

SENATE, No. 4283

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 16, 2021

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Establishes expedited process by which certain out-of-State mental health professionals are licensed to provide services in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the licensure of certain out-of-State mental
2 health professionals and amending P.L.2013, c.182 (C.45:1-7.5
3 et seq.).

4

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

7

8 1. Section 3 of P.L.2013, c.182 (C.45:1-7.5) is amended to read
9 as follows:

10 3. a. Upon receipt of a completed application, application fee,
11 consent to a criminal history record background check, if
12 applicable, and requisite fee for such a check, a board shall issue a
13 professional or occupational license, certificate of registration, or
14 certification to any person who documents that the person holds a
15 valid, current corresponding professional or occupational license,
16 certificate of registration, or certification in good standing issued by
17 another state, if:

18 (1) the state that issued the license has, or had at the time of
19 issuance, education, training, and examination requirements for
20 licensure, registration, or certification substantially equivalent to
21 the current standards of this State, as determined by the board or
22 committee;

23 (2) the applicant had been practicing in the profession for which
24 licensure in this State is sought, within the five years prior to the
25 date of the application; and

26 (3) the requirements of subsection b. of this section have been
27 satisfied with respect to the person.

28 b. Prior to the issuance of the license, certificate of registration,
29 or certification pursuant to subsection a. of this section, the board or
30 committee shall have received or obtained:

31 (1) documentation reasonably satisfactory to the board that the
32 applicant's license, certificate of registration, or certification in that
33 other state is valid, current, and in good standing;

34 (2) if a person is seeking licensure as a health care professional
35 as defined in section 1 of P.L.2002, c.104 (C.45:1-28), or if a
36 criminal history record background check is otherwise required
37 prior to licensure in this State, the results of a criminal history
38 record background check of the files of the Criminal Justice
39 Information Services Division in the Federal Bureau of
40 Investigation and the State Bureau of Identification in the Division
41 of State Police that does not disclose a conviction for a
42 disqualifying crime; and

43 (3) designation of an agent in this State for service of process if
44 the applicant is not a New Jersey resident and does not have an
45 office in New Jersey.

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 The provisions of paragraph (1) of this subsection shall be
2 deemed to be satisfied with respect to a person who is seeking a
3 license, certificate of registration, or certification pursuant to
4 subsection a. of this section for the six months immediately
5 following a natural disaster or other catastrophic event that occurred
6 in the state that issued the person's corresponding professional or
7 occupational license, certificate of registration, or certification if the
8 board, upon inquiry, determines that the issuing state is unable to
9 timely provide the documentation following the natural disaster or
10 catastrophic event. Notwithstanding this six-month time limit, in
11 the case of a person seeking a license, certificate of registration, or
12 certification pursuant to this paragraph due to a natural disaster or
13 other catastrophic event that occurred on or after August 1, 2017,
14 the board shall accept such a request for a period of not more than
15 12 months after the effective date of P.L.2018, c.78 if the board,
16 upon inquiry, determines that the issuing state is unable to timely
17 provide the documentation following the natural disaster or
18 catastrophic event. The person shall submit the required
19 documentation as soon as practicable.

20 c. For purposes of this section:

21 "Good standing" means that:

22 (1) no action has been taken against the applicant's license by
23 any licensing board;

24 (2) no action affecting the applicant's privileges to practice that
25 applicant's profession has been taken by any out-of-State institution,
26 organization, or employer;

27 (3) no disciplinary proceeding is pending that could affect the
28 applicant's privileges to practice that applicant's profession;

29 (4) all fines levied by any out-of-State board have been paid;
30 and

31 (5) there is no pending or final action by any criminal authority
32 for violation of law or regulation, or any arrest or conviction for any
33 criminal or quasi-criminal offense under the laws of the United
34 States, this State, or any other state including, but not limited to:
35 criminal homicide; aggravated assault; sexual assault, criminal
36 sexual contact, or lewdness; or an offense involving any controlled
37 dangerous substance or controlled dangerous substance analog.

38 "State" means a state of the United States, the District of
39 Columbia, the Commonwealth of Puerto Rico, or any other territory
40 or possession of the United States.

41 "Mental health professional" means a professional licensed by
42 the Alcohol and Drug Counselor Committee; the State Board of
43 Creative Arts and Activities Therapies; the State Board of Marriage
44 and Family Therapy Examiners; the State Board of Medical
45 Examiners; the Professional Counselor Examiners Committee; the
46 Certified Psychoanalysts Advisory Committee; the State Board of
47 Psychological Examiners; the State Board of Social Work
48 Examiners; the New Jersey Board of Nursing; or any other entity

1 created hereafter under Title 45 to license or otherwise regulate a
2 mental health profession.

3 d. For purposes of this section, a "substantially equivalent"
4 examination need not be identical to the current examination
5 requirements of this State, but such examination shall be nationally
6 recognized and of comparable scope and rigor.

7 e. An applicant's experience may be considered by the board or
8 committee to compensate for disparity in substantial equivalence in
9 education and examination requirements under subsection a. of this
10 section.

11 f. An applicant shall satisfy or shall have satisfied all
12 applicable prerequisites required for initial licensure in this State,
13 such as obtaining insurance, including malpractice insurance, a
14 surety bond, or a pressure seal.

15 g. An applicant shall answer truthfully all questions asked of an
16 applicant for initial licensure.

17 h. Not later than six months after the issuance of the license,
18 the board or committee shall have received documentation
19 reasonably satisfactory to the board verifying the person's
20 education, training, and examination results.

21 i. A board or committee, after the licensee has been given
22 notice and an opportunity to be heard, may revoke any license based
23 on a license issued by another state obtained through fraud,
24 deception, or misrepresentation.

25 j. Nothing contained in this section shall preclude a board from
26 requiring an applicant for licensure based on an out-of-State license
27 to take an on-line jurisprudence course or an orientation available to
28 the applicant at any time.

29 k. Nothing contained in this section shall preclude a board from
30 only granting a license, certificate of registration, or certification
31 without examination to an applicant seeking reciprocity who holds a
32 corresponding license, certificate of registration, or certification
33 from another state if equal reciprocity is provided for a New Jersey
34 applicant for licensure under the law of that other state.

35 l. Nothing in this section shall preclude a board from
36 exercising its discretion to grant a license, certificate of registration,
37 or certification without examination to an applicant seeking
38 reciprocity who holds a corresponding license, certificate of
39 registration, or certification from another state who does not meet
40 the good standing requirement of subsection a. of this section due to
41 a pending action by a licensing board, a pending action by an out-
42 of-State institution, organization, or employer affecting the
43 applicant's privileges to practice, a pending disciplinary proceeding,
44 or a pending criminal charge or arrest for a crime.

45 m. Notwithstanding any law or regulation to the contrary, the
46 provisions of this section shall apply to every holder of a
47 professional or occupational license or certificate of registration or
48 certification issued or renewed by a board specified in section 2 of

1 P.L.1978, c.73 (C.45:1-15), except that the provisions of this
2 section shall not apply to any holder of a license issued or renewed
3 by the Board of Examiners of Electrical Contractors pursuant to
4 P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners
5 of Master Plumbers pursuant to P.L.1968, c. 362 (C.45:14C-1 et
6 seq.), the New Jersey Real Estate Commission pursuant to
7 R.S.45:15-1 et seq., or the State Board of Examiners of Heating,
8 Ventilating, Air Conditioning and Refrigeration Contractors
9 pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

10 n. A person who resides in another jurisdiction of the United
11 States or in another country and has provided services as a mental
12 health professional for at least 10 years shall, at the discretion of the
13 applicable board or State entity, be licensed to provide services in
14 the same mental health profession in this State using telehealth and
15 telemedicine without:

16 (1) taking an on-line jurisprudence course or orientation, as
17 provided under subsection j. of this section, if the person
18 demonstrates, as determined by the applicable board or State entity,
19 compliance with P.L.2017, c.117 (C.45:1-61 et seq.):

20 (2) immediately designating an agent in New Jersey, as required
21 under subsection b. of this section;

22 (3) submitting documentation verifying the person's education,
23 training, and examination results, as required under subsection b. of
24 this section; and

25 (4) establishing an online account, as is permitted in P.L.2017,
26 c.298 (C.45:1-15.7).

27 A person licensed pursuant to subsection n. of this section shall
28 have up to one year to designate an agent for service of process in
29 New Jersey and to submit the documentation verifying the person's
30 education, training, and examination results. Any law establishing
31 that an online account is required for applicants to a board or other
32 entity regulated under Title 45 shall not be applicable to applicants
33 seeking licensure under subsection n. of this section. A person
34 licensed pursuant to subsection n. of this section shall be provided
35 an option to fill out online the necessary documentation without
36 creating an account.

37 o. A person licensed by this State pursuant to subsection n. of
38 this section shall provide, each biennial renewal period, a minimum
39 of 40 hours of therapy services on a volunteer basis to individuals in
40 this State using telehealth or telemedicine including, but not limited
41 to, the following:

42 (1) low-income patients who are not covered by any public or
43 private third-party payer; and

44 (2) low-income or underinsured individuals or individuals in
45 crisis who currently receive services through an organization that
46 provides mental health services.

47 The individuals receiving therapy services pursuant to subsection
48 o. of this section shall receive the services as part of a program or

1 another service overseen by a county board of social services. The
2 county boards of social services shall provide to the requisite
3 mental health boards in the Division of Consumer Affairs the
4 necessary information that specifies the services and programs
5 overseen by the county boards to ensure that individuals licensed
6 pursuant to subsection n. of this section provide therapy services to
7 individuals enrolled in or receiving care through programs or
8 services offered by a county board.

9 As therapy services are provided by an individual licensed under
10 subsection n. of this section, county boards of social services shall
11 share with the Division of Mental Health and Addiction Services in
12 the Department of Human Services and with the Division of
13 Consumer Affairs the following: 1) the number of individuals
14 receiving therapy services; 2) the number of hours provided to each
15 individual; 3) the type of service or program in the county board of
16 social services in which the individual receiving therapy is enrolled
17 in or receiving care through; and 4) the age, gender identification,
18 race, ethnicity, sexual orientation, employment status, income, and
19 primary language spoken of each individual receiving therapy
20 services. At no time shall a county board share personally
21 identifiable information that reveals the identity of an individual
22 with the Division of Consumer Affairs or the Division of Mental
23 Health and Addiction Services without the individual's express
24 consent.

25 p. A person licensed by this State pursuant to subsection n. of
26 this section may, at the discretion of the applicable board or State
27 entity, apply the hours of services provided on a volunteer basis,
28 required pursuant to subsection o. of this section, towards the hours
29 or credits of continuing education required each renewal period of
30 the requisite profession.

31 (cf: P.L.2018, c.78, s.1)

32
33 2. This act shall take effect on the first day of the seventh
34 month next after enactment.
35
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37 STATEMENT

38
39 This bill establishes an expedited process by which a person who
40 resides in another jurisdiction in the United States or in another
41 country and is licensed in a mental health profession can get
42 licensed in New Jersey in the same profession to provide services
43 using telehealth and telemedicine. The person is required to have
44 practiced in the mental health profession for at least 10 years to
45 qualify for this expedited process. "Mental health professional" is
46 defined in the bill to mean a professional licensed by the Alcohol and
47 Drug Counselor Committee; the State Board of Creative Arts and
48 Activities Therapies; the State Board of Marriage and Family Therapy

1 Examiners; the State Board of Medical Examiners; the Professional
2 Counselor Examiners Committee; the Certified Psychoanalysts
3 Advisory Committee; the State Board of Psychological Examiners; the
4 State Board of Social Work Examiners; the New Jersey Board of
5 Nursing; or any other entity created under Title 45 to license or
6 otherwise regulate a mental health profession.

7 The expedited process allows the out-of-State person to be
8 licensed in New Jersey without sitting for an online course in
9 jurisprudence or an orientation, which a board can require under
10 current law, and grants the person up to one year to designate an
11 agent in this State and to submit documentation verifying the
12 person's education, experience, and examination results. Current
13 law requires an out-of-State person with five years of experience to
14 submit that documentation and have a designated agent prior to
15 being issued a license. Additionally, current law allows applicants
16 to use an online platform to fill out and submit documentation. To
17 do so, an applicant is required to establish an account first with the
18 platform. A person licensed under the bill would be allowed to fill
19 out and submit documentation for an application without having to
20 create an account.

21 The bill requires the out-of-State person to provide at least 40
22 hours of therapy services on a voluntary basis, using telehealth or
23 telemedicine, to certain individuals in New Jersey, including, but
24 not limited to, low-income patients who are not covered by any public
25 or private third-party payer, and low-income or underinsured
26 individuals or individuals in crisis who currently receive services
27 through an organization that provides mental health services. The
28 individuals receiving therapy services are to receive the services as
29 part of a program or another service overseen by a county board of
30 social services. The county boards are to provide to the mental health
31 boards in the Division of Consumer Affairs the necessary information
32 that specifies the services and programs overseen by the county boards
33 to ensure that individuals licensed under the bill provide therapy
34 services to the appropriate individuals.

35 As therapy services are provided by an individual licensed under
36 this bill, county boards of social services are to share with the Division
37 of Mental Health and Addiction Services in the Department of Human
38 Services and with the Division of Consumer Affairs information on the
39 number of individuals receiving therapy services; the number of hours
40 provided to each individual; the type of service or program in the
41 county board of social services in which the individual receiving
42 therapy is enrolled in or receiving care through; and the age, gender
43 identification, race, ethnicity, sexual orientation, employment status,
44 income, and primary language of each individual receiving therapy
45 services. Personally identifiable information that reveals the identity
46 of an individual receiving therapy services is not to be shared with the
47 Division of Consumer Affairs or the Division of Mental Health and
48 Addiction Services unless the individual chooses to have their identity

1 revealed. A board may allow the out-of-State mental health
2 professional to apply the hours of voluntary therapy service they
3 provide as required in the bill towards completion of continuing
4 education hours or credits required of the requisite profession in New
5 Jersey.