

LEGISLATIVE HISTORY CHECKLIST
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(Professional Counselor
Licensing Act)

NJSA: 45:8B-34

LAWS OF: 1993 **CHAPTER:** 340

BILL NO: A1381

SPONSOR(S) Catania

DATE INTRODUCED: May 4, 1992

COMMITTEE: **ASSEMBLY:** Commerce and Regulated Professions
SENATE: Commerce

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

DATE OF PASSAGE: **ASSEMBLY:** June 17, 1993
SENATE: December 16, 1993

DATE OF APPROVAL: December 27, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[SECOND REPRINT]
ASSEMBLY, No. 1381

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1992

By Assemblyman CATANIA, Assemblywomen Ogden
and Crecco

1 AN ACT to license professional counselors and associate
2 counselors ²[,] and² amending ²[P.L.1974, c.46 and P.L.1978,
3 c.73]² and supplementing ²Chapter 8B of² Title 45 of the
4 Revised Statutes.

5

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

8 1. (New section) This act shall be known and may be cited as
9 the "Professional Counselor Licensing Act."

10 ²[2. (New section) The profession of counseling in the State of
11 New Jersey is determined to affect the public safety and welfare,
12 and to be subject to regulation and control in the public interest
13 in order to protect the public by setting standards of
14 qualification, education, training, and experience for those
15 persons seeking to practice and be licensed as professional
16 counselors, and by promoting high standards of professional
17 performance for those presently practicing as professional
18 counselors, and for those who will be licensed to practice
19 professional counseling in this State.]²

20 ²[3. (New section) As used in this act:

21 "Board" means the State Board of Professional Counselor
22 Examiners, established under section 4 of this act.

23 "Counseling procedures" means engaging in methods and
24 techniques that include but are not limited to:

25 (1) "Counseling," which means assisting an individual or a
26 group through the counseling relationship, to develop
27 understanding of intrapersonal and interpersonal problems, to
28 define goals, to make decisions, to plan a course of action
29 reflecting his needs, interests, and abilities, and to use
30 informational and community resources, as these procedures are
31 related to personal, social, educational and vocational
32 development and adjustment;

33 (2) "Appraisal," which means selecting, administering, scoring
34 and interpreting instruments designed to assess an individual's
35 aptitudes, attitudes, abilities, achievement, interests and
36 personal characteristics, and the use of nonstandardized methods
37 and techniques for understanding human behavior in relation to
38 coping with adapting to, or changing life situations;

39 (3) "Consulting," which means applying scientific principles
40 and procedures in counseling, guidance and human development to
41 provide assistance in understanding and solving some current or
42 potential problem that the client may have in relation to a third

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted October 1, 1992.

² Senate SCM committee amendments adopted December 13, 1993.

1 party, be it an individual, a group or an organization;

2 (4) "Referral," which means evaluating information to identify
3 needs or problems of the client and determining the advisability
4 of referral to other specialists, informing the client of this
5 judgment, and communicating as requested or deemed
6 appropriate to these referral sources; and

7 (5) "Research activities," which means the designing,
8 conducting and interpreting of research with human subjects.

9 "Counseling specialty" means a field of specialization in which
10 counseling takes place and which has been designated as a
11 counseling specialty by the board.

12 "Division" means the Division of Consumer Affairs in the
13 Department of Law and Public Safety.

14 "Licensed associate counselor" means any person who has been
15 granted an associate license under this act to offer counseling
16 services by performing any of the activities identified as
17 counseling procedures in this section, while under the supervision
18 of a licensed professional counselor.

19 "Licensed counselor supervisor" means a licensed professional
20 counselor who supervises one or more persons in obtaining
21 counseling experience for licensure under subsection d. of section
22 10 of this act.

23 "Licensed professional counselor" means an individual who
24 represents himself to the public as providing services for a fee or
25 other personal gain, by use of any title or description of services
26 incorporating the words "licensed professional counselor" or
27 "licensed counseling" or any similar term, denoting a
28 client-counselor relationship in which the counselor assumes
29 responsibility for knowledge, skill, and ethical considerations
30 needed to assist individuals, groups, organizations, corporations,
31 institutions, government agencies or the general public, and
32 implying that he is licensed and trained, experienced or expert in
33 counseling, and who holds a license to practice counseling issued
34 under this act, which license is in force and not suspended or
35 revoked as of the particular time in question.

36 "Merits the public trust" means having general acceptance by
37 professional peers, and community acceptance as a professional,
38 and having demonstrated the degree of objectivity, sensitivity
39 and professional deportment necessary for professional
40 responsibility and practice, as determined by the board pursuant
41 to standards contained in its rules and regulations.

42 "Practice of counseling" means rendering, offering to render,
43 or supervising those who render to individuals, groups,
44 organizations, corporations, institutions, government agencies or
45 the general public any service for a fee or other personal gain
46 involving the application of counseling procedures and other
47 related areas of behavioral sciences to assist persons in: learning
48 methods for problem solution, defining goals, making decisions,
49 planning actions related to careers or personal growth, and
50 reflecting interests, aptitudes, needs, and other interpersonal and
51 intrapersonal concerns. Such practice is designed to help
52 individuals achieve through counseling optimal fulfillment of
53 their potential.]²

54 ²[4. (New section) There is created in the Division of

1 Consumer Affairs in the Department of Law and Public Safety
2 the State Board of Professional Counselor Examiners. The board
3 shall consist of seven residents of this State who shall be
4 appointed by the Governor. Four board members shall be licensed
5 professional counselors under this act. Three of the licensed
6 professional counselor members shall be engaged primarily in
7 rendering counseling services and one of the licensed professional
8 counselor members shall be engaged primarily in teaching,
9 training or research in counseling. Three board members shall
10 represent the public and shall be known as public members.

11 A public member appointed pursuant to this section shall have
12 no association or relationship with the counseling profession or
13 any person regulated by the board where that association or
14 relationship would prevent that public member from representing
15 the interest of the public. This includes a relationship with
16 members of one's immediate family; and an association includes
17 membership in the counseling profession regulated by the board.
18 Receiving services rendered in a customary client relationship
19 will not preclude a prospective public member from appointment.

20 The board shall annually elect from its members a chairperson
21 and a vice-chairperson.]²

22 ²[5. (New section) The members of the board shall be
23 appointed for terms of five years, except that the terms of the
24 first seven members of the board shall be as follows: two
25 members for a term of one year, two members for a term of two
26 years, one member for a term of three years, one member for a
27 term of four years, and one member for a term of five years.
28 After five years from the operative date of this act, no member
29 shall be eligible to serve for more than one full term. Vacancies
30 shall be filled for the unexpired term in the manner provided by
31 the original appointment. The Governor may remove any member
32 of the board for cause, upon notice and opportunity to be heard.

33 The first appointees, other than the public members, shall be
34 deemed to be and shall become licensed professional counselors
35 immediately upon their appointment and qualification as
36 members of the board.]²

37 ²[6. (New section) The members of the board, before entering
38 the discharge of their activities, and within 30 days of their
39 appointment, shall take and subscribe to an oath before an officer
40 authorized to administer oaths in this State for the faithful
41 performance of their duties and shall file the oath with the
42 Secretary of State.

43 Regular meetings of the board shall be held at least once
44 during each quarter of the year and special meetings may be held
45 upon the call of the chairperson or the vice-chairperson in the
46 chairperson's absence and four members of the board shall
47 constitute a quorum.]²

48 ²[7. (New section) The board shall have the following duties:

- 49 a. Adopt a seal to authenticate its records and proceedings;
- 50 b. Take disciplinary action, in accordance with P.L.1978, c.73
51 (C.45:1-14 et seq.), against any licensed professional counselor or
52 licensed associate counselor who violates the provisions of this
53 act or any regulation promulgated thereunder.

1 c. Adopt rules and regulations pursuant to the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it may
3 deem necessary to administer the provisions of this act.

4 d. Prescribe rules pertaining to types and methods of
5 examinations of applicants for licensure;

6 e. Examine and pass on the qualifications of applicants for
7 licensure under this act, and issue a license to each qualified and
8 successful applicant, attesting to his professional qualification to
9 practice as a licensed professional counselor or licensed associate
10 counselor, as the case may be;

11 f. Prescribe rules defining what constitutes a school, college,
12 university or other institution that is reputable and in good
13 standing for the purposes of sections 10 and 11 of this act, with
14 consideration being given to standards of accrediting agencies
15 and professional associations;

16 g. Establish criteria to determine the qualification for
17 supervised experience pursuant to subsection d. of section 10 of
18 this act;

19 h. Conduct a review and examination of, ascertain the
20 qualifications and fitness of, and pass upon the proficiency of
21 applicants petitioning for licensure under section 16 of this act.

22 i. Maintain a roster of licensed counselor supervisors;

23 j. Keep records of its proceeding and a register of all persons
24 to whom licenses have been granted, and a record of all license
25 renewals, suspensions and revocations;

26 k. Maintain records of expenses incurred by members of the
27 board in the performance of their duties;

28 l. Establish standards for the continuing education of
29 professional counselors; and

30 m. Adopt a Code of Ethics which shall be based upon the Code
31 of Ethics of appropriate professional counseling associations as
32 determined by the board. The board may revise and add
33 guidelines it deems appropriate to govern professional practice or
34 behavior as referred to in this act.]²

35 ²[8. (New section) The members of the board shall serve
36 without compensation. Members shall be reimbursed by the State
37 Treasurer for their actual expenses arising out of their service on
38 the board. All reimbursements shall be paid from the revenues of
39 the board.]²

40 ²[9. (New section) The director shall be empowered within the
41 limits of available funds to hire any assistants as are necessary to
42 administer this act.]²

43 ²[10. (New section) The board shall issue a license as a
44 "licensed professional counselor" to each applicant who furnishes
45 satisfactory evidence to the board that the applicant:

46 a. Is at least 21 years of age;

47 b. Merits the public trust;

48 c. Has received a master's degree or doctorate from a
49 regionally accredited institution of higher education, in subject
50 matter which is primarily counseling in content and which meets
51 the academic and training content standards established by the
52 board, or the substantial equivalent in both subject matter and
53 extent of training. The board shall use the standards of
54 appropriate professional counseling associations as determined by

1 the board as a guide in establishing the training standards for
2 counselor licensure;

3 d. Has had at least three years of supervised full-time
4 counseling experience in a professional counseling setting
5 acceptable to the board, one year of which may be obtained prior
6 to the granting of the master's degree. The board shall establish
7 criteria for determining the qualifications and status which may
8 constitute supervised counseling experience, including that
9 supervision require regular conferences with a licensed counselor
10 supervisor having appropriate experience in the area supervised.
11 An applicant may eliminate one year of the required supervised
12 counseling experience by substituting 30 graduate semester hours
13 beyond the master's degree if those graduate semester hours are
14 clearly related to the field of professional counseling and are
15 acceptable to the board. In no case, however, may the applicant
16 have less than one year of professional counseling experience
17 under the supervision of a licensed counselor supervisor after the
18 granting of the master's degree. In the case of an applicant who
19 has an earned doctorate in counseling or a doctorate that is
20 deemed by the board to be substantially the equivalent in training
21 and content, the applicant may satisfy the professional full-time
22 counseling experience under the supervision of a licensed
23 counselor supervisor which shall occur after the granting of the
24 doctorate degree, and in a setting acceptable by the board;

25 e. Has declared his areas of professional competence through a
26 statement of professional intent describing the intended use of
27 the license, the client populations with whom the applicant will
28 work, and the counseling procedures intended to be utilized,
29 including the applicant's theoretical orientation and preferred
30 intervention strategies; and

31 f. Has validated the competencies declared in the statement
32 of professional intent as well as demonstrated his knowledge in
33 the field of counseling in general by passing an examination,
34 including written, oral, or situational aspects, or any combination
35 thereof as shall be approved and required by the board and which
36 shall be administered at least once each year.]²

37 ²[11. (New section) The board shall issue, for a period not to
38 exceed three years, a license as a "licensed associate counselor"
39 to an applicant who furnishes satisfactory evidence to the board
40 that the applicant:

41 a. Is at least 21 years of age;

42 b. Merits the public trust;

43 c. Has received a master's degree or doctorate from a
44 regionally accredited institution of higher learning based on a
45 program of studies which: has a content of primarily professional
46 counseling; conforms to the standards for the preparation of
47 counselors; and meets the academic and training content
48 standards established by the board. The licensed associate
49 counselor may not practice without direct supervision by a
50 licensed professional counselor. The plan for supervision of the
51 licensed associate counselor is to be approved by the board prior
52 to any actual performance of counseling by the licensed associate
53 counselor; and

54 d. Has demonstrated professional competence in counseling by

1 Examiners, the State Board of Respiratory Care, the State Real
2 Estate Appraiser Board, [and] the State Board of Social Work
3 Examiners and the State Board of Professional Counselor
4 Examiners.

5 (cf: P.L.1991, c.134, s.14)

6 22. This act shall take effect immediately but shall not be
7 operative until the 180th day after enactment.

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STATEMENT

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12 This bill creates the State Board of Professional Counselor
13 Examiners in the Division of Consumer Affairs in the Department
14 of Law and Public Safety. The board shall consist of seven
15 residents of this State who shall be appointed by the Governor.
16 Four board members shall be licensed professional counselors and
17 the other three members shall be public members.

18 The bill provides for the regulation and licensing of the
19 counseling profession, establishing requirements and standards for
20 licensing and administrative procedures. The bill includes in the
21 definition of "practice of counseling" the application of
22 counseling procedures and other related areas of behavioral
23 sciences to assist persons in: learning methods for problem
24 solution, defining goals, making decisions, planning actions
25 related to careers or personal growth, and reflecting interests,
26 aptitudes, needs and other interpersonal and intrapersonal
27 concerns.

28 This bill also specifies associate and specialty licensing
29 criteria. In addition, it establishes fees for those licensed under
30 this bill and incorporates the terms of the law on fees of
31 professional boards, P.L.1974, c.46 (C.45:1-3.1 et seq.), and the
32 uniform enforcement and procedure act, P.L. 1978, c.73
33 (C.45:1-14 et seq.), for enforcement of standards and punishment
34 of violations. Furthermore, certain counseling professions and
35 other counseling activities are exempted from the board's
36 regulation.

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41 "Professional Counselor Licensing Act."

ASSEMBLY COMMERCE AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1381

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 1381, with committee amendments.

As amended, this bill creates the State Board of Professional Counselor Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety. The board shall consist of seven residents of this State who shall be appointed by the Governor. Four board members shall be licensed professional counselors and the other three members shall be public members.

The bill provides for the regulation and licensing of the counseling profession, establishing requirements and standards for licensing and administrative procedures. The bill includes in the definition of "practice of counseling" the application of counseling procedures and other related areas of behavioral sciences to assist persons in: learning methods for problem solution, defining goals, making decisions, planning actions related to careers or personal growth, and reflecting interests, aptitudes, needs and other interpersonal and intrapersonal concerns.

This bill also specifies associate and specialty licensing criteria. In addition, it establishes fees for those licensed under this bill and incorporates the terms of the law on fees of professional boards, P.L.1974, c.46 (C.45:1-3.1 et seq.), and the uniform enforcement and procedure act, P.L.1978, c.73 (C.45:1-14 et seq.), for enforcement of standards and punishment of violations. Furthermore, certain counseling professions and other counseling activities are exempted from the board's regulation.

The bill was amended in committee to create the specialty designation of clinical mental health counselor. The amendments allow a licensed professional counselor with this specialty designation to provide counseling services that include, but are not limited to, the diagnosis and treatment of mental and emotional disorders, psychoeducational techniques aimed at the prevention of such disorders, consultations, and clinical research into more effective treatment modalities.

The amendments require licensed professional counselors who seek the designation of clinical mental health counselor to satisfy certain minimal educational and experiential requirements, and require that they provide evidence to the board of certification by the Academy of Certified Clinical Mental Health Counselors, along with evidence that certification by the Academy has been renewed and that any continuing education requirements imposed by the Academy have been satisfied.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1381

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1993

The Senate Commerce Committee reports favorably with committee amendments Assembly Bill No. 1381 (1R).

This bill, as amended by the committee, to be known as the "Professional Counselor Licensing Act," provides for the regulation and licensing of professional counselors, professional counselors with a counseling specialty, including a professional specialty designation of clinical mental health counselor, and associate counselors by the State Board of Marriage Counselor Examiners through the Professional Counselor Examiners Committee. The committee would consist of four licensed professional counselors who are engaged primarily in rendering counseling services and a licensed professional counselor who is engaged primarily in teaching, training or research in counseling. One of the licensed professional counselors on the committee would serve on the State Board of Marriage Counselor Examiners.

Under the bill, "counseling" means assisting, for a fee or other compensation, an individual or group through a counseling relationship to develop an understanding of interpersonal and intrapersonal problems and to plan and act on a course of action to restore optimal functioning to that individual or group.

To be a licensed professional counselor, an applicant is required to: be at least 18 years of age; have completed a minimum of 60 graduate semester hours in a master's degree or doctorate program in counseling, of which 45 graduate semester hours are to be in certain counseling subjects listed in the bill; have at least three years of supervised full-time counseling experience; and have passed the National Certified Counselor Examination. To be a licensed associate counselor, an applicant must meet the same qualifications as a licensed professional counselor except for the three years of supervised full-time counseling experience and have passed an examination approved by the committee and not the National Certified Counselor Examination. A licensed associate counselor may only practice under the direct supervision of a licensed professional counselor. The bill does not grandfather those counselors currently practicing but requires each applicant for licensure to qualify under the bill.

A professional specialty designation may be added by the board to the licensed professional counselor's credentials upon demonstration to the committee that the applicant has met the recognized minimum standards as established by the National Board of Certified Counselors. Upon receipt of credentials from the National Board of Certified Counselors, the board may grant that specialty designation to the applicant. For a professional specialty

designation of clinical mental health counselor, a licensed professional counselor must: be certified by the Academy of Certified Clinical Mental Health Counselors (including passing the examination prepared by the Academy and satisfying the continuing education requirements of the committee); have 60 credit hours in a mental health field at an accredited institution of higher education; and two years of post-master's degree field experience, which includes 3,000 hours of supervised clinical experience and 100 hours of face-to-face supervision. A licensed professional counselor with this specialty designation is allowed to provide counseling services that include, but are not limited to, the preliminary diagnosis of mental and emotional disorders, psychoeducational techniques aimed at the prevention of such disorders, consultations, and clinical research into more effective treatment modalities.

Additionally, the bill provides for endorsement of licensed applicants in counseling from other states, continuing education, communication confidentiality, and exemptions from the bill's provisions for other licensed professions, counselors employed by any federal, State or other governmental agency or public or private educational institutions, students or trainees in counseling, the clergy, counselors in public or private nonprofit organizations or charities and alcohol, drug or rape counselors.

Lastly, the provisions of the bill would expire if any licensed professional counselor or licensed associate counselor or any group thereof, either directly or indirectly, attempts to secure, through any means, mandatory reimbursement by insurers of these counseling services by regulation, law or other means in this State. This provision in the bill is necessary because mandatory reimbursement by insurers of these counseling services is contrary to the public interest and increases the costs of health care.

This bill, Assembly Bill No. 1381 (1R) SCA, is identical to Senate Bill No. 1269 SCA.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 1381

STATE OF NEW JERSEY

DATED: July 8, 1993

Assembly Bill No. 1381 (1R) of 1992 provides for the regulation and licensing of the counseling profession by establishing a State Board of Professional Counselor Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety. The bill authorizes the seven-member board to review the qualifications of applicants for registration, issue and renew registrations, and suspend or revoke registrations under certain conditions. Members of the board would serve without compensation but would be reimbursed for expenses.

The bill authorizes the board to assess and collect application and renewal fees. The amounts of these fees are not specified. However, the bill also requires that fee receipts fully defray the administrative expenses of the board.

Information provided informally by the Division of Consumer Affairs places the cost of implementing this bill at \$3,653,000 in the first year following enactment. This figure is based on the division's estimate that approximately 60,000 professional counselors would be licensed by the board and the costs incurred by other professional boards of comparable size.

Included in this estimate are salary and fringe benefit costs of \$1,112,000 for one executive director, five administrative analysts and 23 clerical personnel; \$95,000 for printing and office supplies; \$20,000 for travel and board member reimbursements; \$26,000 for telephone expenses; \$210,000 for postage; \$80,000 for data processing; \$20,000 for professional services; \$465,000 for administrative overhead; \$385,000 for Division of Law services; \$575,000 for Bureau of Enforcement services; and \$80,000 for training and other services; \$5,000 for equipment maintenance; \$280,000 for rental space; and \$300,000 for equipment and furniture. The division estimates the bill's second and third year costs at \$3,269,000 and \$3,399,000, respectively, allowing for the deduction of certain start-up costs and a 4 percent annual inflation rate.

Therefore, assuming these costs and 60,000 licensees, each licensee would be required to pay approximately \$115 in fees biennially.

The Office of Legislative Services concurs.

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