

CHAPTER 350

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

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

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

C.45:8B-2 Definitions.

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

- (a) "Licensed marriage and family therapist" means an individual who holds a current, valid license as a licensed marriage and family therapist pursuant to the provisions of this act.

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

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

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

- (e) "Licensed associate marriage and family therapist" means an individual who holds a current, valid license as a licensed associate marriage and family therapist pursuant to the provisions of P.L.1968, c.401 (C.45:8B-1 et seq.) and P.L.2017, c.350 (C.45:8B-18.1 et al.).

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

C.45:8B-5 Licensure required for advertising, use of titles.

5. Except as provided in sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), a person who is not licensed under this act, shall not advertise the performance of marriage and family therapy services or represent himself to be a licensed practicing marriage and family therapist, use a title or description, including the following titles: marriage and family therapist, counselor, advisor or consultant; an associate marriage and family therapist, counselor, advisor or consultant; a family counselor, therapist, advisor or consultant; a family guidance counselor, therapist, advisor or consultant; a marriage guidance counselor, therapist, advisor or consultant; a family relations counselor, therapist, advisor or consultant; a marriage relations counselor, therapist, advisor or consultant; a marriage counselor, therapist, advisor or consultant; or any other name, style or description denoting that the

person so engages in marriage and family therapy. Except as otherwise specifically provided in sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), only a person licensed under this act shall advertise the performance of marriage and family therapy or counseling services; use a title or description such as marriage and family therapist, counselor, advisor or consultant; an associate marriage and family therapist, counselor, advisor or consultant; a family guidance counselor, therapist, advisor, or consultant; a family relations counselor, therapist, advisor, or consultant; a marriage counselor, therapist, advisor or consultant; or any other name, style or description denoting that the person is a licensed marriage and family therapist; or licensed to practice marriage and family therapy. The use by a person who is not licensed under this act of such terms, whether in titles or descriptions or otherwise, is not prohibited by this act except when in connection with the offer to practice or the practice of marriage and family therapy as defined in subsection (b) of section 2 of P.L.1968, c.401 (C.45:8B-2). Use of such terms in connection with professional activities other than the rendering of professional marriage and family therapy services to individuals for a fee, monetary or otherwise, shall not be construed as implying that a person is licensed under this act or as an offer to practice or as the practice of marriage and family therapy.

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

C.45:8B-6 Unlicensed persons, certain activities permitted.

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

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

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

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

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

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

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

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

(e) (Deleted by amendment, P.L.2017, c.350)

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

C.45:8B-7 Persons not entitled to assert exceptions.

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

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

C.45:8B-14 Application for license.

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

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

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

C.45:8B-18 Qualifications for admission to examination.

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

- (a) Educational Requirement:

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

Pursuant to regulations adopted by the board, an applicant with a graduate degree in a related field which does not provide training and course work substantially equivalent in content to a master's degree in marriage and family therapy, shall be deemed to meet the educational requirements set forth in this section upon satisfactory completion of either a post graduate degree recognized by the board, or a program of training and course work at an

institute or training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) Experience Requirements:

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

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

C.45:8B-24.1 Continuing education requirements.

1. a. The State Board of Marriage and Family Therapy Examiners shall require each marriage and family therapist, as a condition of biennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7) and each associate marriage and family therapist, as a condition of biennial license renewal pursuant to section 9 of P.L.2017, c.350 (C.45:5B-18.1), to complete any continuing education requirements imposed by the board pursuant to this section.

b. The board shall:

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

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

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

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

c. The continuing education required pursuant to this section shall include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.

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

C.45:8B-29 Communication privileged, waiver.

29. A communication between a marriage and family therapist, or an associate marriage and family therapist, and the person or persons in therapy shall be confidential and its secrecy preserved. This privilege shall not be subject to waiver, except where the marriage

and family therapist is a party defendant to a civil, criminal or disciplinary action arising from the therapy, in which case, the waiver shall be limited to that action.

C.45:8B-18.1 License; fee.

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

C.45:8B-18.2 Direct supervision for associate marriage and family therapist.

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

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

Approved January 16, 2018.