licensure for associate marriage and family therapists.

Under current law, an individual who is not a licensed practicing marriage and family therapist, as part of his duties as an employee, is permitted to act as a marriage and family therapist for a period not exceeding three years under the supervision of a licensed practicing marriage and family therapist, or a person designated by the State Board of Marriage and Family Therapy Examiners as an eligible supervisor, if that individual has a temporary permit which the board may issue upon completion of the existing statutory requirements for licensing, except the supervised experience requirement.

The bill eliminates these temporary permits, and instead establishes a new license for associate marriage and family therapists. A person desiring to obtain a license as an associate marriage and family therapist shall apply to the State Board of Marriage and Family Therapy Examiners and shall furnish evidence satisfactory to the board that he: (1) is at least 21 years of age; (2) is of good moral character; (3) is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to this act; and (4) qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

The bill provides that no licensed associate marriage and family therapist shall practice without direct supervision by a licensed marriage and family therapist or a supervisor acceptable to the board. The plan for supervision of the licensed associate marriage and family therapist shall be approved by the board prior to any actual performance of counseling by the licensed associate marriage and family therapist.

Under the bill, licenses issued for the new category of associate marriage and family therapist shall be issued for two years, and may be renewed no more than two times.

The bill takes effect on the 180th day after the date of enactment, but permits the board to take anticipatory administrative actions in advance of the bill’s effective date.

As reported, this bill is identical to Assembly Bill No. 1414, as also reported by the committee.

FISCAL IMPACT:

The OLS estimates that this bill may cause indeterminate annual expenditure and revenue increases to the State Board of Marriage and Family Therapy Examiners.

In establishing the new associate marriage and family therapist licenses in lieu of the current temporary permits for individuals who meet the educational requirements to become licensed marriage and family therapists but have not yet completed the supervised experience requirements, the bill will increase the board's annual workload. This is so because the bill increases the time period during which concerned individuals may complete the supervised experience requirements from three to six years. As a result, the board will at any point in time supervise more individuals practicing marriage and family therapy without the supervised experience requirements to be marriage and family therapists. Furthermore, to the extent that the longer period to complete the supervised experience requirements leads to a larger number of licensed marriage and family therapists the board will incur an additional annual workload increase from the supervision of the additional professionals. The magnitude of any related expenditure increase, however, will depend on operational decisions to be made by the board, which the OLS cannot anticipate.

The OLS determines that the bill is likely to increase annual State Board of Marriage and Family Therapy Examiners revenues by an indeterminate amount from fees collected in issuing additional marriage and family therapist licenses to the extent that the bill's six-year period, rather than the current three-year period, to complete the supervised experience requirements to become a licensed marriage and family therapist will result in additional marriage and family therapist licensees. The current marriage and family therapist license fee is \$250 for a two-year period.

The OLS cannot determine whether fee collections from the new associate license will differ from temporary permit fee collections under current law. This is so because the bill grants discretion to the board in setting the fee for the new associate license and because the OLS cannot anticipate whether the board will adopt a fee amount that will alter collections relative to collections from the current \$75 fee for the three-year temporary permit.

The OLS notes that the board is statutorily required to finance its operating expenditures out of fee collections and other sources of income. If the bill results in a discrepancy between revenue collections and expenditures that materially alters the board's financial position, the board can be expected to adjust its expenditures or fee amounts.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2812
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JANUARY 9, 2018

SUMMARY

- Synopsis:** Establishes licensure for associate marriage and family therapists.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** State Board of Marriage and Family Therapy Examiners in Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual State Expenditure Increase	Indeterminate – See comments below		
Annual State Revenue Increase	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) estimates that this bill may increase the annual expenditures and revenues of the State Board of Marriage and Family Therapy Examiners in the Department of Law and Public Safety. The magnitude of any increases, however, will depend on operational decisions to be made by the board, which the OLS cannot anticipate.
- In establishing the new associate marriage and family therapist licenses in lieu of the current temporary permits for individuals who meet the educational requirements to become licensed marriage and family therapists but have not yet completed the supervised experience requirements, the bill will increase the board’s annual workload. This is so because the bill increases the time period during which concerned individuals may complete the supervised experience requirements from three to six years. As a result, the board will at any point in time supervise more individuals practicing marriage and family therapy without the supervised experience requirements to be marriage and family therapists.
- To the extent that the longer period to complete the supervised experience requirements leads to a larger number of licensed marriage and family therapists the board will incur an additional annual workload increase from the supervision of the additional professionals.
- The bill is likely to increase annual board revenues by an indeterminate amount from fees collected in issuing additional marriage and family therapist licenses to the extent that the bill allows more professionals to complete the supervised experience requirements to become

licensed marriage and family therapists. The current marriage and family therapist license fee is \$250 for a two-year period.

- The OLS cannot determine whether fee collections from the new associate license will differ from collections from the current \$75 three-year temporary permit fee. This is so because the bill grants discretion to the board in setting the associate license fee and because the OLS cannot anticipate the board's decisions in this regard.
- The OLS notes that the board is statutorily required to finance its operating expenditures out of fee collections and other sources of income. If the bill results in a discrepancy between revenue collections and expenditures that materially alters the board's financial position, the board can be expected to adjust its expenditures or fee amounts.

BILL DESCRIPTION

This bill establishes associate marriage and family therapist licenses to replace the current temporary permits for individuals who meet the education requirements for licensure to practice marriage and family therapy but have not yet satisfied the supervised experience requirements. Like holders of temporary permits under current law, associate therapists will be temporarily permitted to practice marriage and family therapy under the supervision of a licensed practicing marriage and family therapist or a person designated by the State Board of Marriage and Family Therapy Examiners as an eligible supervisor.

Currently, individuals aspiring to become licensed marriage and family therapists have a non-renewable three-year period to complete the supervised experience requirements under a temporary permit. Under bill, individuals will have six years to do so with an associate license that will be valid for two years and renewable twice.

The State Board of Marriage and Family Therapy Examiners will supervise associate marriage and family therapist licensees similar to its current supervision of holders of temporary permits. The board may charge a fee for the associate license, which may differ from the current \$75 fee for the three-year temporary permit. In general, the board finances its operations through the imposition of fees and other sources of income.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill may cause indeterminate annual expenditure and revenue increases to the State Board of Marriage and Family Therapy Examiners.

In establishing the new associate marriage and family therapist licenses in lieu of the current temporary permits for individuals who meet the educational requirements to become licensed marriage and family therapists but have not yet completed the supervised experience requirements, the bill will increase the board's annual workload. This is so because the bill

increases the time period during which concerned individuals may complete the supervised experience requirements from three to six years. As a result, the board will at any point in time supervise more individuals practicing marriage and family therapy without the supervised experience requirements to be marriage and family therapists. Furthermore, to the extent that the longer period to complete the supervised experience requirements leads to a larger number of licensed marriage and family therapists the board will incur an additional annual workload increase from the supervision of the additional professionals. The magnitude of any related expenditure increase, however, will depend on operational decisions to be made by the board, which the OLS cannot anticipate.

The Division of Consumer Affairs has previously indicated that it expected the future number of associate license issuances to be similar to the number of temporary permits currently issued. However, there may be a small increase in applicants because the associate license designation is perceived to be more prestigious and provides greater flexibility in accumulating hours of experience. According to the division's website, there are currently 188 active three-year temporary permits and 77 pending three-year temporary permits.

The OLS determines that the bill is likely to increase annual State Board of Marriage and Family Therapy Examiners revenues by an indeterminate amount from fees collected in issuing additional marriage and family therapist licenses to the extent that the bill's six-year period, rather than the current three-year period, to complete the supervised experience requirements to become a licensed marriage and family therapist will result in additional marriage and family therapist licensees. The current marriage and family therapist license fee is \$250 for a two-year period.

The OLS cannot determine whether fee collections from the new associate license will differ from temporary permit fee collections under current law. This is so because the bill grants discretion to the board in setting the fee for the new associate license and because the OLS cannot anticipate whether the board will adopt a fee amount that will alter collections relative to collections from the current \$75 fee for the three-year temporary permit.

The OLS notes that the board is statutorily required to finance its operating expenditures out of fee collections and other sources of income. If the bill results in a discrepancy between revenue collections and expenditures that materially alters the board's financial position, the board can be expected to adjust its expenditures or fee amounts.

Section: Law and Public Safety

*Analyst: Amy Denholtz
Senior Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).