

CHAPTER 94

AN ACT concerning professional and occupational licenses for certain out-of-State individuals, and supplementing P.L.1999, c.403 (C.45:1-7.1 et seq.).

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

C.45:1-7.10 Expedited licensure in mental health professions, certain, during state of emergency, public health emergency.

1. a. Notwithstanding the provisions of any other law, rule or regulation to the contrary, during a state of emergency declared by the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or a public health emergency declared by the Governor pursuant to P.L.2005, c.222 (C.26:13-1 et seq.), and with the approval of the Attorney General, a professional licensing board regulating a mental health profession within the Division of Consumer Affairs in the Department of Law and Public Safety or, with regard to mental health professions regulated by the division, the director of the division, as applicable, may grant a temporary license, certificate of registration or certification on an expedited basis to a recent graduate in New Jersey or another state who earned a master's degree or higher from a program in New Jersey or another state that is intended to lead to a career in a mental health profession and is not yet licensed, registered or certified to practice the mental health profession in any jurisdiction. Notwithstanding the provisions of any other law, rule or regulation to the contrary, and to effectuate the purposes of this act, the director may take additional action necessary to protect the public health, safety and welfare, including but not limited to the following:

(1) Grant a temporary license, certificate of registration or certification pending the results of a criminal history record background check;

(2) Temporarily waive any licensing, registration or certification fees;

(3) Temporarily waive any examination required for licensing, registration, or certification;

or

(4) Temporarily waive any other requirements contained in Title 45 or other applicable law.

b. An individual issued a temporary license, certificate of registration or certification pursuant to this act shall be:

(1) issued a temporary license, certificate of registration or certification, as applicable, to provide services with an expiration date marked clearly and conspicuously; and

(2) supervised by an individual holding a New Jersey-issued license, certificate of registration or certification, in good standing, in the same profession in which the out-of-State individual is to provide services.

c. Upon the Governor's lifting of the state of emergency or public health emergency during which a temporary license, certificate of registration or certification was issued to an individual pursuant to this act to practice a mental health profession, or when the temporary license, certificate of registration or certification expires, whichever is sooner, and if the individual intends to remain in New Jersey and practice the mental health profession for which the individual was issued a temporary license, certificate of registration or certification, the individual may apply for a full license, certificate of registration or certification to the requisite licensing board or director, as applicable.

d. At the discretion of the board or the director, as applicable, an individual issued a temporary license, certificate of registration or certification pursuant to this act shall be allowed to apply the experience gained in providing services during the state of emergency or public health emergency to a requirement for experience when applying for full professional licensure, registration or certification to the requisite professional board or, for certain mental health professions regulated by the Division of Consumer Affairs, the director.

e. The Division of Consumer Affairs shall be authorized to impose program requirements that are not inconsistent with the provisions of this section.

f. The exercise of the authority provided in this section to grant a temporary license, certificate of registration, or certification on an expedited basis or to take any other action necessary to protect the public health, safety, and welfare shall not be required to comply with the requirements of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

g. As used in this act:

“Mental health profession” means a profession licensed by the Alcohol and Drug Counselor Committee; the State Board of Creative Arts and Activities Therapies; the State Board of Marriage and Family Therapy Examiners; the State Board of Medical Examiners; the Professional Counselor Examiners Committee; the Certified Psychoanalysts Advisory Committee; the State Board of Psychological Examiners; the State Board of Social Work Examiners; the New Jersey Board of Nursing and any other entity created hereafter under Title 45 to license or otherwise regulate a mental health profession.

2. This act shall take effect immediately.

Approved May 12, 2021.