

SENATE, No. 1079

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Makes it a crime of the third degree to practice psychology without a license and prohibits certain unlicensed employees of certain entities from using title of psychologist.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the unlicensed practice of psychology,
2 supplementing Title 11A and chapter 21 of Title 2C of the New
3 Jersey Statutes, and amending P.L.1966, c.282.

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

7
8 1. (New section) A person is guilty of a crime of the third
9 degree if he knowingly does not possess a license to practice
10 psychology, or knowingly has had such license suspended, revoked
11 or otherwise limited by an order entered by the State Board of
12 Psychological Examiners, and he:

- 13 a. engages in the practice of psychology;
- 14 b. exceeds the scope of practice permitted by the board order;
- 15 c. holds himself out to the public or any person as being
16 eligible to engage in the practice of psychology;
- 17 d. engages in any activity for which a license to practice
18 psychology is a necessary prerequisite; or
- 19 e. practices psychology under a false or assumed name or
20 falsely impersonates another person licensed by the board.

21 The provisions of this section shall not be construed to limit the
22 activities permitted in section 6 of P.L.1966, c.282 (C.45:14B-6).

23
24 2. Section 6 of P.L.1966, c.282 (C.45:14B-6) is amended to
25 read as follows:

26 6. Any individual who is not a licensed practicing psychologist
27 shall not be limited in his activities:

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

29 (1) an accredited academic institution, a federal, State, county or
30 local governmental institution or agency, or a research facility while
31 performing those duties for which he was employed by such an
32 institution, agency or facility, provided that the individual does not
33 use the title "psychologist" or does not represent himself to be a
34 licensed practicing psychologist;

35 (2) a business organization, while performing those duties for
36 which he was employed by such an organization, and **【providing】**
37 provided that the purposes of such an organization do not include
38 the offer to practice, or the practice of, psychology as defined in
39 section 2(b) of this act, and the individual does not use the title
40 "psychologist" or does not represent himself to be a licensed
41 practicing psychologist;

42 (3) an organization which is nonprofit and which is, in the
43 opinion of the board, a bona fide community agency, while
44 performing those duties for which he was employed by such an
45 agency under the direct supervision of a licensed practicing

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

Matter underlined thus is new matter.

1 psychologist, provided that the individual does not use the title
2 “psychologist” or does not represent himself to be a licensed
3 practicing psychologist. For the purposes of this subsection a
4 "community agency" means a nonprofit organization supported
5 wholly or in a major part by public funds.

6 (b) As required by his employer to the pupils, students or other
7 normal clientele within the scope of his employment but not to the
8 general public, provided he is employed by a private elementary or
9 secondary school that requires its psychologists to be certified as
10 school psychologists by the New Jersey State Department of
11 Education.

12 (c) As a student of psychology, psychological intern or person
13 preparing for the practice of psychology under qualified supervision
14 in a training institution or facility recognized by the board provided
15 he is designated by such titles as "psychological intern,"
16 "psychological trainee" or others, clearly indicating such training
17 status.

18 (d) As a practicing psychologist for a period not to exceed 10
19 consecutive business days or 15 business days in any 90-day period,
20 if he resides outside, and his major practice is outside, of the State
21 of New Jersey and gives the board a summary of his qualifications
22 and a minimum of 10 days' written notice of his intention to
23 practice in the State of New Jersey under this section 6(d), provided
24 he (1) is certified or licensed in another State under requirements
25 the board considers to be the equivalent of requirements for
26 licensing under this act or (2) resides in a State which does not
27 certify or license psychologists and the board considers his
28 professional qualifications to be the equivalent of requirements for
29 licensing under this act; and is not adjudged and notified by the
30 board that he is ineligible for licensing under this act.

31 (e) As a practicing psychologist for a period not exceeding one
32 year, if he has a temporary permit therefor which the board may
33 issue upon his filing of an application for licensing under this act.

34 (f) As a practicing psychologist for a period not exceeding three
35 years under the supervision of a licensed practicing psychologist or
36 a person designated by the board as an eligible supervisor, if he has
37 a temporary permit therefor which the board may issue upon his
38 completion of all the requirements for licensing under this act
39 except the supervised experience requirement.

40 (g) As a practicing psychologist certified as a school
41 psychologist by the State Department of Education and performing
42 services on behalf of a local school district to students for whom the
43 school district is responsible to provide services.

44 (cf: P.L.1997, c.140, s.1)

45
46 3. Section 8 of P.L.1966, c.282 (C.45:14B-8) is amended to
47 read as follows:

48 8. Nothing in this act shall be construed to prevent qualified

1 members of other professional groups such as physicians,
2 osteopaths, optometrists, chiropractors, members of the clergy,
3 authorized practitioners, attorneys at law, social workers,
4 psychoanalysts or guidance counselors from doing work of a
5 psychological nature consistent with the accepted standards of their
6 respective professions, provided, however, that they do not hold
7 themselves out to the public by any title or description stating or
8 implying that they are psychologists or are licensed to practice
9 psychology.

10 (cf: P.L.1966, c.282, s.8)

11
12 4. (New section) a. The Department of Personnel shall
13 promptly revise the job title of any employee of a State, county, or
14 local governmental institution or agency, over which it has
15 jurisdiction, which includes or uses the title “psychologist,” if
16 necessary to comply with the provisions of paragraph (1) of
17 subsection (a) of section 6 of P.L.1966, c.282 (C.45:14B-6), as
18 amended by this act.

19 b. In the event that the title of an employee does not comply
20 with the provisions of section 6 of P.L.1966, c.282 (C.45:14B-6) on
21 the effective date of this act, the employee shall be deemed to be in
22 compliance with the provisions of this act until such time as the
23 employee’s job title is revised by the Department of Personnel
24 pursuant to subsection a. of this section.

25 c. Nothing in this section or in section 6 of P.L.1966,
26 c.282 (C.45:14B-6) shall be construed to limit an employee of a
27 State, county, or local governmental institution or agency from
28 using the title “psychologist” or representing himself as a licensed
29 practicing psychologist if the employee is licensed under the
30 provisions of P.L.1966, c.282 (C.45:14B-1 et seq.).

31
32 5. This act shall take effect immediately.

33
34
35 STATEMENT

36
37 This bill provides that a person is guilty of a crime of the third
38 degree if the person knowingly does not possess a license to
39 practice psychology or knowingly has had such license suspended,
40 revoked, or otherwise limited by an order entered by the State
41 Board of Psychological Examiners, and the person:

- 42 -- engages in the practice of psychology;
43 -- exceeds the scope of practice permitted by the board order;
44 -- holds himself or herself out to the public or any person as
45 being eligible to engage in the practice of psychology;
46 -- engages in any activity for which a license to practice
47 psychology is a necessary prerequisite; or
48 -- practices psychology under a false or assumed name or falsely

1 impersonates another person licensed by the board.

2 The bill specifies that a person would not be considered to be
3 practicing psychology without a license if that person's activities
4 are permitted under section 6 of P.L.1966, c.282 (C.45:14B-6).

5 P.L.1966, c.282 (C.45:14B-1 et seq.), which governs the
6 professional licensing of psychologists in this State, provides
7 certain exceptions from the requirement for State licensure.
8 Specifically, subsection (a) of section 6 of P.L.1966,
9 c.282 (C.45:14B-6) provides that an individual who is not a
10 licensed practicing psychologist shall not be limited in the person's
11 activities as part of the person's duties as an employee of:

12 -- an accredited academic institution, a federal, State, county, or
13 local governmental institution or agency, or a research facility;

14 --a business organization, if the purposes of the organization do
15 not include the offer to practice or the practice of psychology; or

16 -- a nonprofit, bona fide community agency, as determined by
17 the State Board of Psychological Examiners.

18 In order to ensure that members of the public and persons
19 receiving services from an exempt academic, governmental,
20 business, or nonprofit community entity are not misled by the
21 professional job title of an individual who is providing
22 psychological services at the entity but who is exempt from the
23 licensure requirement, the bill amends section 6 of P.L.1966, c.282
24 (C.45:14B-6) to clarify that, if an individual performing some of the
25 activities of a psychologist is exempt from the licensure
26 requirement, the individual is not to use the title "psychologist" or
27 represent that the individual is a licensed practicing psychologist.

28 Currently, the unlicensed practice of medicine, podiatry and
29 dentistry is a crime of the third degree, which is punishable by
30 imprisonment for three to five years, a fine of up to \$15,000, or
31 both. The provisions of this bill would extend this penalty to
32 include the unlicensed practice of psychology.

33 The bill also adds the profession of "psychoanalyst" to the list of
34 professional groups who may perform work of a psychological
35 nature, consistent with the accepted standards of their respective
36 professions, provided that they do not hold themselves out to the
37 public by any title implying that they are psychologists or are
38 licensed to practice psychology.

39 Finally, the bill directs the State Department of Personnel to
40 revise any current State or local government job titles that use or
41 contain the term "psychologist," which may be in conflict the
42 requirements of the bill.