

LICENSING BOARD RESPONDS

Last winter, the Division of Child Behavioral Health Services (DCBHS) established a new delineation for their agency of acceptable mental health providers which excluded trainees. The executive directors of the Board of Social Work Examiners (BSWE) and the Professional Counselor Examiners Committee (PCEC) met with Lawrence DeMarzo, the Acting Director of the Department of Law and Public Safety in the Division of Consumer Affairs, to express their concerns and formulate a response. Both BSWE and PCEC had addressed a number of cases in which unlicensed practice was found to have occurred in agency's under contract with DCBHS. A number of the cases resulted in the filing of Consent Orders for the unlicensed practice as well as Consent Orders filed with supervisors agreeing to cease and desist the aiding and abetting of unlicensed practice.

Mr. DeMarzo was very responsive to the information presented and agreed to write a letter to the Division of Child Behavioral Health Services asking them to reconsider their decision to exclude the LSW and LAC credentialed individuals in the list of practitioners permitted to provide the services. The letter did not include reference to marriage and family therapists since there had been no cases of unlicensed practice anyone providing services within the scope as defined at N.J.S.A. 45:8B-2.

In June 2008, the Board was made aware of Mr. DeMarzo's letter. Chair of the Board, James Verser, was authorized by the Board to prepare a response to Mr. DeMarzo's letter. With considerable input and support from Board members, Mr. Verser wrote a five page letter which the Board sent to Mr. DeMarzo in August, 2008. The letter began:

The Board of Marriage and Family Therapy Examiners (the Board) has become increasingly aware of the disadvantageous position that New Jersey Licensed Marriage and Family Therapists (LMFT), and marriage and family therapists in general, occupy within the field of mental health . . . This letter is an attempt by me, with the support of the Board, to promote a discussion of this issue since it effects our regulatory mission of "serving and protecting the public." I will provide a review of the history of marriage and family therapy and a perception of the restrictions that confront marriage and family therapists in New Jersey. I will then offer some suggestions that address this problem that I, and the Board, believe have merit and will enhance the application of the Board's statutory obligation to regulate family systems therapy and to further the Board's mandate to "serve and protect the public."

After a lengthy description of the history and development of family systems therapy, the Board described the development of the profession of marriage and family therapy, and the development of regulatory efforts throughout the country and especially in New Jersey. This included details of the obstacles that the other professions have raised throughout our history as well as more recently. The survey moved from the obstacles on the national level to the state level and, finally, to the departmental level which culminated with Mr. DeMarzo's letter.

Mr. Verser then raised the question of what can be done to address this situation.

Historically, the Department of Law and Public Safety has not allowed any of the various licensing boards to engage in proactive, outreach types of activities. Quoting from the appropriate statutes, Mr. Verser took the position that the law does not prohibit such activities by the Board and that by being more proactive in making marriage and family therapists more available to the public, it was fulfilling its mandate to protect the public:

. . . it is in the public interest that marriage and family therapy services be made broadly available to the public and that the limiting of the availability of these services and of training opportunities for marriage and family therapy permit holders is not in the public interest. More strongly, we state that it is a public disservice and reduces the public safety. This suggests that it falls within the purview of the Board to discover appropriate ways to respond to this problem so that we may better protect the public.

The Board then requested that Mr. DeMarzo meet with them to discuss these concerns. In particular, he was asked to write another letter to the Division of Child Behavioral Health Services correcting his omission of Marriage and Family Therapy Permit Holders. Further, he was asked to grant the Board permission to engage in some form of outreach to address the lack of information regarding the qualifications of marriage and family therapists and the diminishing numbers available to provide those services to the public. In December, the Board had a very productive meeting with Mr. DeMarzo, now the Deputy Director of the Division of Consumer Affairs. He began by apologizing for the omission and thanking the Board for bringing it to his attention. He assured the Board that a follow up letter would be sent to the Division of Child Behavioral Health Services. Further, he said that the Department had revisited the notion of outreach and was taking a more open stance. Therefore, we would be allowed to engage in some outreach to the public. A number of possibilities were discussed. This article is one of the Board's first steps in the development of a strategy to increase public awareness and to support the increase in opportunities for marriage and family therapists and trainees throughout New Jersey.

The Board wants all New Jersey Licensed Marriage and Family Therapists to know about this issue and to know that the Board will be attempting to address these problems. We know that, as LMFTs, we are well-trained and regulated and that we utilize clinically valid systemic perspectives in our work. The Board wants to encourage those coming into our field that they are valued and to provide training opportunities that will support their development. While this article will probably not reach all licensees, it will reach many who are members of AAMFT. We look forward to joint work between the Board and NJAMFT to help the public become more aware of us and to increase the options for employment and training positions in New Jersey, thereby furthering the Board's mandate to "*serve and protect the public.*"

The full text of the letter to Mr. DeMarzo can be read on the Board's webpage at: www.njconsumeraffairs.gov/mft/respond.pdf (Related correspondence is also posted.)

James Verser, M.Div., M.S., Ed.S.

Chair, Board of Marriage and Family Therapy Examiners

Judith Owens, M.A.

Vice-Chair, Board of Marriage and Family Therapy Examiners