

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

**ADMINISTRATIVE ORDER AND NOTICE OF RULE ADOPTION AND WAIVER
PURSUANT TO P.L. 2020, c. 18**

**CONTINUING EDUCATION CREDIT WAIVER FOR VOLUNTEER SERVICES TO
LOW-INCOME RESIDENTS**

DCA Administrative Order No. 2021-09 and DCA Waiver No. 2021-05

Administrative Order and Temporary Rule Adoption by Kaitlin A. Caruso, Acting Director,
Division of Consumer Affairs

Date: February 22, 2021

Authority: P.L. 2020, c. 18

Effective Date: February 22, 2021

Expiration Date: Concurrent with the end of the state of emergency or the public health emergency
declared pursuant to Executive Order No. 103 (2020) (EO 103), whichever is later.

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WHEREAS, on March 9, 2020, through EO 103, the facts and circumstances of which are
adopted by reference herein, Governor Murphy declared both a public health emergency and a
state of emergency throughout the State due to the public health hazard posed by coronavirus
disease 2019 (COVID-19); and

WHEREAS, the public health emergency declared in EO 103 has been extended most
recently by Executive Order No. 222 (2021), issued on February 17, 2021, and continues to exist
today; and

WHEREAS, on April 14, 2020, Governor Murphy signed into law P.L. 2020, c. 18, which
permits the Director to issue administrative orders to suspend temporarily any provision of Title
45 of the Revised Statutes or suspend or modify temporarily any rule adopted pursuant to such
authority, or to adopt temporarily any rule relating to the practice of any profession licensed or
certified by a board in the Division of Consumer Affairs (Division), upon concurrence by the
Attorney General, after determining that such order is necessary to promote the public welfare and
further such other purposes of the state of emergency or public health emergency declared in EO
103; and

WHEREAS, the COVID-19 pandemic has created unprecedented challenges for New
Jersey residents, including significant health risks, economic upheaval and job losses, and the need

to maintain physical distance from friends and loved ones, and has thus endangered their mental health; and

WHEREAS, frontline healthcare professionals, who provide direct, in-person patient care including testing; general, primary and emergency care; and care provided at facilities licensed by the Department of Health (DOH), are under particular mental and physical stress from providing such services; and

WHEREAS, in recognition that mental health challenges that result from these circumstances can be partially mitigated by the services of mental health professionals; and

WHEREAS, there is an unfortunate scarcity of mental health professionals able to provide important mental health services, particularly to low-income patients; and

WHEREAS, while many mental health professionals are willing to provide volunteer services to low-income and other at-risk patients, continuing education requirements may further reduce the already limited time mental health professionals have to provide volunteer services; and

WHEREAS, N.J.A.C. 13:34-5.1 requires licensed marriage and family therapists to complete 40 contact hours of continuing education and requires licensed associate marriage and family therapists to complete 20 contact hours of continuing education every biennial renewal period; and

WHEREAS, N.J.A.C. 13:34-15.1 requires licensed professional counselors and licensed associate professional counselors to complete 40 contact hours of continuing education every biennial renewal period; and

WHEREAS, N.J.A.C. 13:34-24.1 requires licensed rehabilitation counselors to complete 40 contact hours of continuing education every biennial renewal period; and

WHEREAS, N.J.A.C. 13:34C-5.1 requires licensed clinical alcohol and drug counselors to complete 40 contact hours of continuing education and requires certified alcohol and drug counselors to complete 60 credits of continuing education every biennial renewal period; and

WHEREAS, N.J.A.C. 13:34D-4.1 requires licensed art therapists to complete 40 contact hours of continuing education every biennial renewal period; and

WHEREAS, N.J.A.C. 13:35-6.15 requires physicians to complete 100 continuing medical education credits every biennial renewal period; and

WHEREAS, N.J.A.C. 13:37-7.8 requires advanced practice nurses to complete 30 hours of continuing education every biennial renewal period; and

WHEREAS, N.J.A.C. 13:42-10.20 requires licensed psychologists to complete 40 credits of continuing education every biennial renewal period; and

WHEREAS, N.J.A.C. 13:42A-4.1 requires State-certified psychoanalysts to complete 20 credits of continuing education every biennial renewal period; and

WHEREAS, N.J.A.C. 13:44G-6.2 requires licensed clinical social workers to complete 40 credits of continuing education every biennial renewal period; and

WHEREAS, although completing continuing education provides mental health professionals with valuable educational opportunities and enhances professional competence, doing so also involves a significant investment of time on the part of mental health professionals, which could otherwise be devoted to providing volunteer services to at-risk populations; and

WHEREAS, partially waiving continuing education requirements for those mental health professionals who provide volunteer services during the public health emergency will encourage mental health professionals to provide such volunteer services during this critical time;

NOW, THEREFORE, I, Kaitlin A. Caruso, Acting Director of the Division of Consumer Affairs, by virtue of the authority vested in me by the statutes of this State, and upon concurrence by the Attorney General, determine that this ORDER is necessary to promote the public welfare and further such other purposes for which the state of emergency and public health emergency were declared, and hereby ORDER as follows:

1. The following words and terms, when used in this order, shall have the following meanings, unless the context clearly indicates otherwise:
 - a. “Frontline healthcare professionals” means healthcare professionals licensed or certified to practice in New Jersey who provide direct, in-person care to patients, which care may include but is not limited to testing; general, primary and emergency care; and care provided at DOH-licensed facilities.
 - b. “Licensee” means an individual licensed or certified in New Jersey as a licensed marriage and family therapist, licensed associate marriage and family therapist, licensed professional counselor, licensed associate professional counselor, licensed rehabilitation counselor, licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, licensed art therapist, physician, advanced practice nurse, licensed psychologist, State-certified psychoanalyst, or licensed clinical social worker.
 - c. “Volunteer services” means services provided by a licensee for which the licensee does not receive payment and the patient is not charged, and which are provided:
 - i. To low-income patients who are not covered by any public or private third party payer;
 - ii. To frontline healthcare professionals; or

- iii. Through an organization that provides mental health services, including crisis intervention and referrals, to low-income, uninsured individuals or to individuals in crisis. A nonexclusive list of organizations that have represented to the Division that they meet these criteria, and seek volunteer assistance, is available from the Division of Consumer Affairs at: <https://www.njconsumeraffairs.gov/mental-health-resources/Pages/Mental-Health-Initiative.aspx>. Organizations seeking to be added to this list may contact the Division at MentalHealthInitiative@dca.njoag.gov.
2. A licensee may seek a waiver of (“offset”) the continuing education requirements described in N.J.A.C. 13:34-5.1, 13:34-15.1, 13:34-24.1, 13:34C-5.1, 13:34D-4.1, 13:35-6.15, 13:37-7.8, 13:42-10.20, 13:42A-4.1, and 13:44G-6.2 by providing volunteer services as described in this paragraph while this Order remains in effect. Such volunteer services may be used to offset continuing education requirements in any biennial renewal period during which this Order remains in effect for more than one day. One hour or one credit of continuing education will be offset for every two hours spent providing volunteer services. A licensee shall not offset any continuing education requirements specifically allocated to required topics specified by rule, such as ethics, cultural competency, opioid prescription, or jurisprudence. The number of continuing education contact hours or credits that may be offset by providing volunteer services per biennial renewal period for each licensee is as follows:
 - a. A licensed marriage and family therapist may offset up to 20 contact hours;
 - b. A licensed associate marriage and family therapist may offset up to 10 contact hours;
 - c. A licensed professional counselor or licensed associate professional counselor may offset up to 20 contact hours;
 - d. A licensed rehabilitation counselor may offset up to 10 contact hours;
 - e. A licensed clinical alcohol and drug counselor may offset up to 10 contact hours;
 - f. A certified alcohol and drug counselor may offset up to 15 contact hours;
 - g. A licensed art therapist may offset up to 10 contact hours;
 - h. A physician who provides psychiatric services may offset up to 10 Category I continuing medical education credits;
 - i. An advanced practice nurse who provides psychiatric services may offset up to 15 hours of continuing education;
 - j. A licensed psychologist may offset up to 10 credits of continuing education;
 - k. A State-certified psychoanalyst may offset up to 5 credits of continuing education; and

1. A licensed clinical social worker may offset up to 10 credits of continuing education.
3. Nothing in this Order shall affect supervision requirements for the licensed or certified mental health professionals referenced above who must be supervised in order to provide the mental health services for which they are licensed or certified.
4. A licensee shall maintain contemporaneous records indicating the number of hours of volunteer services provided and containing information sufficient to reflect compliance with the terms of this Order. Such records shall be maintained for the duration established by the applicable board for continuing education records generally.
5. The following regulatory provisions are waived to the extent inconsistent with this Order:
 - a. N.J.A.C. 13:34-5.1, which requires licensed marriage and family therapists to complete 40 contact hours of continuing education and requires licensed associate marriage and family therapists to complete 20 contact hours of continuing education every biennial renewal period;
 - b. N.J.A.C. 13:34-15.1, which requires licensed professional counselors and licensed associate professional counselors to complete 40 contact hours of continuing education every biennial renewal period;
 - c. N.J.A.C. 13:34-24.1, which requires licensed rehabilitation counselors to complete 40 contact hours of continuing education every biennial renewal period;
 - d. N.J.A.C. 13:34C-5.1, which requires licensed clinical alcohol and drug counselors to complete 40 contact hours of continuing education and requires certified alcohol and drug counselors to complete 60 credits of continuing education every biennial renewal period;
 - e. N.J.A.C. 13:34D-4.1, which requires licensed art therapists to complete 40 contact hours of continuing education every biennial renewal period;
 - f. N.J.A.C. 13:35-6.15, which requires physicians to complete 100 continuing medical education credits every biennial renewal period;
 - g. N.J.A.C. 13:37-7.8, which requires advanced practice nurses to complete 30 hours of continuing education every biennial renewal period;
 - h. N.J.A.C. 13:42-10.20, which requires licensed psychologists to complete 40 credits of continuing education every biennial renewal period;
 - i. N.J.A.C. 13:42A-4.1, which requires State-certified psychoanalysts to complete 20 credits of continuing education every biennial renewal period; and
 - j. N.J.A.C. 13:44G-6.2, which requires licensed clinical social workers to complete 40 credits of continuing education every biennial renewal period.

This Order shall take effect immediately and shall remain in effect until the end of the state of emergency or public health emergency declared by the Governor in EO 103, whichever is later, unless expressly revoked or superseded by a subsequent Administrative Order issued by the Director of the Division of Consumer Affairs.

A handwritten signature in black ink, appearing to read "Kaitlin A. Caruso". The signature is written in a cursive, flowing style.

Date: February 22, 2021

Kaitlin A. Caruso, Acting Director