

54 N.J.R. 792(b)

VOLUME 54, ISSUE 9, MAY 2, 2022

PUBLIC NOTICES

Reporter

54 N.J.R. 792(b)

NJ - New Jersey Register > 2022 > MAY > MAY 2, 2022 > PUBLIC NOTICES > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS

Administrative Code Citation

N.J.A.C. 13:34-15.2

Text

Notice of Action on Petition for Rulemaking

Board of Marriage and Family Therapy Examiners

Professional Counselor Examiners Committee

Petitioners: New Jersey Counseling Association (NJCA) 2021-2022 Executive Committee: Maria del Carmen Rodriguez, President; Eurica Pinthieve, Secretary; Benjamin Guy III, Treasurer; David Julius Ford Jr., Past President; Wanda Quezada, Past President; and New Jersey Association for Multicultural Counseling (NJAMC) Past Presidents: Joana Couto; Sherritta Hughes; Joyce E. Williams; and Roberto Schiraldi.

Authority: N.J.S.A. 45:8B-13 and 45:8B-34 et seq.

Take notice that on December 15, 2021, the Professional Counselor Examiners Committee (Committee) of the Board of Marriage and Family Therapy Examiners (Board) received a petition for rulemaking from the above-named petitioners (petitioners) requesting that the Board improve and increase the level of cultural competence training to ensure that counselors are equipped to provide services to clients from diverse backgrounds. The changes sought by petitioners would require amending N.J.A.C. 13:34-15.2(b).

A notice acknowledging receipt of the petition was published in the January 18, 2022, New Jersey Register at 54 N.J.R. 189(a). In accordance with applicable law, the petition was duly considered at a public meeting of the Committee on January 6, 2022, and at a public meeting of the Board on January 13, 2022. Upon due deliberation, the Committee recommended, and the Board concurred, to refer the petition to a subcommittee of the Committee for further deliberation. A notice referring the petition for further deliberation was published in the March 7, 2022 New Jersey Register at 54 N.J.R. 459(b).

The petition makes three requests:

1. Increase licensed professional counselor continuing education for social and cultural competence from three to 6.5 hours;
2. Continue to offer at least four free hours of virtual continuing education trainings that meet the social and cultural competence requirement; and
3. Infuse social and cultural competence training throughout the core curricular areas.

On January 20, 2022, a subcommittee of the Committee met to review the petition and additional information from the petitioners. The Board and its committees strive to foster the development of professional counselors who understand and can provide for the needs of clients from diverse backgrounds. The Boards and its committees appreciate the critical importance of addressing bias and discrimination, and they recognize the role of continuing education in training licensees on social and cultural competence. The subcommittee, thus, evaluated the petition and accompanying information in the context of these considerations.

Regarding the first request, the subcommittee reviewed the continuing education requirements for professional counselors in other states and for other mental health professions in New Jersey. The subcommittee found that the majority of states do not require cultural competence continuing education, and the states that do require such continuing education require between one and four hours on this topic. The subcommittee also found that a requirement that licensees complete three continuing education hours on this topic is standard among mental health licensing boards in New Jersey. Therefore, the subcommittee concluded that a requirement of three hours is consistent with best practices nationwide and in New Jersey.

Regarding the second request, the subcommittee points out that the Committee and the Board do not offer continuing education on any topic, but rather approve providers who review and present

continuing education courses. The Board and Committee do not have staff to develop professional continuing education programs and rely on professional organizations to create courses that meet the regulatory requirements. Approved providers may set fees for those courses. In addition, the [page=793] petitioners may seek approval from the Board for specific courses, including free, virtual, or live courses on social and cultural competence training.

Regarding the third request, the subcommittee points out that the core curriculum of professional counselor training programs at higher learning institutions is set by nationally recognized accrediting agencies. To the extent the petition seeks to have social and cultural competence training required throughout accredited training programs, the petitioners may present their request to those organizations. It is important to note that applicants are required to complete a graduate degree, which may include coursework in social and cultural competence. The Board has no control over the amount of social and cultural competence coursework that an applicant must complete for a graduate degree. The Committee's rules set broad standards for curriculum, but the Board leaves implementing those standards to the graduate programs.

The subcommittee also points out that the required three continuing education hours on social and cultural competence is a minimum requirement. Licensees are free to take more credits in social and cultural competence, if they choose. There are sufficient continuing education courses and training opportunities on this topic available for licensees to take through professional associations and universities. The Committee and Board want to afford licensees discretion in selecting continuing education programs based on the licensee's practice, interests, and professional development needs.

On February 3, 2022, the Committee duly considered the recommendation of the subcommittee to retain the existing requirement and voted to accept the recommendation of the subcommittee to deny the petition. On February 10, 2022, the Board duly considered the recommendation of the Committee and voted to accept the recommendation of the Committee to deny the petition.

In a letter dated February 7, 2022, the petitioners requested reconsideration of the petition and provided additional documentation, including various essays and a suggested core curriculum. The subcommittee reviewed the petitioners' request for reconsideration. The subcommittee thanks the petitioners for sharing their extensive research and for their attention to this important issue. However, after considering the materials provided by the petitioners, the subcommittee concludes that its

recommendation that the Committee deny the petition was appropriate. The subcommittee believes the current regulatory requirements adequately address the petitioners' concerns and are protective of the public health, safety, and welfare.

The subcommittee believes that requiring three continuing education hours in the area of social and cultural competence makes New Jersey a leader in this area, as a majority of states do not mandate continuing education hours in social and cultural competence. The statements submitted by the petitioners from the American Counseling Association and the American Psychological Association do not address continuing education directly, nor do they recommend the number of hours of continuing education on the topic of social and cultural competence that a state should require.

In response to the petitioners' assertion that the Committee does not provide guidance on curriculum for social and cultural competence continuing education, and that the continuing education is "generic," the subcommittee refers the petitioners to N.J.A.C. 13:34-15.2(b)1 through 6. This regulation sets forth specific topics that may be included in social and cultural competence continuing education. These topics are mirrored in the Board rules at N.J.A.C. 13:34-5.2(d). The subcommittee finds that this current rules provide adequate guidance on social and cultural competence continuing education.

Therefore, for these reasons, the subcommittee recommended denial of the petitioners' request for reconsideration. Finally, the subcommittee proposed that the Committee make this unequivocal statement: The Committee stands against bias and discrimination in all forms. Consistent with the Attorney General's anti-discrimination proposal (see 54 N.J.R. 408(a), March 7, 2022), the Committee is committed to addressing any and all allegations of discrimination by licensed professionals brought to its attention.

On March 3, 2022, the Committee duly considered the statement and recommendation of the subcommittee and voted to accept the subcommittee's statement and recommendation to deny the petition. On March 10, 2022, the Board duly considered the statement and recommendation of the Committee and voted to accept the Committee's statement and recommendation to deny the petition. The applicable rules reflect the commitment of the Board and the Committee to promote, through continuing education, awareness, and understanding among licensees of "intentional and unintentional oppression and discrimination, and other culturally supported behaviors that are detrimental to the growth of the human spirit, mind, or body." See N.J.A.C. 13:34-15.2(b)4. The Board and the Committee believe that the existing social and cultural competency continuing education

requirements are sufficient for these purposes and consistent with best practices nationwide.

Accordingly, the petition is denied.

A copy of this notice is being mailed to the petitioners pursuant to N.J.A.C. 1:30-4.2.

NEW JERSEY REGISTER

Copyright © 2022 by the New Jersey Office of Administrative Law

End of Document