

45:2D-1 to 45:2D-18

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

(Alcohol & drug counselors--licensing)

NJSA: 45:2D-1 to 45:2D-18

LAWS OF: 1997 CHAPTER: 331

BILL NO: S685

SPONSOR(S): Singer and others

DATE INTRODUCED: February 15, 1996

COMMITTEE: ASSEMBLY: \_\_\_\_\_

SENATE: Commerce

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by  
Third reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 4, 1996

SENATE: June 26, 1997

DATE OF APPROVAL: January 9, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement  
adopted 6-5-97 & 4-21-97

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

LIV  
Title 45.  
Chapter 2D. (New)  
Alcohol and Drug  
Counselors.  
§§ 1-18  
C. 45:2D-1 To  
45:2D-18  
§20  
Note To §§1-19

P.L. 1997, CHAPTER 331, *approved January 9, 1998*  
Senate, No. 685 (*Third Reprint*)  
(CORRECTED COPY)

1 AN ACT to license and certify alcohol and drug counselors, creating  
2 <sup>1</sup>[a State Board of] an<sup>1</sup> Alcohol and Drug Counselor <sup>1</sup>[Examiners]  
3 Committee<sup>1</sup>, revising various parts of the statutory law <sup>4</sup>[and  
4 making an appropriation]<sup>4</sup>.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*  
8

9 1. (New section) This act shall be known and may be cited as the  
10 "Alcohol and Drug Counselor Licensing and Certification Act."  
11

12 2. (New section) The Legislature finds and declares that: the  
13 profession of alcohol and drug counseling profoundly affects the lives  
14 and public safety of the people of New Jersey; the public interest  
15 requires the establishment of professional licensing and certification  
16 standards for alcohol and drug counselors to protect the citizens of  
17 this State by setting standards of education, ethics, competencies and  
18 experience for those persons presently practicing and for those seeking  
19 to practice and be licensed or certified as alcohol and drug counselors  
20 in this State; licensing and certification will enable other professionals,  
21 health services providers, employers and the general public to  
22 recognize qualified practicing alcohol and drug counselors; and  
23 licensing and certification will provide assurances that professionals  
24 engaged in alcohol and drug counseling meet acceptable standards of  
25 education, experience, ethics and competency in practice which will  
26 encourage and promote quality treatment and rehabilitation for drug  
27 and alcohol abusers.

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SCM committee amendments adopted February 10, 1997.

<sup>2</sup> Senate floor amendments adopted April 21, 1997.

<sup>3</sup> Senate floor amendments adopted June 5, 1997.

<sup>4</sup> LIV January 9, 1998.

1 3. (New section) As used in this act:

2 "Alcohol and drug counseling" means the professional application  
3 of alcohol and drug counseling methods which assist an individual or  
4 group to develop an understanding of alcohol and drug dependency  
5 problems, define goals, and plan action reflecting the individual's or  
6 group's interest, abilities and needs as affected by alcohol and drug  
7 dependency problems.

8 <sup>1</sup>"Alcohol and Drug Counselor Certification Board of New Jersey,  
9 Inc." means the member of the International Certification Reciprocity  
10 Consortium of Alcohol and Other Drug Abuse, Inc. which certifies  
11 alcohol and drug counselors in the State of New Jersey.

12 "Board" means the State Board of Marriage and Family Therapy  
13 Examiners.<sup>1</sup>

14 "Certified alcohol and drug counselor" means a person who holds  
15 a current, valid certificate issued pursuant to section 5 of this act.

16 <sup>1</sup>"Committee" means the Alcohol and Drug Counselor Committee  
17 established pursuant to section 12 of this act.<sup>1</sup>

18 "Department" means the Department of Law and Public Safety.

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

21 "Licensed clinical alcohol and drug counselor" means a person who  
22 holds a current, valid license issued pursuant to section 4 of this act.

23 <sup>1</sup>["Board" means the State Board of Alcohol and Drug Counselor  
24 Examiners established pursuant to section 11 of this act.]<sup>1</sup>

25 "Self-help group" means a voluntary group of persons who offer  
26 peer support to each other in recovering from an addiction.

27 "Supervised practical training" means supervision which seeks to  
28 teach the knowledge and skills related to alcohol and drug counseling.

29 "Supervision" means the direct review of a supervisee for the  
30 purpose of <sup>1</sup>accountability,<sup>1</sup> teaching, training, administering,  
31 <sup>1</sup>[accountability]<sup>1</sup> or clinical review by a supervisor in the same area  
32 of specialized practice.

33

34 4. (New section) <sup>1</sup>[The board shall issue a license as a licensed  
35 clinical alcohol and drug counselor to an applicant who] a. Each  
36 person applying for licensure as a licensed clinical alcohol and drug  
37 counselor shall make application to the board on the form and in the  
38 manner the committee prescribes and the board shall immediately refer  
39 each application to the committee for appropriate action. Each  
40 applicant shall furnish evidence satisfactory to the committee that he<sup>1</sup>  
41 has:

42 <sup>1</sup>[a.] (1)<sup>1</sup> Received a master's degree from an accredited institution  
43 of higher education with a minimum of 18 graduate semester hours in  
44 counseling or counseling related subjects; and

45 <sup>1</sup>[b.] (2)<sup>1</sup> Successfully completed all the requirements to be a  
46 certified alcohol and drug counselor pursuant to section 5 of this act.

1     <sup>1</sup>b. The board shall issue a license as a licensed clinical alcohol and  
2 drug counselor to any health care provider licensed by this State who,  
3 within the scope of that provider's practice, diagnoses and treats drug  
4 or alcohol related disorders, or both, and demonstrates to the board  
5 that the person has equivalent education, training and comparable  
6 years of experience as required pursuant to subsection a. of this  
7 section, except that the person shall be exempt from meeting the  
8 provisions of paragraphs (5) and (6) of subsection a. of section 5 of  
9 this act.<sup>1</sup>

10  
11     5. (New section) a. <sup>1</sup>[The board shall issue a certificate as a  
12 certified alcohol and drug counselor to an applicant who] Each person  
13 applying for certification as a certified alcohol and drug counselor shall  
14 make application to the board on the form and in the manner the  
15 committee prescribes and the board shall immediately refer each  
16 application to the committee for appropriate action. Each applicant  
17 shall furnish evidence satisfactory to the committee that he<sup>1</sup> <sup>2</sup>has  
18 received a high school diploma or a certificate of high school  
19 equivalency and that he <sup>2</sup> has:

20     (1) Had 300 hours of supervised practical training in alcohol and  
21 drug counseling acceptable to the board. This practical training may  
22 be part of the work experience pursuant to paragraph (2) of this  
23 subsection a. and may be completed under more than one agency or  
24 supervisor;

25     (2) Had two years of supervised work experience acceptable to the  
26 board which may be paid or voluntary time working directly with  
27 alcohol or other drug clients. This experience may include both direct  
28 and indirect functions. Formal education or unsupervised work  
29 experience may not be substituted for the required experience;

30     (3) Completed 270 hours of alcohol and drug education, including  
31 formal classroom education, workshops, seminars, institutes,  
32 in-service training and college or university work. This education shall  
33 be related to the knowledge and skill base associated with the  
34 functions of an alcohol and drug counselor. All education shall be  
35 approved by the board;

36     (4) Attended alcohol and drug abuse self-help group meetings as  
37 prescribed by the board; and

38     (5) Successfully completed an oral examination on the applicant's  
39 written case presentation; and

40     (6) Successfully completed a written examination provided by the  
41 board, which may be a written examination administered by a  
42 nationally recognized alcohol and drug counseling certification  
43 organization.

44     b. The experience and education requirements in subsection a. of  
45 this section shall insure that the applicant is competent in the functions  
46 of an alcohol and drug abuse counselor <sup>1</sup>,<sup>1</sup> which include: screening,

1 intake, orientation, assessment, treatment planning, counseling, case  
2 management, crisis intervention, education and prevention, referral,  
3 consultation with other professionals in regard to client treatment and  
4 services, and reporting and recordkeeping.

5

6 <sup>1</sup>6. (New section) The committee shall review the qualifications of  
7 each person who applies for licensure or certification. No applicant  
8 shall be licensed or certified by the board unless a majority of the full  
9 committee first determines that the applicant has met the education  
10 and experience requirements and performed satisfactorily on the  
11 appropriate examinations required pursuant to this act. All applicants  
12 who are determined to be qualified and are recommended for licensure  
13 or certification by the committee shall be considered for licensure or  
14 certification by the board, with the final decisions to be made by the  
15 board. The board is authorized to review the actions taken by the  
16 committee with respect to the committee's evaluation and examination  
17 of applicants for licensure as licensed clinical alcohol and drug  
18 counselors or for certification as certified alcohol and drug counselors  
19 and the board may reverse, modify or fail to implement any  
20 determination by the committee with an affirmative vote of a majority  
21 of the board.<sup>1</sup>

22

23 <sup>1</sup>[6.] 7.<sup>1</sup> (New section) <sup>1</sup>[ a. Each license or certification issued by  
24 the board shall become effective upon issuance and shall expire on the  
25 last day of the month in the year that is exactly two years from the  
26 year and month in which the license or certification was issued.

27 b. The license or certification may be renewed biennially by the  
28 payment of a renewal fee set by the board and by the execution and  
29 submission of a sworn statement by the applicant, made on a form  
30 provided by the board, that the license or certification for which  
31 renewal is sought has not been revoked or is not currently suspended.  
32 Each applicant shall present satisfactory evidence when seeking license  
33 or certification renewal that in the period since the license or  
34 certification was issued, the continuing education requirements of this  
35 act have been completed. Applications for renewal may be made  
36 within 180 days after the expiration of the license or certification.  
37 Thereafter, a new license or certification application shall be required.]

38 Each initial application under this act shall be accompanied by a fee  
39 as prescribed by the committee. Licenses and certifications shall be  
40 renewed biennially upon a form provided by the board, accompanied  
41 by payment of a fee prescribed by the board. Each applicant shall  
42 apply for renewal of licensure or certification within 180 days of  
43 expiration, and shall present satisfactory evidence that the continuing  
44 education requirements have been completed. If the certificate or  
45 license is not renewed within 180 days of expiration, the license or  
46 certification shall be revoked upon notice by the board. A license or

1 certification which has been revoked may be reinstated within three  
2 years, upon payment to the board of a prescribed reinstatement fee in  
3 addition to the renewal fee for each year or part thereof during which  
4 the license or certification was ineffective. After the three-year period,  
5 the license or certification may be reinstated only by complying with  
6 the provisions of this act regarding initial licensure or certification.<sup>1</sup>

7  
8 <sup>1</sup>[7.] 8.<sup>1</sup> (New section) a. No person shall engage in the practice  
9 of alcohol and drug counseling as a licensed clinical alcohol and drug  
10 counselor <sup>1</sup>[or certified alcohol and drug counselor, or present, call or  
11 represent himself as a licensed clinical alcohol and drug counselor or  
12 certified alcohol and drug counselor]<sup>1</sup> unless licensed <sup>1</sup>[or certified]<sup>1</sup>  
13 under this act. No person shall engage in the practice of alcohol and  
14 drug counseling as a certified alcohol and drug counselor unless  
15 certified under this act. No person shall present, call or represent  
16 himself as a licensed clinical alcohol and drug counselor unless  
17 licensed under this act. No person shall present, call or represent  
18 himself as a certified alcohol and drug counselor unless certified under  
19 this act.<sup>1</sup>

20 b. No person shall assume, represent himself as, or use the title or  
21 designation "alcoholism counselor," "alcohol counselor," "drug  
22 counselor," "alcohol and drug counselor," <sup>1</sup>"<sup>1</sup>alcoholism and drug  
23 counselor," "licensed clinical alcohol and drug counselor," "certified  
24 alcohol and drug counselor," "substance abuse counselor," "chemical  
25 dependency counselor," or "chemical dependency supervisor," or any  
26 of the abbreviations for the above titles, unless licensed or certified  
27 under this act, and unless the title or designation corresponds to the  
28 license or certification held by the person pursuant to this act.

29 c. No person shall engage in the independent practice of alcohol  
30 and drug counseling for a fee unless the person is licensed under this  
31 act as a licensed clinical alcohol and drug counselor <sup>1</sup>or the person is  
32 a certified alcohol and drug counselor practicing under the supervision  
33 of a licensed clinical alcohol and drug counselor<sup>1</sup>.

34  
35 <sup>1</sup>[8.] 9.<sup>1</sup> (New section) a. Nothing in this act shall be construed  
36 to prevent a person from engaging in or offering alcohol and drug  
37 addiction services such as self-help, sponsorship through alcoholics  
38 and narcotics anonymous groups or other uncompensated alcohol and  
39 drug addiction counseling assistance.

40 b. Nothing in this act shall be construed to apply to the activities  
41 and services of a designated employee or other agent of a private  
42 employer who has been designated to be involved in the evaluation or  
43 referral for counseling of employees of the private employer, or an  
44 employee or other agent of a recognized academic institution, a  
45 federal, State, county or local government institution, agency or  
46 facility, or a school district, if the individual is performing these

1 activities solely within the company or agency, as the case may be, or  
2 under the jurisdiction of that company or agency and if a license  
3 granted under this act is not a requirement for employment.

4 c. Nothing in this act shall be construed to apply to the activities  
5 and services of a rabbi, priest, minister, Christian Science practitioner  
6 or clergyman of any religious denomination or sect, when engaging in  
7 activities, which are within the scope of the performance of the  
8 person's regular or specialized ministerial duties and for which no  
9 separate charge is made, or when these activities are performed, with  
10 or without charge, for or under the auspices or sponsorship,  
11 individually or in conjunction with others, of an established and legally  
12 cognizable church, denomination, or sect, and when the person  
13 rendering services remains accountable to the established authority  
14 thereof.

15 d. Nothing in this act shall be construed to apply to the activities  
16 and services of a student, intern or trainee in alcohol and drug  
17 addiction counseling pursuing a course of study in counseling in a  
18 regionally accredited institution of higher education or training  
19 institution, if these activities are performed under supervision and  
20 constitute a part of the supervised course of study.

21 e. Nothing in this act shall be construed to <sup>1</sup>[apply to the activities  
22 and services of a person licensed in the State to practice medicine and  
23 surgery, psychology, marriage counseling, social work, clinical social  
24 work, chiropractic, acupuncture, physical therapy, occupational  
25 therapy, speech pathology and audiology, nursing or any other  
26 profession licensed by the State, when acting within the scope of the  
27 person's profession or occupation and doing work of a nature  
28 consistent with a person's training] prevent a person from doing work  
29 of an alcohol or drug counseling nature, or advertising those services,  
30 when acting within the scope of the person's profession or occupation  
31 and doing work consistent with the person's training, including  
32 physicians, clinical social workers, psychologists, nurses or any other  
33 profession or occupation licensed by the State, or students within  
34 accredited programs of these professions<sup>1</sup>, if the person does not hold  
35 himself out to the public as possessing a license or <sup>1</sup>[certificate]  
36 certification<sup>1</sup> issued pursuant to this act.

37

38 <sup>1</sup>[9.] 10.<sup>1</sup> (New section) The board may grant a license or  
39 certification to any person who at the time of application is licensed or  
40 certified by a governmental agency located in another state, territory  
41 or jurisdiction, if in the opinion of the <sup>1</sup>[board] committee<sup>1</sup> the  
42 requirements of that licensure or certification are substantially similar  
43 to the requirements of this act.

44

45 <sup>1</sup>[10.] 11.<sup>1</sup> (New section) An alcohol and drug counselor or  
46 clinical alcohol and drug counselor certified or licensed pursuant to the

1 provisions of this act, or his employee, shall not disclose any  
2 confidential information that the counselor, or his employee, may have  
3 acquired while performing alcohol and drug counseling services for a  
4 patient unless in accordance with the federal regulations regarding the  
5 confidentiality of alcohol and drug patient records pursuant to 42  
6 C.F.R. 2.1 et seq.

7  
8 ~~11.] 12.~~ (New section) There is<sup>1</sup> ~~created within the Division of~~  
9 ~~Consumer Affairs] established a committee of the board to be known~~  
10 ~~as~~ the ~~1[State Board of]~~ Alcohol and Drug Counselor ~~1[Examiners]~~  
11 ~~Committee~~<sup>1</sup>. The ~~1[board] committee~~<sup>1</sup> shall consist of ~~1[nine] five~~<sup>1</sup>  
12 members who are residents of the State, ~~1[two] one~~<sup>1</sup> of whom shall be  
13 ~~1a~~ public ~~1[members] member~~<sup>1</sup> appointed pursuant to the provisions  
14 of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) ~~1[and one~~  
15 ~~of whom shall be the Commissioner of Health, or his designee,~~  
16 ~~appointed in fulfillment of the requirement of subsection c. of that~~  
17 ~~section]~~<sup>1</sup>. Of the ~~1[six] four~~<sup>1</sup> remaining members, ~~1[one shall be a~~  
18 ~~person who is either an educator representing a baccalaureate or~~  
19 ~~master's level program in counseling or actively engaged in alcohol and~~  
20 ~~drug counseling research and five] all~~<sup>1</sup> shall have been actively  
21 engaged in the practice of alcohol and drug counseling for at least five  
22 years immediately preceding their appointment, have spent the major  
23 portion of time devoted to such activity, during the two years  
24 preceding appointment, in this State, and except for the members first  
25 appointed, ~~1[three] two~~<sup>1</sup> shall be licensed clinical alcohol and drug  
26 counselors and two shall be certified alcohol and drug counselors.

27  
28 ~~1[12.] 13.~~ (New section) a. The Governor shall appoint each  
29 member of the ~~1[board] committee~~<sup>1</sup> for ~~1[a term] terms~~<sup>1</sup> of three years,  
30 except that of the members first appointed, three shall serve for a term  
31 of three years ~~1[, three shall serve for terms of two years]~~<sup>1</sup> and two  
32 shall serve for terms of ~~1[one year] two years~~<sup>1</sup>. Any vacancy in the  
33 membership shall be filled for the unexpired term in the manner  
34 provided by the original appointment. No member of the ~~1[board]~~  
35 ~~committee~~<sup>1</sup> may serve more than two successive terms in addition to  
36 any unexpired term to which he has been appointed. The Governor  
37 may remove any member of the ~~1[board, other than the State executive~~  
38 ~~department member,] committee~~<sup>1</sup> for cause.

39 ~~1The committee shall annually elect from its members a chairperson~~  
40 ~~and a vice-chairperson.~~

41 ~~Regular meetings of the committee shall be held at least once during~~  
42 ~~each quarter of the year and special meetings may be held upon the call~~  
43 ~~of the chairperson or the vice-chairperson in the chairperson's~~  
44 ~~absence.~~<sup>1</sup>

45 b. The first appointees to the ~~1[board who] committee~~<sup>1</sup> must meet  
46 the qualifications to be licensed or certified ~~1and~~<sup>1</sup> shall ~~1[be deemed to~~



1 be and shall]¹ become licensed clinical alcohol and drug counselors or  
2 certified alcohol and drug counselors ¹[immediately upon their  
3 appointment and qualification as members of the board] as soon as  
4 practical¹.

5  
6 ¹[13.] 14.¹ (New section) The ¹[board] committee ¹shall, in  
7 addition to such other powers and duties as it may possess by law ¹or  
8 that may be delegated to the committee by the board¹:

9 a. Administer the provisions of this act;

10 b. ¹[Examine and pass on] Evaluate¹ the qualifications ¹and make  
11 a determination of the eligibility for licensure and certification¹ of all  
12 applicants ¹[for licensure or certification]¹ under this act, ¹[and issue  
13 a license or certificate to each qualified successful applicant, therefor]¹  
14 attesting to the applicant's professional qualification to practice as a  
15 licensed clinical alcohol and drug counselor or certified alcohol and  
16 drug counselor;

17 c. ¹[Examine, evaluate and supervise all examinations and  
18 procedures and certify as to whether or not the examinations and  
19 procedures are as free as possible from cultural and linguistic bias]  
20 Investigate allegations of practice violating the provisions of this act¹;

21 d. ¹[Adopt a seal which shall be affixed to all licenses and  
22 certificates issued by it] Conduct hearings pursuant to the  
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
24 seq.), except that the director shall have the right to administer oaths  
25 to witnesses, and shall have the power to issue subpoenas for the  
26 compulsory attendance of witnesses and the production of pertinent  
27 books, papers and records¹;

28 e. ¹[Adopt] Recommend¹ rules and regulations pursuant to the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
30 as it may deem necessary to enable it to perform its duties under and  
31 to enforce the provisions of this act, including, but not limited to: rules  
32 and regulations that set professional practice standards for licensed  
33 clinical alcohol and drug counselors in the independent practice of  
34 alcohol and drug counseling for a fee and for certified alcohol and  
35 drug counselors;

36 f. ¹[Annually publish] Maintain¹ a list of the names and addresses  
37 of all licensed clinical alcohol and drug counselors and all certified  
38 alcohol and drug counselors who are licensed or certified under this  
39 act; ¹and¹

40 g. Establish standards for the continuing education of licensed  
41 clinical alcohol and drug counselors and certified alcohol and drug  
42 counselors ¹[which shall not exceed 40 hours every two years];

43 h. Recommend to the Governor and Legislature modifications and  
44 amendments to this act deemed necessary by it to effectuate its  
45 purposes; and

46 i. Prescribe or change the charges for examinations, certifications,

1 licensures, renewals and other services performed pursuant to  
2 P.L.1974, c.46 (C.45:1-3.1 et seq.)<sup>1</sup>.

3

4 <sup>1</sup>[14.] 15.<sup>1</sup> (New section) a. <sup>1</sup>[The] An<sup>1</sup> executive director of the  
5 <sup>1</sup>[board] committee<sup>1</sup> shall be appointed by the director and shall serve  
6 at the director's pleasure. The salary of the executive director shall be  
7 determined by the director within the limits of available funds. The  
8 director shall be empowered within the limits of available funds to hire  
9 any assistants as are necessary to administer this act.

10 b. Each member of the <sup>1</sup>[board] committee<sup>1</sup> shall be <sup>1</sup>compensated  
11 on a per diem basis pursuant to subsection a. of section 2 of P.L.1977,  
12 c.285 (C.45:1-2.5), and shall be<sup>1</sup> reimbursed for actual expenses  
13 reasonably incurred in the performance of the duties as a member or  
14 on behalf of the <sup>1</sup>[board] committee<sup>1</sup>.

15 c. The <sup>1</sup>[board] committee<sup>1</sup>, through its executive director, may  
16 issue subpoenas to compel the attendance of witnesses to testify before  
17 the <sup>1</sup>[board] committee<sup>1</sup> and produce relevant books, records and  
18 papers before the <sup>1</sup>[board] committee<sup>1</sup> and may administer oaths in  
19 taking testimony, in any matter pertaining to its duties under the act,  
20 which subpoenas shall issue under the seal of the board and shall be  
21 served in the same manner as subpoenas issued out of the Superior  
22 Court. A person who refuses or neglects to obey the command of any  
23 subpoena, or who, after hearing, refuses to be sworn and testify, shall,  
24 in either event, be liable to a penalty.

25 <sup>1</sup>d. The board shall by rule or regulation establish, prescribe or  
26 change the fees for licenses, certifications or other services provided  
27 by the board or the committee pursuant to the provisions of this act.<sup>1</sup>

28

29 <sup>1</sup>[15. (New section) a. A person may file a petition with the board  
30 if he has cause to believe that a licensed clinical alcohol and drug  
31 counselor or certified alcohol and drug counselor has violated any  
32 statutes, regulations or the code of ethics.

33 b. The board may direct its executive director to conduct any  
34 investigation that it deems necessary.

35 c. If the executive director of the board finds that there is not  
36 sufficient evidence to establish the alleged violation, he shall notify the  
37 board, petitioner and respondent and no further action shall be taken.  
38 If the executive director of the board finds that there is sufficient  
39 evidence, he shall designate a hearing panel which shall consist of  
40 three members of the board for the purposes of conducting any hearing  
41 regarding a complaint against a licensed clinical alcohol and drug  
42 counselor or certified alcohol and drug counselor and shall report the  
43 panel's recommendations to the board.

44 (1) The board shall issue a notice of the hearing. All parties shall  
45 be afforded the opportunity to respond and present oral and written  
46 evidence on the issue involved in the complaint.

1 (2) The hearing panel shall make a written report to the board, the  
2 respondents and any other party deemed by the panel to be entitled to  
3 a copy. The report shall include the recommendations of the panel, a  
4 brief statement of findings of fact and reasons supporting the  
5 recommendations.

6 d. The board shall issue its decision on the complaint.

7 e. The licensed clinical alcohol and drug counselor's or certified  
8 alcohol and drug counselor's name shall be removed from the registry  
9 if the license or certification is revoked by the board. If the counselor  
10 is suspended by the board, notice of the suspension shall be recorded  
11 in the registry during the time the suspension is in force.]<sup>1</sup>

12

13 <sup>1</sup>[16. (New section) In addition to the provisions of section 8 of  
14 P.L.1978, c.73 (C.45:1-21), the board may refuse to grant a license or  
15 certificate to, or may suspend, revoke, condition, limit, qualify or  
16 restrict the license or certificate of, any individual who the board, after  
17 a hearing, determines:

18 a. Is incompetent to practice under the provisions of this act, or is  
19 found to engage in the practice of alcohol and drug counseling in a  
20 manner harmful or dangerous to a client or to the public;

21 b. Was convicted by a court of competent jurisdiction of a crime  
22 that the board determines is of a nature to render the convicted person  
23 unfit to practice alcohol and drug counseling and the board shall  
24 compile, maintain and publish a list of such crimes;

25 c. Obtained or attempted to obtain a license or certification, or  
26 renewal thereof, by bribery or fraudulent representation;

27 d. Knowingly made a false statement on a form required by the  
28 board for licensing or certification, or renewal thereof;

29 e. Practiced alcohol and drug counseling under a false or assumed  
30 name or impersonation of a licensed clinical alcohol and drug  
31 counselor or certified alcohol and drug counselor or permitted an  
32 unlicensed or uncertified person to practice alcohol and drug  
33 counseling in the name of a person licensed or certified pursuant to the  
34 provisions of this act or to use his license or certificate for that  
35 purpose;

36 f. Is impaired in the delivery of professional services because of  
37 alcohol or drug abuse or because of a medical or psychiatric disability,  
38 or has pleaded nolo contendere, non vult contendere or non vult to an  
39 indictment, information or complaint alleging a violation of any federal  
40 or State law relating to drug or alcohol use or possession or sale or  
41 distribution of alcohol or drugs, or is convicted in any court for a  
42 violation of such laws;

43 g. Was negligent or engaged in misconduct in the performance of  
44 his professional duties as a licensed clinical or certified alcohol and  
45 drug counselor;

46 h. Engaged in sexual misconduct with a patient or family member

1 of a patient;

2 i. Engaged in advertising in any manner, whether as an individual,  
3 through a professional service corporation or through a third party on  
4 behalf of a person licensed or certified pursuant to this act, the  
5 practice of alcohol and drug counseling; provided, however, that the  
6 following shall not be deemed to be advertising prohibited under this  
7 act:

8 (1) Public information for educational purposes on the practice or  
9 profession of alcohol and drug counseling;

10 (2) Publication of a brief announcement of the opening of an office  
11 or the removal to a new location, containing the name, professional  
12 degree, address, telephone number and office hours of the person  
13 licensed or certified pursuant to the provisions of this act;

14 (3) A listing in an alphabetical telephone directory of the name of  
15 a person licensed or certified pursuant to the provisions of this act,  
16 together with his professional degree or the abbreviation therefor;

17 (4) A listing in a classified telephone directory with standard type  
18 limited to the name, professional degree, office and home addresses  
19 and telephone numbers, and office hours of a person licensed or  
20 certified pursuant to the provisions of this act; and

21 (5) The use of small signs on the doors, windows and walls of a  
22 licensee's or certified person's office or the building in which he  
23 maintains an office setting out his name, professional degree, address  
24 and office hours in lettering no larger than four inches in height for  
25 street-level offices and no larger than six inches in height for offices  
26 above street-level;

27 j. Failed to obtain the continuing education credits required by the  
28 board; or

29 k. Violated any of the provisions of this act or any rule, regulation  
30 or code of ethics subscribed to by the board.]<sup>1</sup>

31

32 <sup>1</sup>[17. (New section) The director shall set and adjust license and  
33 certification fees for alcohol and drug counselors so that the total fees  
34 collected will as closely as possible equal anticipated expenditures  
35 during the fiscal year. All expenditures deemed necessary to carry out  
36 the provisions of this act shall be paid by the State Treasurer from the  
37 license and certification fees and other sources of income of the board,  
38 but in no event shall expenditures exceed the revenues of the board  
39 during any fiscal year.]<sup>1</sup>

40

41 <sup>1</sup>[18.] <sup>1</sup>16.<sup>1</sup> (New section) a. On or before the 730th day following  
42 the effective date of this act, <sup>1</sup>upon application to the board on the  
43 form and in the manner the committee prescribes and the board  
44 approves.<sup>1</sup> any person certified in New Jersey by the Alcohol and Drug  
45 Counselor Certification Board of New Jersey<sup>1</sup>, Inc.<sup>1</sup> as an alcoholism  
46 counselor on the <sup>1</sup>[effective] enactment date of this act who

1 demonstrates to the board that he has successfully completed 30  
2 classroom hours in drug education may acquire a certificate as a  
3 certified alcohol and drug counselor without meeting the requirements  
4 set forth in section 5 of this act.

5 b. On or before the 730th day following the effective date of this  
6 act, <sup>1</sup>upon application to the board on the form and in the manner the  
7 committee prescribes and the board approves,<sup>1</sup> any person certified in  
8 New Jersey by the Alcohol and Drug Counselor Certification Board of  
9 New Jersey<sup>1</sup>, Inc.<sup>1</sup> as a drug counselor on the <sup>1</sup>[effective] enactment<sup>1</sup>  
10 date of this act who demonstrates to the board that he has successfully  
11 completed 50 classroom hours in alcohol education may acquire a  
12 certificate as a certified alcohol and drug counselor without meeting  
13 the requirements set forth in section 5 of this act.

14 <sup>1</sup>c. <sup>2</sup>[On or before the 730th day following the effective date of this  
15 act, upon application to the board on the form and in the manner the  
16 committee prescribes and the board approves, any person certified in  
17 New Jersey by the National Association of Forensic Counselors as a  
18 Master addiction counselor or by the National Board of Addiction  
19 Examiners as an addiction counselor on the enactment date of this act  
20 may acquire a certificate as a certified alcohol and drug counselor  
21 without meeting the requirements set forth in section 5 of this act.

22 d.]<sup>2</sup> On or before the 730th day following the effective date of this  
23 act, upon application to the board on the form and in the manner the  
24 committee prescribes and the board approves, any person who has  
25 practiced as an alcohol and drug counselor for at least five years and  
26 is certified in New Jersey by the Alcohol and Drug Counselor  
27 Certification Board of New Jersey, Inc. as an alcohol and drug  
28 counselor on the enactment date of this act may be licensed as a  
29 licensed clinical alcohol and drug counselor without meeting the  
30 requirements set forth in section 4 of this act.<sup>1</sup>

31  
32 <sup>1</sup>17. (New section) The provisions of P.L.1978, c.73 (C.45:1-14  
33 et seq.) shall apply to this act. The authority of the board may be  
34 delegated to the committee at the discretion of the board.<sup>1</sup>

35  
36 <sup>2</sup>18. (New section) The board shall refuse to admit a person to  
37 an examination for licensure or certification and shall refuse to issue  
38 and shall revoke a license or certificate issued upon <sup>3</sup>:

39 a.<sup>3</sup> proof that the applicant or holder of the license or certificate  
40 has been convicted of a crime of the first, second, third or fourth  
41 degree in this State, or the equivalent thereof or other indictable  
42 offense in another jurisdiction<sup>3</sup>; and

43 b. a determination by the board that the criminal conviction renders  
44 the applicant or holder of a license or certificate unfit to engage in the  
45 practice of alcohol and drug counseling. If an applicant or holder  
46 affirmatively demonstrates rehabilitation by clear and convincing

1 evidence, the board shall not refuse to admit the applicant to an  
 2 examination and shall not refuse to issue nor revoke a license or  
 3 certificate to a holder thereof. In determining whether a person has  
 4 affirmatively demonstrated rehabilitation, the following factors shall be  
 5 considered:

6 (1) the nature and responsibility of the position which the convicted  
 7 person would hold or has held, as the case may be;

8 (2) the nature and seriousness of the offense;

9 (3) the circumstances under which the offense occurred;

10 (4) the date of the offense;

11 (5) the age of the person when the offense was committed ;

12 (6) whether the offense was an isolated or repeated incident;

13 (7) any social conditions which may have contributed to the  
 14 offense; and

15 (8) any evidence of rehabilitation, including good conduct in prison  
 16 or in the community, counseling or psychiatric treatment received,  
 17 acquisition of additional academic or vocational schooling, successful  
 18 participation in correctional work-release programs, or the  
 19 recommendation of those who have had the person under their  
 20 supervision<sup>3 2</sup>.

21

22 <sup>2</sup>[18.] 19.<sup>2</sup> Section 9 of P.L.1968, c.401 (C.45:8B-9) is amended  
 23 to read as follows:

24 9. There is hereby created in the Division of Consumer Affairs of  
 25 the Department of Law and Public Safety, the State Board of Marriage  
 26 and Family Therapy Examiners, which shall consist of [11] 12  
 27 members, who are residents of this State and citizens of the United  
 28 States, six of whom shall be licensed practicing marriage and family  
 29 therapists, one of whom shall be a licensed professional counselor  
 30 currently serving on the Professional Counselor Examiners Committee,  
 31 one of whom shall be a licensed clinical alcohol and drug counselor  
 32 currently serving on the Alcohol and Drug Counselor Committee, and  
 33 three of whom shall be public members, including the public member  
 34 appointed pursuant to the provisions of section 2 of P.L.1971, c.60  
 35 (C.45:1-2.2), and one of whom shall be a State executive department  
 36 member appointed pursuant to the provisions of P.L.1971, c.60  
 37 (C.45:1-2.1 et seq.).<sup>1</sup>

38 (cf: P.L.1995, c.366, s.7)

39

40 <sup>1</sup>[19. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read  
 41 as follows:

42 1. The provisions of this act shall apply to the following boards and  
 43 commissions: the New Jersey State Board of Accountancy, the New  
 44 Jersey State Board of Architects, the New Jersey State Board of  
 45 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
 46 Contractors, the New Jersey State Board of Dentistry, the State Board

1 of Mortuary Science of New Jersey, the State Board of Professional  
2 Engineers and Land Surveyors, the State Board of Marriage Counselor  
3 Examiners, the State Board of Medical Examiners, the New Jersey  
4 Board of Nursing, the New Jersey State Board of Optometrists, the  
5 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic  
6 Technicians, the Board of Pharmacy, the State Board of Professional  
7 Planners, the State Board of Psychological Examiners, the State Board  
8 of Examiners of Master Plumbers, the New Jersey Real Estate  
9 Commission, the State Board of Shorthand Reporting, the State Board  
10 of Veterinary Medical Examiners, the Radiologic Technology Board  
11 of Examiners, the Acupuncture Examining Board, the State Board of  
12 Chiropractic Examiners, the State Board of Respiratory Care, the Real  
13 Estate Appraiser Board, the State Board of Social Work Examiners,  
14 **[and] the State Board of Public Movers and Warehousemen and the**  
15 **State Board of Alcohol and Drug Counselor Examiners.**  
16 (cf: P.L.1993, c.365, s.18)]<sup>1</sup>  
17

18 <sup>1</sup>[20. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read  
19 as follows:

20 2. a. All members of the several professional boards and  
21 commissions shall be appointed by the Governor in the manner  
22 prescribed by law; except in appointing members other than those  
23 appointed pursuant to subsection b. or subsection c., the Governor  
24 shall give due consideration to, but shall not be bound by,  
25 recommendations submitted by the appropriate professional  
26 organizations of this State.

27 b. In addition to the membership otherwise prescribed by law, the  
28 Governor shall appoint in the same manner as presently prescribed by  
29 law for the appointment of members, two additional members to  
30 represent the interests of the public, to be known as public members,  
31 to each of the following boards and commissions: the New Jersey  
32 State Board of Accountancy, the New Jersey State Board of  
33 Architects, the New Jersey State Board of Cosmetology and  
34 Hairstyling, the New Jersey State Board of Dentistry, the State Board  
35 of Mortuary Science of New Jersey, the State Board of Professional  
36 Engineers and Land Surveyors, the State Board of Medical Examiners,  
37 the New Jersey Board of Nursing, the New Jersey State Board of  
38 Optometrists, the State Board of Examiners of Ophthalmic Dispensers  
39 and Ophthalmic Technicians, the Board of Pharmacy, the State Board  
40 of Professional Planners, the State Board of Psychological Examiners,  
41 the New Jersey Real Estate Commission, the State Board of Shorthand  
42 Reporting, the State Board of Social Work Examiners, **[and] the State**  
43 **Board of Veterinary Medical Examiners, and the State Board of**  
44 **Alcohol and Drug Counselor Examiners,** and one additional public  
45 member to each of the following boards: the Board of Examiners of  
46 Electrical Contractors, the State Board of Marriage Counselor

1 Examiners, the State Board of Examiners of Master Plumbers, and the  
2 State Real Estate Appraiser Board. Each public member shall be  
3 appointed for the term prescribed for the other members of the board  
4 or commission and until the appointment of his successor. Vacancies  
5 shall be filled for the unexpired term only. The Governor may remove  
6 any such public member after hearing, for misconduct, incompetency,  
7 neglect of duty or for any other sufficient cause.

8 No public member appointed pursuant to this section shall have any  
9 association or relationship with the profession or a member thereof  
10 regulated by the board of which he is a member, where such  
11 association or relationship would prevent such public member from  
12 representing the interest of the public. Such a relationship includes  
13 a relationship with members of one's immediate family; and such  
14 association includes membership in the profession regulated by the  
15 board. To receive services rendered in a customary client relationship  
16 will not preclude a prospective public member from appointment. This  
17 paragraph shall not apply to individuals who are public members of  
18 boards on the effective date of this act.

19 It shall be the responsibility of the Attorney General to insure that  
20 no person with the aforementioned association or relationship or any  
21 other questionable or potential conflict of interest shall be appointed  
22 to serve as a public member of any board regulated by this section.

23 Where a board is required to examine the academic and professional  
24 credentials of an applicant for licensure or to test such applicant  
25 orally, no public member appointed pursuant to this section shall  
26 participate in such examination process; provided, however, that  
27 public members shall be given notice of and may be present at all such  
28 examination processes and deliberations concerning the results thereof,  
29 and, provided further, that public members may participate in the  
30 development and establishment of the procedures and criteria for such  
31 examination processes.

32 c. The Governor shall designate a department in the Executive  
33 Branch of the State Government which is closely related to the  
34 profession or occupation regulated by each of the boards or  
35 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)  
36 and shall appoint the head of such department, or the holder of a  
37 designated office or position in such department, to serve without  
38 compensation at the pleasure of the Governor as a member of such  
39 board or commission.

40 d. A majority of the voting members of such boards or  
41 commissions shall constitute a quorum thereof and no action of any  
42 such board or commission shall be taken except upon the affirmative  
43 vote of a majority of the members of the entire board or commission.  
44 (cf: P.L.1991, c.134, s.16)]<sup>1</sup>

45

46 <sup>1</sup>[21. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read



1 as follows:

2 1. The provisions of this act shall apply to the following boards and  
3 commissions: the New Jersey State Board of Accountancy, the New  
4 Jersey State Board of Architects, the New Jersey State Board of  
5 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
6 Contractors, the New Jersey State Board of Dentistry, the State Board  
7 of Mortuary Science of New Jersey, the State Board of Professional  
8 Engineers and Land Surveyors, the State Board of Marriage Counselor  
9 Examiners, the State Board of Medical Examiners, the New Jersey  
10 Board of Nursing, the New Jersey State Board of Optometrists, the  
11 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic  
12 Technicians, the Board of Pharmacy, the State Board of Professional  
13 Planners, the State Board of Psychological Examiners, the State Board  
14 of Examiners of Master Plumbers, the State Board of Shorthand  
15 Reporting, the State Board of Veterinary Medical Examiners, the  
16 Radiologic Technology Board of Examiners, the Acupuncture  
17 Examining Board, the State Board of Chiropractic Examiners, the  
18 State Board of Respiratory Care, the State Real Estate Appraiser  
19 Board, [and] the State Board of Social Work Examiners , and the  
20 State Board of Alcohol and Drug Counselor Examiners.  
21 (cf: P.L.1991, c.134, s.17)]<sup>1</sup>

22

23 <sup>1</sup>[22. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read  
24 as follows:

25 2. The provisions of this act shall apply to the following boards and  
26 all professions or occupations regulated by or through such boards:  
27 the New Jersey State Board of Accountancy, the New Jersey State  
28 Board of Architects, the New Jersey State Board of Cosmetology and  
29 Hairstyling, the Board of Examiners of Electrical Contractors, the  
30 New Jersey State Board of Dentistry, the State Board of Mortuary  
31 Science of New Jersey, the State Board of Professional Engineers and  
32 Land Surveyors, the State Board of Marriage Counselor Examiners,  
33 the State Board of Medical Examiners, the New Jersey Board of  
34 Nursing, the New Jersey State Board of Optometrists, the State Board  
35 of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,  
36 the Board of Pharmacy, the State Board of Professional Planners, the  
37 State Board of Psychological Examiners, the State Board of Examiners  
38 of Master Plumbers, the State Board of Shorthand Reporting, the  
39 State Board of Veterinary Medical Examiners, the Acupuncture  
40 Examining Board, the State Board of Chiropractic Examiners, the  
41 State Board of Respiratory Care, the State Real Estate Appraiser  
42 Board, [and] , the State Board of Social Work Examiners and the  
43 State Board of Alcohol and Drug Counselor Examiners.  
44 (cf: P.L.1991, c.134, s.14)]<sup>1</sup>

45

46 <sup>1</sup>[23.] <sup>2</sup>[19.] <sup>4</sup>[20.]<sup>2</sup> There is appropriated from the General Fund

1 to the Division of Consumer Affairs in the Department of Law and  
2 Public Safety \$95,000 for the use of the board to implement and  
3 effectuate the provisions of this act.]<sup>4</sup>

4

5 <sup>1</sup>[~~24.~~] <sup>2</sup>[~~20.~~<sup>1</sup>] <sup>4</sup>[~~21.~~<sup>2</sup>] 20<sup>4</sup> This act shall take effect <sup>1</sup>[immediately  
6 except that subsections a. and b. of section 7 of this act shall take  
7 effect on the 730th day following enactment] 360 days following the  
8 appointment and qualification of committee members<sup>1</sup>.

9

10

11

12

13 Establishes the "Alcohol and Drug Counselor Licensing and  
14 Certification Act," appropriates \$95,000.

1 this act.

2

3 24. This act shall take effect immediately except that subsections  
4 a. and b. of section 7 of this act shall take effect on the 730th day  
5 following enactment.

6

7

8

Sponsors' STATEMENT

9

10 This bill provides for the licensing of clinical alcohol and drug  
11 counselors and the certification of alcohol and drug counselors by the  
12 State Board of Alcohol and Drug Counselor Examiners created by this  
13 bill. An alcohol and drug counselor provides information, guidance  
14 and assistance to alcoholics or other drug dependent persons, and to  
15 those persons affected by problems related to the abuse of alcohol,  
16 other drugs, or both. Only licensed clinical alcohol and drug  
17 counselors may engage in the independent practice of alcohol and drug  
18 counseling for a fee.

19 The State Board of Alcohol and Drug Counselor Examiners in the  
20 Division of Consumer Affairs in the Department of Law and Public  
21 Safety shall consist of nine members: the Commissioner of Health, or  
22 his designee; two public members; three licensed clinical alcohol and  
23 drug counselors and two certified alcohol and drug counselors, who  
24 have been engaged in alcohol and drug counseling for at least five  
25 consecutive years immediately preceding their appointment and who  
26 have devoted the major portion of time in such activity in New Jersey  
27 for the two consecutive years preceding their appointment; and a  
28 member who is an educator in the field or is actively engaged in  
29 alcohol and drug counseling research.

30 An applicant for licensure as a clinical alcohol and drug counselor  
31 must have: (1) received a master's degree with a minimum of 18  
32 graduate semester hours in counseling or counseling related subjects;  
33 and (2) successfully completed all the requirements to be a certified  
34 alcohol and drug counselor. In order to be certified by the board as an  
35 alcohol and drug counselor, an applicant must have: (1) completed  
36 300 hours of supervised practical training; (2) completed two years of  
37 supervised work experience; (3) completed 270 hours of education;  
38 (4) attended self-help group meetings; (5) successfully completed an  
39 oral examination on the applicant's written case presentation; and (6)  
40 successfully passed a written examination.

41 Only persons licensed or certified under the bill may engage in the  
42 practice of alcohol and drug counseling or use any title, designation or  
43 abbreviation indicating such a practice.

44 The provisions of the bill would not apply to: a health care or other  
45 professional licensed in this State when acting within the scope of the  
46 person's profession or occupation; a member of the clergy practicing

1 under the auspices of a church; a person engaged in alcohol and drug  
2 addiction services through uncompensated counseling assistance such  
3 as alcoholics and narcotics anonymous groups; a designated employee  
4 or agent of a private or public sector employer or recognized academic  
5 institution involved in the evaluation or referral for counseling of  
6 employees; or a student, intern or trainee engaged in alcohol and drug  
7 addiction counseling activities or services as part of a course of study  
8 in counseling at a college or university or training institution.

9 Persons licensed or certified by a governmental agency in another  
10 state may be licensed or certified by the board if in the opinion of the  
11 board the requirements for licensure or certification of that state are  
12 substantially similar to the requirements of this bill. Persons certified  
13 in New Jersey by the Alcohol and Drug Certification Board of New  
14 Jersey as alcoholism counselors or drug counselors as of the bill's  
15 effective date, who have also successfully completed a specified  
16 number of classroom hours in drug (50 hours) or alcohol (30 hours)  
17 education, may apply for certification during the two-year time period  
18 following the bill's enactment without meeting the various other  
19 requirements for certification established in the bill.

20 The provisions of the uniform enforcement powers and procedures  
21 act, P.L.1978, c.73 (C.45:1-14 et seq.), regarding disciplinary and  
22 remedial authority of professional boards, applies to the State Board  
23 of Alcohol and Drug Counselor Examiners. The bill specifies  
24 numerous other prohibited acts by a licensed clinical alcohol and drug  
25 counselor or certified alcohol and drug counselor.

26 The bill also requires that license and certification fees established  
27 shall be sufficient to cover administrative costs, and appropriates  
28 \$95,000 from the General Fund to the Division of Consumer Affairs  
29 in the Department of Law and Public Safety to implement the  
30 provisions of the bill.

31 The provisions of the bill take effect immediately, except that the  
32 provisions of section 7 of the bill which prohibit the practice of alcohol  
33 and drug counseling or the use of certain titles unless the person is  
34 licensed or certified pursuant to the provisions of this bill take effect  
35 on the 730th day following enactment.

36

37

38

39

40 Establishes the "Alcohol and Drug Counselor Licensing and  
41 Certification Act," appropriates \$95,000.

[Passed Both Houses]

[Corrected Copy]

[Third Reprint]

SENATE, No. 685

---

# STATE OF NEW JERSEY

---

INTRODUCED FEBRUARY 15, 1996

By Senators SINGER, O'Connor,  
Assemblymen Cottrell and Malone

1 AN ACT to license and certify alcohol and drug counselors, creating  
2 <sup>1</sup>**[a State Board of]** **an**<sup>1</sup> Alcohol and Drug Counselor <sup>1</sup>**[Examiners]**  
3 Committee<sup>1</sup>, revising various parts of the statutory law and making  
4 an appropriation.

5

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

8

9 1. (New section) This act shall be known and may be cited as the  
10 "Alcohol and Drug Counselor Licensing and Certification Act."

11

12 2. (New section) The Legislature finds and declares that: the  
13 profession of alcohol and drug counseling profoundly affects the lives  
14 and public safety of the people of New Jersey; the public interest  
15 requires the establishment of professional licensing and certification  
16 standards for alcohol and drug counselors to protect the citizens of  
17 this State by setting standards of education, ethics, competencies and  
18 experience for those persons presently practicing and for those seeking  
19 to practice and be licensed or certified as alcohol and drug counselors  
20 in this State; licensing and certification will enable other professionals,  
21 health services providers, employers and the general public to  
22 recognize qualified practicing alcohol and drug counselors; and  
23 licensing and certification will provide assurances that professionals  
24 engaged in alcohol and drug counseling meet acceptable standards of

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SCM committee amendments adopted February 10, 1997.

<sup>2</sup> Senate floor amendments adopted April 21, 1997.

<sup>3</sup> Senate floor amendments adopted June 5, 1997.

1 education, experience, ethics and competency in practice which will  
2 encourage and promote quality treatment and rehabilitation for drug  
3 and alcohol abusers.

4  
5 3. (New section) As used in this act:

6 "Alcohol and drug counseling" means the professional application  
7 of alcohol and drug counseling methods which assist an individual or  
8 group to develop an understanding of alcohol and drug dependency  
9 problems, define goals, and plan action reflecting the individual's or  
10 group's interest, abilities and needs as affected by alcohol and drug  
11 dependency problems.

12 "Alcohol and Drug Counselor Certification Board of New Jersey.  
13 Inc." means the member of the International Certification Reciprocity  
14 Consortium of Alcohol and Other Drug Abuse, Inc. which certifies  
15 alcohol and drug counselors in the State of New Jersey.

16 "Board" means the State Board of Marriage and Family Therapy  
17 Examiners.<sup>1</sup>

18 "Certified alcohol and drug counselor" means a person who holds  
19 a current, valid certificate issued pursuant to section 5 of this act.

20 "Committee" means the Alcohol and Drug Counselor Committee  
21 established pursuant to section 12 of this act.<sup>1</sup>

22 "Department" means the Department of Law and Public Safety.

23 "Director" means the Director of the Division of Consumer Affairs  
24 in the Department of Law and Public Safety.

25 "Licensed clinical alcohol and drug counselor" means a person who  
26 holds a current, valid license issued pursuant to section 4 of this act.

27 <sup>1</sup>**["Board" means the State Board of Alcohol and Drug Counselor**  
28 **Examiners established pursuant to section 11 of this act.]<sup>1</sup>**

29 "Self-help group" means a voluntary group of persons who offer  
30 peer support to each other in recovering from an addiction.

31 "Supervised practical training" means supervision which seeks to  
32 teach the knowledge and skills related to alcohol and drug counseling.

33 "Supervision" means the direct review of a supervisee for the  
34 purpose of <sup>1</sup>accountability.<sup>1</sup> teaching, training, administering,  
35 <sup>1</sup>**[accountability]**<sup>1</sup> or clinical review by a supervisor in the same area  
36 of specialized practice.

37  
38 4. (New section) <sup>1</sup>**【The board shall issue a license as a licensed**  
39 **clinical alcohol and drug counselor to an applicant who】** a. Each  
40 person applying for licensure as a licensed clinical alcohol and drug  
41 counselor shall make application to the board on the form and in the  
42 manner the committee prescribes and the board shall immediately refer  
43 each application to the committee for appropriate action. Each  
44 applicant shall furnish evidence satisfactory to the committee that he<sup>1</sup>  
45 has:

46 <sup>1</sup>**[a.] (1)<sup>1</sup>** Received a master's degree from an accredited

1 institution of higher education with a minimum of 18 graduate  
2 semester hours in counseling or counseling related subjects; and

3 <sup>1</sup>**[b.] (2)**<sup>1</sup> Successfully completed all the requirements to be a  
4 certified alcohol and drug counselor pursuant to section 5 of this act.

5 <sup>1</sup>b. The board shall issue a license as a licensed clinical alcohol and  
6 drug counselor to any health care provider licensed by this State who,  
7 within the scope of that provider's practice, diagnoses and treats drug  
8 or alcohol related disorders, or both, and demonstrates to the board  
9 that the person has equivalent education, training and comparable  
10 years of experience as required pursuant to subsection a. of this  
11 section, except that the person shall be exempt from meeting the  
12 provisions of paragraphs (5) and (6) of subsection a. of section 5 of  
13 this act.<sup>1</sup>

14  
15 5. (New section) a. <sup>1</sup>**[The board shall issue a certificate as a**  
16 **certified alcohol and drug counselor to an applicant who]** Each person  
17 applying for certification as a certified alcohol and drug counselor shall  
18 make application to the board on the form and in the manner the  
19 committee prescribes and the board shall immediately refer each  
20 application to the committee for appropriate action. Each applicant  
21 shall furnish evidence satisfactory to the committee that he<sup>1</sup> <sup>2</sup>has  
22 received a high school diploma or a certificate of high school  
23 equivalency and that he<sup>2</sup> has:

24 (1) Had 300 hours of supervised practical training in alcohol and  
25 drug counseling acceptable to the board. This practical training may  
26 be part of the work experience pursuant to paragraph (2) of this  
27 subsection a. and may be completed under more than one agency or  
28 supervisor;

29 (2) Had two years of supervised work experience acceptable to the  
30 board which may be paid or voluntary time working directly with  
31 alcohol or other drug clients. This experience may include both direct  
32 and indirect functions. Formal education or unsupervised work  
33 experience may not be substituted for the required experience;

34 (3) Completed 270 hours of alcohol and drug education, including  
35 formal classroom education, workshops, seminars, institutes,  
36 in-service training and college or university work. This education shall  
37 be related to the knowledge and skill base associated with the  
38 functions of an alcohol and drug counselor. All education shall be  
39 approved by the board;

40 (4) Attended alcohol and drug abuse self-help group meetings as  
41 prescribed by the board; and

42 (5) Successfully completed an oral examination on the applicant's  
43 written case presentation; and

44 (6) Successfully completed a written examination provided by the  
45 board, which may be a written examination administered by a  
46 nationally recognized alcohol and drug counseling certification

1 organization.

2 b. The experience and education requirements in subsection a. of  
3 this section shall insure that the applicant is competent in the functions  
4 of an alcohol and drug abuse counselor <sup>1,1</sup> which include: screening,  
5 intake, orientation, assessment, treatment planning, counseling, case  
6 management, crisis intervention, education and prevention, referral,  
7 consultation with other professionals in regard to client treatment and  
8 services, and reporting and recordkeeping.

9  
10 <sup>1</sup>6. (New section) The committee shall review the qualifications  
11 of each person who applies for licensure or certification. No applicant  
12 shall be licensed or certified by the board unless a majority of the full  
13 committee first determines that the applicant has met the education  
14 and experience requirements and performed satisfactorily on the  
15 appropriate examinations required pursuant to this act. All applicants  
16 who are determined to be qualified and are recommended for licensure  
17 or certification by the committee shall be considered for licensure or  
18 certification by the board, with the final decisions to be made by the  
19 board. The board is authorized to review the actions taken by the  
20 committee with respect to the committee's evaluation and examination  
21 of applicants for licensure as licensed clinical alcohol and drug  
22 counselors or for certification as certified alcohol and drug counselors  
23 and the board may reverse, modify or fail to implement any  
24 determination by the committee with an affirmative vote of a majority  
25 of the board.<sup>1</sup>

26

27 <sup>1</sup>[6.] 7.<sup>1</sup> (New section) <sup>1</sup>[ a. Each license or certification issued  
28 by the board shall become effective upon issuance and shall expire on  
29 the last day of the month in the year that is exactly two years from the  
30 year and month in which the license or certification was issued.

31 b. The license or certification may be renewed biennially by the  
32 payment of a renewal fee set by the board and by the execution and  
33 submission of a sworn statement by the applicant, made on a form  
34 provided by the board, that the license or certification for which  
35 renewal is sought has not been revoked or is not currently suspended.  
36 Each applicant shall present satisfactory evidence when seeking license  
37 or certification renewal that in the period since the license or  
38 certification was issued, the continuing education requirements of this  
39 act have been completed. Applications for renewal may be made  
40 within 180 days after the expiration of the license or certification.  
41 Thereafter, a new license or certification application shall be  
42 required.]

43 Each initial application under this act shall be accompanied by a fee  
44 as prescribed by the committee. Licenses and certifications shall be  
45 renewed biennially upon a form provided by the board, accompanied  
46 by payment of a fee prescribed by the board. Each applicant shall



1 apply for renewal of licensure or certification within 180 days of  
2 expiration, and shall present satisfactory evidence that the continuing  
3 education requirements have been completed. If the certificate or  
4 license is not renewed within 180 days of expiration, the license or  
5 certification shall be revoked upon notice by the board. A license or  
6 certification which has been revoked may be reinstated within three  
7 years, upon payment to the board of a prescribed reinstatement fee in  
8 addition to the renewal fee for each year or part thereof during which  
9 the license or certification was ineffective. After the three-year period,  
10 the license or certification may be reinstated only by complying with  
11 the provisions of this act regarding initial licensure or certification.<sup>1</sup>

12  
13 <sup>1</sup>[7.] 8.<sup>1</sup> (New section) a. No person shall engage in the practice  
14 of alcohol and drug counseling as a licensed clinical alcohol and drug  
15 counselor <sup>1</sup>[or certified alcohol and drug counselor, or present, call or  
16 represent himself as a licensed clinical alcohol and drug counselor or  
17 certified alcohol and drug counselor]<sup>1</sup> unless licensed <sup>1</sup>[or certified]<sup>1</sup>  
18 under this act. No person shall engage in the practice of alcohol and  
19 drug counseling as a certified alcohol and drug counselor unless  
20 certified under this act. No person shall present, call or represent  
21 himself as a licensed clinical alcohol and drug counselor unless  
22 licensed under this act. No person shall present, call or represent  
23 himself as a certified alcohol and drug counselor unless certified under  
24 this act.<sup>1</sup>

25 b. No person shall assume, represent himself as, or use the title or  
26 designation "alcoholism counselor," "alcohol counselor," "drug  
27 counselor," "alcohol and drug counselor," <sup>1</sup>"alcoholism and drug  
28 counselor," "licensed clinical alcohol and drug counselor," "certified  
29 alcohol and drug counselor," "substance abuse counselor," "chemical  
30 dependency counselor," or "chemical dependency supervisor," or any  
31 of the abbreviations for the above titles, unless licensed or certified  
32 under this act, and unless the title or designation corresponds to the  
33 license or certification held by the person pursuant to this act.

34 c. No person shall engage in the independent practice of alcohol  
35 and drug counseling for a fee unless the person is licensed under this  
36 act as a licensed clinical alcohol and drug counselor <sup>1</sup>or the person is  
37 a certified alcohol and drug counselor practicing under the supervision  
38 of a licensed clinical alcohol and drug counselor<sup>1</sup>.

39  
40 <sup>1</sup>[8.] 9.<sup>1</sup> (New section) a. Nothing in this act shall be construed  
41 to prevent a person from engaging in or offering alcohol and drug  
42 addiction services such as self-help, sponsorship through alcoholics  
43 and narcotics anonymous groups or other uncompensated alcohol and  
44 drug addiction counseling assistance.

45 b. Nothing in this act shall be construed to apply to the activities  
46 and services of a designated employee or other agent of a private

1 employer who has been designated to be involved in the evaluation or  
2 referral for counseling of employees of the private employer, or an  
3 employee or other agent of a recognized academic institution, a  
4 federal, State, county or local government institution, agency or  
5 facility, or a school district, if the individual is performing these  
6 activities solely within the company or agency, as the case may be, or  
7 under the jurisdiction of that company or agency and if a license  
8 granted under this act is not a requirement for employment.

9 c. Nothing in this act shall be construed to apply to the activities  
10 and services of a rabbi, priest, minister, Christian Science practitioner  
11 or clergyman of any religious denomination or sect, when engaging in  
12 activities, which are within the scope of the performance of the  
13 person's regular or specialized ministerial duties and for which no  
14 separate charge is made, or when these activities are performed, with  
15 or without charge, for or under the auspices or sponsorship,  
16 individually or in conjunction with others, of an established and legally  
17 cognizable church, denomination, or sect, and when the person  
18 rendering services remains accountable to the established authority  
19 thereof.

20 d. Nothing in this act shall be construed to apply to the activities  
21 and services of a student, intern or trainee in alcohol and drug  
22 addiction counseling pursuing a course of study in counseling in a  
23 regionally accredited institution of higher education or training  
24 institution, if these activities are performed under supervision and  
25 constitute a part of the supervised course of study.

26 e. Nothing in this act shall be construed to <sup>1</sup> [apply to the activities  
27 and services of a person licensed in the State to practice medicine and  
28 surgery, psychology, marriage counseling, social work, clinical social  
29 work, chiropractic, acupuncture, physical therapy, occupational  
30 therapy, speech pathology and audiology, nursing or any other  
31 profession licensed by the State, when acting within the scope of the  
32 person's profession or occupation and doing work of a nature  
33 consistent with a person's training] prevent a person from doing work  
34 of an alcohol or drug counseling nature, or advertising those services,  
35 when acting within the scope of the person's profession or occupation  
36 and doing work consistent with the person's training, including  
37 physicians, clinical social workers, psychologists, nurses or any other  
38 profession or occupation licensed by the State, or students within  
39 accredited programs of these professions<sup>1</sup>, if the person does not hold  
40 himself out to the public as possessing a license or <sup>1</sup> [certificate]  
41 certification<sup>1</sup> issued pursuant to this act.

42  
43 <sup>1</sup> [9.] 10.<sup>1</sup> (New section) The board may grant a license or  
44 certification to any person who at the time of application is licensed or  
45 certified by a governmental agency located in another state, territory  
46 or jurisdiction, if in the opinion of the <sup>1</sup> [board] committee<sup>1</sup> the

1 requirements of that licensure or certification are substantially similar  
2 to the requirements of this act.

3  
4 <sup>1</sup>~~10.~~ 11. (New section) An alcohol and drug counselor or  
5 clinical alcohol and drug counselor certified or licensed pursuant to the  
6 provisions of this act, or his employee, shall not disclose any  
7 confidential information that the counselor, or his employee, may have  
8 acquired while performing alcohol and drug counseling services for a  
9 patient unless in accordance with the federal regulations regarding the  
10 confidentiality of alcohol and drug patient records pursuant to 42  
11 C.F.R. 2.1 et seq.

12  
13 <sup>1</sup>~~11.~~ 12. (New section) There is <sup>1</sup>~~created within the Division~~  
14 of Consumer Affairs ~~established a committee of the board to be~~  
15 known as the <sup>1</sup>~~State Board of~~ Alcohol and Drug Counselor  
16 <sup>1</sup>~~Examiners~~ Committee. The <sup>1</sup>~~board~~ committee shall consist of  
17 <sup>1</sup>~~nine~~ five members who are residents of the State, <sup>1</sup>~~two~~ one of  
18 whom shall be <sup>1</sup>~~a~~ public <sup>1</sup>~~members~~ member appointed pursuant to  
19 the provisions of subsection b. of section 2 of P.L.1971, c.60  
20 (C.45:1-2.2) <sup>1</sup>~~and one of whom shall be the Commissioner of Health,~~  
21 or his designee, appointed in fulfillment of the requirement of  
22 subsection c. of that section<sup>1</sup>. Of the <sup>1</sup>~~six~~ four remaining  
23 members, <sup>1</sup>~~one shall be a person who is either an educator~~  
24 representing a baccalaureate or master's level program in counseling  
25 or actively engaged in alcohol and drug counseling research and ~~five~~  
26 all shall have been actively engaged in the practice of alcohol and  
27 drug counseling for at least five years immediately preceding their  
28 appointment, have spent the major portion of time devoted to such  
29 activity, during the two years preceding appointment, in this State, and  
30 except for the members first appointed, <sup>1</sup>~~three~~ two shall be licensed  
31 clinical alcohol and drug counselors and two shall be certified alcohol  
32 and drug counselors.

33  
34 <sup>1</sup>~~12.~~ 13. (New section) a. The Governor shall appoint each  
35 member of the <sup>1</sup>~~board~~ committee for <sup>1</sup>~~a term~~ terms of three  
36 years, except that of the members first appointed, three shall serve for  
37 a term of three years <sup>1</sup>~~, three shall serve for terms of two years~~ and  
38 two shall serve for terms of <sup>1</sup>~~one year~~ two years. Any vacancy in  
39 the membership shall be filled for the unexpired term in the manner  
40 provided by the original appointment. No member of the <sup>1</sup>~~board~~  
41 committee may serve more than two successive terms in addition to  
42 any unexpired term to which he has been appointed. The Governor  
43 may remove any member of the <sup>1</sup>~~board, other than the State~~  
44 executive department member, committee for cause.

45 The committee shall annually elect from its members a chairperson

1 and a vice-chairperson.

2 Regular meetings of the committee shall be held at least once during  
3 each quarter of the year and special meetings may be held upon the call  
4 of the chairperson or the vice-chairperson in the chairperson's  
5 absence.<sup>1</sup>

6 b. The first appointees to the <sup>1</sup>~~board who~~ committee<sup>1</sup> must meet  
7 the qualifications to be licensed or certified <sup>1</sup>~~and~~<sup>1</sup> shall <sup>1</sup>~~be deemed~~  
8 ~~to be and shall~~<sup>1</sup> become licensed clinical alcohol and drug counselors  
9 or certified alcohol and drug counselors <sup>1</sup>~~immediately upon their~~  
10 ~~appointment and qualification as members of the board~~ as soon as  
11 practical<sup>1</sup>.

12

13 <sup>1</sup>~~[13.] 14.~~<sup>1</sup> (New section) The <sup>1</sup>~~board~~ committee<sup>1</sup> shall, in  
14 addition to such other powers and duties as it may possess by law <sup>1</sup>~~or~~  
15 ~~that may be delegated to the committee by the board~~<sup>1</sup>:

16 a. Administer the provisions of this act;

17 b. <sup>1</sup>~~Examine and pass on~~ Evaluate<sup>1</sup> the qualifications <sup>1</sup>~~and make~~  
18 ~~a determination of the eligibility for licensure and certification~~<sup>1</sup> of all  
19 applicants <sup>1</sup>~~for licensure or certification~~<sup>1</sup> under this act, <sup>1</sup>~~and issue~~  
20 a license or certificate to each qualified successful applicant,  
21 ~~therefor~~<sup>1</sup> attesting to the applicant's professional qualification to  
22 practice as a licensed clinical alcohol and drug counselor or certified  
23 alcohol and drug counselor;

24 c. <sup>1</sup>~~Examine, evaluate and supervise all examinations and~~  
25 ~~procedures and certify as to whether or not the examinations and~~  
26 ~~procedures are as free as possible from cultural and linguistic bias~~  
27 Investigate allegations of practice violating the provisions of this act<sup>1</sup>;

28 d. <sup>1</sup>~~Adopt a seal which shall be affixed to all licenses and~~  
29 ~~certificates issued by it~~ Conduct hearings pursuant to the  
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
31 seq.), except that the director shall have the right to administer oaths  
32 to witnesses, and shall have the power to issue subpoenas for the  
33 compulsory attendance of witnesses and the production of pertinent  
34 books, papers and records<sup>1</sup>;

35 e. <sup>1</sup>~~Adopt~~ Recommend<sup>1</sup> rules and regulations pursuant to the  
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
37 as it may deem necessary to enable it to perform its duties under and  
38 to enforce the provisions of this act, including, but not limited to: rules  
39 and regulations that set professional practice standards for licensed  
40 clinical alcohol and drug counselors in the independent practice of  
41 alcohol and drug counseling for a fee and for certified alcohol and  
42 drug counselors;

43 f. <sup>1</sup>~~Annually publish~~ Maintain<sup>1</sup> a list of the names and addresses  
44 of all licensed clinical alcohol and drug counselors and all certified  
45 alcohol and drug counselors who are licensed or certified under this

1 act; and<sup>1</sup>

2 g. Establish standards for the continuing education of licensed  
3 clinical alcohol and drug counselors and certified alcohol and drug  
4 counselors <sup>1</sup>【which shall not exceed 40 hours every two years;

5 h. Recommend to the Governor and Legislature modifications and  
6 amendments to this act deemed necessary by it to effectuate its  
7 purposes; and

8 i. Prescribe or change the charges for examinations, certifications,  
9 licensures, renewals and other services performed pursuant to  
10 P.L.1974, c.46 (C.45:1-3.1 et seq.)<sup>1</sup>.

11

12 <sup>1</sup>【14.】 15.<sup>1</sup> (New section) a. <sup>1</sup>【The】 An<sup>1</sup> executive director of  
13 the <sup>1</sup>【board】 committee<sup>1</sup> shall be appointed by the director and shall  
14 serve at the director's pleasure. The salary of the executive director  
15 shall be determined by the director within the limits of available funds.  
16 The director shall be empowered within the limits of available funds to  
17 hire any assistants as are necessary to administer this act.

18 b. Each member of the <sup>1</sup>【board】 committee<sup>1</sup> shall be <sup>1</sup>compensated  
19 on a per diem basis pursuant to subsection a. of section 2 of P.L.1977,  
20 c.285 (C.45:1-2.5), and shall be<sup>1</sup> reimbursed for actual expenses  
21 reasonably incurred in the performance of the duties as a member or  
22 on behalf of the <sup>1</sup>【board】 committee<sup>1</sup>.

23 c. The <sup>1</sup>【board】 committee<sup>1</sup>, through its executive director, may  
24 issue subpoenas to compel the attendance of witnesses to testify before  
25 the <sup>1</sup>【board】 committee<sup>1</sup> and produce relevant books, records and  
26 papers before the <sup>1</sup>【board】 committee<sup>1</sup> and may administer oaths in  
27 taking testimony, in any matter pertaining to its duties under the act,  
28 which subpoenas shall issue under the seal of the board and shall be  
29 served in the same manner as subpoenas issued out of the Superior  
30 Court. A person who refuses or neglects to obey the command of any  
31 subpoena, or who, after hearing, refuses to be sworn and testify, shall,  
32 in either event, be liable to a penalty.

33 <sup>1</sup>d. The board shall by rule or regulation establish, prescribe or  
34 change the fees for licenses, certifications or other services provided  
35 by the board or the committee pursuant to the provisions of this act.<sup>1</sup>

36

37 <sup>1</sup>【15. (New section) a. A person may file a petition with the  
38 board if he has cause to believe that a licensed clinical alcohol and  
39 drug counselor or certified alcohol and drug counselor has violated  
40 any statutes, regulations or the code of ethics.

41 b. The board may direct its executive director to conduct any  
42 investigation that it deems necessary.

43 c. If the executive director of the board finds that there is not  
44 sufficient evidence to establish the alleged violation, he shall notify the  
45 board, petitioner and respondent and no further action shall be taken.

1 If the executive director of the board finds that there is sufficient  
2 evidence, he shall designate a hearing panel which shall consist of  
3 three members of the board for the purposes of conducting any hearing  
4 regarding a complaint against a licensed clinical alcohol and drug  
5 counselor or certified alcohol and drug counselor and shall report the  
6 panel's recommendations to the board.

7 (1) The board shall issue a notice of the hearing. All parties shall  
8 be afforded the opportunity to respond and present oral and written  
9 evidence on the issue involved in the complaint.

10 (2) The hearing panel shall make a written report to the board, the  
11 respondents and any other party deemed by the panel to be entitled to  
12 a copy. The report shall include the recommendations of the panel, a  
13 brief statement of findings of fact and reasons supporting the  
14 recommendations.

15 d. The board shall issue its decision on the complaint.

16 e. The licensed clinical alcohol and drug counselor's or certified  
17 alcohol and drug counselor's name shall be removed from the registry  
18 if the license or certification is revoked by the board. If the counselor  
19 is suspended by the board, notice of the suspension shall be recorded  
20 in the registry during the time the suspension is in force.】<sup>1</sup>

21

22 <sup>1</sup>【16. (New section) In addition to the provisions of section 8 of  
23 P.L.1978, c.73 (C.45:1-21), the board may refuse to grant a license or  
24 certificate to, or may suspend, revoke, condition, limit, qualify or  
25 restrict the license or certificate of, any individual who the board, after  
26 a hearing, determines:

27 a. Is incompetent to practice under the provisions of this act, or is  
28 found to engage in the practice of alcohol and drug counseling in a  
29 manner harmful or dangerous to a client or to the public;

30 b. Was convicted by a court of competent jurisdiction of a crime  
31 that the board determines is of a nature to render the convicted person  
32 unfit to practice alcohol and drug counseling and the board shall  
33 compile, maintain and publish a list of such crimes;

34 c. Obtained or attempted to obtain a license or certification, or  
35 renewal thereof, by bribery or fraudulent representation;

36 d. Knowingly made a false statement on a form required by the  
37 board for licensing or certification, or renewal thereof;

38 e. Practiced alcohol and drug counseling under a false or assumed  
39 name or impersonation of a licensed clinical alcohol and drug  
40 counselor or certified alcohol and drug counselor or permitted an  
41 unlicensed or uncertified person to practice alcohol and drug  
42 counseling in the name of a person licensed or certified pursuant to the  
43 provisions of this act or to use his license or certificate for that  
44 purpose;

45 f. Is impaired in the delivery of professional services because of  
46 alcohol or drug abuse or because of a medical or psychiatric disability,

1 or has pleaded nolo contendere, non vult contendere or non vult to an  
2 indictment, information or complaint alleging a violation of any federal  
3 or State law relating to drug or alcohol use or possession or sale or  
4 distribution of alcohol or drugs, or is convicted in any court for a  
5 violation of such laws;

6 g. Was negligent or engaged in misconduct in the performance of  
7 his professional duties as a licensed clinical or certified alcohol and  
8 drug counselor;

9 h. Engaged in sexual misconduct with a patient or family member  
10 of a patient;

11 i. Engaged in advertising in any manner, whether as an individual,  
12 through a professional service corporation or through a third party on  
13 behalf of a person licensed or certified pursuant to this act, the  
14 practice of alcohol and drug counseling; provided, however, that the  
15 following shall not be deemed to be advertising prohibited under this  
16 act:

17 (1) Public information for educational purposes on the practice or  
18 profession of alcohol and drug counseling;

19 (2) Publication of a brief announcement of the opening of an office  
20 or the removal to a new location, containing the name, professional  
21 degree, address, telephone number and office hours of the person  
22 licensed or certified pursuant to the provisions of this act;

23 (3) A listing in an alphabetical telephone directory of the name of  
24 a person licensed or certified pursuant to the provisions of this act,  
25 together with his professional degree or the abbreviation therefor;

26 (4) A listing in a classified telephone directory with standard type  
27 limited to the name, professional degree, office and home addresses  
28 and telephone numbers, and office hours of a person licensed or  
29 certified pursuant to the provisions of this act; and

30 (5) The use of small signs on the doors, windows and walls of a  
31 licensee's or certified person's office or the building in which he  
32 maintains an office setting out his name, professional degree, address  
33 and office hours in lettering no larger than four inches in height for  
34 street-level offices and no larger than six inches in height for offices  
35 above street-level;

36 j. Failed to obtain the continuing education credits required by the  
37 board; or

38 k. Violated any of the provisions of this act or any rule, regulation  
39 or code of ethics subscribed to by the board.】<sup>1</sup>

40  
41 <sup>1</sup>【17. (New section) The director shall set and adjust license and  
42 certification fees for alcohol and drug counselors so that the total fees  
43 collected will as closely as possible equal anticipated expenditures  
44 during the fiscal year. All expenditures deemed necessary to carry out  
45 the provisions of this act shall be paid by the State Treasurer from the  
46 license and certification fees and other sources of income of the board,

1 but in no event shall expenditures exceed the revenues of the board  
2 during any fiscal year.]<sup>1</sup>

3  
4 <sup>1</sup>[18.] 16.<sup>1</sup> (New section) a. On or before the 730th day  
5 following the effective date of this act, <sup>1</sup>upon application to the board  
6 on the form and in the manner the committee prescribes and the board  
7 approves.<sup>1</sup> any person certified in New Jersey by the Alcohol and Drug  
8 Counselor Certification Board of New Jersey<sup>1</sup>, Inc.<sup>1</sup> as an alcoholism  
9 counselor on the <sup>1</sup>[effective] enactment<sup>1</sup> date of this act who  
10 demonstrates to the board that he has successfully completed 30  
11 classroom hours in drug education may acquire a certificate as a  
12 certified alcohol and drug counselor without meeting the requirements  
13 set forth in section 5 of this act.

14 b. On or before the 730th day following the effective date of this  
15 act, <sup>1</sup>upon application to the board on the form and in the manner the  
16 committee prescribes and the board approves.<sup>1</sup> any person certified in  
17 New Jersey by the Alcohol and Drug Counselor Certification Board of  
18 New Jersey<sup>1</sup>, Inc.<sup>1</sup> as a drug counselor on the <sup>1</sup>[effective] enactment<sup>1</sup>  
19 date of this act who demonstrates to the board that he has successfully  
20 completed 50 classroom hours in alcohol education may acquire a  
21 certificate as a certified alcohol and drug counselor without meeting  
22 the requirements set forth in section 5 of this act.

23 <sup>1</sup>c. <sup>2</sup>[On or before the 730th day following the effective date of this  
24 act, upon application to the board on the form and in the manner the  
25 committee prescribes and the board approves, any person certified in  
26 New Jersey by the National Association of Forensic Counselors as a  
27 Master addiction counselor or by the National Board of Addiction  
28 Examiners as an addiction counselor on the enactment date of this act  
29 may acquire a certificate as a certified alcohol and drug counselor  
30 without meeting the requirements set forth in section 5 of this act.

31 d.]<sup>2</sup> On or before the 730th day following the effective date of this  
32 act, upon application to the board on the form and in the manner the  
33 committee prescribes and the board approves, any person who has  
34 practiced as an alcohol and drug counselor for at least five years and  
35 is certified in New Jersey by the Alcohol and Drug Counselor  
36 Certification Board of New Jersey, Inc. as an alcohol and drug  
37 counselor on the enactment date of this act may be licensed as a  
38 licensed clinical alcohol and drug counselor without meeting the  
39 requirements set forth in section 4 of this act.<sup>1</sup>

40  
41 <sup>1</sup>17. (New section) The provisions of P.L.1978, c.73 (C.45:1-14  
42 et seq.) shall apply to this act. The authority of the board may be  
43 delegated to the committee at the discretion of the board.<sup>1</sup>

44  
45 <sup>2</sup>18. (New section) The board shall refuse to admit a person to  
46 an examination for licensure or certification and shall refuse to issue



1 and shall revoke a license or certificate issued upon <sup>3</sup>:

2 a. <sup>3</sup> proof that the applicant or holder of the license or certificate  
3 has been convicted of a crime of the first, second, third or fourth  
4 degree in this State, or the equivalent thereof or other indictable  
5 offense in another jurisdiction <sup>3</sup>; and

6 b. a determination by the board that the criminal conviction renders  
7 the applicant or holder of a license or certificate unfit to engage in the  
8 practice of alcohol and drug counseling. If an applicant or holder  
9 affirmatively demonstrates rehabilitation by clear and convincing  
10 evidence, the board shall not refuse to admit the applicant to an  
11 examination and shall not refuse to issue nor revoke a license or  
12 certificate to a holder thereof. In determining whether a person has  
13 affirmatively demonstrated rehabilitation, the following factors shall be  
14 considered:

15 (1) the nature and responsibility of the position which the convicted  
16 person would hold or has held, as the case may be;

17 (2) the nature and seriousness of the offense;

18 (3) the circumstances under which the offense occurred;

19 (4) the date of the offense;

20 (5) the age of the person when the offense was committed ;

21 (6) whether the offense was an isolated or repeated incident;

22 (7) any social conditions which may have contributed to the  
23 offense; and

24 (8) any evidence of rehabilitation, including good conduct in prison  
25 or in the community, counseling or psychiatric treatment received,  
26 acquisition of additional academic or vocational schooling, successful  
27 participation in correctional work-release programs, or the  
28 recommendation of those who have had the person under their  
29 supervision <sup>3</sup> . <sup>2</sup>

30  
31 <sup>2</sup>[<sup>1</sup>18.] <sup>19</sup>.<sup>2</sup> Section 9 of P.L.1968, c.401 (C.45:8B-9) is amended  
32 to read as follows:

33 9. There is hereby created in the Division of Consumer Affairs of  
34 the Department of Law and Public Safety, the State Board of Marriage  
35 and Family Therapy Examiners, which shall consist of [<sup>11</sup>] <sup>12</sup>  
36 members, who are residents of this State and citizens of the United  
37 States, six of whom shall be licensed practicing marriage and family  
38 therapists, one of whom shall be a licensed professional counselor  
39 currently serving on the Professional Counselor Examiners Committee,  
40 one of whom shall be a licensed clinical alcohol and drug counselor  
41 currently serving on the Alcohol and Drug Counselor Committee, and  
42 three of whom shall be public members, including the public member  
43 appointed pursuant to the provisions of section 2 of P.L.1971, c.60  
44 (C.45:1-2.2), and one of whom shall be a State executive department

1 member appointed pursuant to the provisions of P.L.1971, c.60  
2 (C.45:1-2.1 et seq.).<sup>1</sup>  
3 (cf: P.L.1995, c.366, s.7)

4  
5 <sup>1</sup>【19. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read  
6 as follows:

7 1. The provisions of this act shall apply to the following boards and  
8 commissions: the New Jersey State Board of Accountancy, the New  
9 Jersey State Board of Architects, the New Jersey State Board of  
10 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
11 Contractors, the New Jersey State Board of Dentistry, the State Board  
12 of Mortuary Science of New Jersey, the State Board of Professional  
13 Engineers and Land Surveyors, the State Board of Marriage Counselor  
14 Examiners, the State Board of Medical Examiners, the New Jersey  
15 Board of Nursing, the New Jersey State Board of Optometrists, the  
16 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic  
17 Technicians, the Board of Pharmacy, the State Board of Professional  
18 Planners, the State Board of Psychological Examiners, the State Board  
19 of Examiners of Master Plumbers, the New Jersey Real Estate  
20 Commission, the State Board of Shorthand Reporting, the State Board  
21 of Veterinary Medical Examiners, the Radiologic Technology Board  
22 of Examiners, the Acupuncture Examining Board, the State Board of  
23 Chiropractic Examiners, the State Board of Respiratory Care, the Real  
24 Estate Appraiser Board, the State Board of Social Work Examiners,  
25 **【and】** the State Board of Public Movers and Warehousemen and the  
26 State Board of Alcohol and Drug Counselor Examiners.  
27 (cf: P.L.1993, c.365, s.18)】<sup>1</sup>

28  
29 <sup>1</sup>【20. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read  
30 as follows:

31 2. a. All members of the several professional boards and  
32 commissions shall be appointed by the Governor in the manner  
33 prescribed by law; except in appointing members other than those  
34 appointed pursuant to subsection b. or subsection c., the Governor  
35 shall give due consideration to, but shall not be bound by,  
36 recommendations submitted by the appropriate professional  
37 organizations of this State.

38 b. In addition to the membership otherwise prescribed by law, the  
39 Governor shall appoint in the same manner as presently prescribed by  
40 law for the appointment of members, two additional members to  
41 represent the interests of the public, to be known as public members,  
42 to each of the following boards and commissions: the New Jersey  
43 State Board of Accountancy, the New Jersey State Board of  
44 Architects, the New Jersey State Board of Cosmetology and  
45 Hairstyling, the New Jersey State Board of Dentistry, the State Board  
46 of Mortuary Science of New Jersey, the State Board of Professional

1 Engineers and Land Surveyors, the State Board of Medical Examiners,  
2 the New Jersey Board of Nursing, the New Jersey State Board of  
3 Optometrists, the State Board of Examiners of Ophthalmic Dispensers  
4 and Ophthalmic Technicians, the Board of Pharmacy, the State Board  
5 of Professional Planners, the State Board of Psychological Examiners,  
6 the New Jersey Real Estate Commission, the State Board of Shorthand  
7 Reporting, the State Board of Social Work Examiners, **[and]** the State  
8 Board of Veterinary Medical Examiners, and the State Board of  
9 Alcohol and Drug Counselor Examiners, and one additional public  
10 member to each of the following boards: the Board of Examiners of  
11 Electrical Contractors, the State Board of Marriage Counselor  
12 Examiners, the State Board of Examiners of Master Plumbers, and the  
13 State Real Estate Appraiser Board. Each public member shall be  
14 appointed for the term prescribed for the other members of the board  
15 or commission and until the appointment of his successor. Vacancies  
16 shall be filled for the unexpired term only. The Governor may remove  
17 any such public member after hearing, for misconduct, incompetency,  
18 neglect of duty or for any other sufficient cause.

19 No public member appointed pursuant to this section shall have any  
20 association or relationship with the profession or a member thereof  
21 regulated by the board of which he is a member, where such  
22 association or relationship would prevent such public member from  
23 representing the interest of the public. Such a relationship includes  
24 a relationship with members of one's immediate family; and such  
25 association includes membership in the profession regulated by the  
26 board. To receive services rendered in a customary client relationship  
27 will not preclude a prospective public member from appointment. This  
28 paragraph shall not apply to individuals who are public members of  
29 boards on the effective date of this act.

30 It shall be the responsibility of the Attorney General to insure that  
31 no person with the aforementioned association or relationship or any  
32 other questionable or potential conflict of interest shall be appointed  
33 to serve as a public member of any board regulated by this section.

34 Where a board is required to examine the academic and professional  
35 credentials of an applicant for licensure or to test such applicant  
36 orally, no public member appointed pursuant to this section shall  
37 participate in such examination process; provided, however, that  
38 public members shall be given notice of and may be present at all such  
39 examination processes and deliberations concerning the results thereof,  
40 and, provided further, that public members may participate in the  
41 development and establishment of the procedures and criteria for such  
42 examination processes.

43 c. The Governor shall designate a department in the Executive  
44 Branch of the State Government which is closely related to the  
45 profession or occupation regulated by each of the boards or  
46 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)

1 and shall appoint the head of such department, or the holder of a  
2 designated office or position in such department, to serve without  
3 compensation at the pleasure of the Governor as a member of such  
4 board or commission.

5 d. A majority of the voting members of such boards or  
6 commissions shall constitute a quorum thereof and no action of any  
7 such board or commission shall be taken except upon the affirmative  
8 vote of a majority of the members of the entire board or commission.  
9 (cf: P.L.1991, c.134, s.16)]<sup>1</sup>

10  
11 <sup>1</sup>[21. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read  
12 as follows:

13 1. The provisions of this act shall apply to the following boards and  
14 commissions: the New Jersey State Board of Accountancy, the New  
15 Jersey State Board of Architects, the New Jersey State Board of  
16 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
17 Contractors, the New Jersey State Board of Dentistry, the State Board  
18 of Mortuary Science of New Jersey, the State Board of Professional  
19 Engineers and Land Surveyors, the State Board of Marriage Counselor  
20 Examiners, the State Board of Medical Examiners, the New Jersey  
21 Board of Nursing, the New Jersey State Board of Optometrists, the  
22 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic  
23 Technicians, the Board of Pharmacy, the State Board of Professional  
24 Planners, the State Board of Psychological Examiners, the State Board  
25 of Examiners of Master Plumbers, the State Board of Shorthand  
26 Reporting, the State Board of Veterinary Medical Examiners, the  
27 Radiologic Technology Board of Examiners, the Acupuncture  
28 Examining Board, the State Board of Chiropractic Examiners, the  
29 State Board of Respiratory Care, the State Real Estate Appraiser  
30 Board, [and] the State Board of Social Work Examiners , and the  
31 State Board of Alcohol and Drug Counselor Examiners.

32 (cf: P.L.1991, c.134, s.17)]<sup>1</sup>

33  
34 <sup>1</sup>[22. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read  
35 as follows:

36 2. The provisions of this act shall apply to the following boards and  
37 all professions or occupations regulated by or through such boards:  
38 the New Jersey State Board of Accountancy, the New Jersey State  
39 Board of Architects, the New Jersey State Board of Cosmetology and  
40 Hairstyling, the Board of Examiners of Electrical Contractors, the  
41 New Jersey State Board of Dentistry, the State Board of Mortuary  
42 Science of New Jersey, the State Board of Professional Engineers and  
43 Land Surveyors, the State Board of Marriage Counselor Examiners,  
44 the State Board of Medical Examiners, the New Jersey Board of  
45 Nursing, the New Jersey State Board of Optometrists, the State Board  
46 of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,

1 the Board of Pharmacy, the State Board of Professional Planners, the  
2 State Board of Psychological Examiners, the State Board of Examiners  
3 of Master Plumbers, the State Board of Shorthand Reporting, the  
4 State Board of Veterinary Medical Examiners, the Acupuncture  
5 Examining Board, the State Board of Chiropractic Examiners, the  
6 State Board of Respiratory Care, the State Real Estate Appraiser  
7 Board, **[and]** , the State Board of Social Work Examiners and the  
8 State Board of Alcohol and Drug Counselor Examiners.

9 (cf: P.L.1991, c.134, s.14)<sup>1</sup>

10

11 <sup>1</sup>~~[23.]~~ <sup>2</sup>~~[19.]~~ <sup>1</sup> ~~20.~~ <sup>2</sup> There is appropriated from the General Fund  
12 to the Division of Consumer Affairs in the Department of Law and  
13 Public Safety \$95,000 for the use of the board to implement and  
14 effectuate the provisions of this act.

15

16 <sup>1</sup>~~[24.]~~ <sup>2</sup>~~[20.]~~ <sup>1</sup> ~~21.~~ <sup>2</sup> This act shall take effect <sup>1</sup>~~[immediately except~~  
17 ~~that subsections a. and b. of section 7 of this act shall take effect on~~  
18 ~~the 730th day following enactment]~~ 360 days following the  
19 appointment and qualification of committee members<sup>1</sup>.

20

21

22

23

24 Establishes the "Alcohol and Drug Counselor Licensing and  
25 Certification Act," appropriates \$95,000.

# STATEMENT TO

[First Reprint]

## **SENATE, No. 685**

with Senate Floor Amendments  
(Proposed By Senator SINGER)

ADOPTED: APRIL 21, 1997

These amendments eliminate the provision of the bill which currently permits a person certified in New Jersey on the enactment date of the bill by the National Association of Forensic Counselors as a Master addiction counselor, or by the National Board of Addiction Examiners as an addiction counselor, to receive certification as a certified alcohol and drug counselor without meeting the other requirements under the bill. The amendments also specify that the minimum educational requirement for certification shall be a high school diploma or its equivalent and that a person who has been convicted of a crime of the first, second, third or fourth degree in New Jersey, or the equivalent thereof or other indictable offense in another jurisdiction, may not be licensed or certified as an alcohol and drug counselor.

STATEMENT TO

[Second Reprint]  
**SENATE, No. 685**

with Senate Floor Amendments  
(Proposed By Senator SINGER)

ADOPTED: JUNE 5, 1997

This amendment requires that, before the State Board of Marriage and Family Therapy Counselors can refuse to admit an applicant for licensure or certification as an alcohol and drug counselor to an examination, or refuse to issue or renew a license or certificate to a holder thereof due to a criminal conviction, it must also find that the applicant or holder is unfit to engage in the practice of alcohol and drug counseling. The amendment also permits an applicant or holder of a license or certificate to demonstrate affirmatively, by clear and convincing evidence, rehabilitation after conviction for a crime that would otherwise disqualify him. If the board determines that the individual is rehabilitated, it must admit the applicant to examination or issue or renew the license or certification.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### **SENATE, No. 685**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 10, 1997

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 685.

This bill, as amended by the committee, provides for the licensing of clinical alcohol and drug counselors and the certification of alcohol and drug counselors by the State Board of Marriage and Family Therapy Examiners. An alcohol and drug counselor provides information, guidance and assistance to alcoholics or other drug dependent persons, and to those persons affected by problems related to the abuse of alcohol, other drugs, or both. Only licensed clinical alcohol and drug counselors may engage in the independent practice of alcohol and drug counseling for a fee and certified alcohol and drug counselors may practice under the supervision of licensed clinical alcohol and drug counselors.

An Alcohol and Drug Counselor Committee is established to assist the Board in the licensing of clinical alcohol and drug counselors and the certification of alcohol and drug counselors and shall consist of five members: one public member and two licensed clinical alcohol and drug counselors and two certified alcohol and drug counselors, who have been engaged in alcohol and drug counseling for at least five consecutive years immediately preceding their appointment and who have devoted the major portion of time in such activity in New Jersey for the two consecutive years preceding their appointment. The bill also provides that a licensed clinical alcohol and drug counselor currently serving on the Alcohol and Drug Counselor Committee shall serve on the Board.

An applicant for licensure as a clinical alcohol and drug counselor must have: (1) received a master's degree with a minimum of 18 graduate semester hours in counseling or counseling related subjects; and (2) successfully completed all the requirements to be a certified alcohol and drug counselor. The bill further provides that the Board shall issue a license as a licensed clinical alcohol and drug counselor to any health care provider licensed by this State who, within the scope of that provider's practice, diagnoses and treats drug or alcohol disorders, or both, and demonstrates to the board that the person has equivalent education, training and comparable years of experience as



required in the bill for all other persons deemed qualified to be so licensed, except that such health care provider is exempt from meeting any requirement to successfully complete a written or oral examination. In order to be certified by the board as an alcohol and drug counselor, an applicant must have: (1) completed 300 hours of supervised practical training; (2) completed two years of supervised work experience; (3) completed 270 hours of education; (4) attended self-help group meetings; (5) successfully completed an oral examination on the applicant's written case presentation; and (6) successfully passed a written examination.

Only persons licensed or certified under the bill may engage in the practice of alcohol and drug counseling or use any title, designation or abbreviation indicating such a practice.

The provisions of the bill would not apply to: a health care or other professional licensed in this State when acting within the scope of the person's profession or occupation; a member of the clergy practicing under the auspices of a church; a person engaged in alcohol and drug addiction services through uncompensated counseling assistance such as alcoholics and narcotics anonymous groups; a designated employee or agent of a private or public sector employer or recognized academic institution involved in the evaluation or referral for counseling of employees; or a student, intern or trainee engaged in alcohol and drug addiction counseling activities or services as part of a course of study in counseling at a college or university or training institution.

Persons licensed or certified by a governmental agency in another state may be licensed or certified by the board if in the opinion of the committee the requirements for licensure or certification of that state are substantially similar to the requirements of this bill. Persons certified in New Jersey by the Alcohol and Drug Certification Board of New Jersey as alcoholism counselors or drug counselors as of the bill's enactment date, who have also successfully completed a specified number of classroom hours in drug or alcohol education (50 classroom hours in alcohol education for drug counselors and 30 classroom hours in drug education for alcoholism counselors), may apply for certification as an alcohol and drug counselor during the two-year time period following the bill's effective date without meeting the various other requirements for certification established in the bill. The committee amended the bill to provide that persons certified in New Jersey by the National Association of Forensic Counselors as Master addiction counselors or by the National Board of Addiction Examiners as addiction counselors on the bill's enactment date may apply for certification as an alcohol and drug counselor during the two-year time period following the bill's effective date without meeting the various other requirements for certification established in the bill; and to provide that any person who has practiced as an alcohol and drug counselor for at least five years and is certified by the Alcohol and Drug Counselor Certification Board of New Jersey as an alcohol and drug counselor on the enactment date of this bill may be licensed as a

licensed clinical alcohol and drug counselor during the two-year time period following the bill's effective date without meeting the various other requirements for licensure.

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

The bill also requires that license and certification fees established shall be sufficient to cover administrative costs, and appropriates \$95,000 from the General Fund to the Division of Consumer Affairs in the Department of Law and Public Safety to implement the provisions of the bill.

The provisions of the bill take effect 360 days following appointment and qualification of committee members.

# LEGISLATIVE FISCAL ESTIMATE TO

[Third Reprint]  
**SENATE, No. 685**

## **STATE OF NEW JERSEY**

DATED: JULY 16, 1997

Senate Bill No. 685 (3R) of 1996 provides for the licensing of clinical alcohol and drug counselors and the certification of alcohol and drug counselors by the State Board of Marriage and Family Therapy Examiners. The bill establishes a five-member Alcohol and Drug Counselor Committee to assist the board in performing these activities.

The bill establishes specific educational, training and experience standards which must be met as a condition of licensure or certification. The committee is charged with reviewing the qualifications of applicants and recommending that the board approve or deny the application. The bill exempts from its requirements certain classes of persons who may provide alcohol or drug counseling within the scope of their profession or occupation, including health care workers and clergy.

The bill authorizes the Director of the Division of Consumer Affairs in the Department of Law and Public Safety to appoint an executive director of the committee at a salary within the limits of available funds. The executive director would be permitted to hire necessary staff within the limits of available funds. Members of the committee would receive a per diem payment for their services.

Based on information provided by the New Jersey Association of Certified Alcohol and Drug Counselors, the Division of Consumer Affairs estimates that approximately 2,000 alcohol and drug counselors would be either licensed or certified under the bill. Based on this figure, the division informally estimates the cost to implement the provisions of this bill at \$345,000 in the first year after enactment. This estimate includes \$135,000 in salary and fringe benefit costs for three clerical personnel and a half-time executive secretary, \$159,000 for legal, enforcement and other services; \$46,000 for maintenance and equipment; and \$5,000 for materials and supplies. After adjustment for inflation and an increased enforcement workload, the division estimates the cost of implementing this bill at \$370,000 and \$388,000 in the second and third years, respectively.

The Office of Legislative Services (OLS) does not concur with this estimate. OLS finds that the division's estimate overstates certain salary costs while omitting the salary of an executive director of the committee and per diem payments to committee members as required under this bill. Moreover, the bill will not become

operational until 360 days following the appointment and qualification of committee members.

Consequently, OLS estimates the cost of implementing this bill in the first year after enactment to be \$8,000. This amount includes \$6,000 in per diem payments and \$2,000 in expenses for the five committee members.

In calculating the costs of this bill in the second and third year after enactment, OLS has removed the salary of one principal clerk from the staff complement; replaced the salary of a half-time executive secretary with that of a half-time executive director; and included the per diem and expense costs for committee members. After these adjustments, the annual cost of implementing the provisions of this bill would be \$328,700, \$350,500 in the first second and third years, respectively.

The bill permits the board to establish fees to cover the cost of carrying out its responsibilities under the bill. The bill also appropriates \$95,000 for this purpose. The expenditure of \$8,000 would result in a surplus of \$87,000 in the first year after enactment. In the next two years, fees of approximately \$170 per capita in licensing, certification and renewal fees would be required to defray the costs of this bill.

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.