



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

2012 DEC 11 AM 10:31

December 10, 2012

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

31-12-1983  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 12/10/12  
Time 5:20 PM  
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 461-31 (COR) "AN ACT TO ADDA NEW ARTICLE 23 TO CHAPTER 12, PART 2 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT", which I signed into law on December 10, 2012 as **Public Law 31-250**.

*Senseramente,*

  
EDDIE BAZA CALVO

1983

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) Regular Session

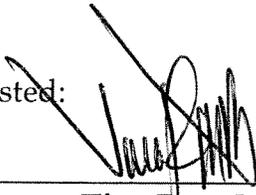
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 461-31 (COR), "AN ACT TO ADD A NEW ARTICLE 23 TO CHAPTER 12, PART 2 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT", was on the 26<sup>th</sup> day of November 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:



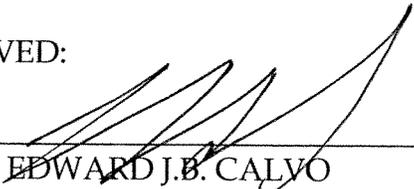
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 28<sup>th</sup> day of Nov, 2012, at 11:10 o'clock A.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



EDWARD J. B. CALVO  
*I Maga'lahaen Guåhan*

DEC 10 2012

Date: \_\_\_\_\_

Public Law No. 31-250



1           **§ 122301. Legislative Intent.** It is the intent of this Act to promote,  
2           preserve, and protect the public health, safety, and welfare by and through  
3           the effective control and regulation of the practice of social work; the  
4           licensure of social workers; the licensure, control, and regulation of persons,  
5           in or out of this territory that practice social work within the territory.

6           **§ 122302. Definitions.** For the purposes of this Article, the following  
7           words and phrases are defined to mean:

8           *Board shall* mean the Guam Board of Social Work.

9           *Practice of Baccalaureate Social Work* means the application of  
10          social work theory, knowledge, methods, ethics, and the professional use of  
11          self to restore or enhance social, psychosocial, or bio-psycho-social  
12          functioning of individuals, couples, families, groups, organizations, and  
13          communities. Baccalaureate Social Work is basic generalist practice that  
14          includes assessment, planning, intervention, evaluation, case management,  
15          information and referral, counseling, supervision, consultation, education,  
16          advocacy, community organization, and the development, implementation,  
17          and administration of policies, programs, and activities.

18          *Practice of Master's Social Work* means the application of social  
19          work theory, knowledge, methods, ethics, and the professional use of self to  
20          restore or enhance social, psychosocial, or bio-psycho-social functioning of  
21          individuals, couples, families, groups, organizations, and communities.  
22          Master's Social Work practice includes the application of specialized  
23          knowledge and advanced practice skills in the areas of assessment, treatment  
24          planning, implementation and evaluation, case management, information  
25          and referral, supervision, consultation, education, advocacy, community  
26          organization, and the development, implementation, and administration of  
27          policies, programs, and activities. Under supervision as provided in this Act,

1 the practice of Master's Social Work may include the practices reserved to  
2 Clinical Social Workers.

3 *Practice of Clinical Social Work* is a specialty within the practice of  
4 Master's Social Work, and requires the application of social work theory,  
5 knowledge, methods, ethics, and the professional use of self to restore or  
6 enhance social, psychosocial, or bio-psycho-social functioning of  
7 individuals, couples, families, groups, organizations, and communities. The  
8 practice of Clinical Social Work requires the application of specialized  
9 clinical knowledge and advanced clinical skills in the areas of assessment;  
10 diagnosis and treatment of mental, emotional, and behavioral disorders,  
11 conditions, and addictions; and evaluation. Treatment methods include the  
12 provision of individual, marital, couple, family and group counseling and  
13 psychotherapy. The practice of Clinical Social Work may include private  
14 practice and the provision of clinical supervision.

15 *Social work practice* means the professional application of social  
16 work values, principles, ethics and techniques in the following areas:

17 (a) information, resource identification, referral services,  
18 mediation services, advocacy services and education of individuals,  
19 groups, couples and families;

20 (b) preparation and evaluation of assessments and development  
21 and implementation of social work service plans;

22 (c) case management, coordination, casework intervention and  
23 monitoring of social work service plans in the areas of personal, social  
24 or economic resources, conditions, or problems;

25 (d) administration and development of social service programs,  
26 policies, community organization, planning, implementation, and  
27 involvement in the evaluation of social systems and social policies;

1 (e) social work consultation and resource development;

2 (f) research through the formal design and methodology of data  
3 collection and the analysis and evaluation of data, social work  
4 programs, social systems and social policies;

5 (g) psychosocial assessment, diagnostic impressions, treatment  
6 of individuals, couples, families, and groups, prevention of  
7 psychosocial dysfunction, disability or impairment, including  
8 emotional, mental and behavioral disorders, and evaluation of practice  
9 effectiveness; and

10 (h) clinical diagnosis or psychotherapy, or both, provided by a  
11 licensed clinical social worker.

12 *Social worker or S.W.* means a person who has been issued a license  
13 as a Licensed Bachelor Social Worker, Licensed Master's Social Worker, or  
14 Licensed Clinical Social Worker to practice within the scope of practice as  
15 provided in this Article.

16 *Director shall* mean the Director of Public Health and Social Services.

17 *Exemption shall* mean not required to obtain licensure in order to  
18 practice social work as of the date of the passage of this law.

19 *Exception shall* mean able to obtain a social work license through  
20 waiving certain requirements as stated in this law.

21 **§ 122303. Guam Board of Social Work.** The Board provides a  
22 framework for developing rules, which effectively responds to the regulatory  
23 needs of social work licensure. The Board *shall* have all the duties, powers,  
24 and authority specifically granted by or necessary for the enforcement of this  
25 Article, as well as other duties, powers, and authority as may be granted it  
26 from time to time by applicable law.

27 **§ 122304. Board Composition.** The Board *shall* be composed of five

1 (5) members, one (1) of whom *shall* be a representative of the public. The  
2 remaining four (4) members *shall* be social workers, one (1) of whom *shall*  
3 be a member and representative of the National Association of Social  
4 Workers, Guam Chapter. The Board *shall* elect from its members a  
5 Chairperson and such other officers, as it deems appropriate and necessary  
6 to the conduct of its business. The Chairperson *shall* preside at all meetings  
7 of the Board and *shall* be responsible for the performance of all of the duties  
8 and functions of the Board required or permitted by this Act. Each  
9 additional officer elected by the Board *shall* perform those duties  
10 customarily associated with the position, and such other duties as assigned  
11 from time to time by the Board. A quorum must be present to conduct a  
12 board meeting. The vote of the majority present *shall* constitute an official  
13 action of the Board. The majority vote *shall* consist of half of the vote plus  
14 one (1) of those members present. Three (3) members of the Board *shall*  
15 constitute a quorum.

16 **§ 122305. Qualifications of Board Members.**

17 (a) Board members who are social workers *shall* at all times:

18 (1) be a resident of Guam;

19 (2) be currently licensed and in good standing to engage in the  
20 practice of social work on Guam or be eligible for licensure within  
21 thirty (30) days of the passage of this Act;

22 (3) at the time of appointment have been actively engaged in  
23 the social work profession; and

24 (4) have *at least* three (3) years of experience in the practice  
25 of social work.

26 (b) The public member of the Board *shall* be a resident of Guam  
27 who has attained the age of majority, and shall not be, nor shall ever have

1        been a Baccalaureate Social Worker, Licensed Master's Social Worker, or  
2        Licensed Clinical Social Worker, or the spouse thereof. The public member  
3        shall not ever have had any material financial interest in the provision of  
4        social work services or who has engaged in any activity directly related to  
5        the practice of social work.

6            **§ 122306. Appointment.** *I Maga'lahaen Guåhan shall appoint the*  
7        members of the Board, and *shall* be confirmed by *I Liheslaturan Guåhan*.

8            **§ 122307. Terms of Office.** Members of the Board *shall* be appointed  
9        for a term of three (3) years, *except* members of the Board who are  
10       appointed to fill vacancies which occur prior to the expiration of a former  
11       member's full term, who *shall* serve the unexpired portion of such term.  
12       The terms of the members of the Board *shall* be staggered, so that the terms  
13       of *no more than* three (3) members shall expire in any year. Each member  
14       *shall* serve until a successor is appointed and qualified.

15            No member of the Board *shall* serve more than two (2) consecutive  
16       full terms. The completion of the unexpired portion of a full term *shall not*  
17       constitute a full term.

18            **§ 122308. Vacancies.** Any vacancy which occurs in the membership  
19       of the Board for any reason, including expiration of term, removal,  
20       resignation, death, disability or disqualification, *shall* be filled by *I*  
21       *Maga'lahaen Guåhan* in the manner prescribed by § 122306.

22            **§ 122309. Removal.** (a) A Board member may be removed pursuant  
23       to the procedures set forth in Subsection (b) herein, upon one (1) or more of  
24       the following grounds:

25            (1) the refusal or inability for any reason of a Board member to  
26       perform the duties as a member of the Board in an efficient,  
27       responsible, and professional manner;

1 (2) the misuse of office by a member of the Board to obtain  
2 pecuniary or material gain or advantage personally or for another  
3 through such office;

4 (3) the violation by any member of the laws governing the  
5 practice of social work; or

6 (4) for other just and reasonable causes as determined *solely* by  
7 the Board pursuant to applicable law.

8 (b) Removal of a member of the Board *shall* be in accordance with  
9 the Administrative Adjudication Law of Guam, or other applicable laws.

10 § 122310. **Board Meetings.** The Board *shall* meet regularly at a time  
11 and place decided by the Board, or as decided by the Chairperson. A special  
12 meeting may be called at the discretion of the Chairperson. All meetings,  
13 whether regular or special, *shall* be announced and notice thereof given in  
14 accordance with the Open Government Law.

15 § 122311. **Personnel.** The Department of Public Health and Social  
16 Services *shall* be the Department responsible for the implementation of this  
17 Act. The Director *shall* provide such office space, staff, supplies,  
18 equipment, vehicle and assistants as may be necessary for the work of the  
19 Board, including the execution and enforcement of this Chapter. The  
20 Attorney General *shall* provide legal services to the Board without a fee.

21 § 122312. **Rules and Regulations.** The Board *shall* be authorized to  
22 adopt and enforce rules and regulations to carry into effect the provisions of  
23 this Act, and *shall* adopt rules and regulations in accordance with 5GCA,  
24 Chapter 9, the Administrative Adjudication Law, Rule Making Procedures.

25 § 122313. **Duties, Powers, and Authority.**

26 (a) The Board *shall* be responsible for the control and regulation of  
27 the practice of social work, including, but *not* limited to, the following:

1           (1) the licensing by examination or by licensure transfer of  
2 applicants who are qualified to engage in the practice of social work  
3 under the provisions of this Article;

4           (2) the renewal of licenses to engage in the practice of social  
5 work;

6           (3) determining the appropriate fees for licensing, licensing  
7 renewal, and other forms of regulation;

8           (4) the establishment and enforcement of compliance with  
9 professional standards of practice and rules of conduct of social  
10 workers engaged in the practice of social work and consistent with the  
11 National Association of Social Workers Code of Ethics;

12           (5) the enforcement of those provisions in the Act relating to  
13 the conduct or competence of social workers practicing in this  
14 territory, investigation of any such activities related to the practice of  
15 unauthorized practice of social work, and the suspension, revocation,  
16 or restriction of licenses to engage in the practice of social work;

17           (6) with probable cause that an applicant or licensee has  
18 engaged in conduct prohibited by this Act or a statute or rule enforced  
19 by the Board, the Board may issue an order directing the applicant or  
20 licensee to submit to a mental or physical examination or chemical  
21 dependency evaluation. For the purpose of this Section, every  
22 applicant or licensee is considered to have consented to submit to a  
23 mental or physical examination or chemical dependency evaluation  
24 when ordered to do so in writing by the Board, and to have waived all  
25 objections to the admissibility of the examiner's or evaluator's  
26 testimony or reports on the grounds that the testimony or reports  
27 constitute a privileged communication;

1 (7) the collection of professional demographic data;

2 (8) the issuance and renewal of licenses of all persons engaged  
3 in the practice of social work;

4 (9) the evaluation of non-social work degree holders who  
5 submit a written request for exemption from social work licensure as  
6 prescribed in this law, determination of whether or not exemption  
7 should be granted, and the granting of a Certificate of Exemption to  
8 applicant within eighteen (18) months of the passage of this law;

9 (10) the evaluation of non-social work degree holders who  
10 submit a written request for exception from the requirements of social  
11 work licensure as prescribed in this law, the determination of whether  
12 or not an exception should be granted; and the granting of said  
13 exceptions within eighteen (18) months of the passage of this law; and

14 (11) the inspection of any licensed person at all reasonable  
15 hours for the purpose of determining if any provisions of the laws  
16 governing the practice of social work are being violated. The Board,  
17 its officers, inspectors, and representatives *shall* cooperate with all  
18 agencies charged with the enforcement of the laws of this territory  
19 relating to the practice of social work.

20 (b) The Board *shall* have such other duties, powers, and authority as  
21 may be necessary to the enforcement of this Act and to the enforcement of  
22 Board rules made pursuant thereto, which *shall* include, but are *not* limited  
23 to, the following:

24 (1) The Board may join such professional organizations and  
25 associations organized exclusively to promote the improvement of the  
26 standards of the practice of social work for the protection of the health

1 and welfare of the public and/or whose activities assist and facilitate  
2 the work of the Board;

3 (2) The Board may receive and expend funds, in addition to its  
4 annual appropriation, from parties or other entities, to include, but *not*  
5 limited to, grants and/or awards provided that:

6 (A) such funds are awarded for the pursuit of a specific  
7 objective which the Board is authorized to accomplish by this  
8 Article, or which the Board is qualified to accomplish by reason  
9 of its jurisdiction or professional expertise;

10 (B) such funds are expended for the pursuit of the  
11 objective for which they are awarded;

12 (C) activities connected with or occasioned by the  
13 expenditures of such funds *do not* interfere with the  
14 performance of the Board's duties and responsibilities and *do*  
15 *not* conflict with the exercise of the Board's powers as specified  
16 by this Act; and

17 (D) such funds are kept in a separate account, and an  
18 annual audit report relative to the receipt of such grants and/or  
19 awards and the expenditure of such funds is performed.

20 (c) The Board may establish a Bill of Rights for clients concerning  
21 the services a client may expect in regard to social work services.

22 (d) Any investigation, inquiry, or hearing which the Board is  
23 empowered to hold or undertake by or before any member or members of  
24 the Board, and the finding or order of such member or members *shall* be  
25 deemed to be the order of said Board when approved and confirmed.

26 (e) The Board *shall* report to the Attorney General of Guam any  
27 violation of this Article, which is deemed violative pursuant to criminal

1 statutes of Guam to cause appropriate proceedings to be instituted in the  
2 proper court in a timely manner and to be prosecuted in the manner required  
3 by law.

4 (f) The Board *shall* have the power to subpoena and to bring before it  
5 any person and to take testimony either orally or by deposition, or both, in  
6 the same manner as prescribed in civil cases in the courts of this territory.  
7 Any member of the Board, hearing officer, or administrative law judge *shall*  
8 have the power to administer oaths to witnesses at any hearing, which the  
9 Board is authorized to conduct, and any other oaths authorized in any Act  
10 administered by the Board.

11 (g) The Board *shall* establish and collect fees from every applicant  
12 for the services it performs. The fees *shall* be established through rules and  
13 regulations pursuant to 5 GCA, Chapter 9, the Administrative Adjudication  
14 Law, Rule Making Procedures.

15 (h) In addition to the fees specifically provided for, the Board may  
16 assess additional reasonable fees for services rendered to carry out its duties  
17 and responsibilities as required or authorized by this Act or rules adopted  
18 hereunder. Such services rendered *shall* include, but *not* be limited to, the  
19 following:

- 20 (1) issuance of duplicate certificates or identification cards;
- 21 (2) mailing lists, or reports of data maintained by the Board;
- 22 (3) copies of any documents;
- 23 (4) certification of documents;
- 24 (5) notices of meetings;
- 25 (6) licensure transfer;
- 26 (7) examination administration to a licensure applicant; and
- 27 (8) examination materials.

1           **§ 122314. Social Work Licensing Program.** There is hereby  
2 established within the Department of Public Health and Social Services, to  
3 be administered by the Board, a social work licensing program that *shall*  
4 recognize the “Licensed Bachelor Social Worker” or “L.B.S.W.”, the  
5 “Licensed Master’s Social Worker” or “L.M.S.W.”, and the “Licensed  
6 Clinical Social Worker” or “L.C.S.W”.

7           **§ 122315. Limitations of Scope of Practice.** In accordance with the  
8 definition of the practice of social work there *shall* be limitations on the  
9 scope of the practice of social work as follows:

10           (a) The “Licensed Bachelor Social Worker” or “L.B.S.W.” may  
11 perform duties as defined in §122302, and as defined in Subsections  
12 (a) to (d) of the definition of the practice of social work in said  
13 Section in an agency setting under supervision;

14           (2) The “Licensed Master’s Social Worker” or “L.M.S.W.” may  
15 perform duties as defined in §122302, and as defined in Subsections  
16 (a) to (g) of the definition of the practice of social work in said  
17 Section; and

18           (3) The “Licensed Clinical Social Worker” or “L.C.S.W.” may  
19 perform duties as defined in §122302, and as defined in Subsections  
20 (a) to (h) of the definition of the practice of social work in said  
21 Section.

22           **§ 122316. License Required.** No person shall purport to be a “social  
23 worker”, “Licensed Bachelor Social Worker”, “Licensed Master’s Social  
24 Worker”, “Licensed Clinical Social Worker”, or use the letters “S.W.”,  
25 “L.B.S.W.”, “L.M.S.W.”, or “L.C.S.W”, in connection with the person’s  
26 name, or engage in the practice of social work as defined in this Article  
27 without meeting the applicable requirements and holding a license as set

1           forth in this Article or holding a Certificate of Exemption from the Board.  
2           For those granted a Certificate of Exemption, the person is prohibited from  
3           using any of the letters indicated in this Section, irrespective of their job  
4           title.

5           **§ 122317. Exemptions.** Exemptions may be granted to non-social  
6           work degree holders who are employed with the job title “social worker” or  
7           any derivative thereof. Those granted a Certificate of Exemption by the  
8           Board would be allowed to remain in their social work positions without a  
9           social work license. Persons may apply for a Certificate of Exemption  
10          within eighteen (18) months of the date of the enactment of this Act. After  
11          the eighteen (18) months period has expired, no person shall be granted a  
12          Certificate of Exemption. The Certificate of Exemption *shall* be effective  
13          indefinitely the course of the person’s professional career.

14          (a) A Certificate of Exemption is granted to any person employed  
15          with the job title “social worker” or any derivative thereof who possesses a  
16          Bachelor’s, Master’s, or PhD level degree that is not in the field of social  
17          work as of the date of the enactment of this Act, but if he wishes to continue  
18          employment with the job title “social worker”, he may obtain a Certificate of  
19          Exemption from the Board by providing the following:

20                  (1) a written request for exemption from licensure;

21                  (2) a written declaration that they are individuals in good  
22          standing based on satisfactory employment performance evaluations  
23          and with no ethical complaints in the course of their employment with  
24          the job title “social worker”;

25                  (3) sign a declaration statement that they will abide by the  
26          National Association of Social Workers Code of Ethics; and

1 (4) submit three (3) letters of verification; one (1) from their  
2 current employer acknowledging that he/she is an individual in good  
3 standing, and is highly recommended for employment with the job  
4 title, “social worker”.

5 (b) Licensure *shall not* be required of:

6 (1) any licensed person doing work within the scope of practice  
7 or duties of the person’s profession that overlaps with the practice of  
8 social work; provided the person *does not* purport to be a social  
9 worker;

10 (2) any person employed by a federal, state, or government  
11 agency in a social worker position, but only at those times when that  
12 person is carrying out the duties and responsibilities as a social worker  
13 (i.e. social workers responding to natural disasters) for *up to* six (6)  
14 months, or extension as certified by the Board, and holds a social  
15 work license in another U.S. state or jurisdiction;

16 (3) any student enrolled in an accredited educational institution  
17 in a recognized program of study leading toward attainment of a  
18 degree in social work; provided, that the student’s activities and  
19 services are part of a prescribed course of study supervised by the  
20 educational institution and the student is identified by an appropriate  
21 title such as “social work student”, “social work intern”, or any other  
22 title which clearly indicates the student’s training status;

23 (4) any person who is a member of a mental health professional  
24 *not* requiring licensure; provided, that the person functions *only* within  
25 the person’s professional capacities; and provided further that the  
26 person *does not* purport to be a social worker;

1 (5) any person teaching, lecturing, consulting, or engaging in  
2 research in social work insofar as the activities are performed as part  
3 of or are dependent upon employment in a college or university;  
4 provided, that the person *shall not* engage in the practice of social  
5 work outside the responsibilities of the person's employment;

6 (6) any person who is a duly recognized member of the clergy;  
7 provided, that the person functions *only* within the person's capacities  
8 as a member of the clergy; and provided further that the person *does*  
9 *not* purport to be a social worker;

10 (7) any person who is obtaining supervised clinical experience  
11 for licensure as a psychologist, marriage and family therapist, or as  
12 another licensed professional; provided, that the person's title  
13 indicates a trainee status; and provided further that the person *does not*  
14 purport to be a social worker;

15 (8) any person in the process of obtaining three thousand  
16 (3,000) hours of post Master's clinical social work experience under  
17 the supervision of a licensed clinical social worker or an individual  
18 identified in §122302 to qualify for a license as a licensed clinical  
19 social worker; and provided that the person calls oneself a clinical  
20 social worker intern and is supervised while performing clinical  
21 diagnosis and psychotherapy.

22 **§ 122318. Exceptions.** An exception is granted to any person  
23 meeting the following conditions:

24 (a) a person who is employed or has retired with the job title "social  
25 worker" or any derivative thereof and possesses a Bachelor's, Master's, or  
26 Ph.D. degree in the field of social work from an accredited or unaccredited  
27 social work degree program as of the date of passage of this law. Those

1 granted exceptions must obtain a social work license within eighteen (18)  
2 months upon enactment of this Act;

3 (b) a person who self-identifies as a social worker and possesses a  
4 Bachelor's, Master's, or Ph.D. degree in the field of social work from an  
5 accredited or unaccredited social work degree program upon enactment of  
6 this Act. Those granted exceptions must obtain a social work license within  
7 eighteen (18) months upon enactment of this Act; and

8 (c) a person who possess a non-social work degree, but possesses a  
9 degree in a related social science, to include degrees such as psychology,  
10 sociology, counseling, human relations and human services, political  
11 science, criminal justice, and any other degrees as approved by the Board;  
12 and who self-identifies as a social worker may apply for an exception to  
13 obtain social work licensure meeting the following requirements:

14 (1) provide a written request for exception from licensure  
15 requirements to the Board;

16 (2) provide a written declaration that they are individuals in  
17 good standing based on satisfactory employment performance  
18 evaluations and with no ethical complaints in the course of their  
19 employment with the job title "social worker";

20 (3) sign a declaration statement that they will abide by the  
21 National Association of Social Workers Code of Ethics;

22 (4) submit three (3) letters of verification; one (1) from their  
23 current employer acknowledging that he/she is an individual in good  
24 standing, and is highly recommended for employment with the job  
25 title, "social worker"; and

26 (5) obtain fifty (50) continuing education units (CEU) or  
27 certified training contact hours approved by the Social Work Board in

1 the field of social work to include the following: the application of  
2 social work theory, knowledge, methods, ethics, and the professional  
3 use of self to restore or enhance social, psychosocial, or bio-  
4 psychosocial functioning of individuals, couples, families, groups,  
5 organizations, and communities; and training in the social work  
6 Generalist Practice Model that includes assessment, planning,  
7 intervention, evaluation, case management, information and referral,  
8 counseling, supervision, consultation, education, advocacy,  
9 community organization, and the development, implementation, and  
10 administration of policies, programs, and activities. The fifty (50)  
11 CEUs or certified training contact hours shall have no time or date  
12 limitations.

13 (d) All persons qualified for exceptions *do not* need to take the  
14 appropriate licensure examination, but must conform to all other  
15 requirements consistent with the appropriate level of licensure as prescribed  
16 in the law. Exceptions may *only* be granted by the Board up until eighteen  
17 (18) months upon enactment of this Act.

18 **§ 122319. Licensing Requirements.** Every applicant for a license as  
19 a social worker *shall* submit evidence satisfactory to the Board that the  
20 applicant meets the following requirements:

21 (a) For the Licensed Bachelor Social Worker (L.B.S.W.), the  
22 applicant must:

23 (1) hold a Bachelor's degree from a college or university in a  
24 social work program accredited by or deemed to be equivalent to a  
25 program accredited by the Council on Social Work Education; and

26 (2) have passed the basic level national examination given by  
27 the Association of Social Work Boards (ASWB).

1 (b) For the Licensed Master's Social Worker (L.M.S.W.), the  
2 applicant must:

3 (1) hold a Master's degree from a college or university in a  
4 social work program accredited by or deemed to be equivalent to an  
5 accredited program by the Council on Social Work Education or a  
6 doctoral degree from a doctoral degree program in social work  
7 accredited by the Western Association of Schools and Colleges or a  
8 comparable regional accreditation body; and

9 (2) have passed the intermediate higher-level national  
10 examination given by the Association of Social Work Board (ASWB)  
11 or has been credentialed by the Association of Certified Social  
12 Workers (ACSW).

13 (c) For the Licensed Clinical Social Worker (L.C.S.W.), the applicant  
14 must:

15 (1) meet the educational requirements in Subsection (b) of this  
16 §122319;

17 (2) have passed the clinical level national examination given by  
18 the Association of Social Work Boards (ASWB); and

19 (3) have provided evidence of successful completion of at last  
20 three thousand (3,000) hours of post masters clinical social work  
21 experience under the supervision, and completed within *no fewer than*  
22 two (2) years, but within *no more than* five (5) years. Clinical social  
23 work experience *shall* include a minimum of two thousand (2,000)  
24 hours of assessment, clinical diagnosis and psychotherapy; *no more*  
25 *than* a maximum of nine hundred (900) hours of client-centered  
26 advocacy, consultation, and evaluation; and *at least* one hundred  
27 (100) hours of direct face-to-face supervision. *At least* sixty (60) of

1 the one hundred (100) hours of direct face-to-face supervision *shall*  
2 have been individualized supervision, and the remaining forty (40)  
3 hours may have been under small group (up to six (6) supervisees)  
4 supervision; provided, that the supervisor *shall* have been a licensed  
5 clinical social worker with *at least* four thousand five hundred (4,500)  
6 hours of post masters clinical social work experience.

7 (d) For the first five (5) years upon enactment of this Act, the  
8 following individuals *shall* be deemed to have satisfied the requirements of a  
9 supervisor:

10 (1) a person with a master's degree in social work with *at least*  
11 four thousand five hundred (4,500) post masters clinical social work  
12 experience; or

13 (2) an individual who is a Diplomate in Clinical Social Work  
14 (DCSW) or holds a Board Certified Diplomate Certification (BCD);  
15 or a board certified psychiatrist, psychologist, or advanced practice  
16 registered nurse who has a minimum of four thousand five hundred  
17 (4,500) hours of post masters clinical experience in assessment,  
18 clinical diagnosis, and psychotherapy.

19 (e) Supervision *shall* have occurred in an agency setting that provided  
20 clinical diagnosis and psychotherapy.

21 (f) An applicant who submits evidence of certification as a Qualified  
22 Clinical Social Worker (QCSW) or Diplomate in Clinical Social Work  
23 (DCSW) by the National Association of Social Workers or as a Board  
24 Certified Diplomate by the American Board of Examiners *shall* be deemed  
25 to have satisfied the experience requirements of this Section.

26 **§ 122320. Reciprocity and Endorsement.**

1 (a) The Board may enter into reciprocity agreements with other states  
2 and issue a license to a social worker who has been licensed in that state;  
3 provided, that the requirements for a license in the state in which the  
4 applicant is licensed are deemed by the Board to be equal to or greater than  
5 the current requirements for a license in this territory.

6 (b) The Board may issue a license by endorsement by honoring a  
7 passing score on the examination of the Association of Social Work Boards  
8 (ASWB); provided that at a minimum, the applicant meets the other  
9 requirements and the passing score is from the examination category that is  
10 required for licensed in this territory and the other state uses for its license.

11 **§ 122321. Application for Examination.**

12 (a) Any person eligible for licensure who wishes to be licensed *shall*  
13 apply for examination to the Board *at least* ninety (90) days prior to the date  
14 of the examination, upon a form and in the manner that the Board *shall*  
15 prescribe;

16 (b) Any application to the Board *shall* be accompanied by a  
17 nonrefundable application fee; and

18 (c) A person who applies for an examination may apply for  
19 reexamination.

20 **§ 122322. Examination for License.**

21 (a) Each applicant for licensure *shall* take and pass a national  
22 examination administered by the Association of Social Work Boards  
23 (ASWB) in accordance with procedures and standards prescribed by the  
24 Board.

25 (b) Applicants for the “Licensed Clinical Social Worker” or  
26 “L.C.S.W.” license who have passed the L.C.S.W. examination administered

1 by the Association of Social Work Boards before the enactment of this Act  
2 *shall* be deemed to have satisfied the requirement of this Article.

3 (c) The applicant *shall* pay the examination fee directly to the  
4 Association of Social Work Boards (ASWB).

5 § 122323. **Issuance of License.** The Board *shall* issue a license to  
6 any person who meets all licensure requirements, to include payment of the  
7 appropriate fees.

8 § 122324. **Renewals.** Every license issued under this Act *shall* be  
9 renewed every two (2) years on or before the date set forth by the Board.

10 § 122325. **Requirement.** A licensee must complete *at least* thirty  
11 (30) hours of approved programs of continuing education units in the two (2)  
12 year period that should be completed at the time of license renewal.

13 (a) A Program of Continuing Education must contain *at least* one (1)  
14 of the following content areas related to social work practice:

15 (1) Theories and concepts of human behavior in the social  
16 environment;

17 (2) Social work practice, knowledge and skills;

18 (3) Social work research, programs, or practice evaluations;

19 (4) Social work management, administration or social policy;

20 (5) Social work ethics; and

21 (6) Other areas approved by the Board deemed important and  
22 relevant to current social work practice.

23 (b) The following amount of continuing education hours must be  
24 earned in the following program areas:

25 (1) six (6) education hours addressing social work ethics, and  
26 must be completed through courses offered by NASW;

1                   (2) four (4) education hours addressing cultural competency,  
2                   specific to the diverse population of Guam; and

3                   (3) two (2) education hours in the area of working with persons  
4                   with disabilities.

5                   (c) Continuing education hours must be earned in *at least* two (2) of  
6                   the following academic course work:

7                   (1) Courses and seminars given by an Accredited Program of  
8                   Social Work;

9                   (2) Postgraduate courses from a university, college, or other  
10                  institution of higher education, in a field other than social work, upon  
11                  proof that the course is relevant to social work practice and with the  
12                  approval of the Board;

13                  (3) Undergraduate courses from a university, college or other  
14                  institution of higher education, upon satisfaction of the Board that  
15                  such course updates or enhances the licensee's social work  
16                  competence;

17                  (4) Correspondence work, televised courses, audio/visual,  
18                  videotapes, on-line, and other forms of self-study upon approval of the  
19                  Board, shown to update or enhance social work competence. Under no  
20                  circumstances shall more than five (5) hours from this category be  
21                  acceptable as continuing education for each renewal cycle;

22                  (5) Continuing education presentations of national,  
23                  international, regional, or sub-regional conferences or association  
24                  meetings relevant to social work practice;

25                  (6) Workshops or institutes, including approved workshops at  
26                  conventions relevant to social work practice from approved providers;

1 (7) Public or private agency staff development programs from  
2 approved providers that contribute to the enhancement of social work  
3 practice or knowledge that are not primarily procedural or  
4 administrative.

5 (d) The Board *shall* have the final approval of the content areas for  
6 designating a program as a Program of Continuing Education. The Board  
7 may determine an Approved Provider of Continuing Education, after receipt  
8 of an application as set forth by the Board, accompanied by an applicable  
9 fee, which demonstrates the following:

10 (1) Programs to be provided will meet guidelines as  
11 determined by the Board, and will be presented by competent  
12 individuals as documented by appropriate academic training,  
13 professional licensure or certification, or professionally recognized  
14 experience;

15 (2) An identified licensed social worker will be involved in  
16 program planning and review;

17 (3) Appropriate documents will be maintained and provided to  
18 the Board upon request, including presenter qualifications, learning  
19 objectives, content outlines, attendance records, and completed  
20 evaluation forms;

21 (4) Compliance with all other applicable laws, including the  
22 Americans with Disabilities Act.

23 (5) Attendees will be provided a certificate of completion,  
24 which includes the provider number.

25 Upon enactment of this Act, the Board *shall* convene an adhoc  
26 committee, with *no more than* five (5) members as appointed by the  
27 Chair, which may include non-members of the Board to compile a list

1 of any additional continuing education units and/or hours *not*  
2 identified in this Chapter with the final approval by the Board.

3 **§ 122326. Revocation, Suspension, Denial, or condition of**  
4 **Licenses; Fines.**

5 (a) In addition to any other acts or conditions provided by law, the  
6 Board may refuse to renew, reinstate, or restore; or may deny, revoke,  
7 suspend, or condition in any manner any license; or fine any exempt  
8 government employee or any one (1) or more of the following acts or  
9 conditions on the part of the applicant, licensee or exempt person:

10 (1) failing to meet or maintain the conditions and requirements  
11 necessary to qualify for the granting of a license;

12 (2) being addicted to, dependent on, or being a habitual user of  
13 a narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine,  
14 or other drugs or derivatives of a similar nature;

15 (3) engaging in the practice of social work while impaired by  
16 alcohol, drugs, or mental instability;

17 (4) procuring a social work license through fraud,  
18 misrepresentation, or deceit;

19 (5) aiding and abetting an unlicensed person to directly or  
20 indirectly use the title “social worker” or engage in the practice as a  
21 “Licensed Bachelor Social Worker”, “Licensed Master’s Social  
22 Worker” or “Licensed Clinical Social Worker”;

23 (6) engaging in professional misconduct, incompetence, gross  
24 negligence, or manifest incapacity in the practice of social work;

25 (7) engaging in conduct or practice contrary to the National  
26 Association of Social Worker’s Professional Code of Ethics;

1 (8) failing to comply, observe, or adhere to any law in a  
2 manner such that the Board deems the applicant or holder to be an  
3 unfit or improper person to hold a social work license;

4 (9) revocation, suspension or other disciplinary action by  
5 another state or federal agency against the licensee or applicant for  
6 any reason provided by this Section;

7 (10) having a criminal conviction, whether by nolo contendere  
8 or otherwise, of a crime directly related to the qualifications, functions  
9 or duties of the social work profession;

10 (11) failing to report in writing to the Board any disciplinary  
11 decision issued against the licensee or the applicant in another  
12 jurisdiction within thirty (30) days of the disciplinary decision;

13 (12) employing, utilizing, or attempting to employ or utilize at  
14 any time any person not licensed who purports to be or engages in  
15 practice as a Social Worker, Licensed Bachelor Social Worker,  
16 Licensed Master's Social Worker, or Licensed Clinical Social  
17 Worker;

18 (13) engaging in the practice of social work beyond the scope  
19 of the person's license; or

20 (14) violating this Chapter or any rules adopted pursuant  
21 thereto.

22 (b) The Board may determine on a case-by-case basis to give a  
23 license to an applicant who has been convicted of a crime; provided the  
24 following is met:

25 (1) the applicant must provide proof that he/she has made  
26 efforts to rehabilitate himself/herself and become positive, productive  
27 members in the community; and

1                   (2) if one was convicted of a crime ten (10) or more years  
2                   before the date of application or the date of license renewal, the Board  
3                   may automatically administer the license.

4                   (c) Any licensee who violates this Section may also be fined *not more*  
5 *than* One Thousand Dollars (\$1,000) per violation.

6                   (d) The Board *shall* have the authority to investigate, prosecute, and  
7                   conduct administrative hearings regarding exempt government employees.

8                   (e) The Board may defer action with regard to an impaired licensee  
9                   who voluntarily signs an agreement, in a form satisfactory to the Board,  
10                  agreeing *not* to practice social work and to enter an approved treatment and  
11                  monitoring program in accordance with this Section; provided, that this  
12                  Section *shall not* apply to a licensee who has been convicted of, pleads  
13                  guilty to, or enters a plea of nolo contendere to a felonious act or an offense  
14                  relating to a controlled substance in a court of law of the United States or  
15                  any other state, territory, or country, or a conviction related to sexual  
16                  misconduct. A licensee who is physically or mentally impaired due to  
17                  mental illness or addiction to drugs or alcohol may qualify as an impaired  
18                  social worker and have disciplinary action deferred and ultimately waived  
19                  *only* if the Board is satisfied that such action will *not* endanger the public  
20                  and the licensee enters into an agreement with the Board for a treatment and  
21                  monitoring plan approved by the Board, progresses satisfactorily in such  
22                  treatment and monitoring program, and complies with all terms of the  
23                  agreement and all other applicable terms of this Section.

24                  (f) Failure to enter such agreement or to comply with the terms and  
25                  make satisfactory progress in the treatment and monitoring program *shall*  
26                  disqualify the licensee from the provisions of this Section, and the Board  
27                  may activate an immediate investigation and disciplinary proceeding. Upon

1 completion of the rehabilitation program in accordance with the agreement  
2 signed by the Board, the licensee may apply for permission to resume the  
3 practice of social work upon such conditions as the Board determines  
4 necessary.

5 **§ 122327. Prohibited Acts; Penalties.** No person shall:

6 (a) use in connection with the person's name any designation tending  
7 to imply that the person is a Social Worker, Licensed Bachelor Social  
8 Worker, Licensed Master's Social Worker, or Licensed Clinical Social  
9 Worker, *unless* the person is duly licensed and authorized under this  
10 Chapter;

11 (b) represent oneself as a Social Worker, Licensed Bachelor Social  
12 Worker, Licensed Master's Social Worker, or Licensed Clinical Social  
13 Worker during the time the person's license issued under this Chapter is  
14 forfeited, terminated, suspended, or revoked;

15 (c) perform clinical diagnosis or psychotherapy, *unless* the person is a  
16 licensed clinical social worker; or

17 (d) engage in autonomous and independent clinical social work  
18 practice without being licensed as a Licensed Clinical Social Worker.

19 (e) Any person who is in violation of any of the acts pursuant to this  
20 Article *shall* be subject to a fine of *not more than* One Thousand Dollars  
21 (\$1,000), and each day's violation *shall* be deemed a separate offense. The  
22 Board *shall* determine the revocation of any license issued by the Board in  
23 consideration of the severity of the violation and severity of the prohibited  
24 acts.

25 **§ 122328. Consumer Right of Action.** Any person who suffers  
26 damage as a result of a violation of this Article *shall* be entitled to injunctive  
27 relief restraining further violations and may sue to recover damages in any

1 circuit court of the territory and, if successful, *shall* recover three (3) times  
2 the actual damages or One Thousand Dollars (\$1,000), whichever is greater.  
3 In any action brought under this Act, the prevailing party *shall* be entitled to  
4 the recovery of costs of suits, including reasonable attorney's fees.

5 **§ 122329. Privileged Communication.**

6 (a) No social worker shall disclose any information acquired or  
7 provided by a client or from persons consulting the social worker in a  
8 professional capacity, *except* that which may be voluntarily disclosed under  
9 the following circumstances:

10 (1) in the course of formally reporting, conferring or consulting  
11 with administrative superiors, colleagues or consultants who share  
12 professional responsibility, in which instance all recipients of such  
13 information are similarly bound to regard the communication as  
14 privileged;

15 (2) with the written consent of the person who provided the  
16 information;

17 (3) in case of death or disability, with the written consent of a  
18 personal representative, other person authorized to sue, or the  
19 beneficiary of an insurance policy on the person's life, health or  
20 physical condition;

21 (4) when a communication reveals the intended commission of  
22 a crime or harmful act, and such disclosure is judged necessary by the  
23 social worker to protect any person from a clear, imminent risk of  
24 serious mental or physical harm or injury, or to forestall a serious  
25 threat to the public safety; or

26 (5) when the person waives the privilege by bringing any  
27 public charges against the licensee.

1 (b) When the person is a minor under the laws of the territory of  
2 Guam and the information acquired by the social worker indicates the minor  
3 was the victim of or witness to a crime, the social worker may be required to  
4 testify in any judicial proceedings in which the commission of that crime is  
5 the subject of inquiry, and when the court determines that the interests of the  
6 minor in having the information held privileged are outweighed by the  
7 requirements of justice, the need to protect the public safety or the need to  
8 protect the minor.

9 (c) Any person having access to records or anyone who participates  
10 in providing social work services or who, in providing any human services,  
11 is supervised by a social worker, is similarly bound to regard all information  
12 and communications as privileged in accordance with this Section.

13 (d) Nothing shall be construed to prohibit a social worker from  
14 voluntarily testifying in court hearings concerning matters of adoption, child  
15 abuse, child neglect or other matters pertaining to children, the elderly, and  
16 physically and mentally impaired adults, *except* as prohibited under the  
17 applicable state and federal laws.

18 **§ 122330. Creation of Revolving Fund.** There is hereby created  
19 the “Social Work Board Revolving Fund” (Fund) within the Health  
20 Professional Licensing Office of the Department of Public Health and Social  
21 Services, specifically for use by the Board. All such revenues, including  
22 fines, *shall* be deposited into the Fund. Such funds *shall* be appropriated  
23 continuously and *shall* be used by the Board *only* for administration and  
24 enforcement of this Act. All fees and charges *shall* be set by the Board  
25 pursuant to its budget needs and *shall* comply with 5 GCA, Chapter 9. A  
26 designated officer of the Board *shall* oversee the collection and  
27 disbursement of funds. The Office of Public Accountability, or its

1 equivalent, *shall* audit the Fund annually with reports to be submitted to I  
2 *Maga’lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan*. The Fund  
3 *shall not* be subject to any transfer authority of *I Maga’lahen Guåhan*.

4 **§ 122331. Standards of Practice / Code of Conduct.**

5 **Part 1. Standards of Practice.**

6 **Subpart 1. Scope and Applicability.** The standards of  
7 practice apply to *all* applicants and licensees. The use of the term  
8 *social worker* within these standards of practice includes *all*  
9 applicants and licensees.

10 **Subpart 2. Purpose.** The standards of practice constitute the  
11 standards by which the professional conduct of an applicant or  
12 licensee is measured.

13 **Subpart 3. Violations.** A violation of the standards of practice  
14 constitutes unprofessional or unethical conduct and constitutes  
15 grounds for disciplinary action or denial of licensure.

16 **Part 2. General Practice Parameters.**

17 **Subpart 1. Client Welfare.** Within the context of the specific  
18 standards of practice prescribed herein, a social worker *shall* make  
19 reasonable efforts to advance the welfare and best interests of a client.

20 **Subpart 2. Self-determination.** Within the context of the  
21 specific standards of practice prescribed herein, a social worker *shall*  
22 respect a client’s right to self-determination.

23 **Subpart 3. Non-discrimination.** A social worker *shall not*  
24 discriminate against a client, student, or supervisee on the basis of  
25 age, gender, sexual orientation, race, color, national origin, religion,  
26 diagnosis, disability, political affiliation, or social or economic status.  
27 If the social worker is unable to offer services because of a concern

1 about potential discrimination against a client, student, or supervisee,  
2 the social worker *shall* make an appropriate and timely referral. When  
3 a referral is *not* possible, the social worker *shall* obtain supervision or  
4 consultation to address the concern.

5 **Subpart 4. Professional Disclosure Statement.**

6 (a) A social worker *shall* effectively communicate through  
7 handouts or other means as appropriate for all clients and may display  
8 at the social worker's primary place of practice a statement that the  
9 client has the right to the following:

10 (1) to expect that the social worker has met the minimal  
11 qualifications of education, training, and experience required by  
12 the law in that jurisdiction;

13 (2) to examine public records maintained by the Board  
14 which contain the social worker's qualifications and  
15 credentials;

16 (3) to be given a copy of the standards of practice upon  
17 request;

18 (4) to report a complaint about the social worker's  
19 practice to the Board;

20 (5) to be informed of the cost of professional services  
21 before receiving the services;

22 (6) to privacy as allowed by law, and to be informed of  
23 the limits of confidentiality;

24 (7) to be free from being the object of discrimination  
25 while receiving social work service; and

26 (8) to have access to records as allowed by law.

1 (b) Limited Access to Client Information. A social worker  
2 *shall* make reasonable efforts to limit access to client information in a  
3 social worker's agency to appropriate agency staff whose duties  
4 require access.

5 (c) A social worker receiving supervision related to practice  
6 *shall* inform the client that the social worker may be reviewing the  
7 client's case with the social worker's supervisor or consultant. Upon  
8 request, the social worker *shall* provide the name of the supervisor  
9 and the supervisor's contact information.

### 10 **Part 3. Competence.**

11 **Subpart 1. Continued Competence.** A social worker *shall*  
12 take all necessary and reasonable steps to maintain continued  
13 competence in the practice of social work.

14 **Subpart 2. Limits on Practice.** A social worker *shall* limit  
15 practice *only* to the competency areas for which the social worker is  
16 qualified by licensure and training, experience, or supervised practice.

17 **Subpart 3. Referrals.** A social worker *shall* make a referral to  
18 other professionals when the services required are beyond the social  
19 worker's competence.

20 **Subpart 4. Delegation.** A social worker *shall not* assign,  
21 oversee or supervise the performance of a task by another individual  
22 when the social worker knows that the other individual is *not* licensed  
23 to perform the task or *has not* developed the competence to perform  
24 such task.

### 25 **Part 4. Practice Requirements.**

26 **Subpart 1. Assessment or Diagnosis.** A social worker *shall*  
27 base services on an assessment or diagnosis. A social worker *shall*

1 evaluate on an ongoing basis whether the assessment or diagnosis  
2 needs to be reviewed or revised.

3 **Subpart 2. Assessment or Diagnostic Instrument.** A social  
4 worker *shall* follow standard and accepted procedures for deciding  
5 when and how to use an assessment or diagnostic instrument. A  
6 social worker *shall* inform a client of its purpose before administering  
7 the instrument and, when available, of the results derived therefrom.

8 **Subpart 3. Plan.** A social worker *shall* develop a plan for  
9 service, which includes goals based on the assessment or diagnosis. A  
10 social worker *shall* evaluate on an ongoing basis whether the plan  
11 needs to be reviewed or revised.

12 **Subpart 4. Supervision or Consultation.** A social worker  
13 *shall* obtain supervision or engage in consultation when necessary to  
14 serve the best interests of a client.

15 **Subpart 5. Informed Consent.**

16 (a) Social workers *shall* provide services to clients *only* in the  
17 context of a professional relationship based, when appropriate, on  
18 valid informed consent. Social workers should use clear and  
19 understandable language to inform clients of the plan of the services,  
20 risks related to the plan, limits to services, relevant costs, reasonable  
21 alternatives, client's right to refuse or withdraw consent, and the time  
22 frame covered by the consent. Social workers *shall* provide clients  
23 with an opportunity to ask questions.

24 (b) If the client *does not* have the capacity to provide consent,  
25 the social worker *shall* obtain consent for the services from the  
26 client's legal guardian, or other authorized representative.

1 (c) If the client, the legal guardian, or other authorized  
2 representative *does not* consent, the social worker *shall* discuss with  
3 the client that a referral to other resources may be in the client's best  
4 interests.

5 **Subpart 6. Records.**

6 (a) A social worker *shall* make and maintain records of  
7 services provided to a client. At a minimum, the records *shall* contain  
8 documentation of the assessment or diagnosis; documentation of a  
9 plan; documentation of any revision of the assessment or diagnosis or  
10 of a plan; any fees charged and other billing information; copies of all  
11 client authorization for release of information; and any other legal  
12 forms pertaining to the client. These records *shall* be maintained by  
13 the licensee or agency employing the licensee under secure conditions  
14 and for time periods in compliance with applicable federal or state  
15 law, but in no case for fewer than seven (7) years after the last date of  
16 service.

17 (b) Where a social worker or social work practice ceases  
18 operations as a result of a suspension, retirement or death of the  
19 owner, sale or other cause, including insolvency, the licensee, or other  
20 individual responsible for supervising the disposition of the practice,  
21 *shall* make every effort to notify the clients of their right to retrieve  
22 current records for a period of six (6) months using all of the  
23 following methods:

- 24 (1) notification in writing to the board;
- 25 (2) publication, *at least* weekly for one (1) month, in a  
26 newspaper whose circulation encompasses the major area of a

1 practitioner's former practice, of a notice advising clients of the  
2 right to retrieve their records for a six (6) month period; and

3 (3) if applicable, a sign placed at the practice location  
4 informing clients of the right and procedures to retrieve their  
5 records.

6 (b) Should any client fail to retrieve the records within the six  
7 (6) month period and unless otherwise required by law, the  
8 responsible party *shall* arrange for the destruction of such documents  
9 in a manner to ensure confidentiality.

10 **Subpart 7. Reports.** A social worker *shall* complete and  
11 submit reports as required by law in a timely manner.

12 **Subpart 8. Exploitation.** A social worker *shall not* exploit in  
13 any manner the professional relationship with a client, student, or  
14 supervisee for the social worker's emotional, financial, sexual or  
15 personal advantage or benefit, nor shall the social worker use the  
16 professional relationship with a client, student, or supervisee to further  
17 personal, religious, political or business interests.

18 **Subpart 9. Termination of Services.** A social worker *shall*  
19 terminate a professional relationship with a client when the client is  
20 *not* likely to benefit from continued services *or* the services are *no*  
21 *longer* needed. The social worker who anticipates the termination of  
22 services *shall* give reasonable notice to the client. The social worker  
23 *shall* take reasonable steps to inform the client of the termination of  
24 professional relationship. The social worker *shall* provide referrals as  
25 needed *or* upon the request of the client. A social worker *shall not*  
26 terminate a professional relationship for the purpose of beginning a  
27 personal or business relationship with a client.

1           **Part 5. Relationships with Clients and Former Clients.**

2           **Subpart 1. Personal Relationships With Clients.** A social  
3 worker *shall not* engage in dual relationships with clients that  
4 compromise the well-being of the client, impair the objectivity and  
5 professional judgment of the social worker *or* increase the risk of  
6 client exploitation. When a social worker may *not* avoid a personal  
7 relationship with a client, the social worker *shall* take appropriate  
8 precautions, such as informed consent, consultation, or supervision to  
9 ensure that the social worker’s objectivity and professional judgment  
10 are *not* impaired.

11           **Subpart 2. Personal Relationships with Former Clients.** A  
12 social worker may engage in a personal relationship, *except* as  
13 prohibited by Part 5, Subpart 4, with a former client, if the former  
14 client was notified of the termination of the professional relationship.  
15 The social worker *shall* continue to consider the best interests of the  
16 former client, and *shall not* engage in a personal relationship with a  
17 former client if a reasonable social worker would conclude that the  
18 former client continues to relate to the social worker in the social  
19 worker’s professional capacity.

20           **Subpart 3. Sexual Contact With a Client.** A social worker  
21 *shall not* engage in or request sexual contact as defined in Part 5,  
22 Subpart 5, with a client under any circumstances. A social worker  
23 *shall not* engage in any verbal or physical behavior which a  
24 reasonable person would find to be sexually seductive or sexually  
25 demeaning. A social worker *shall not* sexually harass a client.

26           **Subpart 4. Sexual Contact With a Former Client.** A social  
27 worker who has provided clinical social work services to a client *shall*

1           *not* engage in or request sexual contact as defined in Part 5, Subpart 5,  
2           with the former client under any circumstances. A social worker who  
3           has provided other social work services to a client *shall not* engage in  
4           or request sexual contact as defined in Part 5, Subpart 5, with the  
5           former client at any time if a reasonable social worker would  
6           determine that engaging in sexual contact with the client would be  
7           exploitative, abusive, or detrimental to the client’s welfare. It is the  
8           responsibility of the social worker to assume the full burden of  
9           demonstrating that the former client *has not* been exploited or abused  
10          either intentionally or unintentionally.

11           **Subpart 5. Sexual Contact Defined.** Sexual contact includes,  
12          but is *not* limited to, sexual intercourse, either genital or anal,  
13          cunnilingus, fellatio, or the handling of the breasts, genital areas,  
14          buttocks, or thighs, whether clothed or unclothed, by either the social  
15          worker or the client.

16           **Subpart 6. Business Relationship With a Client.** A social  
17          worker *shall not* engage in any type of a business relationship with a  
18          client. Business relationships *do not* include purchases made by the  
19          social worker from the client when the client is providing necessary  
20          goods or services to the general public, and the social worker  
21          determines that it is *not* possible or reasonable to obtain the necessary  
22          goods or services from another provider.

23           **Subpart 7. Business Relationship With a Former Client.** A  
24          social worker may engage in a business relationship with a former  
25          client *if* the former client was notified of the termination of the  
26          professional relationship. The social worker *shall* continue to consider  
27          the best interests of the former client, and *shall not* engage in a

1 business relationship with a former client if a reasonable social worker  
2 would conclude that the former client continues to relate to the social  
3 worker in the social worker's professional capacity.

4 **Subpart 8. Prior Personal or Business Relationships.** A  
5 social worker may engage in a professional relationship with an  
6 individual with whom the social worker had a previous personal or  
7 business relationship *only* if a reasonable social worker would  
8 conclude that the social worker's objectivity and professional  
9 judgment will *not* be impaired by reason of the previous personal or  
10 business relationship.

11 **Subpart 9. Social Worker Responsibility.** A social worker  
12 *shall* be *solely* responsible for acting appropriately in regard to  
13 relationships with clients or former clients. A client or a former  
14 client's initiation of a personal, sexual, or business relationship *shall*  
15 *not* be a defense by the social worker for a violation of Part 5,  
16 Subparts 1 through 8.

17 **Subpart 10. Others.** Part 5, Subparts 1 through 9 also apply to  
18 a social worker's relationship with students, supervisees, employees  
19 of the social worker, family members or significant others of a client.

## 20 **Part 6. Client Confidentiality.**

21 **Subpart 1. General.** A social worker *shall* protect all  
22 information provided by or obtained about a client. "Client  
23 information" includes the social worker's personal knowledge of the  
24 client and client records. *Except* as provided herein, client information  
25 may be disclosed or released *only* with the client's written informed  
26 consent. The written informed consent *shall* explain to whom the

1 client information will be disclosed or released and the purpose and  
2 time frame for the release of information.

3 **Subpart 2. Release of Client Information Without Written**  
4 **Consent.** A social worker *shall* disclose client information without the  
5 client's written consent *only* under the following circumstances:

6 (a) where mandated by federal or state law, including  
7 mandatory reporting laws, requiring release of client  
8 information;

9 (b) the social worker determines that there is a clear and  
10 imminent risk that the client will inflict serious harm on either  
11 the client or another identified individual. The social worker  
12 *shall* release *only* the information that is necessary to avoid the  
13 infliction of serious harm. The social worker may release this  
14 information to the appropriate authorities and the potential  
15 victim;

16 (c) the Board duly issues a valid subpoena to the social  
17 worker, as permitted by law.

18 **Subpart 3. Release of Client Records Without Written**  
19 **Consent.** A social worker *shall* release client records without the  
20 client's written consent under the following circumstances:

21 (a) a client's authorized representative consents in  
22 writing to the release;

23 (b) as mandated by federal or jurisdiction law requiring  
24 release of the records;

25 (c) the Board duly issues a valid subpoena for the  
26 records, as permitted by law.

1           **Subpart 4. Limits of Confidentiality.** The social worker *shall*  
2 inform the client of the limits of confidentiality as provided under  
3 applicable law.

4           **Subpart 5. Minor Clients.** In addition to the general directive  
5 in Part 6, Subpart 4, a social worker must inform a minor client, at the  
6 beginning of a professional relationship, of any laws which impose a  
7 limit on the right of privacy of a minor.

8           **Subpart 6. Third Party Billing.** A social worker *shall* provide  
9 client information to a third party for the purpose of payment for  
10 services rendered *only* with the client's written informed consent. The  
11 social worker *shall* inform the client of the nature of the client  
12 information to be disclosed or released to the third party payor.

13           **Subpart 7. Client Information to Remain private.** A social  
14 worker *shall* continue to maintain confidentiality of client information  
15 upon termination of the professional relationship, including upon the  
16 death of the client, *except* as provided under applicable law.

17           **Subpart 8. Recording/Observation.** A social worker *shall*  
18 obtain the client's written informed consent before the taping or  
19 recording of a session or a meeting with the client, or before a third  
20 party is allowed to observe the session or meeting. The written  
21 informed consent *shall* explain to the client the purpose of the taping  
22 or recording and how the taping or recording will be used, how it will  
23 be stored and when it will be destroyed.

24 **Part 7. Conduct.**

25           **Subpart 1. Impairment.** A social worker *shall not* practice  
26 while impaired by medication, alcohol, drugs, or other chemicals. A

1 social worker *shall not* practice under a mental or physical condition  
2 that impairs the ability to safely practice.

3 **Subpart 2. Giving Drugs to a Client.** Unless permissible by  
4 state law, a social worker *shall not* offer medication or controlled  
5 substances to a client, or accept these substances from a client for  
6 personal use or gain. The social worker may accept medication or  
7 controlled substances from a client for purposes of disposal or to  
8 monitor use. Under no circumstances shall a social worker offer  
9 alcoholic beverages to a client or accept such from a client.

10 **Subpart 3. Investigation.** A social worker *shall* comply with  
11 and *not* interfere with Board investigations.

## 12 **Part 8. Representation to the Public. Advertising.**

13 **Subpart 1. Required Use of License Designation.** A social  
14 worker *shall* use the license designation of LBSW, LMSW, LCSW,  
15 which corresponds to the social worker's license, after the social  
16 worker's name in all written communications related to social work  
17 practice, including any advertising, correspondence, and entries to  
18 client records.

19 **Subpart 2. Information to Clients or Potential Clients.** A  
20 social worker *shall* provide accurate and factual information  
21 concerning the social worker's credentials, education, training, and  
22 experience upon request from a client or potential client. A social  
23 worker *shall not* misrepresent, directly or by implication, the social  
24 worker's license level, degree, professional certifications, affiliations,  
25 or other professional qualifications in any oral or written  
26 communication or permit or continue to permit any misrepresentations  
27 by others. A social worker *shall not* misrepresent, directly or by

1           implication, affiliations, purposes, and characteristics of institutions  
2           and organizations with which the social worker is associated.

3           **Subpart 3. Licensure Status.** Licensure status *shall not* be  
4           used as a claim, promise, or guarantee of successful service, nor shall  
5           the license be used to imply that the licensee has competence in  
6           another service. Public statements or advertisements may describe  
7           fees, professional qualifications and services provided, but they may  
8           *not* advertise services as to their quality or uniqueness and may *not*  
9           contain testimonials by quotation or implication.

10          **Subpart 4. Display of License.** A social worker *shall*  
11          conspicuously display a current license issued by the Board at the  
12          social worker's primary place of practice.

### 13          **Part 9. Fees and Billing Practices.**

14          **Subpart 1. Fees and Payments.** A social worker who  
15          provides a service for a fee *shall* inform a client of the fee at the initial  
16          session or meeting with the client. Payment must be arranged at the  
17          beginning of the professional relationship, and the payment  
18          arrangement must be provided to a client in writing. A social worker  
19          *shall* provide, upon request from a client, a client's legal guardian, or  
20          other authorized representative, a written explanation of the charges  
21          for any services rendered.

22          **Subpart 2. Necessary Services.** A social worker *shall bill only*  
23          for services which have been provided. A social worker *shall provide*  
24          *only* services which are necessary.

25          **Subpart 3. Bartering.** A social worker may *not* accept goods  
26          or services from the client or a third party in exchange for the social  
27          worker's services, *except* when such arrangement is initiated by the

1 client, and is an accepted practice in the social worker's community or  
2 within the client's culture. It is the responsibility of the social worker  
3 to assume the full burden of demonstrating that this arrangement will  
4 *not* be detrimental or exploitative to the client or the professional  
5 relationship.

6 **Subpart 4. No Payment for Referrals.** A social worker shall  
7 neither accept nor give a commission, rebate, fee split, or other form  
8 of remuneration for the referral of a client.

9 **Part 10. Research.**

10 **Subpart 1. Informed Consent.** When undertaking research  
11 activities, the social worker *shall* abide by accepted protocols for  
12 protection of human subjects. A social worker must obtain a client's  
13 or a client's legal guardian's written informed consent for the client to  
14 participate in a study or research project, and explain in writing the  
15 purpose of the study or research, as well as the activities to be  
16 undertaken by the client should the client agree to participate in the  
17 study or research project. The social worker must inform the client of  
18 the client's right to withdraw from the project at any time."

19 **Section 2. Effective Date.** This Act *shall* become effective upon  
20 enactment.

21 **Section 3. Severability.** If any provision of this Law or its application to  
22 any person or circumstances is found to be invalid or contrary to law, such  
23 invalidity shall not affect other provisions or applications of this Law which can be  
24 given effect without the invalid provisions or application, and to this end the  
25 provisions of this Law are severable.

*6*  
*without engrossment*

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 11/26/12

## VOTING SHEET

SBill No. 461-31(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.					EA
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

13    0    0    0    2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



*Ufisinan Todu Guam*  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
 CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
 ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

October 18, 2012

**Honorable Judith T. Won Pat, Ed.D.**  
**Speaker**  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
 155 Hesler Place  
 Hagåtña, Guam 96910

2012 OCT 19 PM 2:09  
 ERM

**VIA: The Honorable Rory J. Respicio**  
**Chairperson, Committee on Rules**

**RE: Committee Report – Bill No. 461-31(COR), as Substituted**

**Dear Speaker Won Pat:**

Transmitted herewith, for your consideration, is the **Committee Report on BILL NO. 461-31(COR)- An act to add Title 23 to Title 10Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act;** Sponsored by Senator vicente c. pangelinan, and referred to the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform. Bill No. 461-31(COR), as introduced, was publicly heard on August 01, 2012.

Committee votes are as follows:

5 TO PASS  
 \_\_\_\_\_ NOT TO PASS  
 \_\_\_\_\_ ABSTAIN  
3 TO REPORT OUT ONLY  
 \_\_\_\_\_ TO PLACE IN INACTIVE FILE

*Senseramente,*

**Senator Dennis G. Rodriguez, Jr.**  
**Chairman**

Attachments



*Ufisinan Todu Guam*  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

**COMMITTEE REPORT  
ON**

**BILL NO. 461-31 (COR)  
As Substituted**

**Sponsored by Senator v.c. pangelinan**

**BILL NO. 461-31(COR)- an act to add Article 23 to Title 10  
Guam Code Annotated, Chapter 12 Part 2 relative to the  
creation of the Guam Social Work Practice Act.**



*Ufisinan Todu Guam*  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

October 12, 2012

MEMORANDUM

**To:** **ALL MEMBERS**  
Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform.

**From:** **Senator Dennis G. Rodriguez, Jr.** *DR*  
Committee Chairperson

**Subject:** **Committee Report on Bill no. 461-31(COR), as Substituted**

Transmitted herewith, for your consideration, is the **Committee Report on BILL NO. 461-31(COR)- an act to add Article 23 to Title 10 Guam Code Annotated. Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act; Sponsored by Senator vicente c. pangelinan.**

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 461-31(COR)
- Copy of Substitute Bill No. 461-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 461-31(COR)
- Notices of Public Hearing (1<sup>st</sup> and 2<sup>nd</sup>)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os Ma'åse'!*

Attachments



*Ufisinan Todu Guam*  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
 CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
 ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

## COMMITTEE VOTING SHEET

Substitute Bill No. 461-31(COR)- an act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of Guam Social Work Practice Act.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 10/15/12				
ADOLPHO B. PALACIOS, Sr. Vice Chairman		✓ 10/16/12				
JUDITH T. WON PAT, Ed.D. Speaker		✓ 10/16/12				
BENJAMIN J. F. CRUZ Vice-Speaker		✓ 10/16/12				
TINA ROSE MUÑA BARNES Legislative Secretary		✓				
THOMAS C. ADA					✓ 10/17/12	
VICENTE C. PANGELINAN						
RORY J. RESPICIO						
JUDITH P. GUTHERTZ, DPA						
FRANK F. BLAS, Jr.						
V. ANTHONY ADA						
ALINE A. YAMASHITA, Ph.D.					✓ 10/18/12	
SAM MABINI, Ph.D.						
MANA SILVA TAIJERON						
CHRISTOPHER M. DUENAS					✓ 10/17/12	



*Ufisinan Todu Guam*  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

**COMMITTEE REPORT DIGEST**

**Bill No. 461-31(COR)**

**I. OVERVIEW:** The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform conducted a public hearing on August 01, 2012. The hearing convened at 6:02PM in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **BILL NO. 461-31(COR)-An act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12 Part 2 relative to the creation of Guam Social Work Practice Act.** Introduced by Senator vicente c. pangelinan.

**II. Public Notice Requirements**

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on July 25, 2012 (5-day notice), and again on July 30, 2012 (48-hour notice).

**Senators Present**

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator Adolpho B. Palacios, Sr.	Vice-Chairman
Senator Vicente Pangelinan	Committee Member
Senator Mana Silva Taijeron	Committee Member
Senator V. Anthony Ada	Committee Member
Senator Christopher M. Duenas	Committee Member
Senator Thomas C. Ada	Committee Member

The public hearing on agenda item Bill No. 461-31(COR) was called to order at 6:02 PM.

**II. SUMMARY OF TESTIMONY & DISCUSSION.**

**Chairman Dennis G. Rodriguez, Jr., convened the Public Hearing on Bill 461-31(COR). Invited Senator vicente c. pangelinan, author of Bill No. 461-31(COR), to explain the intent of his Bill.**

**Mr. Chairman:** I would like to call on the first four individuals who would begin to testify. I would also like to ask the author to give us a brief synopsis of the Bill. Ms. Ovita R. Perez, Marlene, Ongesi, Dr. Lisa Natividad, Ms. Diana Calvo, Mr. Vince Pereda

Senator pangelinan: Thank very much ladies and gentlemen for joining us in this hearing for this bill that has been long overdue. I would like to express my sincere appreciation to the National Association of Social Work for their invaluable assistance and their work here and for their presentation to the Senators,



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

which have been a success, of course, to Dr. Natividad and Lisa from my office. I was off island a while ago, and I want to take the opportunity. I saw what we are trying to achieve in our community with social workers back where I was. Each patient was assigned a social worker and that the social worker coordinated the care between all the different facets of medical care and even work with medical insurance, believe it or not.

Then, once I finished the outpatient care, another social worker was assigned to me. Once again, the work and the care were invaluable where I had nothing to worry about. I saw the Social worker work in such a professional manner. I tell you, it made a difference having a professional social worker with me to navigate my experiences. It really is befitting that we work on this bill, knowing that that is the same kind of professionalism we have here. I know that our hospital employs social workers as well. I am so happy to contribute to alleviating the professionalism of this community and to all the people who do this work and thank you for allowing me to be a part of this process. Si Yu'us Ma'ase.

**Ovita Perez:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Marlene Ongesi:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Dr. Lisa Natividad:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Mr. Vince Peredo:** I am appearing today as a professional social worker and also I've been asked as a member of Allied Health Board Examiners to present the position of the Board on this Bill as well, so I have a dual purpose. [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Mr. Chairman:** Before you leave, I would just like to ask the panel here if they have any questions for you.

**Senator pangelinan:** Just to go back, Vince, to the recommendation on kind of removing the oversight of the Allied Health Board on the infield work and family. And you mentioned that maybe you should license them under the clinical social workers. Do we need to do that? Or can we just take the requirements of the individual family therapist requirements and put them and provide a separate license rather than to fold those into that general license clinical social workers? Or is that really the trend, now, with regard to references and jurisdiction.



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

**Mr. Vincent Peredo:** Well mainly because Guam doesn't have the dual licensure law, and social workers that want to engage into the IMFT, they have no choice but to then be licensed through the GBAH. However, with the social work practice act it provides for the social work licensure, there is now that there is the option for a clinical social worker to be licensed as a licensed clinical social worker rather than remaining under IMFT. The only problem at this point in time is that there is no law that says or mandates a social worker to be licensed as a licensed political social worker if he or she does want to remain an IMFT therapist.

**Senator pangelinan:** Okay, so do you recommend just moving the or maybe Dr. Natividad do you recommend just moving the IMFT out of the GBAH or just putting it within the jurisdiction of the social work licensed board.

**Mr. Peredo:** I don't know if I would make that recommendation because at the present time, there are a number of NSW Social workers for clinical practice. For the present time being I would qualify to be licensed clinical social workers but they may qualify under IMFT therapist, and that being the case they may other than want to take a national examination and pass it to be a licensed clinical social worker, they just may choose to be just IMFT, especially, if they have no desire to go off island where the IMFT license will not be recognized.

**Senator pangelinan:** Okay.

**Dr. Natividad:** Also, if I may also offer like in my case ,you don't necessarily need to choose one route or the other you can maintain both, so that is certainly an option. Another thing also I wanted to clarify is that there's two levels licensure for the social workers and the msaters level. One is the LNSW, which means basically the minimum requirement, which is that you have master's level degree and so related fields would also be grandfathered into LNSW. The LCSW and the only distinction is the 3000 hours. The IMFT that most of us and were only required to have 1500 hours of clinical supervision. So, we can't make the assumption that automatically you'd be able to qualify for the LNSW. You would have to show evidence that you have met the 3000 hours.

**Senator pangelinan:** Okay thank you very much.

**Senator Tom Ada:** Okay thank you. First of all, thank you for the testimony that you have provided. I do have two very fundamental concerns. One is there's this requirement for the social worker professionals

---



*Ufisinan Todu Guam*  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

that have to, I guess, attain so many credit hours for continuing education units annually. Of course, that's going to cost money as you indicated, but as the licensing requirement inevitably is going to shrink the pool of social worker professionals that's going to be available to provide those services.

Inevitably, I guess, the economic response to that is, when the demand for these services are greater than the supply of social workers, you're going to see the cost of those services increase and possibly putting those services out of the reach of many. Would any of you care to comment on that or maybe its unfounded maybe..

**Ms. Perez:** Go into the UOG and apply for the BSW program.

**Senator Tom Ada:** No my question was, if by requiring the social workers have to be licensed and have to maintain so many continuing hours annually...

**Ms. Perez:** Are you talking about the current social workers now or the

Senator Tom Ada: I'm talking about the current social workers now but inevitably it seems that with all the requirements being put on it may shrink the pool of the social worker professionals.

**Ms. Perez:** How would you say they would shrink? They either have to apply for an exemption or apply for an exception. If you are a practicing social worker now...

**Senator Tom Ada:** And if I'm a practicing social worker now who is unable or cannot afford to meet the continuing education requirements, I may just fall out of the pool. And so, then now, we go from 245 down to 150, but you still got the same number of people that's demanding those services. So the economic response is, when the demand exceeds the supply of service providers, you're going to see that price of their services go up. So maybe it's something that's not going to happen, but it seems logical.

**Dr. Natividad:** If I can respond, there are a number of pieces that are going to inevitably occur and it's sort of going to be a domino effect fashion. And really, for us, it's our best guess and estimate, in terms of what that would look like. But what I can say, one of the key issues that have been brought up, kind of to what you're going with this, is specific to the number of NSWs that are available on island, particularly, because we don't have a local NSW program that's accredited.



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

And so, I just wanted to share that there are a couple of options that have now become available. One, is now, the UOG is entering with a NCU and the UOH to offer the NSW locally here and part of that package deal that is enticing is that the state tuition of the University. In addition to that, what's happened in the last 3-5 years has been the advent of NSW accredited programs that are available online from various universities throughout the country. So, as a matter of fact, we have someone in our midst who has just recently graduated from a fully online accredited NSW program.

So, the actual pool of the NSW is actually will be increasing. That whole concern was actually a concern 10 years ago when we didn't have those options, but I think as a professional community, we have worked together to work it out.

I spent a little time in my testimony talking about the commitment to our professional development. As professional practitioners, you need to make that commitment that you're going to spend money on CEU and those sorts of things. With the IMFT, we all have to make that investment in ourselves to maintain that license if we want to practice, and that's just the choice we make. So in that regard, we fully in line with that and really that's nothing that's unique. I mean that's something that's common throughout the world and in the country is that you invest your professional developments.

**Senator Tom Ada:** Well thank you for helping me with that. The second question is that, as I was looking through the powers that the board would have, there's just 3 items there that causes me some concern. For instance, in one section, it outlines the various reasons that the board may remove someone from practicing. What's interesting is that as you go down, you could be removed for refusal or inability. If we can't find a reason to remove a member, then we throw in the provision that any just and reasonable causes, as determined solely and I get concerned about language like that.

We also have another section where the board would have the power to inspect any licensed person at all reasonable hours for the purpose of determining if any provisions of the law. It just kind of concerns me. I may be a social worker with a client and we're here to inspect you and there's nothing here in the language that there's any safeguard. It just states that there is a no notice drop in inspections. While I understand the need to make these inspections, it is articulated that it's a no notice drop in as long as it's in between the hours of 8 and 5. I have some concerns with that.

Of course, people will have and as the rates are written right now, this law will become effective one year after enactment, and then, I guess, one year from that date anyone who hasn't met those requirements are

---



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

going to have to step up to it and either meet the requirements or you're out of the game. Have you given much thought to current practitioners may be negatively impacted and for whatever reason would not be able to meet these requirements, therefore, they're out of the job.

**Dr. Natividad:** Okay, just to start with your initial concern, as I said earlier, we use the American of Social Workers Board and they developed model legislation. The section on the board came specifically from them and I always say that we're not the policy writers. So, in the visits with the 15 of you all colleagues, we said please feel free to legally conform in whatever way you need to do that. So, those concerns that you raised are very legitimate and if you feel that you need to amend them, then, by all means do so.

Your second concern was with regards to your last concern was all consistent with my previous comment. So, the bill that was developed nearly 95% of the work happened with the social work course and one of our key intentions initially was to write it in such a way that we accommodated in our minds everyone that we could. So, what you see in the way that this bill was developed, is that you have a more wide open grandfathered in really as much as we could. Within the intent that were attempting to do, so hence, we have a exceptions. So, if you don't have a social work degree, you don't even need a social work license. It is clearly written in there.

If you want a social work license and you don't have a social work degree, well then, you need to do these things. You also have that opportunity. I didn't talk about it in my testimony, but one of the other things that are addressed in the bill is, graduates that are not from accredited social degree programs of which our BSW was up until relatively at least we had 80 graduates during that time frame as well as our masters. We have one master's degree student who graduated while it was unaccredited. So, what the bill does is it accommodates for all of them as well. We were even mindful of those who don't even have any degree. We called the NGOs who are out there, we called the different entities, and it seems to us we've not been able to find one person in a social work position that doesn't have a degree, so, we didn't address that issue. There was a mechanism that we could have had that need a road. So then it leads now to the category, as I shared earlier, that perhaps the most controversial, the non-social work degree holders, and how do we accommodate that.

So, hence, we developed exemptions and exceptions. So what we've done with our bill is we've opened the door wide open for a year and there is concerns that what if the year passes and they didn't get it but make sure you get it within that year because it gives you the opportunity. So, who will be displaced? No one



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

will be displaced. I've learned my lesson. There are pockets of people and there are very few, I think, we counted 6.

**Mr. Chairman:** In your observation in outing this bill together, you were able to reference about 245 social workers. From that, do you have a resource that would determine or would show what level of degree each of those social workers have?

**Dr. Natividad:** Unfortunately that's not broken down.

**Mr. Peredo:** I know that with the Board of Allied Health, there are approximately 35 master level social workers that are licensed under the GBAH. So, these are MSW social workers who have the potential to eventually become licensed clinical social workers if they choose to.

**Senator Duenas:** This feels like a homecoming, I think I worked with at least three quarters of you folks over the years. I see Ed Taitano so I'm sure his testimony would cover whether or not his serious question in the roundtable will be answered. I think it's important to this panel especially just for the listening social workers and really this licensure.

**Ms. Ongesii:** I've been on the capacity of the NSW Guam Chapter executive director for 4 years and I have worked closely with the UOG students. Initially, the bill started as 8 pages and by the time we were done we really just had to say that that was enough, 42? Let the legislature handle it. So there's a lot of hard work that goes into the students have help.

**Senator Taijeron:** I just wanted to expound on that I am trying to get a clear picture of what sort of unethical behavior the clients are experiencing with incompetent practitioners without the proper licensure experience.

**Dr. Natividad:** For example have sexual relations with clients.

**Vice-Chairman:** With the study leading up to this, these would probably raise the standard once you require licensing. Is there any discussion on as to the implication of the compensation of anytime that the standard is raised?

**Ms. Perez:** I would truly hope so senator.



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

**Ms. Amy Santos:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Ms. Doris Bukikosa:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Ms. GiaDelipaina:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Senator pangelinan:** This is in response to Ms. Bukikosa's testimony. I am a little disturbed by it because your assigning motivations to these individuals' as "cliques" I mean it's totally unprofessional, I thought. I mean the professional concerns, I truly understand, but when you kind of inject that kind of stuff. For me, I don't know how to react to that. I mean the people that I work with, in terms of putting this together, I did not see any of the "cliques" that they want to keep people around. I mean it's to raise the profession itself and the people who want to practice that to a level that recognized, supported, and endorsed everywhere else. They wanted to have this, not for themselves, but for the clients that they serve. If that's the attitude that DOE, and with the clients that we have there, then man I'm sure we need to do something to raise the professionalism level at DOE, if this is what their worried about.

Instead of trying to work it, I just want to be very honest on that and I understand some of the concerns you have. I think some of those questions are answered in the bill. I don't think we're trying to rewrite the DOE/DOA personnel rules and regulations. Some of the job descriptions and so forth but it's an attorney. You cannot call yourself an attorney unless you have gone to law school and have graduated and are up to par. You can call yourself a lawyer maybe or maybe I got it wrong. One can say he's an attorney but he can't say he's a lawyer because one went to law school but didn't take the bar. So you can't call yourself a social worker if you don't get your degree in that field and practice it and so forth. But again, I just want to say that I did not find any of the mischievous, "clique-ish" attitudes in all of the people that we work with in trying to put this together.

**Ms. Bukikosa:** I understand that the intent of the law or bill is good, but like I said, there are certain aspects of it that are in fact very good. But, again, Senator, if there are people holding positions that are non-degreed and have been allowed to for years, all of a sudden, I included, will be one of those that are left out in the cold. Yes, there is an exemption clause and exception clause. I understand that, but again, there are still conditions tied to it that are really unrealistic. Really, you're talking 50 CEUs on average 3



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

CEUs per class, 50 in one year. Okay so that's not true, so then what on average is it? And that's what I want, when I say all these concerns, because it's not really addressed in the bill itself.

It's not explaining this to us and so when we're just reading this. Oh my gosh, these people, and I'm sorry if it seems that I'm lashing out Senator, but honestly I'm a part of it, GSW back in 06. I could no longer be a full pledged member because I was not a social worker degreed individual. So, we had an exodus of non-degreed member who were practicing social workers. To me, honestly, it's what I feel all over again, it is happening.

We're not going to be included because we are not the degreed social worker. Now, I'm really sorry, but I really feel that the 17 years that I've been practicing social work in this community and all of a sudden I don't know what the heck I'm doing. For your information, I was a MACREL employee last year, and now, you're going to tell me that I don't know what I'm doing. That's what I feel, personally, and I'm sorry if it feels like I'm lashing out. I'm not. I'm defending the fact that there are a lot CPS, Public Health, Mental Health, and there are a lot of social workers out there that are non-degreed and I'm sorry that we've been practicing 20 years, the school of social work just getting it accredited.

How could we go to a school of social work that wasn't even accredited at the time when we were going to college because the DOA job description allowed us to fill these positions? I understand and more power to those master students but how many master students are going to be willing to settle for social work 1 2 3 positions. I don't think so. They're going to want to go for the supervisor positions, the more higher paid. Why? Because your master is degreed Entry level...how many social worker degreed individuals are qualified for social worker 2 positions? They don't even have to take the social work 1 position, but if you're going to wipe out the workforce because we're not degreed and we can't hold the title, who's going to fill all those positions, that's what it's really going to come down to.

**Senator Pangelinan:** And my apologies if you interpret anything in here to say that your 17 years doesn't count for anything and my apologies because that's never the intention and I've never ever heard anybody express that motivation in working on this bill. I want to assure you that.

**Ms. Bukikosa:** Thank you.

**Ms. Santos:** I just wanted to comment on some of the item that Ms. Bukikosa has made. First off in her testimony, she mentioned the LBSW that has to take the exam. Nobody is allowed to take any of those national exams unless they come from an accredited social work program. Therefore myself, with my



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

master in social work from the UOG, I cannot take the LBSW and therefore I would fall under another section of this bill and that's what we tried to do was to bring in everybody and in regards to be a full pledged member of NBSW there are aspects of being an associate member that you don't have to have a degree in social work to do so, so that option is still there. So I just wanted to comment on a couple of those.

**Senator Duenas:** And just in respect to the author, Ms. Bukikosa I think that perhaps something we could do because we have a lot of people here to testify tonight but if we can have a mark-up session to where we answer all those questions. I think the author did point out and I think your colleague as well. I think many of the answers are contained and many of them aren't. I think it can be worked in but I would say that the intent of this bill is still well enough to push through with this legislation because I think we can address your concerns that aren't addressed in the bill. So that you Mr. Chair.

**Mr. Wayne Butler:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Dr. Schwab:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Mr. Ed Taitano:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Rose Marie Atoigue:** My own social worker has down a good job to put me on food stamp and welfare. My social worker also takes me to the doctor and helps me find a job thank you

**Lloyd Benavente:** My social worker has been helping me and she's very good to me and also has helped me with the job placement. I would also like to thank the Senators for the 31<sup>st</sup> Guam Legislature and everyone and thank you very much.

**Ms. Terri Francisco:** I am currently a social worker with CSS and Kamalen Karidat program, providing 24 hour residential care to adults with developmental and cognitive disabilities. My testimony tonight is in favor of Bill 461-31, the Guam social work practice act. Although my professional experience as a social worker is limited to only a few months of practice as an employee of CSS, I have been afforded enough opportunities for working with consumers who understand the importance of social work licensure. There is no way to measure the full impact of social workers in the lives of those that we serve. From homebound lunch meals to doctor's appointments to recreational activities and social outings, from job placement in the long lines of Public Health, social workers make things happen. Helping those in need is not a right to

---



*Ufisinan Todu Guam*  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

be given freely and loosely. This act promotes fair standards to be required a professional social worker. To ensure that good intentions are to be molded to promote the best quality of care to those that we are privileged to serve. Thank you.

**Senator Taijeron:** I do want to comment because just seeing the reaction here it really shows that the importance, that quality social work has on a person's life and what an impact you've made on her life. So I think that the intent of this is really just to make sure that the client has quality care and something that they can rely on and someone that they can rely on, a professional. So I truly appreciate the intent and I am moved by the reaction that I saw just earlier. Thank you Senator.

**Ms. Lynette Arriola:** [PLEASE SEE ATTACHED WRITTEN TESTIMONY]

**Mr. Dan Duenas:** I'm an NSW by the degree in my masters. I know that this is just brief and a ride that you just jump in this process but I couldn't help, I've been in this field for the longest time and most of the people have been my mentors and in that have been in the process but I'm actually in support of the bill but also to really advocate for the system change for the longest time. When you graduate from the UOG who didn't have a social work program and then you're looking for a job all they offer is social work. It didn't matter whether you professed in that profession, it's just that you had a degree. So I had a degree in sociology and some psychology and as you get into this profession and go onto your masters' degree I went to the UOH for my masters in social work because Guam didn't have any. So a lot of us had to resort to going off island. Then coming back home and having to grasp that having my degree in social work there is a big difference in terms of accountability, professionalism, and liability. For the longest time the Government of Guam didn't have these provisions for social work and didn't really provide the educational means so people would have the profession to be able to go into this process. When I was going for my masters there was some courses that I had to take a wavier test because Guam didn't have those courses and who am I to tell the UOH, well you know I'm not going to make excuses to Guam they didn't have this courses. They gave me the option. Should I take the test or go and take a bachelor's course in specific subjects in social work. This bill really fixes these changes.

**Mr. Butler:** at the time of the hay study the psychiatric help was not included in the drafting of the hay study. So with all these talk after the conference mental health is moving towards changing the position titles because they took into account the masters' level for the psychiatric social worker position. So I just wanted to address that were moving forward to possibly change and working with HR to changing the position titles.



*Ufisinan Todu Guam*

**SENATOR DENNIS G. RODRIGUEZ, Jr.**

*I Mina'trentai Unu Na Liheslaturan Guåhan*

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

---

**Ms. Ongesii:** Go with Deena as a student I was listening to her I remembered being a BSW because I am a UOG graduate and I am one of the 1<sup>st</sup> MSW but I remember being a student and going into these various agencies because you have to do individuals groups and communities and we were all baffled because at the Government agencies none of them aren't even updated and there is that law that requires them to be updated and requires it to be online. I think this also opens another flood gate to make sure there is accountability within these individuals in the agencies, so they know what their job is.

**Vice-Speaker Cruz:** Please just get together and answer those questions that the people that oppose the bill.

**Senator pangelinan:** My office will work diligently to solve some of the issues that was brought up tonight at this public hearing.

### **III. FINDINGS AND RECOMMENDATIONS**

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform, hereby **reports out Bill No. 461-31(COR), as Substituted**, with the consideration of the Bill, provided with amendments made for the purpose of clarification, at the request of the author, with the recommendation to report out only.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) REGULAR SESSION

Bill No. 461-31 (COR)

Introduced by:

v.c.pangelinan  
B.J.F. Cruz  
R.J. Respicio  
J.P. Guthertz  
T.R. Muna Barnes

2012 MAY 21 PM 3:44  
Muna

✓  
AN ACT TO ADD ARTICLE 23 TO TITLE 10 GUAM  
CODE ANNOTTED, CHAPTER 12, PART 2 RELATIVE  
TO THE CREATION OF THE GUAM SOCIAL WORK  
PRACTICE ACT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 Section 1. Article 23, Chapter 12, Part 2, 10 Guam Code

2 Annotated is hereby added to read as follows:

3 "Social Work Practice Act.

4 § 122301. **Legislative Intent.** It is the intent of this Act to promote,  
5 preserve, and protect the public health, safety, and welfare by and through  
6 the effective control and regulation of the practice of social work; the  
7 licensure of social workers; the licensure, control, and regulation of persons,  
8 in or out of this territory that practice social work within the territory.

9 § 122302. **Definitions.** For purposes of this Article, the following  
10 words and phrases have been defined to mean:

11 "Board" shall mean the Guam Board of Social Work.

1           “Practice of Baccalaureate Social Work” means the application of  
2 social work theory, knowledge, methods, ethics, and the professional use of  
3 self to restore or enhance social, psychosocial, or bio-psycho-social  
4 functioning of individuals, couples, families, groups, organizations, and  
5 communities. Baccalaureate Social Work is basic generalist practice that  
6 includes assessment, planning, intervention, evaluation, case management,  
7 information and referral, counseling, supervision, consultation, education,  
8 advocacy, community organization, and the development, implementation,  
9 and administration of policies, programs, and activities.

10           “Practice of Master’s Social Work” means the application of social  
11 work theory, knowledge, methods, ethics, and the professional use of self to  
12 restore or enhance social, psychosocial, or bio-psycho-social functioning of  
13 individuals, couples, families, groups, organizations, and communities.  
14 Master’s Social Work practice includes the application of specialized  
15 knowledge and advanced practice skills in the areas of assessment, treatment  
16 planning, implementation and evaluation, case management, information  
17 and referral, supervision, consultation, education, advocacy, community  
18 organization, and the development, implementation, and administration of  
19 policies, programs, and activities. Under supervision as provided in this Act,  
20 the practice of Master’s Social Work may include the practices reserved to  
21 Clinical Social Workers.

22           “Practice of Clinical Social Work” is a specialty within the practice of  
23 Master’s Social Work and requires the application of social work theory,  
24 knowledge, methods, ethics, and the professional use of self to restore or  
25 enhance social, psychosocial, or bio-psycho-social functioning of  
26 individuals, couples, families, groups, organizations, and communities. The  
27 practice of Clinical Social Work requires the application of specialized

1 clinical knowledge and advanced clinical skills in the areas of assessment;  
2 diagnosis and treatment of mental, emotional, and behavioral disorders,  
3 conditions, and addictions; and evaluation. Treatment methods include the  
4 provision of individual, marital, couple, family and group counseling and  
5 psychotherapy. The practice of Clinical Social Work may include private  
6 practice and the provision of clinical supervision.

7 “Social work practice” means the professional application of social  
8 work values, principles, ethics and techniques in the following areas:

9 (a) Information, resource identification, referral services, mediation  
10 services, advocacy services and education of individuals, groups, couples  
11 and families;

12 (b) Preparation and evaluation of assessments and development and  
13 implementation of social work service plans;

14 (c) Case management, coordination, casework intervention and  
15 monitoring of social work service plans in the areas of personal, social or  
16 economic resources, conditions, or problems;

17 (d) Administration and development of social service programs,  
18 policies, community organization, planning, implementation, and  
19 involvement in the evaluation of social systems and social policies;

20 (e) Social work consultation and resource development;

21 (f) Research through the formal design and methodology of data  
22 collection and the analysis and evaluation of data, social work programs,  
23 social systems and social policies;

24 (g) Psychosocial assessment, diagnostic impressions, treatment of  
25 individuals, couples, families, and groups, prevention of psychosocial  
26 dysfunction, disability or impairment, including emotional, mental and  
27 behavioral disorders, and evaluation of practice effectiveness; and

1 (h) Clinical diagnosis or psychotherapy, or both, provided by a  
2 licensed clinical social worker.

3 “Social worker” or “S.W.” means a person who has been issued a  
4 license as a Licensed Bachelor Social Worker, Licensed Master’s Social  
5 Worker, or Licensed Clinical Social Worker to practice within the scope of  
6 practice as provided in this Article.

7 “Director” shall mean the Director of Public Health and Social  
8 Services.

9 “Exemption” shall mean not required to obtain licensure in order to  
10 practice social work as of the date of the passage of this law.

11 “Exception” shall mean able to obtain a social work license through  
12 waiving certain requirements as stated in this law.

13 **§ 122303. Guam Board of Social Work.** The Board provides a  
14 framework for developing rules, which effectively responds to the regulatory  
15 needs of social work licensure. The Board shall have all the duties, powers,  
16 and authority specifically granted by this Article, as well as other duties,  
17 powers, and authority as may be granted it from time to time by applicable  
18 law, rule or regulation.

19 **§ 122304. Board Composition.** The Board shall be composed of five  
20 (5) members, one (1) of whom shall be a representative of the public. The  
21 remaining four (4) members shall be social workers, one (1) of whom shall  
22 be a member and representative of the National Association of Social  
23 Workers, Guam Chapter. The Board shall elect from its members a  
24 Chairperson and such other officers, as it deems appropriate and necessary  
25 to the conduct of its business. The Chairperson shall preside at all meetings  
26 of the Board and shall be responsible for the performance of all of the duties  
27 and functions of the Board required or permitted by this Act. Each additional

1 officer elected by the Board shall perform those duties customarily  
2 associated with the position and such other duties assigned from time to time  
3 by the Board. A quorum must be present to conduct a board meeting. The  
4 vote of the majority shall constitute an official action of the Board.

5 **§ 122305. Qualifications of Board Members.**

6 (a) For board members who are social workers shall at all times:

7 (1) Be a resident of Guam;

8 (2) Be currently licensed and in good standing to engage in the  
9 practice of social work in Guam or be eligible for licensure  
10 within thirty (30) days of the passing of this Act;

11 (3) At the time of appointment have been actively engaged in the  
12 social work profession; and

13 (4) Have at least three (3) years of experience in the practice of  
14 social work.

15 (b) The public member of the Board shall be a resident of Guam who  
16 has attained the age of majority and shall not be, nor shall ever have been a  
17 Baccalaureate Social Worker, Licensed Master's Social Worker, or Licensed  
18 Clinical Social Worker, or the spouse thereof. The public member shall not  
19 ever have had any material financial interest in the provision of social work  
20 services or who has engaged in any activity directly related to the practice of  
21 social work.

22 **§ 122306. Appointment.** *I Maga'lahaen Guahan* shall appoint the  
23 members of the Board and shall be confirmed by *I Liheslaturan Guahan*.

24 **§ 122307. Terms of Office.** Members of the Board shall be appointed  
25 for a term of three (3) years, except members of the Board who are  
26 appointed to fill vacancies which occur prior to the expiration of a former  
27 member's full term shall serve the unexpired portion of such term. The terms

1 of the members of the Board shall be staggered, so that the terms of no more  
2 than three (3) members shall expire in any year. Each member shall serve  
3 until a successor is appointed and qualified.

4 No member of the Board shall serve more than two (2) consecutive  
5 full terms. The completion of the unexpired portion of a full term shall not  
6 constitute a full term.

7 **§ 122308. Vacancies.** Any vacancy which occurs in the membership of  
8 the Board for any reason, including expiration of term, removal, resignation,  
9 death, disability or disqualification, shall be filled by *I Maga'lahaen Guahan*  
10 in the manner prescribed by § 122306.

11 **§ 122309. Removal.** (a) A Board member may be removed pursuant  
12 to the procedures set forth in Subsection (b) herein, upon one or more of the  
13 following grounds:

14 (1) The refusal or inability for any reason of a Board member to  
15 perform the duties as a member of the Board in an efficient, responsible, and  
16 professional manner;

17 (2) The misuse of office by a member of the Board to obtain  
18 pecuniary or material gain or advantage personally or for another through  
19 such office;

20 (3) The violation by any member of the laws governing the  
21 practice of social work; or

22 (4) For other just and reasonable causes as determined solely by  
23 the Board pursuant to applicable law, rule or regulation.

24 (b) Removal of a member of the Board shall be in accordance with the  
25 Administrative Adjudication Law of Guam, or other applicable laws.

26 **§ 122310. Board Meetings.** The Board shall meet regularly at a time  
27 and place decided by the Board, or as decided by the Chairperson. A special

1 meeting may be called at the discretion of the Chairperson. All meetings,  
2 whether regular or special, shall be announced and notice thereof given in  
3 accordance with the Open Government Law.

4 **§ 122311. Personnel.** The Department of Public Health and Social  
5 Services shall be the Department responsible for the implementation of this  
6 Act. The Director shall provide such office space, staff, supplies, equipment,  
7 vehicle and assistants as may be necessary for the work of the Board  
8 including the execution and enforcement of this Chapter. The Attorney  
9 General shall provide legal services to the Board without a fee.

10 **§ 122312. Rules and Regulations.** The Board shall be authorized to  
11 adopt and enforce rules and regulations to carry into effect the provisions of  
12 this Act and shall adopt rules and regulations in accordance with 5GCA,  
13 Chapter 9, the Administrative Adjudication Law, Rule Making Procedures.

14 **§ 122313. Duties, Powers, and Authority.**

15 (a) The Board shall be responsible for the control and regulation of the  
16 practice of social work, including, but not limited to, the following:

17 (1) The licensing by examination or by licensure transfer of  
18 applicants who are qualified to engage in the practice of social work under  
19 the provisions of this Article;

20 (2) The renewal of licenses to engage in the practice of social  
21 work;

22 (3) Determining the appropriate fees for licensing, licensing  
23 renewal, and other forms of regulation;

24 (4) The establishment and enforcement of compliance with  
25 professional standards of practice and rules of conduct of social workers  
26 engaged in the practice of social work and consistent with the National  
27 Association of Social Workers Code of Ethics;

1           (5) The enforcement of those provisions in the Act relating to the  
2 conduct or competence of social workers practicing in this territory,  
3 investigation of any such activities related to the practice of unauthorized  
4 practice of social work, and the suspension, revocation, or restriction of  
5 licenses to engage in the practice of social work;

6           (6) With probable cause that an applicant or licensee has engaged  
7 in conduct prohibited by this Act or a statute or rule enforced by the Board,  
8 the Board may issue an order directing the applicant or licensee to submit to  
9 a mental or physical examination or chemical dependency evaluation. For  
10 the purpose of this section, every applicant or licensee is considered to have  
11 consented to submit to a mental or physical examination or chemical  
12 dependency evaluation when ordered to do so in writing by the Board and to  
13 have waived all objections to the admissibility of the examiner's or  
14 evaluator's testimony or reports on the grounds that the testimony or reports  
15 constitute a privileged communication;

16           (7) The collection of professional demographic data;

17           (8) The issuance and renewal of licenses of all persons engaged in the  
18 practice of social work;

19           (9) The evaluation of non-social work degree holders who submit a  
20 written request for exemption from social work licensure as prescribed in  
21 this Act, determination of whether or not exemption should be granted, and  
22 the granting of a Certificate of Exemption to applicant within a one-year  
23 period of the passage of this law;

24           (10) The evaluation of non-social work degree holders who submit a  
25 written request for exception from the requirements of social work licensure  
26 as prescribed in this act, the determination of whether or not an exception

1 should be granted; and the granting of said exceptions within a one-year  
2 period of the passage of this law;

3 (11) Inspection of any licensed person at all reasonable hours for the  
4 purpose of determining if any provisions of the laws governing the practice  
5 of social work are being violated. The Board, its officers, inspectors, and  
6 representatives shall cooperate with all agencies charged with the  
7 enforcement of the laws of this territory relating to the practice of social  
8 work.

9 (b) The Board shall have such other duties, powers, and authority as  
10 may be necessary to the enforcement of this Act and to the enforcement of  
11 Board rules made pursuant thereto, which shall include, but are not limited  
12 to, the following:

13 (1) The Board may join such professional organizations and  
14 associations organized exclusively to promote the improvement of the  
15 standards of the practice of social work for the protection of the health and  
16 welfare of the public and/or whose activities assist and facilitate the work of  
17 the Board;

18 (2) The Board may receive and expend funds, in addition to its  
19 annual appropriation, from other entities, to include but not limited to grants  
20 and/or awards provided that:

21 (i) Such funds are awarded for the pursuit of a specific  
22 objective which the Board is authorized to accomplish by this Article,  
23 or which the Board is qualified to accomplish by reason of its  
24 jurisdiction or professional expertise;

25 (ii) Such funds are expended for the pursuit of the objective for  
26 which they are awarded;

1 (iii) Activities connected with or occasioned by the  
2 expenditures of such funds do not interfere with the performance of  
3 the Board's duties and responsibilities and do not conflict with the  
4 exercise of the Board's powers as specified by this Act;

5 (iv) Such funds are kept in a separate account and an annual  
6 audit report relative to the receipt of such grants and/or awards and the  
7 expenditure of such funds.

8 (i) The Board may establish a Bill of Rights for clients concerning the  
9 services a client may expect in regard to social work services.

10 (j) Any investigation, inquiry, or hearing which the Board is  
11 empowered to hold or undertake by or before any member or members of  
12 the Board and the finding or order of such member or members shall be  
13 deemed to be the order of said Board when approved and confirmed.

14 (k) The Board shall report to the Attorney General of Guam any  
15 violation in this Article, which is deemed violative pursuant to criminal  
16 statutes of Guam to cause appropriate proceedings to be instituted in the  
17 proper court in a timely manner and to be prosecuted in the manner required  
18 by law.

19 (l) The Board shall have the power to subpoena and to bring before it  
20 any person and to take testimony either orally or by deposition, or both, in  
21 the same manner as prescribed in civil cases in the courts of this territory.  
22 Any member of the Board, hearing officer, or administrative law judge shall  
23 have power to administer oaths to witnesses at any hearing, which the Board  
24 is authorized to conduct, and any other oaths authorized in any Act  
25 administered by the Board.

26 (m) The Board shall establish and collect fees from every applicant for  
27 the services it performs. The fees shall be established through rules and

1 regulations pursuant to the 5 GCA, Chapter 9, the Administrative  
2 Adjudication Law, Rule Making Procedures.

3 (n) In addition to the fees specifically provided for, the Board may  
4 assess additional reasonable fees for services rendered to carry out its duties  
5 and responsibilities as required or authorized by this Act or rules adopted  
6 hereunder. Such services rendered shall include but not be limited to the  
7 following:

- 8 (1) Issuance of duplicate certificates or identification cards;
- 9 (2) Mailing lists, or reports of data maintained by the Board;
- 10 (3) Copies of any documents;
- 11 (4) Certification of documents;
- 12 (5) Notices of meetings;
- 13 (6) Licensure transfer;
- 14 (7) Examination administration to a licensure applicant; and
- 15 (8) Examination materials.

16 **§ 122314. Social Work Licensing Program.** There is hereby  
17 established within the Department of Public Health and Social Services to be  
18 administered by the Board that shall recognize the “Licensed Bachelor  
19 Social Worker” or “L.B.S.W.”, the “Licensed Master’s Social Worker” or  
20 “L.M.S.W.”, and the “Licensed Clinical Social Worker” or “L.C.S.W.”.

21 **§ 122315. Limitations of scope of practice.** In accordance with the  
22 definition of the practice of social work there shall be limitations on the  
23 scope of the practice of social work as follows:

- 24 (1) The “Licensed Bachelor Social Worker” or “L.B.S.W.” may  
25 perform duties as defined in § 122302 and as defined in numbers (1) to (4)  
26 of the definition of the practice of social work in said section in an agency  
27 setting under supervision;

1           (2) The “Licensed Master’s Social Worker” or “L.M.S.W.” may  
2 perform duties as defined in §122302 and as defined in numbers (1) to (7) of  
3 the definition of the practice of social work in said section; and

4           (3) The “Licensed Clinical Social Worker” or “L.C.S.W.” may  
5 perform duties as defined in Section 122302 and as defined in numbers (1)  
6 to (8) of the definition of the practice of social work in said section.

7           **§122316. License Required.** No person shall purport to be a “social  
8 worker”, “Licensed Bachelor Social Worker”, “Licensed Master’s Social  
9 Worker”, “Licensed Clinical Social Worker”, or use the letters “S.W.”,  
10 “L.B.S.W.”, “L.M.S.W.”, or “L.C.S.W.”, in connection with the person’s  
11 name, or engage in the practice of social work as defined in this Article  
12 without meeting the applicable requirements and holding a license as set  
13 forth in this Article or holding a Certificate of Exemption from the Board.  
14 For those granted a Certificate of Exemption, the person is prohibited from  
15 using any of the letters indicated in this section, irrespective of their job title.

16           **§ 122317. Exemptions.** Exemptions may be granted to non-social  
17 work degree holders who are employed with the job title “social worker” or  
18 any derivative thereof. Those granted a Certificate of Exemption by the  
19 Board would be allowed to remain in their social work positions without a  
20 social work license. Persons may apply for a Certificate of Exemption for up  
21 to one (1) year of the date of the enactment of this Act. After the one (1)  
22 year period has expired, no person shall be granted a Certificate of  
23 Exemption.

24           (a) A Certificate of Exemption is granted to any person employed  
25 with the job title “social worker” or any derivative thereof who possesses a  
26 Bachelor’s, Master’s, or PhD level degree that is not in the field of social  
27 work as of the date of the enactment of this Act, but wishes to continue

1 employment with the job title “social worker”, may obtain a Certificate of  
2 Exemption from the Board by providing the following:

3 (1) Provide a written request for exemption from licensure;

4 (2) Provide a written declaration that they are individuals in good  
5 standing based on satisfactory employment performance evaluations and  
6 with no ethical complaints in the course of their employment with the job  
7 title “social worker”;

8 (3) Sign a declaration statement that they will abide by the  
9 National Association of Social Workers Code of Ethics; and

10 (4) Submit three (3) letters of verification; one (1) from their  
11 current employer acknowledging that he/she is an individual in good  
12 standing, and is highly recommended for employment with the job title,  
13 “social worker”.

14 (b) Licensure shall not be required of:

15 (1) Any licensed person doing work within the scope of practice or  
16 duties of the person’s profession that overlaps with the practice of social  
17 work; provided the person does not purport to be a social worker;

18 (2) Any person employed by a federal, state, or government agency  
19 in a social worker position, but only at those times when that person is  
20 carrying out the duties and responsibilities as a social worker in  
21 environmental employment;

22 (3) Any student enrolled in an accredited educational institution in  
23 a recognized program of study leading toward attainment of a degree in  
24 social work; provided that the student’s activities and services are part of a  
25 prescribed course of study supervised by the educational institution and the  
26 student is identified by an appropriate title such as “social work student”,

1 “social work intern”, or any other title which clearly indicates the student’s  
2 training status;

3 (4) Any person who is a member of a mental health professional  
4 not requiring licensure; provided that the person functions only within the  
5 person’s professional capacities; and provided further that the person does  
6 not purport to be a social worker;

7 (5) Any person teaching, lecturing, consulting, or engaging in  
8 research in social work insofar as the activities are performed as part of or  
9 are dependent upon employment in a college or university; provided that the  
10 person shall not engage in the practice of social work outside the  
11 responsibilities of the person’s employment;

12 (6) Any person who is a duly recognized member of the clergy;  
13 provided that the person functions only within the person’s capacities as a  
14 member of the clergy; and provided further that the person does not purport  
15 to be a social worker;

16 (7) Any person who is obtaining supervised clinical experience for  
17 licensure as a psychologist, marriage and family therapist, or as another  
18 licensed professional; provided that the person’s title indicates a trainee  
19 status; and provided further that the person does not purport to be a social  
20 worker;

21 (8) Any person in the process of obtaining three thousand (3,000)  
22 hours of post Master’s clinical social work experience under the supervision  
23 of a licensed clinical social worker or an individual identified in §122302 to  
24 qualify for a license as a licensed clinical social worker; and provided that  
25 the person calls oneself a clinical social worker intern and is supervised  
26 while performing clinical diagnosis and psychotherapy.

1           **§122318. Exceptions.** An exception is granted to any person meeting  
2 the following conditions:

3           (a) A person who is employed with the job title “social worker” or any  
4 derivative thereof and possesses a Bachelor’s, Master’s, or Ph.D. degree in  
5 the field of social work from an accredited or unaccredited social work  
6 degree program as of the date of passage of this law. Those granted  
7 exceptions must obtain a social work license within one (1) year upon  
8 enactment of this Act;

9           (b) A person who self-identifies as a social worker and possesses a  
10 Bachelor’s, Master’s, or Ph.D. degree in the field of social work from an  
11 accredited or unaccredited social work degree program upon enactment of  
12 this Act. Those granted exceptions must obtain a social work license within  
13 one (1) year upon enactment of this Act; and

14           (c) A person who possess a non-social work degree, but possesses a  
15 degree in a related social science to include degrees such as psychology,  
16 sociology, counseling, human relations and human services; and who self-  
17 identifies as a social worker may apply for an exception to obtain social  
18 work licensure meeting the following requirements:

19           (1) Provide a written request for exception from licensure  
20 requirements to the Board;

21           (2) Provide a written declaration that they are individuals in good  
22 standing based on satisfactory employment performance evaluations and  
23 with no ethical complaints in the course of their employment with the job  
24 title “social worker”;

25           (3) Sign a declaration statement that they will abide by the  
26 National Association of Social Workers Code of Ethics;

1           (4) Submit three (3) letters of verification; one (1) from their  
2 current employer acknowledging that he/she is an individual in good  
3 standing, and is highly recommended for employment with the job title,  
4 “social worker”; and

5           (5) Obtain fifty (50) continuing education units (CEU) approved  
6 by the Social Work Board in the field of social work to include the  
7 following: the application of social work theory, knowledge, methods,  
8 ethics, and the professional use of self to restore or enhance social,  
9 psychosocial, or bio-psychosocial functioning of individuals, couples,  
10 families, groups, organizations, and communities; and training in the social  
11 work Generalist Practice Model that includes assessment, planning,  
12 intervention, evaluation, case management, information and referral,  
13 counseling, supervision, consultation, education, advocacy, community  
14 organization, and the development, implementation, and administration of  
15 policies, programs, and activities.

16           (d) All persons qualified for exceptions do not need to take the  
17 appropriate licensure examination but must conform to all other  
18 requirements consistent with the appropriate level of licensure as prescribed  
19 in the law. Exceptions may only be granted by the Board up until one (1)  
20 year upon enactment of this Act.

21           **Section 122319. Licensing Requirements.** Every applicant for a  
22 license as a social worker shall submit evidence satisfactory to the Board  
23 that the applicant meets the following requirements:

24           (a) For the licensed bachelor social worker (L.B.S.W.), the applicant  
25 must:

1           (1) Hold a Bachelor's degree from a college or university in a  
2 social work program accredited by or deemed to be equivalent to a program  
3 accredited by the Council on Social Work Education; and

4           (2) Have passed the basic level national examination given by the  
5 Association of Social Work Boards (ASWB).

6           (b) For the licensed Master's social worker (L.M.S.W.), the applicant  
7 must:

8           (1) Hold a Master's degree from a college or university in a social  
9 work program accredited by or deemed to be equivalent to an accredited  
10 program by the Council on Social Work Education or a doctoral degree from  
11 a doctoral degree program in social work accredited by the Western  
12 Association of Schools and Colleges or a comparable regional accreditation  
13 body; and

14           (2) Have passed the intermediate higher-level national examination  
15 given by the Association of Social Work Board (ASWB) or has been  
16 credentialed by the Association of Certified Social Workers (ACSW).

17           (c) For the licensed clinical social worker (L.C.S.W.), the applicant  
18 must:

19           (1) Meet the educational requirements in paragraph Subsection (b)  
20 of §122319; and

21           (2) Have passed the clinical level national examination give the by  
22 the Association of Social Work Boards (ASWB); and

23           (3) Have provided evidence of successful completion of at last  
24 three thousand (3,000) hours of post maters clinical social work experience  
25 under the supervision completed within no fewer than two (2) years, but  
26 within no more than five (5) years. Clinical social work experience shall  
27 include a minimum of two thousand (2,000) hours of assessment, clinical

1 diagnosis and psychotherapy; no more than a maximum of nine hundred  
2 (900) hours of client-centered advocacy, consultation, and evaluation; and at  
3 least one hundred (100) hours of direct face-to-face supervision. At least  
4 sixty (60) of the one hundred (100) hours of direct face-to-face supervision  
5 shall have been individualized supervision and the remaining forty (40)  
6 hours may have been under small group (up to six (6) supervisees)  
7 supervision; provided that the supervisor shall have been a licensed clinical  
8 social worker with at least four thousand five hundred (4,500) hours of post  
9 masters clinical social work experience.

10 (d) For the first five (5) years upon enactment of this Act, the  
11 following individuals shall be deemed to have satisfied the requirements of a  
12 supervisor:

13 (1) a person with a master's degree in social work with at least four  
14 thousand five hundred (4,500) post masters clinical social work experience;

15 (2) an individual who holds a diplomat in clinical social work  
16 (DCSW) or a board certified diplomat certification (BCD); or a board  
17 certified psychiatrist, psychologist, advanced practice registered nurse who  
18 has a minimum of four thousand five hundred (4,500) hours of post masters  
19 clinical experience in assessment, clinical diagnosis, and psychotherapy.

20 (e) Supervision shall have occurred in an agency setting that provided  
21 clinical diagnosis and psychotherapy.

22 (f) An applicant who submits evidence of certification as a Qualified  
23 Clinical Social Worker (QCSW) or Diplomat in Clinical Social Work  
24 (DCSW) by the National Association of Social Workers or as a board  
25 certified diplomat by the American Board of Examiners shall be deemed to  
26 have satisfied the experience requirements of this Section.

27 **§ 122320. Reciprocity and Endorsement.**

1           (a) The Board may enter into reciprocity agreements with other states  
2 and issue a license to a social worker who has been licensed in that state;  
3 provided that the requirements for a license in the state in which the  
4 applicant is licensed are deemed by the Board to be equal or greater than the  
5 current requirements for a license in this territory.

6           (b) The Board may issue a license by endorsement by honoring a  
7 passing score on the examination of the Association of Social Work Boards  
8 (ASWB); provided that at a minimum, the applicant meets the other  
9 requirements and the passing score is from the examination category that is  
10 required for licensed in this territory and the other state uses for its license.

11           **§ 122321. Application for Examination.**

12           (a) Any person eligible for licensure who wishes to be licensed shall  
13 apply for examination to the Board at least ninety (90) days prior to the date  
14 of the examination, upon a form and in the manner that the Board shall  
15 prescribe;

16           (b) Any application to the Board shall be accompanied by a  
17 nonrefundable application fee; and

18           (c) A person who fails an examination may apply for reexamination.

19           **§ 122322. Examination for License.**

20           (a) Each applicant for licensure shall take and pass a national  
21 examination administered by the Association of Social Work Boards  
22 (ASWB) in accordance with procedures and standards prescribed by the  
23 Board.

24           (b) Applicants for the “licensed clinical social worker” or “L.C.S.W.”  
25 license who have passed the L.C.S.W. examination administered by the  
26 Association of Social Work Boards before the enactment of this Act shall be  
27 deemed to have satisfied the requirement of this Article.

1 (c) The applicant shall pay the examination fee directly to the  
2 Association of Social Work Boards (ASWB).

3 § 122323. **Issuance of License.** The Board shall issue a license to  
4 any person who meets all licensure requirements to include payment of the  
5 appropriate fees.

6 § 122324. **Renewals.** Every license issued under this Act shall be  
7 renewed every two (2) years on or before the date set forth by the Board.

8 § 122325. **Requirement.** A licensee must complete at least thirty (30)  
9 hours of approved programs of continuing education units in the two (2)  
10 year period that shall be completed at the time of license renewal.

11 (a) A Program of Continuing Education must contain at least one (1)  
12 of the following content areas related to social work practice:

13 (1) Theories and concepts of human behavior in the social  
14 environment;

15 (2) Social work practice, knowledge and skills;

16 (3) Social work research, programs, or practice evaluations;

17 (4) Social work management, administration or social policy;

18 (5) Social work ethics; and

19 (6) Other areas approved by the Board deemed important and  
20 relevant to current social work practice.

21 (b) The following amount of continuing education hours must be  
22 earned in the following program areas:

23 (1) Six (6) education hours addressing social work ethics and must  
24 be completed through courses offered by NASW; and

25 (2) Four (4) education hours addressing cultural competency,  
26 specific to the diverse population of Guam; and

1           (3) Two (2) education hours in the area of working with persons  
2 with disabilities.

3           (c) Continuing education hours must be earned in at least two of the  
4 following academic course work:

5           (1) Courses and seminars given by an Accredited Program of  
6 Social Work;

7           (2) Postgraduate courses from a university, college, or other  
8 institution of higher education, in a field other than social work, upon proof  
9 that the course is relevant to social work practice and with the approval of  
10 the Board;

11           (3) Undergraduate courses from a university, college or other  
12 institution of higher education, upon satisfaction of the Board that such  
13 course updates or enhances the licensee's social work competence;

14           (4) Correspondence work, televised courses, audio/visual,  
15 videotapes, on-line, and other forms of self-study upon approval of the  
16 Board, shown to update or enhance social work competence. Under no  
17 circumstances shall more than five (5) hours from this category be  
18 acceptable as continuing education for each renewal cycle;

19           (5) Continuing education presentations of national, international,  
20 regional, or sub-regional conferences or association meetings relevant to  
21 social work practice;

22           (6) Workshops or institutes including approved workshops at  
23 conventions relevant to social work practice from approved providers;

24           (7) Public or private agency staff development programs from  
25 approved providers that contribute to the enhancement of social work  
26 practice or knowledge that are not primarily procedural or administrative.

1 (d) The Board shall have the final approval of the content areas for  
2 designating a program as a Program of Continuing Education. The Board  
3 may determine an Approved Provider of Continuing Education, after receipt  
4 of an application as set forth by the Board, accompanied by an applicable  
5 fee, which demonstrates the following:

6 (1) Programs to be provided will meet guidelines as determined by  
7 the Board, and will be presented by competent individuals as documented by  
8 appropriate academic training, professional licensure or certification, or  
9 professionally recognized experience;

10 (2) An identified licensed social worker will be involved in  
11 program planning and review;

12 (3) Appropriate documents will be maintained and provided to the  
13 Board upon request, including presenter qualifications, learning objectives,  
14 content outlines, attendance records, and completed evaluation forms;

15 (4) Compliance with all other applicable laws, including the  
16 Americans with Disabilities Act.

17 (5) Attendees will be provided a certificate of completion, which  
18 includes the provider number.

19 Upon enactment of this Act, the Board shall convene an adhoc  
20 committee, with no more than five (5) members as appointed by the Chair,  
21 which may include non-members of the Board to compile a list of any  
22 additional continuing education units and/or hours not identified in this  
23 Chapter with the final approval by the Board.

24 **§ 122326. Revocation, suspension, denial, or condition of licenses;**  
25 **finer.**

26 (a) In addition to any other acts or conditions provided by law, the  
27 Board may refuse to renew, reinstate, or restore or may deny, revoke,

1 suspend, or condition in any manner any license, or fine any exempt  
2 government employee for any one (1) or more of the following acts or  
3 conditions on the part of the applicant, licensee or exempt person:

4 (1) Failing to meet or maintain the conditions and requirements  
5 necessary to qualify for the granting of a license;

6 (2) Being addicted to, dependent on, or being a habitual user of a  
7 narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine, or  
8 other drugs or derivatives of a similar nature;

9 (3) Engaging in the practice of social work while impaired by  
10 alcohol, drugs, or mental instability;

11 (4) Procuring a social work license through fraud,  
12 misrepresentation, or deceit;

13 (5) Aiding and abetting an unlicensed person to directly or  
14 indirectly use the title “social worker” or engage in the practice as a  
15 “Licensed Bachelor Social Worker”, “Licensed Master’s Social Worker” or  
16 “Licensed Clinical Social Worker”;

17 (6) Engaging in professional misconduct, incompetence, gross  
18 negligence, or manifest incapacity in the practice of social work;

19 (7) Engaging in conduct or practice contrary to the National  
20 Association of Social Worker’s Professional Code of Ethics;

21 (8) Failing to comply, observe, or adhere to any law in a manner  
22 such that the Board deems the applicant or holder to be an unfit or improper  
23 person to hold a social work license;

24 (9) Revocation, suspension or other disciplinary action by another  
25 state or federal agency against the licensee or applicant for any reason  
26 provided by this Section;

1           (10) Having a criminal conviction, whether by nolo contendere or  
2 otherwise, of a crime directly related to the qualifications, functions or duties  
3 of the social work profession;

4           (11) Failing to report in writing to the Board any disciplinary  
5 decision issued against the licensee or the applicant in another jurisdiction  
6 within thirty (30) days of the disciplinary decision;

7           (12) Employing, utilizing, or attempting to employ or utilize at any  
8 time any person not licensed who purports to be or engages in practice as a  
9 social worker, licensed bachelor social worker, licensed social worker, or  
10 licensed clinical social worker;

11           (13) Engaging in the practice of social work beyond the scope of  
12 the person's license; or

13           (14) Violating this Chapter or any rules adopted pursuant thereto.

14           (b) The Board may determine on a case-by-case basis to give a license  
15 to an applicant who has been convicted of a crime provided the following is  
16 met:

17           (1) The applicant must provide proof that he/she has made efforts  
18 to rehabilitate himself/herself and become positive, productive member in  
19 the community; and

20           (2) If one was convicted of a crime ten or more years before the  
21 date of application or the date of license renewal, the Board may  
22 automatically administer the license, except when the crime is of a felony of  
23 the first degree and the victim is a client or patient of the applicant.

24           (c) Any licensee who violates this Section may also be fined not more  
25 than one thousand dollars (\$1,000) per violation.

26           (d) The Board shall have the authority to investigate, prosecute, and  
27 conduct administrative hearings regarding exempt government employees.

1           (e) The Board may defer action with regard to an impaired licensee  
2 who voluntarily signs an agreement, in a form satisfactory to the Board,  
3 agreeing not to practice social work and to enter an approved treatment and  
4 monitoring program in accordance with this section, provided that this  
5 section should not apply to a licensee who has been convicted of, pleads  
6 guilty to, or enters a plea of nolo contendere to a felonious act or an offense  
7 relating to a controlled substance in a court of law of the United States or  
8 any other state, territory, or country or a conviction related to sexual  
9 misconduct. A licensee who is physically or mentally impaired due to  
10 mental illness or addiction to drugs or alcohol may qualify as an impaired  
11 social worker and have disciplinary action deferred and ultimately waived  
12 only if the Board is satisfied that such action will not endanger the public  
13 and the licensee enters into an agreement with the Board for a treatment and  
14 monitoring plan approved by the Board, progresses satisfactorily in such  
15 treatment and monitoring program, complies with all terms of the agreement  
16 and all other applicable terms of subsection.

17           (f) Failure to enter such agreement or to comply with the terms and  
18 make satisfactory progress in the treatment and monitoring program shall  
19 disqualify the licensee from the provisions of this section and the Board may  
20 activate an immediate investigation and disciplinary proceeding. Upon  
21 completion of the rehabilitation program in accordance with the agreement  
22 signed by the Board, the licensee may apply for permission to resume the  
23 practice of social work upon such conditions as the Board determines  
24 necessary.

25           **§ 122327. Prohibited acts; penalties.** No person shall:

26           (a) Use in connection with the person's name any designation tending  
27 to imply that the person is a social worker, licensed bachelor social worker,

1 licensed master's social worker, or licensed clinical social worker unless the  
2 person is duly licensed and authorized under this Chapter;

3 (b) Represent oneself as a social worker, licensed bachelor social  
4 worker, licensed master's social worker, or licensed clinical social worker  
5 during the time the person's license issued under this Chapter is forfeited,  
6 terminated, suspended, or revoked;

7 (c) Perform clinical diagnosis or psychotherapy unless the person is a  
8 licensed clinical social worker; or

9 (d) Engage in autonomous and independent clinical social work  
10 practice without being licensed as a licensed clinical social worker.

11 (e) Any person who is in violation of any of the acts pursuant to this  
12 Article, shall be subject to a fine of not more than one thousand dollars  
13 (\$1,000) and each day's violation shall be deemed a separate offense. The  
14 Board shall determine the revocation of any license issued by the Board in  
15 consideration of the severity of the violation and severity of the prohibited  
16 acts.

17 **§ 122328. Consumer Right of Action.** Any person who suffers  
18 damage as a result of a violation of this Article shall be entitled to  
19 injunctive relief restraining further violations and may sue to recover  
20 damages in any circuit court of the territory and, if successful, shall recover  
21 three (3) times the actual damages or one thousand dollars (\$1,000),  
22 whichever is lessor. In any action brought under this Act, the prevailing  
23 party shall be entitled to the recovery of costs of suits, including reasonable  
24 attorney's fees.

25 **§ 122329. Privileged communication.**

26 (a) No social worker shall disclose any information acquired or  
27 provided by a client or from persons consulting the social worker in a

1 professional capacity, except that which may be voluntarily disclosed under  
2 the following circumstances:

3 (1) In the course of formally reporting, conferring or consulting  
4 with administrative superiors, colleagues or consultants who share  
5 professional responsibility, in which instance all recipients of such  
6 information are similarly bound to regard the communication as privileged;

7 (2) With the written consent of the person who provided the  
8 information;

9 (3) In case of death or disability, with the written consent of a  
10 personal representative, other person authorized to sue, or the beneficiary of  
11 an insurance policy on the person's life, health or physical condition;

12 (4) When a communication reveals the intended commission of a  
13 crime or harmful act and such disclosure is judged necessary by the social  
14 worker to protect any person from a clear, imminent risk of serious mental  
15 or physical harm or injury, or to forestall a serious threat to the public safety;  
16 or

17 (5) When the person waives the privilege by bringing any public  
18 charges against the licensee.

19 (b) When the person is a minor under the laws of the territory of  
20 Guam and the information acquired by the social worker indicates the minor  
21 was the victim of or witness to a crime, the social worker may be required to  
22 testify in any judicial proceedings in which the commission of that crime is  
23 the subject of inquiry and when the court determines that the interests of the  
24 minor in having the information held privileged are outweighed by the  
25 requirements of justice, the need to protect the public safety or the need to  
26 protect the minor.

1 (c) Any person having access to records or anyone who participates in  
2 providing social work services or who, in providing any human services, is  
3 supervised by a social worker, is similarly bound to regard all information  
4 and communications as privileged in accord with the section.

5 (d) Nothing shall be construed to prohibit a social worker from  
6 voluntarily testifying in court hearings concerning matters of adoption, child  
7 abuse, child neglect or other matters pertaining to children, elderly, and  
8 physically and mentally impaired adults, except as prohibited under the  
9 applicable state and federal laws.

10 **§ 122330. Creation of Revolving Fund.** There is hereby created the  
11 “Social Work Board Revolving Fund” (Fund) within the Health Professional  
12 Licensing Office of the Department of Public Health and Social Services  
13 specifically for use by the Board. All such revenues from fees and charges  
14 authorized and adopted pursuant to this Act, including fines, shall be  
15 deposited into the Fund. Such funds shall be appropriated continuously and  
16 shall be used by the Board only for administration and enforcement of this  
17 Act. All fees and charges shall be set by the Board pursuant to its budget  
18 needs and shall comply with 5 GCA, Chapter 9. A designated officer of the  
19 Board shall oversee the collection and disbursement of funds. The Office of  
20 Public Accountability or its equivalent shall audit the Fund annually with  
21 reports to be submitted to *I Maga’lahen Guahan* and the Speaker of *I*  
22 *Liheslaturan Guahan*. The fund shall not be subject to any transfer authority  
23 by *I Maga’lahen Guahan*.

24 **§ 122331. Standards of Practice/ Code of Conduct.**

25 **Part 1. Standards of Practice.**

1           **Subpart 1. Scope & Applicability.** The standards of practice apply to  
2 all applicants and licensees. The use of the term social worker within these  
3 standards of practice includes all applicants and licensees.

4           **Subpart 2. Purpose.** The standards of practice constitute the  
5 standards by which the professional conduct of an applicant or licensee is  
6 measured.

7           **Subpart 3. Violations.** A violation of the standards of practice  
8 constitutes unprofessional or unethical conduct and constitutes grounds for  
9 disciplinary action or denial of licensure.

10           **Part 2. General Practice Parameters.**

11           **Subpart 1. Client welfare.** Within the context of the specific  
12 standards of practice prescribed herein, a social worker shall make  
13 reasonable efforts to advance the welfare and best interests of a client.

14           **Subpart 2. Self-determination.** Within the context of the specific  
15 standards of practice prescribed herein, a social worker shall respect a  
16 client's right to self-determination.

17           **Subpart 3. Nondiscrimination.** A social worker shall not  
18 discriminate against a client, student, or supervisee on the basis of age,  
19 gender, sexual orientation, race, color, national origin, religion, diagnosis,  
20 disability, political affiliation, or social or economic status. If the social  
21 worker is unable to offer services because of a concern about potential  
22 discrimination against a client, student, or supervisee, the social worker shall  
23 make an appropriate and timely referral. When a referral is not possible, the  
24 social worker shall obtain supervision or consultation to address the concern.

25           **Subpart 4. Professional Disclosure Statement.**

26           (a) A social worker shall effectively communicate through handout or  
27 other means as appropriate for all clients and may display at the social

1 worker's primary place of practice a statement that the client has the right to  
2 the following:

3 (1) To expect that the social worker has met the minimal  
4 qualifications of education, training, and experience required by the law in  
5 that jurisdiction;

6 (2) To examine public records maintained by the Board which  
7 contain the social worker's qualifications and credentials;

8 (3) To be given a copy of the standards of practice upon request;

9 (4) To report a complaint about the social worker's practice to the  
10 Board;

11 (5) To be informed of the cost of professional services before  
12 receiving the services;

13 (6) To privacy as allowed by law, and to be informed of the limits  
14 of confidentiality.

15 (b) Limited access to client information. A social worker shall make  
16 reasonable efforts to limit access to client information in a social worker's  
17 agency to appropriate agency staff whose duties require access.

18 (c) A social worker receiving supervision related to practice shall  
19 inform the client that the social worker may be reviewing the client's case  
20 with the social worker's supervisor or consultant. Upon request, the social  
21 worker shall provide the name of the supervisor and the supervisor's contact  
22 information.

23 (d) To be free from being the object of discrimination while receiving  
24 social work service.

25 (e) To have access to records as allowed by law.

26 **Part 3. Competence.**

1           **Subpart 1. Continued competence.** A social worker shall take all  
2 necessary and reasonable steps to maintain continued competence in the  
3 practice of social work.

4           **Subpart 2. Limits on practice.** A social worker shall limit practice  
5 only to the competency areas for which the social worker is qualified by  
6 licensure and training, experience, or supervised practice.

7           **Subpart 3. Referrals.** A social worker shall make a referral to other  
8 professionals when the services required are beyond the social worker's  
9 competence.

10           **Subpart 4. Delegation.** A social worker shall not assign, oversee or  
11 supervise the performance of a task by another individual when the social  
12 worker knows that the other individual is not licensed to perform the task or  
13 has not developed the competence to perform such task.

14           **Part 4. Practice Requirements.**

15           **Subpart 1. Assessment or diagnosis.** A social worker shall base  
16 services on an assessment or diagnosis. A social worker shall evaluate on an  
17 ongoing basis whether the assessment or diagnosis needs to be reviewed or  
18 revised.

19           **Subpart 2. Assessment or diagnosis instruments.** A social worker  
20 shall follow standard and accepted procedures for deciding when and how to  
21 use an assessment or diagnostic instrument. A social worker shall inform a  
22 client of its purpose before administering the instrument and, when  
23 available, of the results derived there from.

24           **Subpart 3. Plan.** A social worker shall develop a plan for service,  
25 which includes goals based on the assessment or diagnosis. A social worker  
26 shall evaluate on an ongoing basis whether the plan needs to be reviewed or  
27 revised.

1           **Subpart 4. Supervision or consultation.** A social worker shall obtain  
2 supervision or engage in consultation when necessary to serve the best  
3 interests of a client.

4           **Subpart 5. Informed consent.**

5           (a) Social workers shall provide services to clients only in the context  
6 of a professional relationship based, when appropriate, on valid informed  
7 consent. Social workers should use clear and understandable language to  
8 inform clients of the plan of the services, risks related to the plan, limits to  
9 services, relevant costs, reasonable alternatives, client's right to refuse or  
10 withdraw consent, and the time frame covered by the consent. Social  
11 workers shall provide clients with an opportunity to ask questions.

12           (b) If the client does not have the capacity to provide consent, the  
13 social worker shall obtain consent for the services from the client's legal  
14 guardian or other authorized representative.

15           (c) If the client, the legal guardian, or other authorized representative  
16 does not consent, the social worker shall discuss with the client that a  
17 referral to other resources may be in the client's best interests.

18           **Subpart 6. Records.**

19           (a) A social worker shall make and maintain records of services  
20 provided to a client. At a minimum, the records shall contain documentation  
21 of the assessment or diagnosis; documentation of a plan, documentation of  
22 any revision of the assessment or diagnosis or of a plan; any fees charged  
23 and other billing information; copies of all client authorization for release of  
24 information and any other legal forms pertaining to the client. These records  
25 shall be maintained by the licensee or agency employing the licensee under  
26 secure conditions and for time periods in compliance with applicable federal

1 or state law, but in no case for fewer than seven years after the last date of  
2 service.

3 (b) Where a social worker or social work practice ceases operations as  
4 a result of a suspension, retirement or death of the owner, sale or other  
5 cause, including insolvency, the licensee, or other individual responsible for  
6 supervising the disposition of the practice, shall make every effort to notify  
7 the clients of their right to retrieve current records for a period of six (6)  
8 months using all of the following methods:

9 (1) Notification in writing to the board;

10 (2) Publication, at least weekly for one month, in a newspaper  
11 whose circulation encompasses the major area of a practitioner's former  
12 practice, of a notice advising clients of the right to retrieve their records for a  
13 six (6) month period; and

14 (3) If applicable, a sign placed at the practice location informing  
15 clients of the right and procedures to retrieve their records.

16 (b) Should any client fail to retrieve the records within the six (6)  
17 month period and unless otherwise required by law, the responsible party  
18 shall arrange the destruction of such documents in a manner to ensure  
19 confidentiality.

20 **Subpart 7. Reports.** A social worker shall complete and submit  
21 reports as required by law in a timely manner.

22 **Subpart 8. Exploitation.** A social worker shall not exploit in any  
23 manner the professional relationship with a client, student, or supervisee for  
24 the social worker's emotional, financial, sexual or personal advantage or  
25 benefit, nor shall the social worker use the professional relationship with a  
26 client, student, or supervisee to further personal, religious, political or  
27 business interests.

1           **Subpart 9. Termination of services.** A social worker shall terminate a  
2 professional relationship with a client when the client is not likely to benefit  
3 from continued services or the services are no longer needed. The social  
4 worker who anticipates the termination of services shall give reasonable  
5 notice to the client. The social worker shall take reasonable steps to inform  
6 the client of the termination of professional relationship. The social worker  
7 shall provide referrals as needed or upon the request of the client. A social  
8 worker shall not terminate a professional relationship for the purpose of  
9 beginning a personal or business relationship with a client.

10           **Part 5. Relationships with Clients and Former Clients.**

11           **Subpart 1. Personal relationships with clients.** A social worker  
12 shall not engage in dual relationships with clients that compromise the well-  
13 being of the client, impair the objectivity and professional judgment of the  
14 social worker or increase the risk of client exploitation. When a social  
15 worker may not avoid a personal relationship with a client, the social worker  
16 shall take appropriate precautions, such as informed consent, consultation, or  
17 supervision to ensure that the social worker's objectivity and professional  
18 judgment are not impaired.

19           **Subpart 2. Personal relationships with former clients.** A social  
20 worker may engage in a personal relationship, except as prohibited by Part  
21 5, Subpart 4, with a former client, if the former client was notified of the  
22 termination of the professional relationship. The social worker shall continue  
23 to consider the best interests of the former client, and shall not engage in a  
24 personal relationship with a former client if a reasonable social worker  
25 would conclude that the former client continues to relate to the social worker  
26 in the social worker's professional capacity.

1           **Subpart 3. Sexual contact with a client.** A social worker shall not  
2 engage in or request sexual contact as defined in Part 5, Subpart 5, with a  
3 client under any circumstances. A social worker shall not engage in any  
4 verbal or physical behavior which a reasonable person would find to be  
5 sexually seductive or sexually demeaning. A social worker shall not sexually  
6 harass a client.

7           **Subpart 4. Sexual contact with a former client.** A social worker  
8 who has provided clinical social work services to a client shall not engage in  
9 or request sexual contact as defined in Part 5, Subpart 5, with the former  
10 client under any circumstances. A social worker who has provided other  
11 social work services to a client shall not engage in or request sexual contact  
12 as defined in Part 5, Subpart 5, with the former client at any time if a  
13 reasonable social worker would determine that engaging in sexual contact  
14 with the client would be exploitative, abusive, or detrimental to the client's  
15 welfare. It is the responsibility of the social worker to assume the full burden  
16 of demonstrating that the former client has not been exploited or abused  
17 either intentionally or unintentionally.

18           **Subpart 5. Sexual contact defined.** Sexual contact includes but is not  
19 limited to sexual intercourse, either genital or anal, cunnilingus, fellatio, or  
20 the handling of the breasts, genital areas, buttocks, or thighs, whether  
21 clothed or unclothed, by either the social worker or the client.

22           **Subpart 6. Business relationship with a client.** A social worker shall  
23 not engage in any type of a business relationship with a client. Business  
24 relationships do not include purchases made by the social worker from the  
25 client when the client is providing necessary goods or services to the general  
26 public, and the social worker determines that it is not possible or reasonable  
27 to obtain the necessary goods or services from another provider.

1           **Subpart 7. Business relationship with a former client.** A social  
2 worker may engage in a business relationship with a former client, if the  
3 former client was notified of the termination of the professional relationship.  
4 The social worker shall continue to consider the best interests of the former  
5 client, and shall not engage in a business relationship with a former client if  
6 a reasonable social worker would conclude that the former client continues  
7 to relate to the social worker in the social worker’s professional capacity.

8           **Subpart 8. Prior Personal or Business Relationships.** A social  
9 worker may engage in a professional relationship with an individual with  
10 whom the social worker had a previous personal or business relationship  
11 only if a reasonable social worker would conclude that the social worker’s  
12 objectivity and professional judgment will not be impaired by reason of the  
13 previous personal or business relationship.

14           **Subpart 9. Social worker responsibility.** A social worker shall be  
15 solely responsible for acting appropriately in regard to relationships with  
16 clients or former clients. A client or a former client’s initiation of a personal,  
17 sexual, or business relationship shall not be a defense by the social worker  
18 for a violation of Part 5, Subparts 1 through 8.

19           **Subpart 10. Others.** Part 5, Subparts 1 through 9 also apply to a social  
20 worker’s relationship with students, supervisees, employees of the social  
21 worker, family members or significant others of a client.

22           **Part 6. Client Confidentiality.**

23           **Subpart 1. General.** A social worker shall protect all information  
24 provided by or obtained about a client. “Client information” includes the  
25 social worker’s personal knowledge of the client and client records. Except  
26 as provided herein, client information may be disclosed or released only  
27 with the client’s written informed consent. The written informed consent

1 shall explain to whom the client information will be disclosed or released  
2 and the purpose and time frame for the release of information.

3 **Subpart 2. Release of client information without written consent.**

4 A social worker shall disclose client information without the client's written  
5 consent only under the following circumstances:

6 (a) Where mandated by federal or state law, including mandatory  
7 reporting laws, requiring release of client information;

8 (b) The social worker determines that there is a clear and imminent  
9 risk that the client will inflict serious harm on either the client or another  
10 identified individual. The social worker shall release only the information  
11 that is necessary to avoid the infliction of serious harm. The social worker  
12 may release this information to the appropriate authorities and the potential  
13 victim;

14 (c) The Board duly issues a valid subpoena to the social worker, as  
15 permitted by law.

16 **Subpart 3. Release of client records without written consent.** A

17 social worker shall release client records without the client's written consent  
18 under the following circumstances:

19 (a) A client's authorized representative consents in writing to the  
20 release;

21 (b) As mandated by federal or jurisdiction law requiring release of the  
22 records;

23 (c) The Board duly issues a valid subpoena for the records, as  
24 permitted by law.

25 **Subpart 4. Limits of confidentiality.** The social worker shall inform

26 the client of the limits of confidentiality as provided under applicable law.

1           **Subpart 5. Minor clients.** In addition to the general directive in Part  
2 6, Subpart 4, a social worker must inform a minor client, at the beginning of  
3 a professional relationship, of any laws which impose a limit on the right of  
4 privacy of a minor.

5           **Subpart 6. Third party billing.** A social worker shall provide client  
6 information to a third party for the purpose of payment for services rendered  
7 only with the client's written informed consent. The social worker shall  
8 inform the client of the nature of the client information to be disclosed or  
9 released to the third party payor.

10           **Subpart 7. Client information to remain private.** A social worker  
11 shall continue to maintain confidentiality of client information upon  
12 termination of the professional relationship including upon the death of the  
13 client, except as provided under applicable law.

14           **Subpart 8. Recording/Observation.** A social worker shall obtain the  
15 client's written informed consent before the taping or recording of a session  
16 or a meeting with the client, or before a third party is allowed to observe the  
17 session or meeting. The written informed consent shall explain to the client  
18 the purpose of the taping or recording and how the taping or recording will  
19 be used, how it will be stored and when it will be destroyed.

20           **Part 7. Conduct.**

21           **Subpart 1. Impairment.** A social worker shall not practice while  
22 impaired by medication, alcohol, drugs, or other chemicals. A social worker  
23 shall not practice under a mental or physical condition that impairs the  
24 ability to safely practice.

25           **Subpart 2. Giving drugs to a client.** Unless permissible by state law,  
26 a social worker shall not offer medication or controlled substances to a  
27 client, or accept these substances from a client for personal use or gain. The

1 social worker may accept medication or controlled substances from a client  
2 for purposes of disposal or to monitor use. Under no circumstances shall a  
3 social worker offer alcoholic beverages to a client or accept such from a  
4 client.

5 **Subpart 3. Investigation.** A social worker shall comply with and not  
6 interfere with Board investigations.

7 **Part 8. Representation to the Public. Advertising.**

8 **Subpart 1. Required use of license designation.** A social worker shall use  
9 the license designation of LBSW, LMSW, LCSW, which corresponds to the  
10 social worker's license, after the social worker's name in all written  
11 communications related to social work practice, including any advertising,  
12 correspondence, and entries to client records.

13 **Subpart 2. Information to clients or potential clients.** A social  
14 worker shall provide accurate and factual information concerning the social  
15 worker's credentials, education, training, and experience upon request from  
16 a client or potential client. A social worker shall not misrepresent directly or  
17 by implication the social worker's license level, degree, professional  
18 certifications, affiliations, or other professional qualifications in any oral or  
19 written communication or permit or continue to permit any  
20 misrepresentations by others. A social worker shall not misrepresent,  
21 directly or by implication, affiliations, purposes, and characteristics of  
22 institutions and organizations with which the social worker is associated.

23 **Subpart 3. Licensure status.** Licensure status shall not be used as a  
24 claim, promise, or guarantee of successful service, nor shall the license be  
25 used to imply that the licensee has competence in another service. Public  
26 statements or advertisements may describe fees, professional qualifications,

1 and services provided, but they may not advertise services as to their quality  
2 or uniqueness and may not contain testimonials by quotation or implication.

3 **Subpart 4. Display of license.** A social worker shall conspicuously  
4 display a current license issued by the Board at the social worker's primary  
5 place of practice.

6 **Part 9. Fees and Billing Practices.**

7 **Subpart 1. Fees and payments.** A social worker who provides a  
8 service for a fee shall inform a client of the fee at the initial session or  
9 meeting with the client. Payment must be arranged at the beginning of the  
10 professional relationship, and the payment arrangement must be provided to  
11 a client in writing. A social worker shall provide, upon request from a client,  
12 a client's legal guardian, or other authorized representative, a written  
13 explanation of the charges for any services rendered.

14 **Subpart 2. Necessary services.** A social worker shall bill only for  
15 services, which have been provided. A social worker shall provide only  
16 services, which are necessary.

17 **Subpart 3. Bartering.** A social worker may not accept goods or  
18 services from the client or a third party in exchange for the social worker's  
19 services, except when such arrangement is initiated by the client and is an  
20 accepted practice in the social worker's community or within the client's  
21 culture. It is the responsibility of the social worker to assume the full burden  
22 of demonstrating that this arrangement will not be detrimental or  
23 exploitative to the client or the professional relationship.

24 **Subpart 4. No payment for referrals.** A social worker shall neither  
25 accept nor give a commission, rebate, fee split, or other form of  
26 remuneration for the referral of a client.

27 **Part 10. Research.**

1           **Subpart 1. Informed consent.** When undertaking research activities,  
2 the social worker shall abide by accepted protocols for protection of human  
3 subjects. A social worker must obtain a client’s or a client’s legal guardian’s  
4 written informed consent for the client to participate in a study or research  
5 project and explain in writing the purpose of the study or research as well as  
6 the activities to be undertaken by the client should the client agree to  
7 participate in the study or research project. The social worker must inform  
8 the client of the client’s right to withdraw from the project at any time.”

9           **Section 2. Effective Date.** This Act shall become effective one (1)  
10 year after enactment.

11           **Section 3. Severability.** If any provision of this Law or its  
12 application to any person or circumstances is found to be invalid or contrary  
13 to law, such invalidity shall not affect other provisions or applications of this  
14 Law which can be given effect without the invalid provisions or application,  
15 and to this end the provisions of this Law are severable.

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) REGULAR SESSION**

**Bill No. 461-31 (COR), as Substituted**  
Committee on Health & Human Services,  
Economic Development, Senior Citizens, and  
Election Reform

Introduced by:

v.c. pangelinan  
B.J.F. Cruz  
R.J. Respicio  
J.P. Guthertz  
T.R. Muna Barnes

**AN ACT TO ADD ARTICLE 23 TO TITLE 10 GUAM CODE  
ANNOTTED, CHAPTER 12, PART 2 RELATIVE TO THE  
CREATION OF THE GUAM SOCIAL WORK PRACTICE  
ACT.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Article 23, Chapter 12, Part 2, 10 Guam Code Annotated is  
hereby added to read as follows:**

“Social Work Practice Act.

**§ 122301. Legislative Intent.** It is the intent of this Act to promote,  
preserve, and protect the public health, safety, and welfare by and through the  
effective control and regulation of the practice of social work; the licensure of  
social workers; the licensure, control, and regulation of persons, in or out of this  
territory that practice social work within the territory.

**§ 122302. Definitions.** For purposes of this Article, the following words and  
phrases have been defined to mean:

“Board” shall mean the Guam Board of Social Work.

“Practice of Baccalaureate Social Work” means the application of social  
work theory, knowledge, methods, ethics, and the professional use of self to restore

1 or enhance social, psychosocial, or bio-psycho-social functioning of individuals,  
2 couples, families, groups, organizations, and communities. Baccalaureate Social  
3 Work is basic generalist practice that includes assessment, planning, intervention,  
4 evaluation, case management, information and referral, counseling, supervision,  
5 consultation, education, advocacy, community organization, and the development,  
6 implementation, and administration of policies, programs, and activities.

7 “Practice of Master’s Social Work” means the application of social work  
8 theory, knowledge, methods, ethics, and the professional use of self to restore or  
9 enhance social, psychosocial, or bio-psycho-social functioning of individuals,  
10 couples, families, groups, organizations, and communities. Master’s Social Work  
11 practice includes the application of specialized knowledge and advanced practice  
12 skills in the areas of assessment, treatment planning, implementation and  
13 evaluation, case management, information and referral, supervision, consultation,  
14 education, advocacy, community organization, and the development,  
15 implementation, and administration of policies, programs, and activities. Under  
16 supervision as provided in this Act, the practice of Master’s Social Work may  
17 include the practices reserved to Clinical Social Workers.

18 “Practice of Clinical Social Work” is a specialty within the practice of  
19 Master’s Social Work and requires the application of social work theory,  
20 knowledge, methods, ethics, and the professional use of self to restore or enhance  
21 social, psychosocial, or bio-psycho-social functioning of individuals, couples,  
22 families, groups, organizations, and communities. The practice of Clinical Social  
23 Work requires the application of specialized clinical knowledge and advanced  
24 clinical skills in the areas of assessment; diagnosis and treatment of mental,  
25 emotional, and behavioral disorders, conditions, and addictions; and evaluation.  
26 Treatment methods include the provision of individual, marital, couple, family and

1 group counseling and psychotherapy. The practice of Clinical Social Work may  
2 include private practice and the provision of clinical supervision.

3 “Social work practice” means the professional application of social work  
4 values, principles, ethics and techniques in the following areas:

5 (a) Information, resource identification, referral services, mediation services,  
6 advocacy services and education of individuals, groups, couples and families;

7 (b) Preparation and evaluation of assessments and development and  
8 implementation of social work service plans;

9 (c) Case management, coordination, casework intervention and monitoring  
10 of social work service plans in the areas of personal, social or economic resources,  
11 conditions, or problems;

12 (d) Administration and development of social service programs, policies,  
13 community organization, planning, implementation, and involvement in the  
14 evaluation of social systems and social policies;

15 (e) Social work consultation and resource development;

16 (f) Research through the formal design and methodology of data collection  
17 and the analysis and evaluation of data, social work programs, social systems and  
18 social policies;

19 (g) Psychosocial assessment, diagnostic impressions, treatment of  
20 individuals, couples, families, and groups, prevention of psychosocial dysfunction,  
21 disability or impairment, including emotional, mental and behavioral disorders,  
22 and evaluation of practice effectiveness; and

23 (h) Clinical diagnosis or psychotherapy, or both, provided by a licensed  
24 clinical social worker.

25 “Social worker” or “S.W.” means a person who has been issued a license as  
26 a Licensed Bachelor Social Worker, Licensed Master’s Social Worker, or Licensed

1 Clinical Social Worker to practice within the scope of practice as provided in this  
2 Article.

3 “Director” shall mean the Director of Public Health and Social Services.

4 “Exemption” shall mean not required to obtain licensure in order to practice  
5 social work as of the date of the passage of this law.

6 “Exception” shall mean able to obtain a social work license through waiving  
7 certain requirements as stated in this law.

8 **§ 122303. Guam Board of Social Work.** The Board provides a framework  
9 for developing rules, which effectively responds to the regulatory needs of social  
10 work licensure. The Board shall have all the duties, powers, and authority  
11 specifically granted by or necessary for the enforcement of this Article, as well as  
12 other duties, powers, and authority as may be granted it from time to time by  
13 applicable law.

14 **§ 122304. Board Composition.** The Board shall be composed of five (5)  
15 members, one (1) of whom shall be a representative of the public. The remaining  
16 four (4) members shall be social workers, one (1) of whom shall be a member and  
17 representative of the National Association of Social Workers, Guam Chapter. The  
18 Board shall elect from its members a Chairperson and such other officers, as it  
19 deems appropriate and necessary to the conduct of its business. The Chairperson  
20 shall preside at all meetings of the Board and shall be responsible for the  
21 performance of all of the duties and functions of the Board required or permitted  
22 by this Act. Each additional officer elected by the Board shall perform those duties  
23 customarily associated with the position and such other duties assigned from time  
24 to time by the Board. A quorum must be present to conduct a board meeting. The  
25 vote of the majority present shall constitute an official action of the Board. The  
26 majority vote shall consist of half of the vote plus one of those members present.  
27 Three (3) members of the Board shall constitute a quorum. **§ 122305.**

1 **Qualifications of Board Members.**

2 (a) For board members who are social workers shall at all times:

3 (1) Be a resident of Guam;

4 (2) Be currently licensed and in good standing to engage in the practice  
5 of social work in Guam or be eligible for licensure within thirty (30)  
6 days of the passing of this Act;

7 (3) At the time of appointment have been actively engaged in the social  
8 work profession; and

9 (4) Have at least three (3) years of experience in the practice of social  
10 work.

11 (b) The public member of the Board shall be a resident of Guam who has  
12 attained the age of majority and shall not be, nor shall ever have been a  
13 Baccalaureate Social Worker, Licensed Master’s Social Worker, or Licensed  
14 Clinical Social Worker, or the spouse thereof. The public member shall not ever  
15 have had any material financial interest in the provision of social work services or  
16 who has engaged in any activity directly related to the practice of social work.

17 **§ 122306. Appointment.** *I Maga’lahen Guåhan* shall appoint the members of  
18 the Board and shall be confirmed by *I Liheslaturan Guåhan*.

19 **§ 122307. Terms of Office.** Members of the Board shall be appointed for a  
20 term of three (3) years, except members of the Board who are appointed to fill  
21 vacancies which occur prior to the expiration of a former member’s full term shall  
22 serve the unexpired portion of such term. The terms of the members of the Board  
23 shall be staggered, so that the terms of no more than three (3) members shall expire  
24 in any year. Each member shall serve until a successor is appointed and qualified.

25 No member of the Board shall serve more than two (2) consecutive full  
26 terms. The completion of the unexpired portion of a full term shall not constitute a  
27 full term.

1           **§ 122308. Vacancies.** Any vacancy which occurs in the membership of the  
2 Board for any reason, including expiration of term, removal, resignation, death,  
3 disability or disqualification, shall be filled by *I Maga 'lahen Guåhan* in the manner  
4 prescribed by § 122306.

5           **§ 122309. Removal.** (a) A Board member may be removed pursuant to the  
6 procedures set forth in Subsection (b) herein, upon one or more of the following  
7 grounds:

8                   (1) The refusal or inability for any reason of a Board member to perform  
9 the duties as a member of the Board in an efficient, responsible, and professional  
10 manner;

11                   (2) The misuse of office by a member of the Board to obtain pecuniary or  
12 material gain or advantage personally or for another through such office;

13                   (3) The violation by any member of the laws governing the practice of  
14 social work; or

15                   (4) For other just and reasonable causes as determined solely by the  
16 Board pursuant to applicable law.

17           (b) Removal of a member of the Board shall be in accordance with the  
18 Administrative Adjudication Law of Guam, or other applicable laws.

19           **§ 122310. Board Meetings.** The Board shall meet regularly at a time and  
20 place decided by the Board, or as decided by the Chairperson. A special meeting  
21 may be called at the discretion of the Chairperson. All meetings, whether regular or  
22 special, shall be announced and notice thereof given in accordance with the Open  
23 Government Law.

24           **§ 122311. Personnel.** The Department of Public Health and Social Services  
25 shall be the Department responsible for the implementation of this Act. The  
26 Director shall provide such office space, staff, supplies, equipment, vehicle and  
27 assistants as may be necessary for the work of the Board including the execution

1 and enforcement of this Chapter. The Attorney General shall provide legal  
2 services to the Board without a fee.

3 **§ 122312. Rules and Regulations.** The Board shall be authorized to adopt  
4 and enforce rules and regulations to carry into effect the provisions of  
5 this Act and shall adopt rules and regulations in accordance with 5GCA, Chapter 9,  
6 the Administrative Adjudication Law, Rule Making Procedures.

7 **§ 122313. Duties, Powers, and Authority.**

8 (a) The Board shall be responsible for the control and regulation of the  
9 practice of social work, including, but not limited to, the following:

10 (1) The licensing by examination or by licensure transfer of applicants  
11 who are qualified to engage in the practice of social work under the provisions of  
12 this Article;

13 (2) The renewal of licenses to engage in the practice of social work;

14 (3) Determining the appropriate fees for licensing, licensing renewal, and  
15 other forms of regulation;

16 (4) The establishment and enforcement of compliance with professional  
17 standards of practice and rules of conduct of social workers engaged in the practice  
18 of social work and consistent with the National Association of Social Workers  
19 Code of Ethics;

20 (5) The enforcement of those provisions in the Act relating to the conduct  
21 or competence of social workers practicing in this territory, investigation of any  
22 such activities related to the practice of unauthorized practice of social work, and  
23 the suspension, revocation, or restriction of licenses to engage in the practice of  
24 social work;

25 (6) With probable cause that an applicant or licensee has engaged in  
26 conduct prohibited by this Act or a statute or rule enforced by the Board, the Board  
27 may issue an order directing the applicant or licensee to submit to a mental or

1 physical examination or chemical dependency evaluation. For the purpose of this  
2 section, every applicant or licensee is considered to have consented to submit to a  
3 mental or physical examination or chemical dependency evaluation when ordered  
4 to do so in writing by the Board and to have waived all objections to the  
5 admissibility of the examiner's or evaluator's testimony or reports on the grounds  
6 that the testimony or reports constitute a privileged communication;

7 (7) The collection of professional demographic data;

8 (8) The issuance and renewal of licenses of all persons engaged in the  
9 practice of social work;

10 (9) The evaluation of non-social work degree holders who submit a written  
11 request for exemption from social work licensure as prescribed in this law,  
12 determination of whether or not exemption should be granted, and the granting of a  
13 Certificate of Exemption to applicant within a one-year period of the passage of  
14 this law;

15 (10) The evaluation of non-social work degree holders who submit a written  
16 request for exception from the requirements of social work licensure as prescribed  
17 in this law, the determination of whether or not an exception should be granted;  
18 and the granting of said exceptions within a one-year period of the passage of this  
19 law;

20 (11) Inspection of any licensed person at all reasonable hours for the purpose  
21 of determining if any provisions of the laws governing the practice of social work  
22 are being violated. The Board, its officers, inspectors, and representatives shall  
23 cooperate with all agencies charged with the enforcement of the laws of this  
24 territory relating to the practice of social work.

25 (b) The Board shall have such other duties, powers, and authority as may be  
26 necessary to the enforcement of this Act and to the enforcement of Board rules  
27 made pursuant thereto, which shall include, but are not limited to, the following:

1           (1) The Board may join such professional organizations and associations  
2 organized exclusively to promote the improvement of the standards of the practice  
3 of social work for the protection of the health and welfare of the public and/or  
4 whose activities assist and facilitate the work of the Board;

5           (2) The Board may receive and expend funds, in addition to its annual  
6 appropriation, from parties other entities, to include but not limited to grants and/or  
7 awards provided that:

8           (i) Such funds are awarded for the pursuit of a specific objective  
9 which the Board is authorized to accomplish by this Article, or which the  
10 Board is qualified to accomplish by reason of its jurisdiction or professional  
11 expertise;

12           (ii) Such funds are expended for the pursuit of the objective for which  
13 they are awarded;

14           (iii) Activities connected with or occasioned by the expenditures of  
15 such funds do not interfere with the performance of the Board's duties and  
16 responsibilities and do not conflict with the exercise of the Board's powers  
17 as specified by this Act;

18           (iv) Such funds are kept in a separate account and an annual audit  
19 report relative to the receipt of such grants and/or awards and the  
20 expenditure of such funds.

21           (i) The Board may establish a Bill of Rights for clients concerning the  
22 services a client may expect in regard to social work services.

23           (j) Any investigation, inquiry, or hearing which the Board is empowered to  
24 hold or undertake by or before any member or members of the Board and the  
25 finding or order of such member or members shall be deemed to be the order of  
26 said Board when approved and confirmed.

1 (k) The Board shall report to the Attorney General of Guam any violation in  
2 this Article, which is deemed violative pursuant to criminal statutes of Guam to  
3 cause appropriate proceedings to be instituted in the proper court in a timely  
4 manner and to be prosecuted in the manner required by law.

5 (l) The Board shall have the power to subpoena and to bring before it any  
6 person and to take testimony either orally or by deposition, or both, in the same  
7 manner as prescribed in civil cases in the courts of this territory. Any member of  
8 the Board, hearing officer, or administrative law judge shall have power to  
9 administer oaths to witnesses at any hearing, which the Board is authorized to  
10 conduct, and any other oaths authorized in any Act administered by the Board.

11 (m) The Board shall establish and collect fees from every applicant for the  
12 services it performs. The fees shall be established through rules and  
13 regulations pursuant to the 5 GCA, Chapter 9, the Administrative Adjudication  
14 Law, Rule Making Procedures.

15 (n) In addition to the fees specifically provided for, the Board may assess  
16 additional reasonable fees for services rendered to carry out its duties and  
17 responsibilities as required or authorized by this Act or rules adopted hereunder.  
18 Such services rendered shall include but not be limited to the following:

- 19 (1) Issuance of duplicate certificates or identification cards;
- 20 (2) Mailing lists, or reports of data maintained by the Board;
- 21 (3) Copies of any documents;
- 22 (4) Certification of documents;
- 23 (5) Notices of meetings;
- 24 (6) Licensure transfer;
- 25 (7) Examination administration to a licensure applicant; and
- 26 (8) Examination materials.

1           **§ 122314. Social Work Licensing Program.** There is hereby established  
2 within the Department of Public Health and Social Services to be administered by  
3 the Board that shall recognize the “Licensed Bachelor Social Worker” or  
4 “L.B.S.W.”, the “Licensed Master’s Social Worker” or “L.M.S.W.”, and the  
5 “Licensed Clinical Social Worker” or “L.C.S.W.”.

6           **§ 122315. Limitations of scope of practice.** In accordance with the  
7 definition of the practice of social work there shall be limitations on the scope of  
8 the practice of social work as follows:

9           (1) The “Licensed Bachelor Social Worker” or “L.B.S.W.” may perform  
10 duties as defined in § 122302 and as defined in numbers (1) to (4) of the definition  
11 of the practice of social work in said section in an agency setting under  
12 supervision;

13           (2) The “Licensed Master’s Social Worker” or “L.M.S.W.” may perform  
14 duties as defined in §122302 and as defined in numbers (1) to (7) of the definition  
15 of the practice of social work in said section; and

16           (3) The “Licensed Clinical Social Worker” or “L.C.S.W.” may perform  
17 duties as defined in Section 122302 and as defined in numbers (1) to (8) of the  
18 definition of the practice of social work in said section.

19           **§122316. License Required.** No person shall purport to be a “social  
20 worker”, “Licensed Bachelor Social Worker”, “Licensed Master’s Social Worker”,  
21 “Licensed Clinical Social Worker”, or use the letters “S.W.”, “L.B.S.W.”,  
22 “L.M.S.W.”, or “L.C.S.W.”, in connection with the person’s name, or engage in the  
23 practice of social work as defined in this Article without meeting the applicable  
24 requirements and holding a license as set forth in this Article or holding a  
25 Certificate of Exemption from the Board. For those granted a Certificate of  
26 Exemption, the person is prohibited from using any of the letters indicated in this  
27 section, irrespective of their job title.

1           **§ 122317. Exemptions.** Exemptions may be granted to non-social work  
2 degree holders who are employed with the job title “social worker” or any  
3 derivative thereof. Those granted a Certificate of Exemption by the Board would  
4 be allowed to remain in their social work positions without a social work license.  
5 Persons may apply for a Certificate of Exemption for up to one (1) year of the date  
6 of the enactment of this Act. After the one (1) year period has expired, no person  
7 shall be granted a Certificate of Exemption. The Certificate of Exemption shall be  
8 effective indefinitely for the course of the person’s professional career.

9           (a) A Certificate of Exemption is granted to any person employed with the  
10 job title “social worker” or any derivative thereof who possesses a Bachelor’s,  
11 Master’s, or PhD level degree that is not in the field of social work as of the date of  
12 the enactment of this Act, but wishes to continue employment with the job title  
13 “social worker”, may obtain a Certificate of Exemption from the Board by  
14 providing the following:

15           (1) Provide a written request for exemption from licensure;

16           (2) Provide a written declaration that they are individuals in good  
17 standing based on satisfactory employment performance evaluations and with no  
18 ethical complaints in the course of their employment with the job title “social  
19 worker”;

20           (3) Sign a declaration statement that they will abide by the National  
21 Association of Social Workers Code of Ethics; and

22           (4) Submit three (3) letters of verification; one (1) from their current  
23 employer acknowledging that he/she is an individual in good standing, and is  
24 highly recommended for employment with the job title, “social worker”.

25           (b) Licensure shall not be required of:

1 (1) Any licensed person doing work within the scope of practice or duties  
2 of the person's profession that overlaps with the practice of social work; provided  
3 the person does not purport to be a social worker;

4 (2) Any person employed by a federal, state, or government agency in a  
5 social worker position, but only at those times when that person is carrying out the  
6 duties and responsibilities as a social worker in environmental employment;

7 (3) Any student enrolled in an accredited educational institution in a  
8 recognized program of study leading toward attainment of a degree in social work;  
9 provided that the student's activities and services are part of a prescribed course of  
10 study supervised by the educational institution and the student is identified by an  
11 appropriate title such as "social work student", "social work intern", or any other  
12 title which clearly indicates the student's training status;

13 (4) Any person who is a member of a mental health professional not  
14 requiring licensure; provided that the person functions only within the person's  
15 professional capacities; and provided further that the person does not purport to be  
16 a social worker;

17 (5) Any person teaching, lecturing, consulting, or engaging in research in  
18 social work insofar as the activities are performed as part of or are dependent upon  
19 employment in a college or university; provided that the person shall not engage in  
20 the practice of social work outside the responsibilities of the person's employment;

21 (6) Any person who is a duly recognized member of the clergy; provided  
22 that the person functions only within the person's capacities as a member of the  
23 clergy; and provided further that the person does not purport to be a social worker;

24 (7) Any person who is obtaining supervised clinical experience for  
25 licensure as a psychologist, marriage and family therapist, or as another licensed  
26 professional; provided that the person's title indicates a trainee status; and provided  
27 further that the person does not purport to be a social worker;

1 (8) Any person in the process of obtaining three thousand (3,000) hours  
2 of post Master’s clinical social work experience under the supervision of a licensed  
3 clinical social worker or an individual identified in §122302 to qualify for a license  
4 as a licensed clinical social worker; and provided that the person calls oneself a  
5 clinical social worker intern and is supervised while performing clinical diagnosis  
6 and psychotherapy.

7 **§122318. Exceptions.** An exception is granted to any person meeting the  
8 following conditions:

9 (a) A person who is employed or has retired with the job title “social  
10 worker” or any derivative thereof and possesses a Bachelor’s, Master’s, or Ph.D.  
11 degree in the field of social work from an accredited or unaccredited social work  
12 degree program as of the date of passage of this law. Those granted exceptions  
13 must obtain a social work license within one (1) year upon enactment of this Act;

14 (b) A person who self-identifies as a social worker and possesses a  
15 Bachelor’s, Master’s, or Ph.D. degree in the field of social work from an accredited  
16 or unaccredited social work degree program upon enactment of this Act. Those  
17 granted exceptions must obtain a social work license within one (1) year upon  
18 enactment of this Act; and

19 (c) A person who possess a non-social work degree, but possesses a degree  
20 in a related social science to include degrees such as psychology, sociology,  
21 counseling, human relations and human services, political science, criminal justice,  
22 and any other degrees as approved by the Board; and who self-identifies as a social  
23 worker may apply for an exception to obtain social work licensure meeting the  
24 following requirements:

25 (1) Provide a written request for exception from licensure requirements to  
26 the Board;

1 (2) Provide a written declaration that they are individuals in good  
2 standing based on satisfactory employment performance evaluations and with no  
3 ethical complaints in the course of their employment with the job title “social  
4 worker”;

5 (3) Sign a declaration statement that they will abide by the National  
6 Association of Social Workers Code of Ethics;

7 (4) Submit three (3) letters of verification; one (1) from their current  
8 employer acknowledging that he/she is an individual in good standing, and is  
9 highly recommended for employment with the job title, “social worker”; and

10 (5) Obtain fifty (50) continuing education units (CEU) approved by the  
11 Social Work Board in the field of social work to include the following: the  
12 application of social work theory, knowledge, methods, ethics, and the professional  
13 use of self to restore or enhance social, psychosocial, or bio-psychosocial  
14 functioning of individuals, couples, families, groups, organizations, and  
15 communities; and training in the social work Generalist Practice Model that  
16 includes assessment, planning, intervention, evaluation, case management,  
17 information and referral, counseling, supervision, consultation, education,  
18 advocacy, community organization, and the development, implementation, and  
19 administration of policies, programs, and activities.

20 (d) All persons qualified for exceptions do not need to take the appropriate  
21 licensure examination but must conform to all other requirements consistent with  
22 the appropriate level of licensure as prescribed in the law. Exceptions may only be  
23 granted by the Board up until one (1) year upon enactment of this Act.

24 **Section 122319. Licensing Requirements.** Every applicant for a license as  
25 a social worker shall submit evidence satisfactory to the Board that the applicant  
26 meets the following requirements:

27 (a) For the licensed bachelor social worker (L.B.S.W.), the applicant must:

1 (1) Hold a Bachelor's degree from a college or university in a social  
2 work program accredited by or deemed to be equivalent to a program accredited by  
3 the Council on Social Work Education; and

4 (2) Have passed the basic level national examination given by the  
5 Association of Social Work Boards (ASWB).

6 (b) For the licensed Master's social worker (L.M.S.W.), the applicant must:

7 (1) Hold a Master's degree from a college or university in a social work  
8 program accredited by or deemed to be equivalent to an accredited program by the  
9 Council on Social Work Education or a doctoral degree from a doctoral degree  
10 program in social work accredited by the Western Association of Schools and  
11 Colleges or a comparable regional accreditation body; and

12 (2) Have passed the intermediate higher-level national examination given  
13 by the Association of Social Work Board (ASWB) or has been credentialed by the  
14 Association of Certified Social Workers (ACSW).

15 (c) For the licensed clinical social worker (L.C.S.W.), the applicant must:

16 (1) Meet the educational requirements in paragraph Subsection (b) of  
17 §122319; and

18 (2) Have passed the clinical level national examination give the by the  
19 Association of Social Work Boards (ASWB); and

20 (3) Have provided evidence of successful completion of at last three  
21 thousand (3,000) hours of post maters clinical social work experience under the  
22 supervision completed within no fewer than two (2) years, but within no more than  
23 five (5) years. Clinical social work experience shall include a minimum of two  
24 thousand (2,000) hours of assessment, clinical diagnosis and psychotherapy; no  
25 more than a maximum of nine hundred (900) hours of client-centered advocacy,  
26 consultation, and evaluation; and at least one hundred (100) hours of direct face-to-  
27 face supervision. At least sixty (60) of the one hundred (100) hours of direct face-

1 to-face supervision shall have been individualized supervision and the remaining  
2 forty (40) hours may have been under small group (up to six (6) supervisees)  
3 supervision; provided that the supervisor shall have been a licensed clinical social  
4 worker with at least four thousand five hundred (4,500) hours of post masters  
5 clinical social work experience.

6 (d) For the first five (5) years upon enactment of this Act, the following  
7 individuals shall be deemed to have satisfied the requirements of a supervisor:

8 (1) a person with a master's degree in social work with at least four  
9 thousand five hundred (4,500) post masters clinical social work experience;

10 (2) an individual who holds a diplomat in clinical social work (DCSW) or  
11 a board certified diplomat certification (BCD); or a board certified psychiatrist,  
12 psychologist, advanced practice registered nurse who has a minimum of four  
13 thousand five hundred (4,500) hours of post masters clinical experience in  
14 assessment, clinical diagnosis, and psychotherapy.

15 (e) Supervision shall have occurred in an agency setting that provided  
16 clinical diagnosis and psychotherapy.

17 (f) An applicant who submits evidence of certification as a Qualified  
18 Clinical Social Worker (QCSW) or Diplomat in Clinical Social Work (DCSW) by  
19 the National Association of Social Workers or as a board certified diplomat by the  
20 American Board of Examiners shall be deemed to have satisfied the experience  
21 requirements of this Section.

22 **§ 122320. Reciprocity and Endorsement.**

23 (a) The Board may enter into reciprocity agreements with other states and  
24 issue a license to a social worker who has been licensed in that state; provided that  
25 the requirements for a license in the state in which the applicant is licensed are  
26 deemed by the Board to be equal or greater than the current requirements for a  
27 license in this territory.

1 (b) The Board may issue a license by endorsement by honoring a passing  
2 score on the examination of the Association of Social Work Boards (ASWB);  
3 provided that at a minimum, the applicant meets the other requirements and the  
4 passing score is from the examination category that is required for licensed in this  
5 territory and the other state uses for its license.

6 **§ 122321. Application for Examination.**

7 (a) Any person eligible for licensure who wishes to be licensed shall apply  
8 for examination to the Board at least ninety (90) days prior to the date of the  
9 examination, upon a form and in the manner that the Board shall prescribe;

10 (b) Any application to the Board shall be accompanied by a nonrefundable  
11 application fee; and

12 (c) A person who files an examination may apply for reexamination.

13 **§ 122322. Examination for License.**

14 (a) Each applicant for licensure shall take and pass a national examination  
15 administered by the Association of Social Work Boards (ASWB) in accordance  
16 with procedures and standards prescribed by the Board.

17 (b) Applicants for the “licensed clinical social worker” or “L.C.S.W.”  
18 license who have passed the L.C.S.W. examination administered by the  
19 Association of Social Work Boards before the enactment of this Act shall be  
20 deemed to have satisfied the requirement of this Article.

21 (c) The applicant shall pay the examination fee directly to the Association of  
22 Social Work Boards (ASWB).

23 **§ 122323. Issuance of License.** The Board shall issue a license to any  
24 person who meets all licensure requirements to include payment of the appropriate  
25 fees.

26 **§ 122324. Renewals.** Every license issued under this Act shall be renewed  
27 every two (2) years on or before the date set forth by the Board.

1           **§ 122325. Requirement.** A licensee must complete at least thirty (30) hours  
2 of approved programs of continuing education units in the two (2) year period that  
3 should be completed at the time of license renewal.

4           (a) A Program of Continuing Education must contain at least one (1) of the  
5 following content areas related to social work practice:

6           (1) Theories and concepts of human behavior in the social environment;

7           (2) Social work practice, knowledge and skills;

8           (3) Social work research, programs, or practice evaluations;

9           (4) Social work management, administration or social policy;

10          (5) Social work ethics; and

11          (6) Other areas approved by the Board deemed important and relevant to  
12 current social work practice.

13          (b) The following amount of continuing education hours must be earned in  
14 the following program areas:

15           (1) Six (6) education hours addressing social work ethics and must be  
16 completed through courses offered by NASW; and

17           (2) Four (4) education hours addressing cultural competency, specific to  
18 the diverse population of Guam; and

19           (3) Two (2) education hours in the area of working with persons with  
20 disabilities.

21          (c) Continuing education hours must be earned in at least two of the  
22 following academic course work:

23           (1) Courses and seminars given by an Accredited Program of Social  
24 Work;

25           (2) Postgraduate courses from a university, college, or other institution of  
26 higher education, in a field other than social work, upon proof that the course is  
27 relevant to social work practice and with the approval of the Board;

1 (3) Undergraduate courses from a university, college or other institution  
2 of higher education, upon satisfaction of the Board that such course updates or  
3 enhances the licensee's social work competence;

4 (4) Correspondence work, televised courses, audio/visual, videotapes, on-  
5 line, and other forms of self-study upon approval of the Board, shown to update or  
6 enhance social work competence. Under no circumstances shall more than five (5)  
7 hours from this category be acceptable as continuing education for each renewal  
8 cycle;

9 (5) Continuing education presentations of national, international,  
10 regional, or sub-regional conferences or association meetings relevant to social  
11 work practice;

12 (6) Workshops or institutes including approved workshops at conventions  
13 relevant to social work practice from approved providers;

14 (7) Public or private agency staff development programs from approved  
15 providers that contribute to the enhancement of social work practice or knowledge  
16 that are not primarily procedural or administrative.

17 (d) The Board shall have the final approval of the content areas for  
18 designating a program as a Program of Continuing Education. The Board may  
19 determine an Approved Provider of Continuing Education, after receipt of an  
20 application as set forth by the Board, accompanied by an applicable fee, which  
21 demonstrates the following:

22 (1) Programs to be provided will meet guidelines as determined by the  
23 Board, and will be presented by competent individuals as documented by  
24 appropriate academic training, professional licensure or certification, or  
25 professionally recognized experience;

26 (2) An identified licensed social worker will be involved in program  
27 planning and review;

1 (3) Appropriate documents will be maintained and provided to the Board  
2 upon request, including presenter qualifications, learning objectives, content  
3 outlines, attendance records, and completed evaluation forms;

4 (4) Compliance with all other applicable laws, including the Americans  
5 with Disabilities Act.

6 (5) Attendees will be provided a certificate of completion, which includes  
7 the provider number.

8 Upon enactment of this Act, the Board shall convene an adhoc committee,  
9 with no more than five (5) members as appointed by the Chair, which may include  
10 non-members of the Board to compile a list of any additional continuing education  
11 units and/or hours not identified in this Chapter with the final approval by the  
12 Board.

13 **§ 122326. Revocation, suspension, denial, or condition of licenses; fines.**

14 (a) In addition to any other acts or conditions provided by law, the Board  
15 may refuse to renew, reinstate, or restore or may deny, revoke, suspend, or  
16 condition in any manner any license, or fine any exempt government employee or  
17 any one (1) or more of the following acts or conditions on the part of the applicant,  
18 licensee or exempt person:

19 (1) Failing to meet or maintain the conditions and requirements necessary  
20 to qualify for the granting of a license;

21 (2) Being addicted to, dependent on, or being a habitual user of a  
22 narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine, or other drugs  
23 or derivatives of a similar nature;

24 (3) Engaging in the practice of social work while impaired by alcohol,  
25 drugs, or mental instability;

26 (4) Procuring a social work license through fraud, misrepresentation, or  
27 deceit;

1 (5) Aiding and abetting an unlicensed person to directly or indirectly use  
2 the title “social worker” or engage in the practice as a “Licensed Bachelor Social  
3 Worker”, “Licensed Master’s Social Worker” or “Licensed Clinical Social  
4 Worker”;

5 (6) Engaging in professional misconduct, incompetence, gross  
6 negligence, or manifest incapacity in the practice of social work;

7 (7) Engaging in conduct or practice contrary to the National Association  
8 of Social Worker’s Professional Code of Ethics;

9 (8) Failing to comply, observe, or adhere to any law in a manner such  
10 that the Board deems the applicant or holder to be an unfit or improper person to  
11 hold a social work license;

12 (9) Revocation, suspension or other disciplinary action by another state  
13 or federal agency against the licensee or applicant for any reason provided by this  
14 Section;

15 (10) Having a criminal conviction, whether by nolo contendere or  
16 otherwise, of a crime directly related to the qualifications, functions or duties of the  
17 social work profession;

18 (11) Failing to report in writing to the Board any disciplinary decision  
19 issued against the licensee or the applicant in another jurisdiction within thirty (30)  
20 days of the disciplinary decision;

21 (12) Employing, utilizing, or attempting to employ or utilize at any time  
22 any person not licensed who purports to be or engages in practice as a social  
23 worker, licensed bachelor social worker, licensed social worker, or licensed  
24 clinical social worker;

25 (13) Engaging in the practice of social work beyond the scope of the  
26 person’s license; or

27 (14) Violating this Chapter or any rules adopted pursuant thereto.

1 (b) The Board may determine on a case-by-case basis to give a license to an  
2 applicant who has been convicted of a crime provided the following is met:

3 (1) The applicant must provide proof that he/she has made efforts to  
4 rehabilitate himself/herself and become positive, productive members in the  
5 community; and

6 (2) If one was convicted of a crime ten or more years before the date of  
7 application or the date of license renewal, the Board may automatically administer  
8 the license.

9 (c) Any licensee who violates this Section may also be fined not more than  
10 one thousand dollars (\$1,000) per violation.

11 (d) The Board shall have the authority to investigate, prosecute, and conduct  
12 administrative hearings regarding exempt government employees.

13 (e) The Board may defer action with regard to an impaired licensee who  
14 voluntarily signs an agreement, in a form satisfactory to the Board, agreeing not to  
15 practice social work and to enter an approved treatment and monitoring program in  
16 accordance with this section, provided that this section should not apply to a  
17 licensee who has been convicted of, pleads guilty to, or enters a plea of nolo  
18 contendere to a felonious act or an offense relating to a controlled substance in a  
19 court of law of the United States or any other state, territory, or country or a  
20 conviction related to sexual misconduct. A licensee who is physically or mentally  
21 impaired due to mental illness or addiction to drugs or alcohol may qualify as an  
22 impaired social worker and have disciplinary action deferred and ultimately  
23 waived only if the Board is satisfied that such action will not endanger the public  
24 and the licensee enters into an agreement with the Board for a treatment and  
25 monitoring plan approved by the Board, progresses satisfactorily in such treatment  
26 and monitoring program, complies with all terms of the agreement and all other  
27 applicable terms of subsection.

1 (f) Failure to enter such agreement or to comply with the terms and make  
2 satisfactory progress in the treatment and monitoring program shall disqualify the  
3 licensee from the provisions of this section and the Board may activate an  
4 immediate investigation and disciplinary proceeding. Upon completion of the  
5 rehabilitation program in accordance with the agreement signed by the Board, the  
6 licensee may apply for permission to resume the practice of social work upon such  
7 conditions as the Board determines necessary.

8 **§ 122327. Prohibited acts; penalties.** No person shall:

9 (a) Use in connection with the person's name any designation tending to  
10 imply that the person is a social worker, licensed bachelor social worker, licensed  
11 master's social worker, or licensed clinical social worker unless the person is duly  
12 licensed and authorized under this Chapter;

13 (b) Represent oneself as a social worker, licensed bachelor social worker,  
14 licensed master's social worker, or licensed clinical social worker during the time  
15 the person's license issued under this Chapter is forfeited, terminated, suspended,  
16 or revoked;

17 (c) Perform clinical diagnosis or psychotherapy unless the person is a  
18 licensed clinical social worker; or

19 (d) Engage in autonomous and independent clinical social work practice  
20 without being licensed as a licensed clinical social worker.

21 (e) Any person who is in violation of any of the acts pursuant to this Article,  
22 shall be subject to a fine of not more than one thousand dollars (\$1,000) and each  
23 day's violation shall be deemed a separate offense. The Board shall determine the  
24 revocation of any license issued by the Board in consideration of the severity of  
25 the violation and severity of the prohibited acts.

26 **§ 122328. Consumer Right of Action.** Any person who suffers damage as  
27 a result of a violation of this Article shall be entitled to injunctive relief restraining

1 further violations and may sue to recover damages in any circuit court of the  
2 territory and, if successful, shall recover three (3) times the actual damages or one  
3 thousand dollars (\$1,000), whichever is greater. In any action brought under this  
4 Act, the prevailing party shall be entitled to the recovery of costs of suits,  
5 including reasonable attorney's fees.

6 **§ 122329. Privileged communication.**

7 (a) No social worker shall disclose any information acquired or provided by  
8 a client or from persons consulting the social worker in a professional capacity,  
9 except that which may be voluntarily disclosed under the following  
10 circumstances:

11 (1) In the course of formally reporting, conferring or consulting with  
12 administrative superiors, colleagues or consultants who share professional  
13 responsibility, in which instance all recipients of such information are similarly  
14 bound to regard the communication as privileged;

15 (2) With the written consent of the person who provided the information;

16 (3) In case of death or disability, with the written consent of a personal  
17 representative, other person authorized to sue, or the beneficiary of an insurance  
18 policy on the person's life, health or physical condition;

19 (4) When a communication reveals the intended commission of a crime  
20 or harmful act and such disclosure is judged necessary by the social worker to  
21 protect any person from a clear, imminent risk of serious mental or physical harm  
22 or injury, or to forestall a serious threat to the public safety; or

23 (5) When the person waives the privilege by bringing any public charges  
24 against the licensee.

25 (b) When the person is a minor under the laws of the territory of Guam and  
26 the information acquired by the social worker indicates the minor was the victim of  
27 or witness to a crime, the social worker may be required to testify in any judicial

1 proceedings in which the commission of that crime is the subject of inquiry and  
2 when the court determines that the interests of the minor in having the information  
3 held privileged are outweighed by the requirements of justice, the need to protect  
4 the public safety or the need to protect the minor.

5 (c) Any person having access to records or anyone who participates in  
6 providing social work services or who, in providing any human services, is  
7 supervised by a social worker, is similarly bound to regard all information and  
8 communications as privileged in accord with the section.

9 (d) Nothing shall be construed to prohibit a social worker from voluntarily  
10 testifying in court hearings concerning matters of adoption, child abuse, child  
11 neglect or other matters pertaining to children, elderly, and physically and mentally  
12 impaired adults, except as prohibited under the applicable state and federal laws.

13 **§ 122330. Creation of Revolving Fund.** There is hereby created the “Social  
14 Work Board Revolving Fund” (Fund) within the Health Professional Licensing  
15 Office of the Department of Public Health and Social Services specifically for use  
16 by the Board. All such revenues, including fines, shall be deposited into the Fund.  
17 Such funds shall be appropriated continuously and shall be used by the Board only  
18 for administration and enforcement of this Act. All fees and charges shall be set by  
19 the Board pursuant to its budget needs and shall comply with 5 GCA, Chapter 9. A  
20 designated officer of the Board shall oversee the collection and disbursement of  
21 funds. The Office of Public Accountability or its equivalent shall audit the Fund  
22 annually with reports to be submitted to *I Maga’lahen Guðhan* and the Speaker of  
23 *I Liheslaturan Guðhan*. The fund shall not be subject to any transfer authority by *I*  
24 *Maga’lahen Guðhan*.

25 **§ 122331. Standards of Practice/ Code of Conduct.**

26 **Part 1. Standards of Practice.**

1           **Subpart 1. Scope & Applicability.** The standards of practice apply to all  
2 applicants and licensees. The use of the term social worker within these standards  
3 of practice includes all applicants and licensees.

4           **Subpart 2. Purpose.** The standards of practice constitute the standards by  
5 which the professional conduct of an applicant or licensee is measured.

6           **Subpart 3. Violations.** A violation of the standards of practice constitutes  
7 unprofessional or unethical conduct and constitutes grounds for disciplinary action  
8 or denial of licensure.

9           **Part 2. General Practice Parameters.**

10          **Subpart 1. Client welfare.** Within the context of the specific standards of  
11 practice prescribed herein, a social worker shall make reasonable efforts to advance  
12 the welfare and best interests of a client.

13          **Subpart 2. Self-determination.** Within the context of the specific standards  
14 of practice prescribed herein, a social worker shall respect a client's right to self-  
15 determination.

16          **Subpart 3. Nondiscrimination.** A social worker shall not discriminate  
17 against a client, student, or supervisee on the basis of age, gender, sexual  
18 orientation, race, color, national origin, religion, diagnosis, disability, political  
19 affiliation, or social or economic status. If the social worker is unable to offer  
20 services because of a concern about potential discrimination against a client,  
21 student, or supervisee, the social worker shall make an appropriate and timely  
22 referral. When a referral is not possible, the social worker shall obtain supervision  
23 or consultation to address the concern.

24          **Subpart 4. Professional Disclosure Statement.**

25          (a) A social worker shall effectively communicate through handout or other  
26 means as appropriate for all clients and may display at the social worker's primary  
27 place of practice a statement that the client has the right to the following:

1 (1) To expect that the social worker has met the minimal qualifications of  
2 education, training, and experience required by the law in that jurisdiction;

3 (2) To examine public records maintained by the Board which contain  
4 the social worker's qualifications and credentials;

5 (3) To be given a copy of the standards of practice upon request;

6 (4) To report a complaint about the social worker's practice to the Board;

7 (5) To be informed of the cost of professional services before receiving  
8 the services;

9 (6) To privacy as allowed by law, and to be informed of the limits of  
10 confidentiality.

11 (b) Limited access to client information. A social worker shall make  
12 reasonable efforts to limit access to client information in a social worker's agency  
13 to appropriate agency staff whose duties require access.

14 (c) A social worker receiving supervision related to practice shall inform the  
15 client that the social worker may be reviewing the client's case with the social  
16 worker's supervisor or consultant. Upon request, the social worker shall provide  
17 the name of the supervisor and the supervisor's contact information.

18 (d) To be free from being the object of discrimination while receiving social  
19 work service.

20 (e) To have access to records as allowed by law.

21 **Part 3. Competence.**

22 **Subpart 1. Continued competence.** A social worker shall take all necessary  
23 and reasonable steps to maintain continued competence in the practice of social  
24 work.

25 **Subpart 2. Limits on practice.** A social worker shall limit practice only to  
26 the competency areas for which the social worker is qualified by licensure and  
27 training, experience, or supervised practice.

1           **Subpart 3. Referrals.** A social worker shall make a referral to other  
2 professionals when the services required are beyond the social worker’s  
3 competence.

4           **Subpart 4. Delegation.** A social worker shall not assign, oversee or  
5 supervise the performance of a task by another individual when the social worker  
6 knows that the other individual is not licensed to perform the task or has not  
7 developed the competence to perform such task.

8           **Part 4. Practice Requirements.**

9           **Subpart 1. Assessment or diagnosis.** A social worker shall base services on  
10 an assessment or diagnosis. A social worker shall evaluate on an ongoing basis  
11 whether the assessment or diagnosis needs to be reviewed or revised.

12           **Subpart 2. Assessment or diagnosis instruments.** A social worker shall  
13 follow standard and accepted procedures for deciding when and how to use an  
14 assessment or diagnostic instrument. A social worker shall inform a client of its  
15 purpose before administering the instrument and, when available, of the results  
16 derived there from.

17           **Subpart 3. Plan.** A social worker shall develop a plan for service, which  
18 includes goals based on the assessment or diagnosis. A social worker shall evaluate  
19 on an ongoing basis whether the plan needs to be reviewed or revised.

20           **Subpart 4. Supervision or consultation.** A social worker shall obtain  
21 supervision or engage in consultation when necessary to serve the best interests of  
22 a client.

23           **Subpart 5. Informed consent.**

24           (a) Social workers shall provide services to clients only in the context of a  
25 professional relationship based, when appropriate, on valid informed consent.  
26 Social workers should use clear and understandable language to inform clients of  
27 the plan of the services, risks related to the plan, limits to services, relevant costs,

1 reasonable alternatives, client's right to refuse or withdraw consent, and the time  
2 frame covered by the consent. Social workers shall provide clients with an  
3 opportunity to ask questions.

4 (b) If the client does not have the capacity to provide consent, the social  
5 worker shall obtain consent for the services from the client's legal guardian or  
6 other authorized representative.

7 (c) If the client, the legal guardian, or other authorized representative does  
8 not consent, the social worker shall discuss with the client that a referral to other  
9 resources may be in the client's best interests.

#### 10 **Subpart 6. Records.**

11 (a) A social worker shall make and maintain records of services provided to  
12 a client. At a minimum, the records shall contain documentation of the assessment  
13 or diagnosis; documentation of a plan, documentation of any revision of the  
14 assessment or diagnosis or of a plan; any fees charged and other billing  
15 information; copies of all client authorization for release of information and any  
16 other legal forms pertaining to the client. These records shall be maintained by the  
17 licensee or agency employing the licensee under secure conditions and for time  
18 periods in compliance with applicable federal or state law, but in no case for fewer  
19 than seven years after the last date of service.

20 (b) Where a social worker or social work practice ceases operations as a  
21 result of a suspension, retirement or death of the owner, sale or other cause,  
22 including insolvency, the licensee, or other individual responsible for supervising  
23 the disposition of the practice, shall make every effort to notify the clients of their  
24 right to retrieve current records for a period of six (6) months using all of the  
25 following methods:

26 (1) Notification in writing to the board;

1 (2) Publication, at least weekly for one month, in a newspaper whose  
2 circulation encompasses the major area of a practitioner's former practice, of a  
3 notice advising clients of the right to retrieve their records for a six (6) month  
4 period; and

5 (3) If applicable, a sign placed at the practice location informing clients  
6 of the right and procedures to retrieve their records.

7 (b) Should any client fail to retrieve the records within the six (6) month  
8 period and unless otherwise required by law, the responsible party shall arrange the  
9 destruction of such documents in a manner to ensure confidentiality.

10 **Subpart 7. Reports.** A social worker shall complete and submit reports as  
11 required by law in a timely manner.

12 **Subpart 8. Exploitation.** A social worker shall not exploit in any manner the  
13 professional relationship with a client, student, or supervisee for the social  
14 worker's emotional, financial, sexual or personal advantage or benefit, nor shall  
15 the social worker use the professional relationship with a client, student, or  
16 supervisee to further personal, religious, political or business interests.

17 **Subpart 9. Termination of services.** A social worker shall terminate a  
18 professional relationship with a client when the client is not likely to benefit from  
19 continued services or the services are no longer needed. The social worker who  
20 anticipates the termination of services shall give reasonable notice to the client.  
21 The social worker shall take reasonable steps to inform the client of the termination  
22 of professional relationship. The social worker shall provide referrals as needed or  
23 upon the request of the client. A social worker shall not terminate a professional  
24 relationship for the purpose of beginning a personal or business relationship with a  
25 client.

26 **Part 5. Relationships with Clients and Former Clients.**

1           **Subpart 1. Personal relationships with clients.** A social worker shall not  
2 engage in dual relationships with clients that compromise the well-being of the  
3 client, impair the objectivity and professional judgment of the social worker or  
4 increase the risk of client exploitation. When a social worker may not avoid a  
5 personal relationship with a client, the social worker shall take appropriate  
6 precautions, such as informed consent, consultation, or supervision to ensure that  
7 the social worker’s objectivity and professional judgment are not impaired.

8           **Subpart 2. Personal relationships with former clients.** A social worker  
9 may engage in a personal relationship, except as prohibited by Part 5, Subpart 4,  
10 with a former client, if the former client was notified of the termination of the  
11 professional relationship. The social worker shall continue to consider the best  
12 interests of the former client, and shall not engage in a personal relationship with a  
13 former client if a reasonable social worker would conclude that the former client  
14 continues to relate to the social worker in the social worker’s professional capacity.

15           **Subpart 3. Sexual contact with a client.** A social worker shall not engage  
16 in or request sexual contact as defined in Part 5, Subpart 5, with a client under any  
17 circumstances. A social worker shall not engage in any verbal or physical behavior  
18 which a reasonable person would find to be sexually seductive or sexually  
19 demeaning. A social worker shall not sexually harass a client.

20           **Subpart 4. Sexual contact with a former client.** A social worker who has  
21 provided clinical social work services to a client shall not engage in or request  
22 sexual contact as defined in Part 5, Subpart 5, with the former client under any  
23 circumstances. A social worker who has provided other social work services to a  
24 client shall not engage in or request sexual contact as defined in Part 5, Subpart 5,  
25 with the former client at any time if a reasonable social worker would determine  
26 that engaging in sexual contact with the client would be exploitative, abusive, or  
27 detrimental to the client’s welfare. It is the responsibility of the social worker to

1 assume the full burden of demonstrating that the former client has not been  
2 exploited or abused either intentionally or unintentionally.

3 **Subpart 5. Sexual contact defined.** Sexual contact includes but is not  
4 limited to sexual intercourse, either genital or anal, cunnilingus, fellatio, or the  
5 handling of the breasts, genital areas, buttocks, or thighs, whether clothed or  
6 unclothed, by either the social worker or the client.

7 **Subpart 6. Business relationship with a client.** A social worker shall not  
8 engage in any type of a business relationship with a client. Business relationships  
9 do not include purchases made by the social worker from the client when the client  
10 is providing necessary goods or services to the general public, and the social  
11 worker determines that it is not possible or reasonable to obtain the necessary  
12 goods or services from another provider.

13 **Subpart 7. Business relationship with a former client.** A social worker  
14 may engage in a business relationship with a former client, if the former client was  
15 notified of the termination of the professional relationship. The social worker shall  
16 continue to consider the best interests of the former client, and shall not engage in  
17 a business relationship with a former client if a reasonable social worker would  
18 conclude that the former client continues to relate to the social worker in the social  
19 worker's professional capacity.

20 **Subpart 8. Prior Personal or Business Relationships.** A social worker may  
21 engage in a professional relationship with an individual with whom the social  
22 worker had a previous personal or business relationship only if a reasonable social  
23 worker would conclude that the social worker's objectivity and professional  
24 judgment will not be impaired by reason of the previous personal or business  
25 relationship.

26 **Subpart 9. Social worker responsibility.** A social worker shall be solely  
27 responsible for acting appropriately in regard to relationships with clients or former

1 clients. A client or a former client’s initiation of a personal, sexual, or business  
2 relationship shall not be a defense by the social worker for a violation of Part 5,  
3 Subparts 1 through 8.

4 **Subpart 10. Others.** Part 5, Subparts 1 through 9 also apply to a social  
5 worker’s relationship with students, supervisees, employees of the social worker,  
6 family members or significant others of a client.

7 **Part 6. Client Confidentiality.**

8 **Subpart 1. General.** A social worker shall protect all information provided  
9 by or obtained about a client. “Client information” includes the social worker’s  
10 personal knowledge of the client and client records. Except as provided herein,  
11 client information may be disclosed or released only with the client’s written  
12 informed consent. The written informed consent shall explain to whom the client  
13 information will be disclosed or released and the purpose and time frame for the  
14 release of information.

15 **Subpart 2. Release of client information without written consent.** A  
16 social worker shall disclose client information without the client’s written consent  
17 only under the following circumstances:

18 (a) Where mandated by federal or state law, including mandatory reporting  
19 laws, requiring release of client information;

20 (b) The social worker determines that there is a clear and imminent risk that  
21 the client will inflict serious harm on either the client or another  
22 identified individual. The social worker shall release only the information that is  
23 necessary to avoid the infliction of serious harm. The social worker may release  
24 this information to the appropriate authorities and the potential victim;

25 (c) The Board duly issues a valid subpoena to the social worker, as permitted  
26 by law.

1           **Subpart 3. Release of client records without written consent.** A social  
2 worker shall release client records without the client’s written consent under the  
3 following circumstances:

4           (a) A client’s authorized representative consents in writing to the release;

5           (b) As mandated by federal or jurisdiction law requiring release of the  
6 records;

7           (c) The Board duly issues a valid subpoena for the records, as permitted by  
8 law.

9           **Subpart 4. Limits of confidentiality.** The social worker shall inform the  
10 client of the limits of confidentiality as provided under applicable law.

11           **Subpart 5. Minor clients.** In addition to the general directive in Part 6,  
12 Subpart 4, a social worker must inform a minor client, at the beginning of a  
13 professional relationship, of any laws which impose a limit on the right of privacy  
14 of a minor.

15           **Subpart 6. Third party billing.** A social worker shall provide client  
16 information to a third party for the purpose of payment for services rendered only  
17 with the client’s written informed consent. The social worker shall inform the  
18 client of the nature of the client information to be disclosed or released to the third  
19 party payor.

20           **Subpart 7. Client information to remain private.** A social worker shall  
21 continue to maintain confidentiality of client information upon termination of the  
22 professional relationship including upon the death of the client, except as provided  
23 under applicable law.

24           **Subpart 8. Recording/Observation.** A social worker shall obtain the  
25 client’s written informed consent before the taping or recording of a session or a  
26 meeting with the client, or before a third party is allowed to observe the session or  
27 meeting. The written informed consent shall explain to the client the purpose of the

1 taping or recording and how the taping or recording will be used, how it will be  
2 stored and when it will be destroyed.

3 **Part 7. Conduct.**

4 **Subpart 1. Impairment.** A social worker shall not practice while impaired  
5 by medication, alcohol, drugs, or other chemicals. A social worker shall not  
6 practice under a mental or physical condition that impairs the ability to safely  
7 practice.

8 **Subpart 2. Giving drugs to a client.** Unless permissible by state law, a  
9 social worker shall not offer medication or controlled substances to a client, or  
10 accept these substances from a client for personal use or gain. The social worker  
11 may accept medication or controlled substances from a client for purposes of  
12 disposal or to monitor use. Under no circumstances shall a social worker offer  
13 alcoholic beverages to a client or accept such from a client.

14 **Subpart 3. Investigation.** A social worker shall comply with and not  
15 interfere with Board investigations.

16 **Part 8. Representation to the Public. Advertising.**

17 **Subpart 1. Required use of license designation.** A social worker shall use the  
18 license designation of LBSW, LMSW, LCSW, which corresponds to the social  
19 worker's license, after the social worker's name in all written communications  
20 related to social work practice, including any advertising, correspondence, and  
21 entries to client records.

22 **Subpart 2. Information to clients or potential clients.** A social worker  
23 shall provide accurate and factual information concerning the social worker's  
24 credentials, education, training, and experience upon request from a client or  
25 potential client. A social worker shall not misrepresent directly or by implication  
26 the social worker's license level, degree, professional certifications, affiliations, or  
27 other professional qualifications in any oral or written communication or permit or

1 continue to permit any misrepresentations by others. A social worker shall not  
2 misrepresent, directly or by implication, affiliations, purposes, and characteristics  
3 of institutions and organizations with which the social worker is associated.

4 **Subpart 3. Licensure status.** Licensure status shall not be used as a claim,  
5 promise, or guarantee of successful service, nor shall the license be used to imply  
6 that the licensee has competence in another service. Public statements or  
7 advertisements may describe fees, professional qualifications, and services  
8 provided, but they may not advertise services as to their quality or uniqueness and  
9 may not contain testimonials by quotation or implication.

10 **Subpart 4. Display of license.** A social worker shall conspicuously display  
11 a current license issued by the Board at the social worker's primary place of  
12 practice.

13 **Part 9. Fees and Billing Practices.**

14 **Subpart 1. Fees and payments.** A social worker who provides a service for  
15 a fee shall inform a client of the fee at the initial session or meeting with the client.  
16 Payment must be arranged at the beginning of the professional relationship, and the  
17 payment arrangement must be provided to a client in writing. A social worker shall  
18 provide, upon request from a client, a client's legal guardian, or other authorized  
19 representative, a written explanation of the charges for any services rendered.

20 **Subpart 2. Necessary services.** A social worker shall bill only for services,  
21 which have been provided. A social worker shall provide only services, which are  
22 necessary.

23 **Subpart 3. Bartering.** A social worker may not accept goods or services  
24 from the client or a third party in exchange for the social worker's services, except  
25 when such arrangement is initiated by the client and is an accepted practice in the  
26 social worker's community or within the client's culture. It is the responsibility of

1 the social worker to assume the full burden of demonstrating that this arrangement  
2 will not be detrimental or exploitative to the client or the professional relationship.

3 **Subpart 4. No payment for referrals.** A social worker shall neither accept  
4 nor give a commission, rebate, fee split, or other form of remuneration for the  
5 referral of a client.

6 **Part 10. Research.**

7 **Subpart 1. Informed consent.** When undertaking research activities, the  
8 social worker shall abide by accepted protocols for protection of human subjects. A  
9 social worker must obtain a client's or a client's legal guardian's written informed  
10 consent for the client to participate in a study or research project and explain in  
11 writing the purpose of the study or research as well as the activities to be  
12 undertaken by the client should the client agree to participate in the study or  
13 research project. The social worker must inform the client of the client's right to  
14 withdraw from the project at any time."

15 **Section 2. Effective Date.** This Act shall become effective one (1) year after  
16 enactment.

17 **Section 3. Severability.** If any provision of this Law or its application to  
18 any person or circumstances is found to be invalid or contrary to law, such  
19 invalidity shall not affect other provisions or applications of this Law which can be  
20 given effect without the invalid provisions or application, and to this end the  
21 provisions of this Law are severable.











**SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman**  
 COMMITTEE ON HEALTH & HUMAN SERVICES, ECONOMIC DEVELOPMENT,  
 SENIOR CITIZENS AND ELECTION REFORM  
*Mina'trentai Unu Na Liheslaturan Guåhan • 31<sup>st</sup> Guam Legislature*

**PUBLIC HEARING DATE / TIME: Wednesday, August 1, 2012 6pm**

**AGENDA ITEM: Bill 461-31 (COR)**- An act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act. *Introduced by Sen. vc pangelinan, Sen. BJ Cruz, Sen. RJ Respcio, Sen. JP Guthertz, Sen. TR Muna-Barnes.*

PRINT NAME	SIGNATURE	AGENCY or ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS
<del>Ortiz R. Perez</del>	<del>[Signature]</del>	<del>NASW</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		<del>7276843</del>
<del>Marlene Ongesii</del>	<del>[Signature]</del>	<del>NASW</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		
<del>Dr. Lisa Linda Natividad</del>	<del>[Signature]</del>	<del>NASW/VOG</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		
<del>Diana Calvo</del>	<del>[Signature]</del>	<del>CSS</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		
<del>Vince Pereda</del>	<del>[Signature]</del>	<del>NASW + GBATHE</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		<del>671-635-1406</del>
<del>Shirley Lee</del>	<del>[Signature]</del>	<del>NASW</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		<del>6878415</del>
<del>AMY Sue B. SANTOS</del>	<del>[Signature]</del>	<del>NASW</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		<del>4880578</del>
<del>Hope Pangelinan</del>	<del>[Signature]</del>	<del>NASW</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		<del>482-6157</del>
<del>Daniel Cortez</del>	<del>[Signature]</del>				<del>✓</del>		<del>900-9312</del>
<del>Doris Pukilasa</del>	<del>[Signature]</del>	<del>DOE</del>	<del>NA</del>	<del>✓</del>	<del>✓</del>		<del>929-9724</del>
<del>Juan Anriolo</del>	<del>[Signature]</del>			<del>✓</del>	<del>✓</del>		<del>482 7729</del>
<del>Ghia Delapena</del>	<del>[Signature]</del>	<del>NASW/Guama Wami</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>		<del>485-4844</del>
<del>Esther Rollen</del>	<del>[Signature]</del>	<del>FAP-ANBEREA</del>		<del>✓</del>	<del>✓</del>		<del>477-505</del>
							<del>366 809</del>

aiTestimony for Public Hearing  
Committee on Health & Human Services, Economic Development,  
Senior Citizens and Election Reform  
I Mina'trentaiUnuNa LiheslaturanGuåhan  
Wednesday, August 1, 2012

Lynnette M. Arriola  
P.O. Box 5603  
Hagatna, Guam 96932

Good Afternoon Committee Members. My name is Lynnette Arriola. I am a Member of the National Association of Social Workers - Guam Chapter. In 2007, I graduated with a Bachelors of Social Work from the University of Guam and this May, I graduated with a Masters of Social Work from Texas State University - San Marcos. For the past four years, I've worked as an Advocate and Social Worker in two non-profits helping victims/survivors of violence, persons with disabilities, and persons with low-income. Two weeks ago, I passed my licensure exam to be a Licensed Master Social Worker (or LSW) in Hawaii.

I am in full support of Bill No. 461-31 (COR). This bill provides the community of Guam a much needed mechanism in which social workers are held accountable for ensuring competent practice and social work consumers are protected from incompetent, unethical practices. The Association of Social Work Boards (ASWB) puts it best, "at the heart of [licensing] is the protection of the public, the consumers of social work services." (ASWB, 2010) Licensing is a way to verify that a social worker possess the knowledge and skills necessary to provide a safe level of practice. Although social workers must surely have a passion to help those in need, they must also demonstrate the abilities to apply social work values, principles, ethics, and techniques unique to the profession of social work.

As the bill is currently written, the importance of developing the Guam Board of Social Work lies in the Board's duties, powers, and authority. Most importantly, the Board will be responsible for the establishment and enforcement of compliance with professional standards of practice and rules of conduct of social workers consistent with the National Association of Social Workers Code of Ethics. In addition, the Board will be responsible for the investigation of complaints against licensed social workers--a mechanism which does not currently exist, leaving possible cases of incompetent practice unaddressed. Ultimately, this adversely affects a client's well-being. Something a competent social worker would do everything in their power to avoid!

A second important part of the bill to note is the Exemption in the bill. The Exemption allows non-social work degree holders who currently hold job titles of "social worker" to apply for a Certificate of Exemption within one year and maintain employment without a social work license. Therefore, those with non-social work degrees with the title of "social worker" will be able to keep their jobs and not be displaced given that they apply for a Certificate of Exemption.

The Exception allows social work degree holders who currently hold job titles of "social worker" to also continue employment but to apply for the license within the one year without taking the appropriate level of examination. The Exception also gives non-social work degree holders the opportunity to apply for a license, within the one year, given they fulfill additional requirements. This Exception, I feel, is a generous compromise as other U.S. jurisdictions do not allow non-social work degree holders to obtain a license as a social worker without a Bachelor or Master of Social Work degree.

Another important component of this bill is the Continuing Education Units (CEUs) required to renew a social work license. Continuing education will require licensed social workers to be knowledgeable of current trends regarding diverse client populations and best practices to serve these populations. CEUs can be easily obtained through appropriate workshops, conferences, online webinars, social work classes at the University of Guam, etc. The options are really limitless.

A question that has been brought to my attention via KUAM's website is, "Why should social workers be required to get a license if there is no accredited MSW program available on Guam." In response to this question, I feel it is important to dispel the myth that a person cannot seek higher social work education while on Guam. For me, like most people, I decided to seek an advanced degree to open doors of opportunities. I chose to continue my endeavors in the field of social work because my values and ethics are in-line with the NASW's values and ethical principles. I decided to research my options of MSW programs online. Luckily, I found a fully accredited Council on Social Work Education (CSWE) MSW program with TxState.

Although there are currently few online MSW programs and they are generally competitive, the options are there and not impossible to achieve. So to answer the question, it is true that Guam does not currently have an accredited MSW program but that does not mean that we should not require a license to practice social work. This is similar to concluding that we shouldn't require attorneys to pass the bar and have a Juris Doctorate because Guam does not have a JD program or we shouldn't require a medical doctor to have a license or have a MD because there's no medical school on Guam. So I ask, "Why should the profession of social work be any different?" Seeking an advanced social work education is a decision that each person must make for themselves. I believe that if you want to be a social worker, you'll make the investment you need to accomplish this!

Being a social worker is not about being a "bleeding heart". Social Work has its own body of knowledge, code of ethics, practice standards and a nationwide system of accredited education programs. Professional social workers are equipped with the knowledge, skills and ethics necessary to serve individuals, families, organizations and communities. The Guam Social Work Practice Act is a step towards ensuring excellent ethical and competent practice. Although some may oppose the bill, I implore you to remember the bottom line--social workers help the most vulnerable and marginalized populations. Without regulation of the social work profession, incompetent and unethical social work practice continues further oppression of these populations and harms those most in need.

Thank you for your time and consideration.

Sincerely,

/s/

Lynnette M. Arriola, MSW  
Member, NASW-Guam Chapter  
Co-Chair, SWPA Committee

The Honorable Dennis Rodriguez Jr.  
Chairman, Committee on Health and Human Services  
176 Serenu Avenue, Suite 107  
Tamuning, Guam 96931

RE: Bill No. 461-31 (CDR) - An Act to Add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act.

Mr. Chairman and Members of the Committee:

I am submitting this written testimony in favor of Bill No. 461-31 for the intent of the establishment of social work licensure in an effort to address the need for consumer protection by regulating the social work profession on Guam. However, I would like to recommend that this body ensure that the enactment of this law does not displace or directly impact the careers of those currently employed as Social Workers.

I wholeheartedly am in favor of licensure and its' importance. However, due to my concerns noted above, I would like this body to consider the following:

- a. It should be enacted towards **new hires** of all Social Work positions.
- b. For those currently employed as a Social Worker, he or she should be allowed to remain in the profession, keep their job title, waived from taking the written examination, must register with the board and pay required fees, must take the continuation education units required annually, provide the board certified copy of work performance evaluations of not less than satisfactory and be member of a recognized national organization in the related field of human services.

Sir Chairman and committee members, please take note that there are many current Social Workers who are excellent and passionate in what they do and to be considered now "incompetent" perhaps due to not passing an examination within a one year time frame is unreasonable most especially if it means displacement from their careers. The above are mere suggestions that would allow the new and current Social Workers to meet the intent of the law without the need to displace "experienced" workers.

Si Yu'usMa'ase,

Rose Mafnas

# Mr. Alfred Dilks

PO Box 24521  
Barrigada, GU 96921-4521  
[ddauid@kuentos.guam.net](mailto:ddauid@kuentos.guam.net)

03 August 2012

Senator Dennis Rodriguez Jr.  
The 31st Guam Legislature  
176 Serenu Ave. St.107  
Hagatna, GU 96910



Hafa Adai Senator Rodriguez,

This correspondence is to express my opinion Bill 461 Guam Social Work Practice Act

Please consider voting no on Bill 461 Guam Social Work Practice Act.

This bill should not become law. There seems to be no real “bang for the buck” in it. All of the points in this bill are covered in other applicable rules and regulations. A big issue seems to be the bill will rid us of incompetent social workers. It will not do it. The Civil Service Commission has the power and resources to ensure government workers remain on the job unless committing a fairly serious crime. There are not enough private social workers to warrant this draconian law.

I realize this is election year and you must cater to the “squeaky wheels” for your own self- preservation. Creating new government panels and oversight committes to monitor a group that exists to help folks seems an extravagant use of funds. There are much better ways to put our dwindling tax dollars to work for us. Please do so.

I request you vote no on Bill 461.

Thank you for your service to the island,

  
Alfred Dilks



Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

---

## Opposition to bill 461-31

1 message

---

**S.W. Butler** <imft010@yahoo.com>

Thu, Aug 2, 2012 at 10:18 AM

To: senatordrodriguez@gmail.com

August 1, 2012

The Honorable Dennis G. Rodriguez, Jr.

Committee on Health and Human Services, Senior Citizens, Economic Development, and Election Reform

I Mina'trentai Unu Na Liheslaturan Guáhan  
155 Hesler Place  
Hagåtña, Guam 96910

Re: Opposition to Bill 461-31 Social Work Practice Act

Mr. Chairman and members of the committee:

Good evening. Thank you for this opportunity to testify in opposition to Bill 461-31. My name is Wayne Butler. I'm a licensed Individual, Marriage and Family Therapist. I earned a Masters degree in psychology. I am the chairperson of the licensing committee for the Association of Individual, Marriage and Family Therapists.

I am in full agreement that **Clinical** Social Workers should be licensed. Clinical Social Workers have education to the masters level and are counseling professionals who often work independently.

That having been said, I have concerns about other aspects of the act.

It is my understanding that any position within the Government of Guam that has social worker in the title would be effected by this act. After passage, only licensed social workers could be hired for these positions.

There are too few social workers to meet the needs of Guam. This act would further limit the number of people who could provide social work services. There is no substantial difference at the bachelor's level between social workers, psychologists, and sociologists, yet psychologists and sociologists would be excluded from all social work positions within the government.

Current law (24-329) recognizes that there is little difference between social workers and psychologists at the masters level. This act would exclude master's level psychologists from all social work positions within the government.

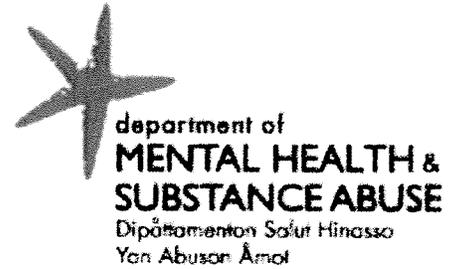
UOG has two (2) master's level programs; one in clinical psychology and one in counseling. There is currently no masters level program for social workers at UOG. Graduates from the clinical and counseling programs would be excluded from all social work positions within the government in favor of people educated off-island.

Many of the graduates from these programs are working at the Department of Mental Health and Substance Abuse as Psychiatric Social Workers. While it is unclear whether this act will allow them to continue their employment, it would certainly prevent further graduates from working there at a time when the department needs all the help it can get.

This act proposes to license people at the Bachelor's level of education. Licensing is usually concerned with regulating people who will be practicing independently. People at the Bachelor's level do not have sufficient training to practice independently. They would normally work for an agency in which they would receive close supervision. There is no need to license such people.

This act proposes an independent social work board. Board creation is expensive and there are difficulties with a board consisting primarily of people from the same profession in a small community. Conflicts of interest are bound to occur making regulation difficult and potentially creating situations where the community is not well served. It would be prudent to either place these licenses under the Allied Board of Health, or to create a Behavioral Health Board consisting of related professions; social work, Psychologists, Substance Abuse Counselors, and Individual, Marriage and Family Therapists.

Thank you.



July 31, 2012

The Honorable Dennis G. Rodriguez, Jr.  
Senator, 31<sup>st</sup> Guam Legislature  
Chairperson, Committee on Health and  
Human Services, Senior Citizens, Economic  
Development and Election Reform  
155 Hessler Place  
Hagatna, Guam 96910

790 Gov. Carlos G. Camacho Rd.  
Tamuning, Guam 96911  
Phone: 671-647-5330/5448  
Fax: 671-647-5402

EDWARD J.B. CALVO  
Governor

RAYMOND S. TENORIO  
Lieutenant Governor

WILDRED G. AFLAGUE  
Director

**RE: BILL 461-31-AN ACT TO ADD ARTICLE 23 TO TITLE 10 GUAM CODE ANNOATED, CHAPTER 13, PART 2, RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT.**

Dear Senator Rodriguez:

Buenas yan Hafa Adai!

The Department of Mental Health and Substance Abuse is mandated to provide psychiatric services to our people suffering from psychiatric, psychological and developmental disabilities, and our social workers play a vital role in carrying out this mandate. Our psychiatric social workers who are at the Master's level and our social worker at the bachelor's level provide an array of clinical and social services to our consumers and their families. The array of services ranging from individual, family counseling, case management, advocacy and monitoring facilitates the recovery process of our consumers who may be suffering from mental illness.

Bill No. 461, if passed, will undoubtedly elevate the status of the social work profession, and provide the professional recognition and respect social work profession entails. From a historical perspective, social work has not been recognized as a profession by itself. Passing this legislation will hold social workers accountable to their profession and to their code of ethics, and more importantly will raise the standard of care of the delivery of services to anyone who is a recipient of social work services. We were able to get clarification to the proposed bill to establish the credentials and standards of Social Work. Thus, we support the licensure of the social work profession on Guam which will allow Social Workers to follow suit of the national standards.

However, we have some concerns specifically relating for the requirements for our non-degree staff. One concern that was raised was the funding for the CEU's and whether administrative leave will be granted for them to complete this requirement. Staff bearing the sole financial responsibility to meet this requirement will place undue financial

burden on them, especially in light of the time frame. Another concern is for those staff who may have degrees that don't fall in the derivate of like BA in Psychology and/or Counseling. For example, we have staff that was hired as an entry social worker in 2000 with a degree of Bachelor of Arts in Political Science, and has remained in the position of social worker in the government of GU. If our staff's degree does not fall within the derivate of as noted on the proposed Bill page 15 Section 122318 (c), what protection, if any, is provided to ensure that our staff and other staff in the same predicament are not going to be reclassified to another position, perhaps to lower a grade which in our opinion would not be appropriate and fair.

A third concern relates to the recruitment of entry level social workers. With the passage of this bill, non-degree social workers will not be eligible to apply for any social work positions after the one year enactment of this bill. This can negatively impact the recruitment process with the limited resources that are currently available. We acknowledge and applaud the BSW program at the University of Guam in assisting to meet the needs for Social Work graduates, but the demand of Social Workers are on the rise and will to continue rise to meet the needs of our community. Does this mean then there is a need to create another position for the entry level for those individuals with non- social work degree? Will that mean, the new positions will be given the title of Case Manager, Case Worker, Social Service Worker and/or Care Coordinator? This is to include graduates with the non-social work degree.

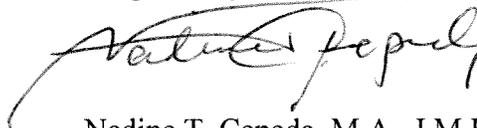
Thank you for the opportunity for allowing us to comment on the passage of this very important bill in the field of social work.

Un Dungkulo na Si Yu'us Ma'ase...

Respectfully submitted by:



Marilyn Q. Miral, B.S.W.  
Acting Social Services Supervisor  
Community Support Services  
Clinical Services Division



Nadine T. Cepeda, M.A., I.M.F.T.  
Psychiatric Social Worker Supervisor  
Adult Counseling Branch  
Clinical Services Division

ntc/rqa

# Mr. & Mrs. A. Dilks

PO Box 24521  
Barrigada, GU 96921-4521  
ddaavid@kuentos.guam.net

03 August 2012

The Honorable Senator B.J. Cruz  
The 31st Guam Legislature  
155 Hesler St Ste.107  
Hagatna, GU 96910

Good Morning Senator,

This correspondence is to let you know that in my opinion you are continuing to do pretty good job. We do not agree on a variety of issues but I appreciate the passion you have in your work.

Please consider voting no on Bill 461 Guam Social Work Practice Act.

This bill should not become law. There seems to be no real "bang for the buck" in it. All of the points in this bill are covered in other applicable rules and regulations. A big issue seems to be the bill will rid us of incompetent social workers. It will not do it. The Civil Service Commission has the power and resources to ensure government workers remain on the job unless committing a fairly serious crime. There are not enough private social workers to warrant this draconian law.

I realize this is election year and you must cater to the "squeaky wheels" for your own self- preservation. Creating new government panels and oversight groups to monitor a group that exists to help folks seems an extravagant use of funds. There are much better ways to put our dwindling tax dollars to work for us. Please do so.

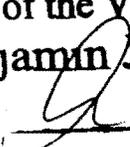
I request you vote no on Bill 461.

Once again I thank you for your service to the Island.

Sincerely,

  
Al Dilks

Office of the Vice Speaker  
Benjamin JF Cruz

Rec. By 

Date 8/6/12

TESTIMONY

IN FAVOR OF

Bill 461-31(COR)

ATTN: Senator Dennis Rodriguez Jr.  
Chairman

Dear Senators,

My name is Edward H. Taitano, and I am in support of Bill 461-31(COR).

I would however, like to make comments and suggestions about sections in the bill, that I'm not in agreement with.

My thought is that the overall intent of this bill is excellent – “to address the need for consumer protection by regulating the social work profession on Guam”.

Guam is such a small island and the need for more social workers is more evident today than in the past.

My understanding of Bill 461-31(COR) as it is written, HOWEVER, limits the range of even entry level SOCIAL WORK positions. The way the bill is written, would make it IMPOSSIBLE FOR ENTRY LEVEL SOCIAL WORKER I positions to exist – if you are a Psychology or Sociology major, or even if you have a Master's degree in Counseling or Clinical Psychology.

My first suggestions therefore, would be to continue the Social Worker I positions (as Unlicensed Social Work positions), for entry level positions, therefore allowing all Psychology or Sociology majors, or other Behavioral Science degree holders – to enter the field of Social Work, and be required at the same time, to be held to the same ethical standards for all Social Workers, by having them sign a declaration statement to abide by the NASW Code of Ethics.

Further progression into the Social Worker II positions and higher, would require a BSW or MSW degree and licensure.

The current Social Work entry level for BSW graduates is a Social Worker II position. This should remain constant.

My second suggestion, is that the Grandfathering clause – allow retired, non BSW or MSW degree holders, who have retired from the government as a Social Worker or as a

Social Service Supervisor, and want to work in the private sector as a Social Worker (as an exception), provided these individual are in good standing within the community. They must also sign a declaration statement to abide by the NASW Code of Ethics.

The proposed bill, if passed, would prohibit these individuals from ever entering back into the field of Social Worker, unless they seek "EXCEPTION", which would then mandate these individuals to obtain 50 educational credit hours, before being allowed to work in a Social Work position.

Please keep in mind that these are not entry level social workers, but are individuals who have retired from the Government as a Social Worker, and have therefore **PROVEN THEIR DEDICATION TO THE FIELD OF SOCIAL WORK, AND THEIR MASTERY OF SOCIAL WORK COMPENTENCIES**, and therefore **should not** be subjected to the requirement of 50 hours of CEU to learn about social work competencies.

My third suggestion therefore would be to allow retired individuals (in good standing) to return to the field Social Work in the private sector (under the exception clause).

They should be required to obtain 30 hours of CEU within the 2 year timeframe, like all practicing Social Workers, as proposed in Bill 461-31 (COR).

My fourth and last suggestion – would be to hold **ALL CURRENT SOCIAL WORKERS WHO ARE non BSW and MSW degrees holder**, to the same NASW ethical standards (FOR CONSUMER PROTECTION PURPOSES), by having them sign a declaration statement to abide by the NASW Code of Ethics.

My rationale is this: **IF THE PASSAGE OF THIS BILL IS TRULY ABOUT CONSUMER PROTECTION, then everyone should be accountable to the same high standard of receiving the best Social Work Practice here on Guam.**

**NO ONE SHOULD BE allowed to do poor quality Social Work, only because they did not apply for Exception or Exemption.**

Respectfully submitted

Edward H. Taitano  
Retired Social Service Supervisor



National Association of Social Workers

P.O. Box 2123 Hagatna, Guam 96932 – (671) 727-7908, Fax (671) 477-1077 E-mail: [naswgu@gmail.com](mailto:naswgu@gmail.com)

---

August 1, 2012

Honorable Senator Dennis Rodriguez, Jr.  
Committee on Health & Human Services, Economic Development  
Senior Citizens and Election Reform  
31<sup>st</sup> Guam Legislature  
176 Serenu Avenue Suite 107  
Tamuning, Guam 96931

Buenas yan Hafa Adai Honorable Senator Rodriguez,

My name is Ovita Rebanio Perez, President of National Association of Social Workers, (NASW) Guam Chapter. By profession, I am a Psychiatric Social Worker providing adolescent and adult mental health counseling at the Department of Mental Health and Substance Abuse. I am writing this testimony in full support of Bill 461-31 (COR), An Act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act (introduced by the Honorable Senator Vicente C. Pangelinan).

NASW Guam Chapter continues to work to promote the well-being of individuals, families and communities. One of our missions is to promote advocacy through the shaping of legislation and public policy. **Bill 461-31 (COR) is our latest public policy advocacy effort. It has taken NASW Guam Chapter, the last decade to get to where we are today.** We are advocating this important piece of legislation so Guam social workers can become licensed professionals, thus ensuring consumers' protection. This means that persons employed holding position titles as social workers, must have had the proper training to provide social work services. It means that this person holding this position can be held ethically accountable in ensuring that the consumer is provided services in a professional and ethical manner. It also means that one must be competent in meeting these standards, which then ensures the protection of the consumer as well as holding the social worker accountable ethically in providing such services. **Currently, there is nothing in the statutes of Guam law that holds social workers ethically responsible for any unethical practice.**

NASW members take great pride in the fact that Social Work is the only profession trained to work with people in their environment as we look at the other dimension of the individual's life. Social workers are trained from a system of education programs reinforced with practice standards, credentials, and local or state licensing regulations.

**However, Guam is the only jurisdiction within the United States that currently does not have licensed social work professionals!** Amidst the entire 50 states, Puerto Rico, Virgin Islands and American Samoa, Guam is the last United States jurisdiction without even the most basic of licensing standards for social workers!

With the passage of Bill 461-31 (COR) into law, we can ensure that the practice of social work on Guam will have social workers licensed who have the required knowledge for practice standards. When we say basic standards, these include having the skill set in the knowledge of human development and behavior; of social and economic, of cultural competency, and of the interaction of all these factors as well as skills in developing relationships, brokering and accessing services, assessing needs and facilitating change. The biggest of these we now face is the facilitation of CHANGE when Bill 461-31 (COR) becomes Guam Law! We must change our laws to ensure that we protect our consumers. We must change our mindsets and no longer settle for the status quo. We must change and bring the profession of social work into a bigger, much broader level of competency. **After all, SOCIAL WORKERS ARE TRAINED TO BE CHANGE AGENTS!!!**

Further, Bill 461-31 (COR) will ensure that every person that purports to using the title of “social worker” on Guam, will adhere to ethical standards and principles when we prepare to help others with their many and often very difficult, life challenges. NASW’s code of ethics include service, dignity and worth of a person; importance of human relationships; integrity, social justice and competence. Lastly, Bill 461-31 (COR) will help ensure **quality** social work practice on Guam.

Guam laws currently require that each doctor, each lawyer, each teacher and many other professionals must have standards for practice.....why not professional social workers? For Guam, the time is now. **For “SOCIAL WORK...the help starts here.”**

Si Yu’us Ma’ase,



Ovita Rebanio Pérez, MSW  
President-NASW Guam Chapter

# Support Social Work licensure in Guam

Petition published by carolyn heron on Jul 27, 2012

42 **Signatures**

**Target:** Senator Dennis Rodriguez, Jr., Chairman

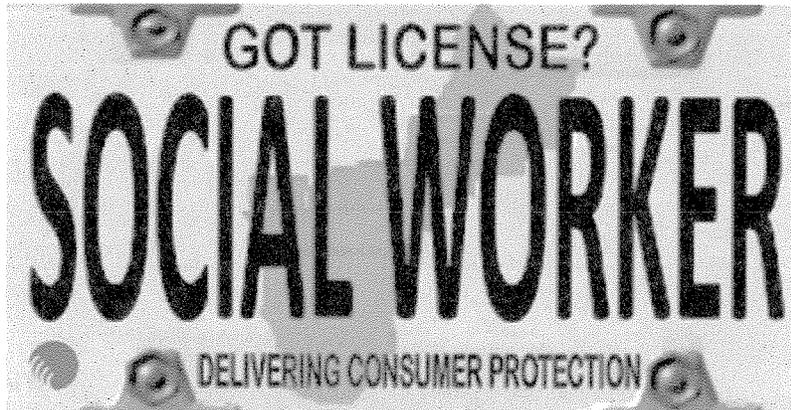
**Region:** GLOBAL

**Web site:** <http://www.facebook.com/naswguam.chapter?sk=wall>

Sign the petition

Sponsor

## Petition Background (Preamble):



From [NASW Guam](#)

Guam is the only US territory that does not have a social work licensing program. Social workers should be licensed like any other professions to strengthen their credentials, ensure the safety of the community, the clients they help, and further improve their performance in the profession. Social Work licensure is a regulatory measure taken by all states in an effort to minimize abuse of the social workers' professional positions and to ensure proper counseling is given by qualified practitioners.

As the field, and workforce, of social work increases in magnitude, it is vital for the career of social work to keep its name as clean as possible from scandal, malpractice, as well as show the value of social work practices in the community at large. Licensing social workers will increase funding for government programs to include various areas of welfare and will rightfully require proof of success in social welfare programs. In addition, enhance the well-being of the community as a whole.

Therefore, social work licensure is a procedure that helps weed out those who are not interested in social justice or in the betterment of society and the patients they help on an individual basis. Passing of this bill will require current social workers to review and study more to meet the minimum social worker standards and pass the SW certification. In addition, the certified social workers will be required to meet a certain number of hours annually to continue and keep up with the changing information and require them to receive continuing education to protect their license. Social work licensing is, in effect, a guarantee for the existence and continual growth of the social work industry.

Scroll down below to sign petition and if you can please come out and support the National Association of Social Work Chapter of Guam if you can at the Public Hearing which will be : August 1, 2012 at 6pm, I Liheslaturan Guahan's Public Hearing Room in Hagatna, GU

To view the bill please visit [http://202.128.4.46/Bills\\_Introduced\\_31st/Bill%20No.%20B461-31%20%28COR%29.pdf](http://202.128.4.46/Bills_Introduced_31st/Bill%20No.%20B461-31%20%28COR%29.pdf)



National Association of Social Workers

The NASW – Guam Chapter cordially invites the community to the Public Hearing for Bill No. 461-31(COR) – An act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act. (Introduced by V.C. Pangellinan)



When: Wednesday, August 1, 2012 at 6:00pm
Where: / Liheslaturan Guahan's Public Hearing Room in Hagatna

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman and may be submitted:

- Via hand delivery to his office at 176 Sereno Avenue Suite 107 Tamuning, Guam 96931
• Mailed to Main Legislature Building at 155 Hesler Place Hagatna, Guam 96910
• Via email to senatordrodriguez@gmail.com

The Guam Social Work Practice Act calls for the establishment of social work licensure in an effort to address the need for consumer protection by regulating the social work profession on Guam.

The Guam Social Work Practice Act will:

- Establish standards of minimal social work competence,
• Develop methods of fairly and objectively addressing consumer complaints, and
• Develop a means of removing incompetent and/or unethical practitioners from social work practice.

Guam is the last, remaining jurisdiction in the country that does not have social work licensure. Passage of the Guam Social Work Practice Act will allow for the regulation of the social work profession and ensure consumer protection. The passage of this bill is necessary to protect the most vulnerable members of our community!

The Guam Social Work Practice Act aims to establish a separate and independent Social Work Board. It will also establish three levels of licensure for social workers: the Licensed Bachelor's Social Worker (LBSW), the Licensed Master's Social Worker (LMSW), and the Licensed Clinical Social Worker (LCSW). The bill allows all social workers presently practicing in Guam including non-social work degree holders and social workers from unaccredited programs to continue to be employed at their current agencies by either exempting them from having a license or making exceptions to avoid job displacement. The bill also requires that licenses be renewed every two years and that social workers complete 30 hours of continuing education in this period.

We look forward to your support of the Guam Social Work Practice Act!
For more information, contact the National Association of Social Workers-Guam Chapter at 727-7908 or naswgu@gmail.com

Petition:

Dear Senator,

I fully support licensure of Social Workers on Guam. Licensing social workers ensures the protection of clients from malpractice and/or harm due to non-professional delivery of social services.

The Social Work Practice Act will establish minimum standards of qualifications needed for social work practice in Guam and will regulated the ongoing professional development of social work practitioners,

Sincerely,

Sign the petition

The Support Social Work licensure in Guam petition to Senator Dennis Rodriguez, Jr., Chairman was written by carolyn heron and is in the category Health at GoPetition. Contact author here. Petition tags: social work, license, social work licesure in guam

21	N/G	Athena Diaz	N/G	N/G	N/G	N/G	Jul 29, 2012
20	Mrs	Audrey Pangelinan	San Antonio	Texas	N/G	<a href="#">View</a>	Jul 29, 2012
19	Ms	Patsy Bannister	N/G	N/G	USA	N/G	Jul 29, 2012
18	N/G	Sr. Corazon E. Gamotin	Barrigada Heights	Guam	Guam	<a href="#">View</a>	Jul 29, 2012
17	N/G	carolyn heron	Mangilao, Guam	GU	Guam	<a href="#">View</a>	Jul 29, 2012
16	N/G	Lynnette Arriola	N/G	N/G	Guam	N/G	Jul 29, 2012
15	Mrs	Annette Santos	N/G	N/G	Guam	N/G	Jul 29, 2012
14	N/G	Kelly Jensen	N/G	N/G	N/G	N/G	Jul 29, 2012
13	ms	christine baes	barrigada	guam	N/G	<a href="#">View</a>	Jul 29, 2012
12	Mrs	Crystal Bannister	Santa Rita	GU	Guam	N/G	Jul 29, 2012
11	N/G	anastascia mesa	Hagatna	Guam	Guam	<a href="#">View</a>	Jul 29, 2012
10	Mr.	Vincent Pereda	Tamuning	Guam	Guam	<a href="#">View</a>	Jul 29, 2012
9	N/G	Marlene Ongesii	Barrigada	Guam	N/G	N/G	Jul 29, 2012
8	Mrs	Anonymous	N/G	N/G	N/G	N/G	Jul 28, 2012
7	Mrs	Ronolia Gunn	N/G	N/G	USA	N/G	Jul 28, 2012
6	Ms	Anonymous	N/G	N/G	N/G	<a href="#">View</a>	Jul 28, 2012
5	N/G	AlleN Walton	N/G	N/G	N/G	N/G	Jul 28, 2012
4	Mr	Dana Darby	N/G	N/G	N/G	<a href="#">View</a>	Jul 27, 2012
3	Ms	Deborah Brinkley	Crimora	Virginia	N/G	<a href="#">View</a>	Jul 27, 2012

**Signatures 2 to 1 of 42**

#	Title	Name	Town/City	S/C/p	Region	Comment	Date
2	Ms.	Toya Moore	N/G	N/G	N/G	N/G	Jul 27, 2012
1	Ms	Melody Frederick	N/G	N/G	USA	N/G	Jul 27, 2012

*Signatures 42 to 3 of 42*

#	Title	Name	Town/City	S/C/P	Region	Comment	Date
42	Ms.	Shirley Lee	N/G	N/G	N/G	N/G	Aug 01, 2012
41	Mr	Simon Apuron	N/G	N/G	N/G	N/G	Jul 31, 2012
40	Ms	Anonymous	N/G	N/G	N/G	N/G	Jul 30, 2012
39	ms.	Janice Cruz	Santa Rita	Guam	Guam	N/G	Jul 30, 2012
38	N/G	Craig Hales	Dededo	GU	Guam	N/G	Jul 30, 2012
37	Ms	Terilynn Francisco	Mangilao	Guam	Guam	N/G	Jul 30, 2012
36	Ms	Leah Ann Tamondong	Yigo	N/G	Guam	<a href="#">View</a>	Jul 30, 2012
35	N/G	Jordon Trahan	N/G	N/G	N/G	N/G	Jul 30, 2012
34	Miss	Sonia Maeda	N/G	N/G	USA	N/G	Jul 30, 2012
33	N/G	Stephen Karp	Newington	CT	USA	<a href="#">View</a>	Jul 30, 2012
32	N/G	Lee Blevins	N/G	N/G	N/G	N/G	Jul 30, 2012
31	Mrs	Amy Sue Santos	N/G	N/G	Guam	N/G	Jul 30, 2012
30	Mrs	Georgette Apuron	N/G	Guam	USA	N/G	Jul 30, 2012
29	mr	Jesse Baleto	N/G	N/G	N/G	N/G	Jul 30, 2012
28	N/G	Denise Cranney	N/G	N/G	N/G	N/G	Jul 30, 2012
27	N/G	Anonymous	N/G	N/G	N/G	N/G	Jul 30, 2012
26	N/G	Marie Lucio	N/G	N/G	N/G	N/G	Jul 29, 2012
25	Mrs	Anonymous	N/G	N/G	USA	N/G	Jul 29, 2012
24	Mr.	Juan Arriola, III	N/G	Guam	N/G	<a href="#">View</a>	Jul 29, 2012
23	Mrs.	Esther Rollen	N/G	N/G	N/G	<a href="#">View</a>	Jul 29, 2012
22	Dr.	Gerhard Schwab	N/G	N/G	N/G	N/G	Jul 29, 2012



## CATHOLIC SOCIAL SERVICE

#234-A U.S. Army Juan C. Fejeran Street  
Barrigada, Guam 96913  
Telephone: (671) 635-1406 / 1442 • Fax: (671) 635-1444  
Email: [css@guam.net](mailto:css@guam.net)  
Website: <http://www.catholicsocialservices.net>

Archbishop Anthony S. Apuron  
OFM CAP D.D.  
President/Chairman  
Board of Trustees/Directors

Diana B. Calvo  
Executive Director

Jesse S. Catahay  
Deputy Director

August 1, 2012

Honorable Senator Dennis Rodriguez, Jr.  
Chairperson, Committee on Health and Human Services,  
Economic Development, Senior Citizens, and Election Reform  
I Mina'trentai Unu Na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

Dear Senator Rodriguez:

Catholic Social Service (CSS) provides this *Letter of Support* for Bill No. 461-31 (COR) to establish the Guam Social Work Practice Act (GSWPA).

Social work as a helping profession seeks to improve the well-being and quality of life in all aspects of our island community, including public health, mental health, child and family services, and our environment. Within CSS, our social workers engage with our most vulnerable population comprised of abuse victims, disabilities, aging, and homelessness. Our work requires skill sets to enable effective linkages and visible advocacy on behalf of our clients, while maintaining the professional ethics and morals of a professional helper.

Bill 461-31 establishes minimal standards of social work competence, provides a uniform method to address consumer complaints, and establishes a means to remove incompetent and/or unethical practitioners from social work practice. These standards serve to safeguard and protect those being assisted from unscrupulous actions that impact self reliance and self sufficiency.

We also support the provisions proposed to grandfather non-Social Work degree holders who are currently practicing in the field and the conditions to enable them to meet requirements to continue practice in the field. Our only concern is the feasibility and realistic accomplishment of one year time frame to complete the 50 CEUs. As an employer, we want to provide every opportunity available for our staff to access the requisite education units, but the one year time line may present challenges to both the individual and the programs in which they are employed with.



*Respecting the Dignity of the Human Person Through Service*



Thank you for this opportunity to submit this testimony in support of Bill 461-31.

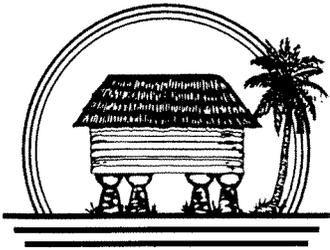
Please do not hesitate to contact me if you have any questions or if I can be of assistance.

Sincerely,

*Diana Calvo*

Diana Calvo  
Executive Director





# *Guma' Mami, Inc.*

A NON-PROFIT ORGANIZATION

Post Office Box FN, Hagåtña, Guam 96932

Office: (671) 477-1757 /1505 • Facsimile: (671) 477-4984

E-mail: gumamami@guam.net • Website: www.gumamami.org

July 30, 2012

Senator Dennis Rodriguez, Jr., Chairman  
I Mina'trentai Unu Na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

SUBJECT: Letter of Support – Guam Social Work Practice Act (GSWPA)  
Bill No. 461-31(COR)

Dear Committee Members,

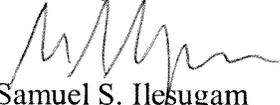
I am submitting a letter on behalf of Guma' Mami, Inc. in support of the Guam Social Work Practice Act (GSWPA) Bill No. 461-31 (COR) which will establish minimal standards of social work competence; develop methods of fairly and objectively addressing consumer complaints; and develop a means of removing incompetent and/or unethical practitioners from social work practice.

Social workers respond to the needs of our island's most vulnerable populations; engaging services in areas such as public health and welfare, mental health, gerontology, and child and family services. Social work licensure was first enacted almost 100 years ago. All 50 states and territories in the U.S. currently license social workers- inclusive of Puerto Rico (since 1934) and American Samoa. Hawai'i was the last state in the country to pass licensure legislation in 1994. While the social work profession is admirable; the absence of licensure to regulate social workers may place those seeking help at risk.

Social work licensure is an effort on the part of our community to ensure the protection of social work consumers. While the complexities of enacting the Guam Social Work Practice Act will bring about change in the profession for Guam, we must stay focused on the intended outcome of protecting our community's most vulnerable members. This legislation is rooted in a deep respect for the clients we serve and a commitment to the fact that they deserve the best service.

Guma' Mami, Inc. fully supports the efforts of the National Association of Social Workers, Guam Chapter, in the passage of social work licensure. We are honored to be a part of this endeavor and look forward to the success of the passage of Bill No. 461-31(COR).

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Ilesugam', written over a horizontal line.

Samuel S. Ilesugam  
Acting Executive Director  
Guma' Mami, Inc.

*To whom it may concern, I MaryBernadette Petrus Margeson is writing to support this bill due to social workers do need a lot more pressure to deal with us consumers...She was surprised that she was not informed an asked me why she was not informed by me I told her well that is not my job...they expect that we as consumers should go to them when were spinning out of control at the moment...well I hate to say that when in need of help were not thinking of the people to go to all were thinking is either suicide or hurting ourselves and it all depends on what you have or been diagnosed with...it was lucky for me that staff at the group home found me or maybe I be brain dead...but for her to ask me why I did not come to her dumb question...this is why they need to make sure SOCIAL WORKERS HAVE DEGREES OR QUALIFIED to be a social worker...well this is all I have to say for now...*

MARYBERNADETTE PETRUS MARGESON

7/30/12

*Mary B. Margeson*  
7/30/12

FROM THE DESK OF

**HOPE MARIE J. PANGELINAN**

“But hope that is seen is no hope at all. Who hopes for what they already have? <sup>25</sup> But if we hope for what we do not yet have, we wait for it patiently” (Romans 8:24-25).

August 7, 2012

To: Committee Chair Person: The Honorable Dennis G. Rodriguez, Jr.  
Suite 107, 176 Serenu Avenue  
Tamuning, GU 96931

From: Hope Marie J. Pangelinan, MSW, IMF-120

Subject: Testimonial in Support of Bill 461-31 An Act to Add Article 23 to Title 10 Guam Code  
Annotated, Chapter 12, Part 2 Relative to the Creation of the Guam Social Work Practice Act.

Dear Chairman and members of the Committee,

Hafa Adai! I am writing in support of Bill 461-31. I am a current social worker holding both a Bachelor's and Master's degree in social work and am pursuing my doctoral studies in social work as a full time student. I hold a social worker III position and provide wraparound services to children birth through five years of age with social and emotional disturbances and am currently an Individual, Marriage, & Family Therapist providing Play Therapy to children. The points that I will address in this testimonial include the following:

- Bill 461-31 will promote competency in practice instead of enabling minimal standards.
- Consumer concerns addressed within the Social Work Code of Ethics, Department of Labor, and the Government of Guam Civil Service Commission
- The further development of curriculum in social work education on the MSW level
- Social work profession in preparation for the military build-up

A study was conducted in 2009 among the social work community of Guam that was inclusive of 110 participants. These participants included those who attended the annual social work conference. The study showed that 17.3 percent of these participants held a bachelors degree from some other field other than social work (Dela Cruz, 2009). Social Work positions in the Government of Guam consider a bachelor's/ Master's degree in social or behavioral sciences as acceptable fields that would qualify a person for a social work position. Like every other profession, Code of Ethics exist in the profession of social work. However, what one must consider among various specializations (i.e. sociology, psychology, and social work) and among individuals is that language is widespread but meaning is not. This runs the risk that interpretation of these ethics may vary across specializations. The passage of this bill will require that every individual practicing social work will understand and be held accountable to the social worker's code of ethics. A true social worker would

FROM THE DESK OF

**HOPE MARIE J. PANGELINAN**

“But hope that is seen is no hope at all. Who hopes for what they already have? <sup>25</sup> But if we hope for what we do not yet have, we wait for it patiently” (Romans 8:24–25).

understand that these ethical standards are universal for the protection of consumers and would understand that the code of ethics requires competence in practice or will be sanctioned.

The current sanctioning process is on a national level and only applies to those NASW members. Consumer concerns on Guam will not necessarily be reviewed in places such as the Government of Guam Civil Service Commission or the Department of Labor. For example, in such situations where a social worker is employed via a private non-profit organization or a Government of Guam Employee who is in a position such as Special Projects Coordinator (SPC) or Competitive Limited Term Appointment (CLTA), these individuals are limited to the services offered by Civil Service. Clients who receive services from such social workers will not be guaranteed consumer protection unless the client's social worker is a member of NASW. Hence, the passage of this bill will provide consumer protection for all clients of the island and will not be limited to those who have a social worker who is a member of NASW.

The NASW Code of Ethics provides guiding principles and values that set forth standards for the profession nationally. This code is fortunately engrained in the two years of curriculum for a bachelors student, four years for a masters student, and seven or more years for doctoral students such as myself. This is far more than 50 CEU hours that non-degree social work holders are being asked to complete for licensure exemption that is being proposed in Bill 461-31.

The NASW Code of Ethics state that “social workers should strive to increase their professional knowledge and skills and to apply them to practice” (NASW, 2009). To understand how Bill 461-31 will promote “competence,” an understanding of what competence means in the field of social work will be discussed. The National Association of Social Worker's (NASW) Code of Ethics defines competence in section 4.01 as follows:

- b) Social workers strive to become and remain proficient in professional practice and the performance of professional functions. Social workers should critically examine and keep current emerging knowledge relevant to social work. Social workers should routinely review the professional literature and **participate in continuing education** relevant to social work practice and social work ethics (NASW, 2009).

This code of ethic clearly shows that if an individual “claims” to be a social worker, one must continue to be educated on best practices. Many a time, consumers have complained that interventions are not effective and gain a sense of despair. One must wonder if this is in part due to the social worker's practice being outdated. This also implies that a social worker who fails to acknowledge best practice and emerging knowledge is not applying the ecosystems theory of social work which stresses the importance of social workers molding the environment to meet the needs of the community members instead of molding community members to meet the needs of the environment. A social worker who does not have the time to engage in continuing education hours and continue to utilize old interventions are reinforcing the notion that the community members should be molded to what is available in the current environment; therefore, goes against the ecosystems theory. This is not best practice in social work.

The passing of Bill 461-31 will not only increase standards in the arena of practice, but will

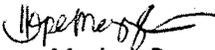
FROM THE DESK OF  
**HOPE MARIE J. PANGELINAN**

“But hope that is seen is no hope at all. Who hopes for what they already have? <sup>25</sup> But if we hope for what we do not yet have, we wait for it patiently” (Romans 8:24-25).

also influence the improvement of curriculum in higher learning at the University of Guam. It is unfortunate that graduates of the Master’s of Social Work (MSW) program at the University of Guam are ineligible to take the Licensed Clinical Social Worker (LCSW) exam, which is administered by the Association of Social Worker’s Board (ASWB). These individuals are unqualified from the exam because they did not graduate from an institution accredited by the Council of Social Work Education (CSWE). The lack of graduation from an accredited CSWE-MSW program also unqualified these individuals from federal positions. If Bill 461-31 passes into law, the social work program at the University of Guam will gain more support in the development of an accredited MSW program and the continuation of an accredited BSW program. In return, the future graduates of these programs will become qualified and may benefit from federal positions in the upcoming military build-up. Bill 461-31 will provide our future social work graduates with the necessary skills to compete with off-island social work graduates.

In conclusion, the passage of Bill 461-31 into law, will require social workers from different educational backgrounds- whether social work, sociology, or psychology, to follow national standards and most importantly protect consumers and empower them to advocate for quality services that they deserve. Not passing this bill will continue to enable the status quo thinking, allow social workers to run the risk of continuing to implement services that are ineffective, disempower social workers from practicing evidence-based practice and best practices, deny the reality that education is on a continuum, and prepare future social work graduates from the University of Guam for the military build-up. Guam is the last jurisdiction in the United States to pass a law that would protect consumers and promote competent social work practice. Surely, every other state and territory had it’s reservations in the passage of such a bill. However, the community adapted and is now benefiting from consumer protection. As a senator, you have the choice of protecting clients or you can reinforce the status quo through your vote on Bill 461-31. Meanwhile, mothers, fathers, sisters, and brothers are counting on you to protect them from harm! You had their vote, the question is will you vote for them?

Sincerely,



Hope Marie J. Pangelinan, MSW, IMF-120

July 31, 2012

Senator Dennis Rodriguez, Jr., Chairman  
I Mina'trentai Unu Na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

Dear Chairman Senator Rodriguez,

On behalf of the National Association of Social Workers - Guam Chapter, I am writing to urge your support of the Guam Social Work Practice Act (GSWPA) Bill No. 461-31 (COR).

Social workers respond to the needs of our island's most vulnerable populations; engaging services in areas such as public health and welfare, mental health, gerontology, and child and family services. Social work licensure was first enacted almost 100 years ago. All 50 states and territories in the U.S. currently license social workers- inclusive of Puerto Rico (since 1934) and American Samoa. Hawai'i was the last state in the country to pass licensure legislation in 1994. While the social work profession is admirable; the absence of licensure to regulate social workers may place those seeking help at risk.

The goals of the GSWPA are to establish minimal standards of social work competence; develop methods of fairly and objectively addressing consumer complaints; and develop a means of removing incompetent and/or unethical practitioners from social work practice. The GSWPA also proposes to establish a Social Work Board and three levels of social work licensure: the Licensed Bachelor Social Worker (LBSW), the Licensed Master's Social Worker (LMSW), and the Licensed Clinical Social Worker (LCSW). The bill sets requirements for education in the field of social work, passing a nationally administered examination, and- in the case of the LCSW- 3,000-hours of post-degree supervised clinical experience. In crafting the bill, model legislation adopted by the American Association of Social Work Boards and legislation from the states of Hawai'i, Alaska, and Washington D.C. were used as referent points. Most importantly, local considerations were taken into account- particularly GSWPA's impact on currently practicing social workers.

Unique to the proposed bill are provisions to grandfather existing social work practitioners by either exempting them from obtaining a license or making exceptions of certain requirements to obtain the license. Those in social work positions without a social work degree would have two options. First, they may apply for a Certificate of Exemption, in which they will not be required to obtain a social work license and will be allowed to continue in their current employment. The

second option for non-social work degree holders would be to obtain social work licensure by fulfilling additional requirements to ensure that a minimum standard of social work knowledge and ethics is met.

More specifically, non-social work degree holders applying for an exception must: (1) Provide a written request for exception for licensure; (2) Provide a written testimony that they are individuals in good standing with satisfactory performance evaluations and no ethical complaints on file; (3) Sign a declaration that they will follow ethical standards of the social work profession; (4) Obtain 50 continuing education units (CEUs) in social work theory, knowledge, methods, ethics, and the professional use of self-based on the Generalist Practice Model; and (5) obtain three Letters of Verification. Upon completing these requirements, non-social work degree holders would be able to obtain either the LBSW or the LMSW. The Division of Social Work at the University of Guam has committed to offering coursework so that those in need of obtaining 50 CEUs may do so locally within the one-year timeframe outlined in the bill.

Social work licensure is an effort on the part of our community to ensure the protection of social work consumers. While the complexities of enacting the Guam Social Work Practice Act will bring about change in the profession for Guam, we must stay focused on the intended outcome of protecting our community's most vulnerable members. This legislation is rooted in a deep respect for the clients we serve and a commitment to the fact that they deserve the best service.

I firmly support licensure of Social Work in Guam.

Please feel free to contact me at 671-632-9378/9/0 or email me at [sheartop@yahoo.com](mailto:sheartop@yahoo.com)

Sincerely,

Sr. Corazon E. Gamotin, O.P., MSW  
St. Dominic's Senior Care Home  
Pastoral - Social Worker  
Member, National Association of Social Workers - Guam Chapter

August 1, 2012

Senator Dennis Rodriguez  
Chairman  
176 Serenu Avenue Suite 107, Guam 96931

Dear Senator Rodriguez:

My name is Amy Sue Santos and I have both a Bachelor in Social Work Degree and a Master in Social Work Degree both from the University of Guam. I have worked in the field of social work since 2001 and have worked in the Government, the private sector and in a nonprofit organization. As a Social Worker in the Guam community for the past 11 years, it is with great pride that I support the Licensure of the Social Work Profession. I fully support Bill 461-31, the Guam Social Work Practice Act.

After 3 decades of talking about licensure, it is important on Guam to ensure the standard of care provided to the consumers of social services is at the highest quality. The Social Work community has evolved to the point of necessitating licensure. The title of social worker is used so loosely with so many individuals in the social service arena and at times the individuals using this title are not credentialed. I personally do not believe that just anyone should be able to call themselves a social worker without being held to certain standards. Guam is the last in the nation, states and territories, to embark on this endeavor of licensure. It is time.

Social Work Licensure will ensure the protection of the consumers served by Social Workers. Currently there are no mechanisms in place for consumers to file grievances on someone who is in a social work position who is not a National Association of Social Worker member. By Bill 461-31 becoming law, anyone who carries the title of social worker must be licensed and held to the standards of the law, thus, holding individuals in these positions accountable for their actions.

Social Work Licensure will also begin the process of title protection. Currently individuals that meet certain criteria are able to be hired in positions titled Social Worker or some derivative of this title. This means that individuals that do not possess the Social Work knowledge, skills and values are able to "practice" as a Social Worker. Licensure will ensure that individuals with this title are held to certain principles and the NASW Code of Ethics.

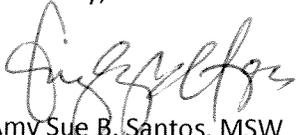
When an individual graduates from a Social Work program for their undergraduate degree they receive a Bachelor in Social Work (BSW) and for their graduate degree they receive a Master in Social Work (MSW). There are many things learned in the field and a crucial part of the degree process is conducting semesters of practicum experience in which the student is monitored closely by a credentialed Field Instructor to ensure the student is learning the Social Work Best Practices and abiding by the National Association of Social Workers Code of Ethics. Modeled by national standards and the Council on Social Work Education (CSWE) standards, social work is a

multidimensional curriculum that ensures that potential BSW/MSW graduates are adequately trained in various levels from macro social work to micro social work.

I believe it is imperative for the Social Work community to be held to their professional standards and to safe guard the title of Social Worker. The licensing of social workers will hold all individuals with this license to a certain standard of conduct. You are not able to be called a teacher or doctor unless you have the credentials and the certification, this movement will hold this same standard for Social Workers on Guam.

As the last U.S. jurisdiction to enter into this conversation of Social Work Licensure, I feel it is time for Guam to hold the social work professionals that are often serving the most vulnerable groups in our community to the standards of other areas in the nation. It is time to give the community of Guam the confidence that if they are being served by a social worker they are being served by a competent social worker who is held to certain standards. It is time that we recognize that social work is a specialized profession that is deserving of credentials and licensure in order to protect the consumers as well as the title of the profession.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Sue B. Santos". The signature is fluid and cursive, with a large initial "A" and "S".

Amy Sue B. Santos, MSW  
Member at large  
NASW-Guam Chapter



**EDDIE BAZA CALVO**  
GOVERNOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR



**JAMES W. GILLAN**  
DIRECTOR

**LEO G. CASIL**  
DEPUTY DIRECTOR

Honorable Dennis G. Rodriguez, Jr.  
Chairperson, Committee on Health  
and Human Services, Senior Citizens,  
Economic Development and Election  
Reform



August 1, 2012  
ng

**RE: BILL 461-31 – AN ACT TO ADD ARTICLE 23 TO TITLE 10  
GUAM CODE ANNOTATED, CHAPTER 12,  
PART 2, RELATIVE TO THE CREATION  
OF THE GUAM SOCIAL WORK PRACTICE ACT**

Dear Mr. Chairperson:

I am James Gillan, the Director of the Department of Public Health and Social Services. I am here to present testimony on the above referenced bill.

The Department of Public Health & Social Services (DPHSS) asserts the fact that Licensing of Social Workers will indeed validate the standards of the professional practice and raise the status of the profession. It also values and support opportunities for staff to advance in their carrier field.

However, at this time, there are concerns that this regulatory requirement may unintentionally displace the current Social Workers, if not provided with provisions that will allow for them to maintain employment and professional practice, if licensing is not obtained.

Currently, the DPHSS employs at least forty (40+) staff in the field of Social Work. This does not account for all other Social Workers who are government employed with the Department of Mental Health & Substance Abuse, Department of Integrated Services for Individuals with Disabilities, Department of Education, Department of Youth Affairs, Department of Corrections and Guam Memorial Hospital. Furthermore, there are also those NGO's and private entities that also employ Social Workers. At this time, there is no clear data as to the varying levels of degree's that currently employed social workers have to determine impact so that worksites can be prepared.

The legislation seems to provide for both Title Protection and Practice Protection. This mandate may eliminate most Social Workers from the field if licensing is not obtained based on these prohibitions.

While it offers an EXEMPTION Option to allow those social workers to remain in their social work positions, it prohibits the use of the "S.W." letters. How does this affect the fact that these staff were hired with the position title as Social Workers within the government?

The EXCEPTION provision which is specific to those who possess a Bachelor's, Master's or PhD degree in the field of social work is only good within one year of being granted an EXCEPTION. What will happen to those who do not obtain a license within one year? How will this affect on-going employment in their positions as social workers within the government?

It is apparent that the impetus of the legislation to regulate licensing comes from the Social Workers to raise professionalism. At this time, Social Workers in public agencies must meet certain minimum requirements of competence through the classification system and educational levels, experience, knowledge and skills. Civil Service rules, performance ratings, trainings and other procedures exist to protect the consumers from Social Workers.

The fact is that vacancy and turnover rates for Social Workers already exist as the demands of our consumers are more complex and challenging. Imposing Licensing may put a strain in the retention and recruitment of the profession.

Our position is to have the legislation establish the rules of licensing and provide this as being optional and available for Social Workers to pursue in further advancing their career.

The Department also has some recommendations as to the inclusion of the Licensing and Certification within the Health Professional Licensing Office (HPLO)

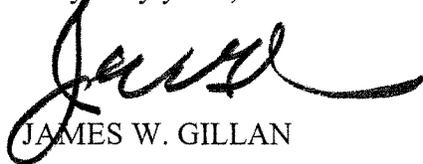
Also, it is the position of the Health Professional Licensing Office that the establishment of a Guam Board of Social Work Examiners is not necessary and that any continuing efforts to license Social Workers in Guam can and should be handled by the Guam Board of Allied Health Examiners (GBAHE) as an additional discipline under the GBAHE along with the IMFTs (Individual, Marriage and Family Therapists) and Clinical Psychologists which would augment the licensing purposes of the two above disciplines (counseling, testing, assessment, case management).

- Firstly, fees for the licensing of Social Workers can be handled by the current established fees within the GBAHE structure. The GBAHE is also currently in the process of adjusting their licensing fees to support increases for the upcoming military build-up demands and potential growth in individuals applying for licensure with the influx of military personnel.
- A representative member from among the first licensed social workers would be appointed by the Governor to represent this new discipline on the GBAHE.
- The number of potential licensees is not sufficient to justify and support the establishment of a new Guam Board of Social Work Examiners through licensing fees to support board operations and at least one office staff.
- The minimal estimated budget for establishing and operating another Board would be staffing of a WPS II – \$19,974 + \$ 13,839, = \$33,813; Operating Budget – \$20,000 for additional filing cabinet(s), computer(s), office supplies, copier lease, license cards and certificates, Board Seal, storage cabinet(s), staff desk/chair, telephone instrument/phone

line, recording equipment/supplies, meeting ads, etc. Also, possible need for transcription of minutes as needed to amounts like \$5,000-\$10,000 annually for meetings and some discipline hearings. All totaled about \$58,813-63,813 is needed annually for this additional board as opposed to another discipline under the GBAHE.

Thank you for this opportunity to share our position on establishing another licensing board to be supported by the already resource stretched Health Professional Licensing Office – Department of Public Health and Social Services. Additionally, I ask you to seriously consider the fate of those persons who have been in the profession of Social Work who do not meet the strict credentialing requirements established by this bill.

Very truly yours,



JAMES W. GILLAN

**Protect Our Island's Most Vulnerable  
by Regulating the Social Work Profession**

**LisaLinda Natividad, PhD, LCSW, IMFT, QCSW**

Good evening, senators! I am Dr. LisaLinda Natividad, an Associate Professor and Chair of the Division of Social Work at the University of Guam; a licensed clinical social worker (LCSW) in the State of Hawaii; a licensed Individual, Marriage, and Family Therapist (IMFT) on Guam; and a founding member and past-President of the National Association of Social Workers, Guam chapter. **Thank-you for the opportunity to present testimony in support of Bill No. 461-31 (COR), the Guam Social Work Practice Act.**

The social work profession is a noble one that is often equated with doing the work of angels. Social workers respond to the needs of our island's most vulnerable populations; engaging services in areas such as public health and welfare, mental health, gerontology, and child and family services. Social work licensure was first enacted almost 100 years ago. All 50 states and territories in the U.S. currently license social workers- inclusive of Puerto Rico (since 1934) and American Samoa. Hawai'i was the last state in the country to pass licensure legislation in 1994. While the social work profession is admirable; the absence of licensure to regulate social workers may place those seeking help at risk.

Social work licensure is an effort on the part of our community to ensure the protection of social work consumers. The Guam Social Work Practice Act (GSWPA) Bill No. 461-31 (COR) aims to do the following: establish minimal standards of social work competence; develop methods of fairly and objectively addressing consumer complaints; and develop a means of removing incompetent and/or unethical practitioners from social work practice. GSWPA also proposes to establish a Social Work Board and three levels of social work licensure: the Licensed Bachelor Social Worker (LBSW), the Licensed Master's Social Worker (LMSW), and the Licensed Clinical Social Worker (LCSW). The bill sets requirements for education in the field of social work, passing a nationally administered examination, and- in the case of the LCSW- 3,000-hours of post-degree supervised clinical experience. In crafting the bill, model legislation adopted by the American Association of Social Work Boards and legislation from the states of Hawai'i, Alaska, and Washington D.C. were used as referent points. Nonetheless, local considerations were taken into account- particularly GSWPA's impact on currently practicing social workers.

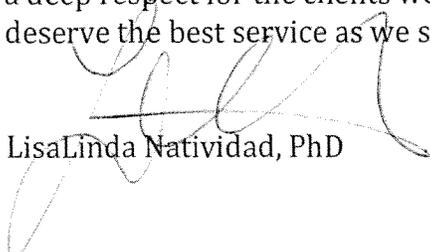
Unique to the proposed bill are provisions to grandfather existing social work practitioners by either exempting them from obtaining a license or making exceptions of certain requirements to obtain the license. More specifically, those in social work positions without a social work degree would have two options: first, they may apply for a Certificate of Exemption, in which they will not be required to obtain a social work license and will be allowed to continue in their current employment. The second option for non-social work degree holders would be to

obtain social work licensure by fulfilling additional requirements to ensure that a minimum standard of social work knowledge and ethics is met. More specifically, non-social work degree holders applying for an exception must: (1) Provide a written request for exception for licensure; (2) Provide a written testimony that they are individuals in good standing with satisfactory performance evaluations and no ethical complaints on file; (3) Sign a declaration that they will follow ethical standards of the social work profession; (4) Obtain 50 continuing education units (CEUs) in social work theory, knowledge, methods, ethics, and the professional use of self based on the Generalist Practice Model; and (5) obtain three Letters of Verification. Upon completing these requirements, non-social work degree holders would be able to obtain either the LBSW or the LMSW.

The Division of Social Work at the University of Guam has committed to offering coursework so that those in need of obtaining 50 CEUs may do so locally within the one-year timeframe outlined in the bill. As competent social workers, it is incumbent upon us to strive to ensure that we are all on the pulse of innovation in the profession and to pursue educational opportunities that keep us current in our practice. Hence, part and parcel to the enactment of legislation to mandate licensure, should be the motivation of social workers to obtain ongoing training and professional development. The costs associated with such endeavors- inclusive of monetary and in terms of time- should be made willingly and consistent with their professional Code of Ethics. As you may know, Bill 461 provides for a one-year period for those in social work positions to obtain their license or their Certificate of Exemption from it. While this will require practicing social workers to plan their course to get the license, doing so is realistic and plausible within the one-year time frame. If the individual does not prioritize this process in the one-year period, then they will have to live with the consequences of their choices in not having a license and its impact on their employment.

Another key component of the proposed bill entails the creation of the Guam Social Work Board. This is proposed based on the volume of social workers to be licensed. Preliminary research with the Department of Labor and by contacting social service NGOs directly has indicated an approximate number of 245 practicing social workers. The GSWPA working group has recommended that licensing fees be \$300 for a two-year period. Hence, this will generate about \$73,500 to operate the board office bi-annually. This budget projection will afford a WPS II- salaried at \$33,813 annually and additional operational expenses.

While the complexities of enacting the Guam Social Work Practice Act will bring about change in the profession for Guam, we must stay focused on the intended outcome of protecting our community's most vulnerable members. This is rooted in a deep respect for the clients we serve and a commitment to the fact that they deserve the best service as we stand along side them on their journeys to well-being.



LisaLinda Natividad, PhD



National Association of Social Workers

P.O. Box 2123 Hagatna, Guam 96932 – (671) 727-7908, Fax (671) 477-1077 E-mail: [naswgu@gmail.com](mailto:naswgu@gmail.com)

---

August 1, 2012

Senator Dennis Rodriguez, Jr., Chairman  
155 Hesler Place  
Hagatna, Guam 96910

Ali,

The practice of social work is a multi-faceted profession and social workers are employed in various positions, on Guam, in both private and public sectors. Like many other disciplines, the practice of social work is an evolving process. The social work practice maintains best practice approaches and incorporates a holistic approach to meeting the consumer and community needs.

I would like to quote national NASW Executive Director Dr. Elizabeth Clark, she states in her 2009 article *A Broader Vision for the Social Work Profession*;

“Our profession is called ‘social’ work for a reason. We look at the person in the environment, we look at communities, we look at systems both large and small. When we determine the root cause of a problem, we look at all the facets and the interrelationships, but it is the ‘social’ that drives our intervention... Often our clients are victims of imperfect systems. They are disadvantaged, disenfranchised, invisible, and forgotten. As social workers, we stand squarely on their side...[Therefore] Take a moment and think what this country and world would be like if there were no more social workers. If the profession of social work ended this decade, what would the impact on society be? Who would fill our roles and work to help populations that are underserved and marginalized? Who would speak?...Who would be in the front lines providing comfort and counsel when natural disasters occur? Who would take the place of social workers in schools and hospices, in nursing homes and mental health clinics, in prison and in the military, in communities and in the legislature? The world would be very different.”

All 50 states, US territories and internationally...with the exception of Guam have established some form of social work licensing requirement and/or regulation.

Established in 1999, the National Association of Social Worker (NASW) Guam Chapter’s mission is to support, promote, and advocate for professional social work practice, social work practitioners, and the social work profession to improve the quality of life on Guam. The Social Work Reinvestment Initiative (SWRI) grant funds assisted the chapter in collaborating with NASW-Guam members/non-members, UOG- social work professors and students, senators and

their staff, volunteers and community members to gain insight, opinions and feedback in the drafting of Bill 461-31(COR), known as the “Social Work Practice Act-SWPA.”

**Guam is the last, remaining jurisdiction in the country that does not have social work licensure!!!** In many aspects, social workers are often referenced as “advocates”, “change agents” or “unsung heroes.” As professional social workers it’s our job to promote and value people from all different facets in life, regardless of their race, gender, size, age, sexual orientation, religion or how much money is in a consumer’s bank account.

Currently there are less than 80 active NASW-Guam chapter members. Yet, as we all know there are far more practicing social workers in the field of social work. So I ask? How do these social workers stay on top of social work best practice? Nationally, NASW various scholarly social work journals and also has 11 Specialty Practice Sections: Administration/Supervision; Aging; Alcohol, Tobacco and Other Drugs; Child Welfare; Children, Adolescents and Young Adults; Health; Mental Health; Private Practice; School Social Work; Social Work and the Courts and Social and Economic Justice & Peace. Imagine if a lawyer did not stay on top of various law changes or a doctor who does not stay on top of advances in medicine!!!

In comparison, nurses with bachelor’s degrees are licensed with the Guam board of nurse examiners on Guam, so there is a precedent for social work licensure at the bachelor’s level. Social work licensure will require the creation of a Guam social work licensing board and will ensure that social workers are competent and have passed the Association of Social Work Board national exam core competencies and guarantees continuous professional improvement by requiring continuing education. Licensure will ultimately provide public protection and professional accountability to the consumers and community of Guam. This will also help enhance service delivery and protect consumers from receiving poor quality social work service. Therefore, social work licensure will “unify” the social work profession, assist in bridging the gaps in service deliveries and ensure consumer protection.

The overall mission of the social work profession is rooted in a set of core values. These core values, embraced by social workers throughout the profession’s history, are the foundation of social work’s unique purpose and perspective: service, social justice, dignity and worth of the person, importance of human relationships, integrity and competence.

I pose this question? Who is to be held accountable when an unqualified social worker can NOT perform his/her job adequately or violates the code of ethics? In the capacity of NASW-Guam chapter it’s disheartening to overhear social workers in the community say that they can only be sanctioned by NASW-Guam if they were members! What integrity does this reveal? So who regulates the social work profession and how are current social workers staying on top of social work best practices, current trends and social work issues?

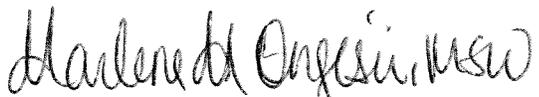
Each year in March the chapter holds its’ annual conference and over a hundred social workers within the community attend the two day workshop, however, only about 5% are active NASW Guam chapter members. Is this the community’s way of justifying competence in their practicing field?

Furthermore, history reveals that thru the de-professionalization and reclassification of social work job titles have created generic job classifications. We can see this within Guam at various sectors within the government, private, non-profit and federal level as well. This practice has

opened the door to the hiring of unqualified and under credentialed individuals for social work positions. Many individuals may lack social work practice knowledge, values and skills, yet are required to perform complex tasks of bio-psychosocial assessments, treatment planning, interviewing and acting as change agents within their work place and community. Therefore, how do we, as an island community, ensure the protection of the consumers in which social workers serve and who does not follow thru with their job duties/functions or is unethical? In the past three decades, who has regulated the social work profession in the event a social worker causes harm to a client?

Therefore, the passage of Bill 461-The Social Work Practice Act, will establish standards of minimal social work competence to ensure social workers have the knowledge base, skills, abilities and values. Licensure will protect the rights and dignity of the consumers and community by the development of methods to fairly and objectively address consumer complaints. Licensure will ensure social work professionals are accountable and regulated by developing means of removing incompetent, and/or unethical practitioners from social work practice. Finally, social work licensing will also provide title protection for qualified social workers and decrease and hopefully, eliminate the de-professionalization of social work titles/positions.

Kmal Mesulang,



Marlene M. Ongesii, MSW  
NASW-Guam Chapter Executive Director  
[naswgu@gmail.com](mailto:naswgu@gmail.com)  
671.727.7908

**Honorable Dennis G. Rodriguez, Jr.  
Chairman, Committee on Human Services,  
Senior Citizens, Economic Development and  
Election Reform**

**Re: Bill 461-30 (COR) – Guam Social Work  
Practice Act**

**Dear Senator Rodriguez,**

I am submitting this letter in full support of Bill 461– 31 (COR) relative to the creation of the Guam Social Work Practice Act and strongly urge the 31st Guam Legislature to pass it as soon as possible. In the crafting of the Social Work Practice Act, it was duly noted that Guam remains the only U.S. jurisdiction that does not license the practice of social work and, therefore, is clearly behind the times. As a professional practicing social worker with over 30 years of experience, I am well aware of the importance of licensing a profession to insure that the public consumer is protected against fraudulent, incompetent and unethical practice. I currently serve as a board member on the Guam Board of Allied Health Examiners which licenses fourteen (14) professional disciplines and has had to address various issues and concerns regarding professional disciplines coming under its purview. Competent practice is of paramount concern and so when a complaint regarding an allied health professional is filed, the Board has the mandated responsibility of investigating and taking appropriate corrective action to protect the interest of the consumer. Social Work is a profession that works directly with people in need and requires that the social worker be appropriately and properly trained to meet the critical needs of clients. Licensing social workers at all levels will insure that acceptable standards of practice are adhered to and consumers are properly helped. The licensing, therefore, of a social worker as set forth in the proposed Social Work Practice Act is intended to protect the interests of the consumer and the public by ensuring that social work practitioners are appropriately trained and credentialed to provide competent social work services. I, therefore, urge the passage of the Social Work Practice Act to ensure that the interest of the public is safeguarded and protected.

As the representative member of the Guam Board of Allied Health Examiners, I have been asked to convey to the legislature that the Board fully supports and endorses the passage of the Guam Social Work Practice Act. At the present time, the only social workers required to be licensed on Guam are those engaged in the practice of individual, marriage and family therapy. These are social workers who are referred to as Mental Health Social Workers, Clinical Social Workers as well as Psychiatric Social Workers and have undergone professional training that qualifies them to perform diagnosis and treatment of mental, emotional and behavioral disorders. As such, these social work practitioners could be appropriately licensed as Licensed Clinical Social Workers (LCSW) under the Social Work Practice Act. If removed from the purview of the Guam Board of Allied Health, professional practicing social workers in the field of mental health would be professionally recognized with the title of Licensed Clinical Social Workers instead of the title Individual, Marriage and Family Therapist. However, it should be noted that unless the law requires an individual with an MSW to be licensed as a social worker, social workers currently licensed as Individual, Marriage and Family Therapists can choose to remain licensed as an IMFT rather than as a licensed clinical social worker. At the present time, there are

approximately 20 to 25 masters level social workers who are licensed under the Guam Board of Allied Health. These professional social work clinicians all have the potential to be licensed under the Social Work Practice Act as Licensed Clinical Social Workers.

In closing, I would like to again urge the 31<sup>st</sup> Guam Legislature to pass Bill 461-31 )COR), the Social Work Practice Act, as the time has come for the Social Work Profession on Guam to be duly recognized as warranting the special and worthy distinction that licensure embodies.

Respectfully Submitted,

*Vincent P. Pereda*

**Vincent P. Pereda, MSW, BCD  
Clinical Social Worker  
Board Certified Diplomat  
Licensed Individual, Marriage and Family  
Therapist**

## Testimony on Bill B461-31 (COR)

My name is Doris D. Bukikosa and I am a Social Service Supervisor with the Department of Education (DOE): Parent-Family-Community Outreach Program. On behalf of myself, 11 Social Workers and nine (9) Community Program Aides employed with the program, I would like to provide testimony on Bill 46-31 (COR).

I have been a practicing social worker with DOE for 17 years. The distribution of education and service among the SWs employed in the program ranges from six (6) social work degreed individuals (2 SWs with 15+ years, 3 SWs with 10 years and 1 SW with 5 years) and six (6) behavioral science degreed individuals (2 SWs with 25+ years, 2 SWs with 22+ years, 1 SW with 18 years and 1 SW with 10 years).

After reviewing the bill, discussing it with program personnel and meeting briefly with Senator BJ Cruz, there are many concerns that I feel will result in negative consequences from the passage of this bill. During my meeting with Senator Cruz, he mentioned that some of these same concerns were brought up during a work session; however, he was not aware if the promised changes were in fact incorporated into the current proposal.

Numerous articles and personal views on this bill have been featured in local media and it is reported that the intent of this bill to provide accountability for those practicing social work. This is proposed through establishing and requiring a certification or licensure process for those practicing social work. It should be noted that complaints of unethical practices in other professions with established certification or licensure continue to occur, i.e. doctors, attorneys, police officers, fire fighters and teachers to name a few. If the intent is to curb or reduce unethical social work practices, there is no guarantee that will occur. Instead, existing Personnel Rules and Regulations have grievance procedures in place to resolve such complaints. If the complaint is criminal in nature, the criminal justice system should handle the concern. *Does the establishment and empowerment of this Board supersede the DOA Rules & Regs or Civil Service protection (for government employed SWs)?*

The current Government of Guam (DOA) Job Description and its Education/Experience requirements allow for BA/BS in behavioral sciences (Sociology, Psychology, etc) for the position of Social Worker. Although this bill creates a Certificate of Exemption, it does not have a grandfather clause for all those currently holding social worker positions. *Is the intent of this body or the proposed board to revise the current DOA job description and requirements?*

- § 122316. License Required.....Certificate of Exemption holders are prohibited from using the letters: "L.B.S.W., L.M.S.W. or L.C.S.W or S.W." in relation to a person's name or engage in the practice of social work, irrespective of their job title.

What does the Certificate of Exemption holder call oneself?

- A Certificate of Exemption may be granted up to one (1) year of the enactment of the passage of this Act.  
Is there an expiration or time limitation to the validity of a Certificate of Exemption? Or is this Certificate good for the life or professional career of the individual?
- What is the penalty for failing to comply?  
Is the employee stripped of his/her title?  
How is this affected by DOL Rules (Is this considered a demotion)?  
Will current SWs be re-titled?  
Will current SWs pay be affected?
- § 122317 Line 14: (b) Licensure shall not be required of:

Line 18: "(2) Any person employed by a federal, state, or government agency in

a social worker position, but only at those times when that person is carrying out the duties and responsibilities as a social worker in environmental employment”

What does “environmental employment” mean?

Does this imply none of the Government of Guam SWs need to be licensed? (NOTE: SWs are exempt employees and may be activated 24/7 (for the purposes of their roles as GovGuam employees).

- § 122318 Exceptions (versus exemption). An exception is granted to any person meeting the following conditions: Line 5: (5) Obtain fifty (50) CEUs approved by the Social Worker Board.....  
Line 16: (d) All persons qualified for exceptions.....Exceptions may only be granted by the Board up until one (1) year upon the enactment of this Act.

How much time is allotted to complete the 50 CEUs? What is the penalty for not completing the required CEUs by the deadline?

- § 122319 Licensing Requirements. Line 24: L.B.S.W. applicants .....passed the basic level national examination.

What happens to those who don’t pass the exam, but have missed the one (1) year window of opportunity to apply for an Exemption or Exception?

Although the intent of the bill is good, in the instance of those aspiring to practice clinical or therapeutic counseling, the first and foremost negative consequence is the bill invalidates all the years of service current (non SW-degreed) SWs have contributed to this island and the people of Guam. This bill implies that all hard work and dedication, by the non SW-degreed SWs, to assist families has been meaningless because we will no longer meet the criteria to be included in the click. Ironically, this truly reminds me of when the Guam Association of Social Workers was moving towards converting into a local chapter of the National Association of Social Workers. All the non SW-degreed SWs could no longer become full-fledged members because we didn’t meet the criteria and many individuals discontinued their membership because of their ineligibility. So here we are full circle, the ins want to establish who can stay in, and exclude everyone else.

There are no perfect laws; therefore, no perfect bills. Similarly, with this bill, there are numerous concerns and they should definitely be addressed prior to its passage, especially when it affects the livelihood and professions of many individuals. Until such time these concerns are in fact addressed in this bill, I am pleading with this body to vote against Bill 461-31 (COR).

Respectfully submitted by:



Doris D. Bukikosa

August 1, 2012



Name:

Email

Contact #

Carmen Damian

codamian2002  
@ Yahoo.com

477-9557/58

Etia Delapena

ghiaclp76@gmail.com

477-1505 ext. 106

Lynette Amada

lynnetteamada@gmail.com

488-8402

Juan Arrida

ztonbone@gmail.com

488-4014

Shirley Lee

shirleylee@gmail.com

488-0578

Amy Sue Santos

amysue.santos@gmail.com

482-6157

Esther Rollen

rollen.rollen@gmail.com

366-8019

Lisa Natidad

lisanati@yahoo.com

777-7285

BONITA BLAS

bonitablase@hotmail.com

689-8667

DORIS QUINTO

bendorisevan.04@gmail.com

689-3826

Katrina Rosano-Sanchez

kr-sanchez@hotmail.com

777-4577

Orlita Perez

perezovita@gmail.com

727-6843

Marlene Ongesii

marlene627@hotmail.com

688-8116

Hope Pangellinan

mis.hopee@gmail.com

988-9312

Daniel V.C. Catez

catezguam@gmail.com

929-6724

Gerhard Schwab

gerhard.schwab@yahoo.com

789-3263

Arthur U. San Agustin

~~ajusa@guam.net  
arthur.sanagustin@guam.net~~

653-6190

Deanna Komiyama

dkomiyama@yahoo.com

687-0578

LESLIE E. GATAN

gatantleslie@gmail.com

488-7853

MARY ROSE G. LEGASPI

mrg.legaspi@yahoo.com

483-1882

John Diaz

jdiaz25@cox.net

777-7539



## COMMITTEE ON RULES

*I Mina'trentai Unu na Libeslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

### MAJORITY MEMBERS:

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

### MINORITY MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

## Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 461-31 (COR) – “AN ACT TO ADD ARTICLE 23 TO TITLE 10 GUAM CODE ANNOTTED, CHAPTER 12, PART 2 RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT.”** – on May 30, 2012. COR hereby certifies that BBMR confirmed receipt of this request on May 30, 2012.

COR further certifies that a response to this request was not received by 5:00 P.M. on June 19, 2012, the fourteenth day after the request was received by BBMR. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 461 to be included in the committee report on said bill, is hereby waived.**

Certified by:

**Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Date**



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

May 30, 2012

**VIA FACSIMILE**  
**(671) 472-2825**

**John A. Rios**  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Note -**  
**Bill Nos. 459-31 (COR) thru 465-31 (COR), 466-31 (LS) & 467-31 (LS)**

2012 MAY 30 PM 5:32

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

  
**Rory J. Respicio**

Attachments

Cc: Clerk of the Legislature

MESSAGE CONFIRMATION

MAY-30-2012 09:24 AM WED

FAX NUMBER : 4772240  
NAME : GNF

NAME/NUMBER : 4722825  
PAGE : 3  
START TIME : MAY-30-2012 09:23AM WED  
ELAPSED TIME : 00' 52"  
MODE : STD ECM  
RESULTS : [ O.K ]



COMMITTEE ON RULE

*I Mina'trentai Unu na Libeslaturan C*  
155 Hesler Place, Hagåtña, Guam 96910 • unu  
E-mail: roryforguam@gmail.com • Tel: (671)4

• The 31<sup>st</sup> Guam Legislature  
legislature.com  
• Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

May 30, 2012

Senator  
Edith P. Guthertz  
CHIEF CHAIRPERSON  
MAJORITY LEADER

VIA FACSIMILE  
(671) 472-2825

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

MAJORITY MEMBERS:

Speaker  
Edith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

RE: Request for Fiscal  
Bill Nos. 459-31 (COR)

465-31 (COR), 466-31 (I.S) & 467-31 (I.S)

Senator  
Rose Mña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

*Hafa Adai* Mr. Rios:

Senator  
G. Rodriguez, Jr.  
MAJORITY WHIP

Transmitted herewith  
Guam's most recent  
respectfully request th

listing of *I Mina'trentai Unu na Libeslaturan*  
reduced bills. Pursuant to 2 GCA §9103, I  
variation of fiscal notes for the referenced bills.

Senator  
Thomas C. Ada

*Si Yu'os ma'ase'* for you

attention to this matter.

Senator  
Roberto B. Palacios, Sr.

Very Truly Yours,

Senator  
Antonio C. Pangelinan

Rory J. Respicio

MINORITY MEMBERS:

Senator  
Francine A. Yamashita  
MINORITY LEADER

Attachments

Senator  
Stephen M. Duenas

Cc: Clerk of the Legislature

Rec'd by: Anaelyn  
date: 5/30/12  
time: 9:39



## COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY  
MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY  
MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

May 21, 2012

**MEMORANDUM**

**To: Pat Santos**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject: Referral of Bill Nos. 459-31 (COR) thru 461-31 (COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 459-31 (COR) through 461-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

(3) Attachment

*I Mina'Trendai Umu Na Liheslaturan Guahan*  
Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
461-31 (COR)	V.C. pangelinan, B.J.F. Cruz, R. J. Respicio, J.P. Guthertz, T. R. Muna Barnes	AN ACT TO ADD ARTICLE 23 TO TITLE 10 GUAM CODE ANNOTTED, CHAPTER 12, PART 2 RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT.	5/21/12 3:44p.m.	5/21/12		Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform			



Joseph Anthony Mesngon &lt;jmesngon.senatorrodriguez@gmail.com&gt;

---

**1st Notice of Public Hearing**

2 messages

**Clifton Herbert** <cherbert.senatorrodriguez@gmail.com>

Wed, Jul 25, 2012 at 5:30 PM

To: phnotice@guamlegislature.org

--

Ufisinan Todu Guam  
SENATOR DENNIS G. RODRIGUEZ, Jr.  
I Mina'trentai Unu Na Liheslaturan Guáhan  
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Dear Senators,

Please see attached 1st notice of public hearing.

Should you have any questions or concerns please free to contact this office at anytime.

Thanks,

Clifton Herbert

*176 Serenu Avenue Suite 107 Tamuning, Guam 96931**Telephone: 671.649.8638**Email: [Cherbert.senatorrodriguez@gmail.com](mailto:Cherbert.senatorrodriguez@gmail.com)**Website: [www.toduguam.com](http://www.toduguam.com)*

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

---

 **Senators 1st Notice Public Hearing Aug. 1, 2012.pdf**

59K

**Clifton Herbert** <cherbert.senatorrodriguez@gmail.com>

Wed, Jul 25, 2012 at 5:31  
PM

To: clynt@spbgum.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbgum.com, marvic@mvguam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, therese.hart.writer@gmail.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Janela <janela@mvguam.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Joy <joy@mvguam.com>, Jr <news@lifenews.com>, Katrina <life@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbgum.com>, Kevin Kerrigan <news@k57.com>, Laura Matthews <lmatthews@guampdn.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngrairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, Travis Coffman <thebigshow@k57.com>, William Gibson <breakfastshowk57@gmail.com>  
Bcc: jamesgon.senatorrodriguez@gmail.com

Ufisinan Todu Guam  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
I Mina'trentai Unu Na Liheslaturan Guahan  
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Hafa Adai All Media!

Please see attached 1st notice of public hearing.

Should you have any questions or concerns please free to contact this office at anytime.

Thanks,  
Clifton Herbert

[Quoted text hidden]

---

**2 attachments**

 **Public Hearing 1st Notice Aug 1, 2012.pdf**  
406K

 **Public Hearing 1st Notice Aug 1, 2012.doc**  
547K

**Listserv: [phnotice@guamlegislature.org](mailto:phnotice@guamlegislature.org)**

**As of June 26, 2012**

aguon4guam@gmail.com  
ahernandez@guamlegislature.org  
alerta.jermaine@gmail.com  
aline4families@gmail.com  
aokada@guamlegislature.org  
ashelton.senatorrodriguez@gmail.com  
ataligba@gmail.com  
baza.matthew@gmail.com  
avillaverde@guamlegislature.org  
bdydasco@yahoo.com  
berlene@senatorpalacios.com  
bruce.lloyd.media@gmail.com  
candasofrank@gmail.com  
charissatenorio@gmail.com  
chechsantos@gmail.com  
cheerfulcatunao@yahoo.com  
cherbert.senatorrodriguez@gmail.com  
cheryl.e@senatormabini.com  
chris.budasi@guamlegislature.org  
cipo@guamlegislature.org  
clerks@guamlegislature.org  
colleen@judiwonpat.com  
cor@guamlegislature.org  
cyrus@senatorada.org  
desori623@hotmail.com  
dmanyer05@hotmail.com  
doc.wytenbachsantos@gmail.com  
duenasenator@gmail.com  
edelynn1130@hotmail.com  
edleonguerrero@gmail.com  
edpocaigne@judiwonpat.com  
edwardglee671@yahoo.com  
elaine@tinamunabarnes.com  
etajalle@guamlegislature.org  
evelyn4families@gmail.com  
faith.r@senatormabini.com  
fbtorres@judiwonpat.com  
floterlaje@gmail.com  
frank.blasjr@gmail.com  
gavin@tinamunabarnes.com  
guamnativesun@yahoo.com  
jamespcastro@gmail.com  
jane@tinamunabarnes.com  
jason@senatorpalacios.com  
jblas@tinamunabarnes.com  
jcamacho@senatorada.org  
jean@tinamunabarnes.com  
jeff.m@senatormabini.com  
jennifer@senatorpalacios.com  
jimespaldon@yahoo.com  
jmesngon.senatorrodriguez@gmail.com  
john.calvo@noaa.gov  
jtenorio@guamcourts.org  
judiguthertz@gmail.com  
leonguerrero.angela@gmail.com  
lou4families@gmail.com  
louise\_atalig@yahoo.com  
m.salaila@yahoo.com  
maryfejeran@gmail.com  
marymaravilla19@gmail.com  
mcarlson@guamlegislature.org  
melvin.atoigue@yahoo.com  
mis@guamlegislature.org  
msuarez.senatorrodriguez@gmail.com  
mtorres.senatorrodriguez@gmail.com  
ncruz.senatorrodriguez@gmail.com  
nsantos@senatorada.org  
office@senatorada.org  
oliviampalacios@gmail.com  
peterlg@gmail.com  
phillipsguam@gmail.com  
pris@senatorpalacios.com  
qduenas\_8@yahoo.com  
regine@tinamunabarnes.com  
rftteehan@yahoo.com  
rob.tupaz@gmail.com  
roryforguam@gmail.com  
santos.duenas@gmail.com  
sem@guamlegislature.org  
senator@senatorbjcruz.com  
senator@senatorpalacios.com  
senator@tinamunabarnes.com  
senatorrodriguez@gmail.com  
senatormabini@senatormabini.com  
senatormana@gmail.com  
senatorsam@senatormabini.com  
senatortonyada@guamlegislature.org  
senbenp@guam.net  
sgrarmes@guamlegislature.org  
sitarose2@yahoo.com  
sonedera-salas@guamlegislature.org  
speaker@judiwonpat.com  
tanya4families@gmail.com  
tcastro@guam.net  
telo.taitague@guam.gov  
tinaokada@gmail.com  
tom@senatorada.org  
tterlaje@guam.net  
uriah@tinamunabarnes.com  
val.g@senatormabini.com  
vinson.calvo@gmail.com  
vkomiyama.senatorrodriguez@gmail.com  
wilcastro671@gmail.com



SENATOR DENNIS G. RODRIGUEZ, JR.

July 25, 2012

**Chairman,**  
Committee on  
Health & Human  
Services,  
Senior Citizens,  
Economic  
Development,  
& Election Reform

**Member,**  
Committee on  
Public Safety, Law  
Enforcement,  
& Judiciary

**Member,**  
Committee on  
Youth, Cultural Affairs,  
Procurement, General  
Government  
Operations, & Public  
Broadcasting

**Member,**  
Committee on  
Municipal Affairs,  
Tourism,  
Housing & Recreation

**Member,**  
Committee on Rules,  
Federal, Foreign &  
Micronesian  
Affairs, & Human &  
Natural Resources

**Member,**  
Committee on the  
Guam Military Buildup  
& Homeland Security

**Member,**  
Committee on  
Appropriations,  
Taxation,  
Public Debt, Banking,  
Insurance,  
Retirement, & Land

**Member,**  
Committee on Utilities,  
Transportation, Public  
Works,  
& Veterans Affairs

Assistant Majority Whip

TO: ALL SENATORS

FROM: SENATOR DENNIS G. RODRIGUEZ, JR.   
CHAIRPERSON

SUBJECT: 1<sup>ST</sup> NOTICE OF PUBLIC HEARING

1<sup>ST</sup> NOTICE OF PUBLIC HEARING  
Wednesday August 1, 2012

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on August 1, 2012, at *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

6:00PM

- **Bill No. 461-31(COR)-** An act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act. *(Introduced by V.C. Pangelinan)*

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact Clifton Herbert at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)



SENATOR DENNIS G. RODRIGUEZ, JR.

**PRESS RELEASE**

FIRST NOTICE OF PUBLIC HEARING

Wednesday, August 1, 2012 6:00PM

**Chairman,**  
Committee on  
Health & Human  
Services,  
Senior Citizens,  
Economic  
Development,  
& Election Reform

**Member,**  
Committee on  
Public Safety, Law  
Enforcement,  
& Judiciary

**Member,**  
Committee on  
Youth, Cultural Affairs,  
Procurement, General  
Government  
Operations, & Public  
Broadcasting

**Member,**  
Committee on  
Municipal Affairs,  
Tourism,  
Housing & Recreation

**Member,**  
Committee on Rules,  
Federal, Foreign &  
Micronesian  
Affairs, & Human &  
Natural Resources

**Member,**  
Committee on the  
Guam Military Buildup  
& Homeland Security

**Member,**  
Committee on  
Appropriations,  
Taxation,  
Public Debt, Banking,  
Insurance,  
Retirement, & Land

**Member,**  
Committee on Utilities,  
Transportation, Public  
Works,  
& Veterans Affairs

Assistant Majority Whip

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing **on Wednesday August 1, 2012 at 6:00PM.** at *Liheslaturan Guahan's* Public Hearing Room in Hagåtña, on the following:

6:00PM

- ***Bill No. 461-31(COR)-*** An act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act. (*Introduced by V.C. Pangelinan*)

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

*Ufisinan Todu Guam • 31<sup>st</sup> Guam Legislature*

176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520  
E-mail: [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com)



Joseph Anthony Mesngon <jmesngon.senatorrodriguez@gmail.com>

## 2nd Notice of Public Hearing

2 messages

**Clifton Herbert** <cherbert.senatorrodriguez@gmail.com>

Mon, Jul 30, 2012 at 9:18 AM

To: clynt@spbgum.com, dcristostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbgum.com, marvic@mvguam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, therese.hart.writer@gmail.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Janela <janela@mvguam.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Joy <joy@mvguam.com>, Jr <news@lifeneews.com>, Katrina <life@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbgum.com>, Kevin Kerrigan <news@k57.com>, Laura Matthews <llmatthews@guampdn.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngrairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, Travis Coffman <thebigshow@k57.com>, William Gibson <breakfastshowk57@gmail.com>

Bcc: jmesngon.senatorrodriguez@gmail.com

Ufisinan Todu Guam  
 SENATOR DENNIS G. RODRIGUEZ, Jr.  
 I Mina'trentai Unu Na Liheslaturan Guåhan  
 CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
 ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Hafa Adai All Media!

Please see attached notice of public hearing.

Should you have any questions please feel free to contact this office at any time.

Best Regards,  
 Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: [Cherbert.senatorrodriguez@gmail.com](mailto:Cherbert.senatorrodriguez@gmail.com)

Website: [www.toduguam.com](http://www.toduguam.com)

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of

this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

---

**2 attachments**

 **Public Hearing 2nd Notice Aug. 1, 2012.pdf**  
406K

 **Public Hearing 2nd Notice Aug. 1, 2012.doc**  
547K

---

**Clifton Herbert** <cherbert.senatordrodriguez@gmail.com>  
To: phnotice@guamlegislature.org

Mon, Jul 30, 2012 at 10:22 AM

Ufisinan Todu Guam  
**SENATOR DENNIS G. RODRIGUEZ, Jr.**  
I Mina'trentai Unu Na Liheslaturan Guáhan  
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,  
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Dear Senators,

Buenas yan Hafa Adai!

Please see attached 2nd notice of public hearing.

Should you have any questions please feel free to contact this office at any time.

Sincerely,  
Clifton Herbert

[Quoted text hidden]

---

 **Senators 2nd Notice Public Hearing Aug.1, 2012.pdf**  
57K



SENATOR DENNIS G. RODRIGUEZ, JR.

July 30, 2012

**Chairman,**  
Committee on  
Health & Human  
Services,  
Senior Citizens,  
Economic  
Development,  
& Election Reform

**Member,**  
Committee on  
Public Safety, Law  
Enforcement,  
& Judiciary

**Member,**  
Committee on  
Youth, Cultural Affairs,  
Procurement, General  
Government  
Operations, & Public  
Broadcasting

**Member,**  
Committee on  
Municipal Affairs,  
Tourism,  
Housing & Recreation

**Member,**  
Committee on Rules,  
Federal, Foreign &  
Micronesia  
Affairs, & Human &  
Natural Resources

**Member,**  
Committee on the  
Guam Military Buildup  
& Homeland Security

**Member,**  
Committee on  
Appropriations,  
Taxation,  
Public Debt, Banking,  
Insurance,  
Retirement, & Land

**Member,**  
Committee on Utilities,  
Transportation, Public  
Works,  
& Veterans Affairs

Assistant Majority Whip

TO: ALL SENATORS

FROM: SENATOR DENNIS G. RODRIGUEZ, JR.   
CHAIRPERSON

SUBJECT: 2<sup>nd</sup> NOTICE OF PUBLIC HEARING

2<sup>nd</sup> NOTICE OF PUBLIC HEARING  
Wednesday August 1, 2012 6:00PM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on August 1, 2012, at *Liheslaturan Guahan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 461-31(COR)** - An act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act. (*Introduced by V.C. Pangelinan*)

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact Clifton Herbert at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

*Ufisinan Todu Guam • 31<sup>st</sup> Guam Legislature*

176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520  
E-mail: [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com)



SENATOR DENNIS G. RODRIGUEZ, JR.

**PRESS RELEASE**

**SECOND NOTICE OF PUBLIC HEARING**

Wednesday, August 1, 2012 6:00PM

**Chairman,**  
Committee on  
Health & Human  
Services,  
Senior Citizens,  
Economic  
Development,  
& Election Reform

**Member,**  
Committee on  
Public Safety, Law  
Enforcement,  
& Judiciary

**Member,**  
Committee on  
Youth, Cultural Affairs,  
Procurement, General  
Government  
Operations, & Public  
Broadcasting

**Member,**  
Committee on  
Municipal Affairs,  
Tourism,  
Housing & Recreation

**Member,**  
Committee on Rules,  
Federal, Foreign &  
Micronesian  
Affairs, & Human &  
Natural Resources

**Member,**  
Committee on the  
Guam Military Buildup  
& Homeland Security

**Member,**  
Committee on  
Appropriations,  
Taxation,  
Public Debt, Banking,  
Insurance,  
Retirement, & Land

**Member,**  
Committee on Utilities,  
Transportation, Public  
Works,  
& Veterans Affairs

Assistant Majority Whip

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing **on Wednesday August 1, 2012 at 6:00PM.**, at *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

6:00PM

- **Bill No. 461-31(COR)-** An act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act. (*Introduced by V.C. Pangelinan*)

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

*Ufisinan Todu Guam • 31<sup>st</sup> Guam Legislature*

176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520  
E-mail: [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com)



SENATOR DENNIS G. RODRIGUEZ, JR.

**PUBLIC HEARING AGENDA**

Wednesday, August 1, 2012

6pm

Public Hearing Room, *I Liheslatura*

**Chairman,**  
Committee on  
Health & Human  
Services,  
Senior Citizens,  
Economic  
Development,  
& Election Reform

**Member,**  
Committee on  
Public Safety, Law  
Enforcement,  
& Judiciary

**Member,**  
Committee on  
Youth, Cultural Affairs,  
Procurement, General  
Government  
Operations, & Public  
Broadcasting

**Member,**  
Committee on  
Municipal Affairs,  
Tourism,  
Housing & Recreation

**Member,**  
Committee on Rules,  
Federal, Foreign &  
Micronesian  
Affairs, & Human &  
Natural Resources

**Member,**  
Committee on the  
Guam Military Buildup  
& Homeland Security

**Member,**  
Committee on  
Appropriations,  
Taxation,  
Public Debt, Banking,  
Insurance,  
Retirement, & Land

**Member,**  
Committee on Utilities,  
Transportation, Public  
Works,  
& Veterans Affairs

Assistant Majority Whip

I. Call to order

II. Item for public consideration:

- A. **Bill 461-31 (COR)**- An act to add Article 23 to Title 10 Guam Code Annotated, Chapter 12, Part 2 relative to the creation of the Guam Social Work Practice Act. *Introduced by Sen. vcpangelinan, Sen. BJ Cruz, Sen. RJ Respicio, Sen. JP Guthertz, Sen. TR Muna-Barnes.*

III. Adjournment

Thank you for your participation in today's hearing.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) REGULAR SESSION

2012 MAY 21 PM 3:44  
Mun

Bill No. 461-31 (COR)

Introduced by:

v.c.pangelinan  
B.J.F. Cruz  
R.J. Respicio  
J.P. Guthertz  
T.R. Muna Barnes

✓  
AN ACT TO ADD ARTICLE 23 TO TITLE 10 GUAM  
CODE ANNOTTED, CHAPTER 12, PART 2 RELATIVE  
TO THE CREATION OF THE GUAM SOCIAL WORK  
PRACTICE ACT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 Section 1. Article 23, Chapter 12, Part 2, 10 Guam Code  
2 Annotated is hereby added to read as follows:

3 "Social Work Practice Act.

4 § 122301. **Legislative Intent.** It is the intent of this Act to promote,  
5 preserve, and protect the public health, safety, and welfare by and through  
6 the effective control and regulation of the practice of social work; the  
7 licensure of social workers; the licensure, control, and regulation of persons,  
8 in or out of this territory that practice social work within the territory.

9 § 122302. **Definitions.** For purposes of this Article, the following  
10 words and phrases have been defined to mean:

11 "Board" shall mean the Guam Board of Social Work.

1           “Practice of Baccalaureate Social Work” means the application of  
2 social work theory, knowledge, methods, ethics, and the professional use of  
3 self to restore or enhance social, psychosocial, or bio-psycho-social  
4 functioning of individuals, couples, families, groups, organizations, and  
5 communities. Baccalaureate Social Work is basic generalist practice that  
6 includes assessment, planning, intervention, evaluation, case management,  
7 information and referral, counseling, supervision, consultation, education,  
8 advocacy, community organization, and the development, implementation,  
9 and administration of policies, programs, and activities.

10           “Practice of Master’s Social Work” means the application of social  
11 work theory, knowledge, methods, ethics, and the professional use of self to  
12 restore or enhance social, psychosocial, or bio-psycho-social functioning of  
13 individuals, couples, families, groups, organizations, and communities.  
14 Master’s Social Work practice includes the application of specialized  
15 knowledge and advanced practice skills in the areas of assessment, treatment  
16 planning, implementation and evaluation, case management, information  
17 and referral, supervision, consultation, education, advocacy, community  
18 organization, and the development, implementation, and administration of  
19 policies, programs, and activities. Under supervision as provided in this Act,  
20 the practice of Master’s Social Work may include the practices reserved to  
21 Clinical Social Workers.

22           “Practice of Clinical Social Work” is a specialty within the practice of  
23 Master’s Social Work and requires the application of social work theory,  
24 knowledge, methods, ethics, and the professional use of self to restore or  
25 enhance social, psychosocial, or bio-psycho-social functioning of  
26 individuals, couples, families, groups, organizations, and communities. The  
27 practice of Clinical Social Work requires the application of specialized

1 clinical knowledge and advanced clinical skills in the areas of assessment;  
2 diagnosis and treatment of mental, emotional, and behavioral disorders,  
3 conditions, and addictions; and evaluation. Treatment methods include the  
4 provision of individual, marital, couple, family and group counseling and  
5 psychotherapy. The practice of Clinical Social Work may include private  
6 practice and the provision of clinical supervision.

7 “Social work practice” means the professional application of social  
8 work values, principles, ethics and techniques in the following areas:

9 (a) Information, resource identification, referral services, mediation  
10 services, advocacy services and education of individuals, groups, couples  
11 and families;

12 (b) Preparation and evaluation of assessments and development and  
13 implementation of social work service plans;

14 (c) Case management, coordination, casework intervention and  
15 monitoring of social work service plans in the areas of personal, social or  
16 economic resources, conditions, or problems;

17 (d) Administration and development of social service programs,  
18 policies, community organization, planning, implementation, and  
19 involvement in the evaluation of social systems and social policies;

20 (e) Social work consultation and resource development;

21 (f) Research through the formal design and methodology of data  
22 collection and the analysis and evaluation of data, social work programs,  
23 social systems and social policies;

24 (g) Psychosocial assessment, diagnostic impressions, treatment of  
25 individuals, couples, families, and groups, prevention of psychosocial  
26 dysfunction, disability or impairment, including emotional, mental and  
27 behavioral disorders, and evaluation of practice effectiveness; and

1 (h) Clinical diagnosis or psychotherapy, or both, provided by a  
2 licensed clinical social worker.

3 “Social worker” or “S.W.” means a person who has been issued a  
4 license as a Licensed Bachelor Social Worker, Licensed Master’s Social  
5 Worker, or Licensed Clinical Social Worker to practice within the scope of  
6 practice as provided in this Article.

7 “Director” shall mean the Director of Public Health and Social  
8 Services.

9 “Exemption” shall mean not required to obtain licensure in order to  
10 practice social work as of the date of the passage of this law.

11 “Exception” shall mean able to obtain a social work license through  
12 waiving certain requirements as stated in this law.

13 **§ 122303. Guam Board of Social Work.** The Board provides a  
14 framework for developing rules, which effectively responds to the regulatory  
15 needs of social work licensure. The Board shall have all the duties, powers,  
16 and authority specifically granted by this Article, as well as other duties,  
17 powers, and authority as may be granted it from time to time by applicable  
18 law, rule or regulation.

19 **§ 122304. Board Composition.** The Board shall be composed of five  
20 (5) members, one (1) of whom shall be a representative of the public. The  
21 remaining four (4) members shall be social workers, one (1) of whom shall  
22 be a member and representative of the National Association of Social  
23 Workers, Guam Chapter. The Board shall elect from its members a  
24 Chairperson and such other officers, as it deems appropriate and necessary  
25 to the conduct of its business. The Chairperson shall preside at all meetings  
26 of the Board and shall be responsible for the performance of all of the duties  
27 and functions of the Board required or permitted by this Act. Each additional

1 officer elected by the Board shall perform those duties customarily  
2 associated with the position and such other duties assigned from time to time  
3 by the Board. A quorum must be present to conduct a board meeting. The  
4 vote of the majority shall constitute an official action of the Board.

5 **§ 122305. Qualifications of Board Members.**

6 (a) For board members who are social workers shall at all times:

7 (1) Be a resident of Guam;

8 (2) Be currently licensed and in good standing to engage in the  
9 practice of social work in Guam or be eligible for licensure  
10 within thirty (30) days of the passing of this Act;

11 (3) At the time of appointment have been actively engaged in the  
12 social work profession; and

13 (4) Have at least three (3) years of experience in the practice of  
14 social work.

15 (b) The public member of the Board shall be a resident of Guam who  
16 has attained the age of majority and shall not be, nor shall ever have been a  
17 Baccalaureate Social Worker, Licensed Master's Social Worker, or Licensed  
18 Clinical Social Worker, or the spouse thereof. The public member shall not  
19 ever have had any material financial interest in the provision of social work  
20 services or who has engaged in any activity directly related to the practice of  
21 social work.

22 **§ 122306. Appointment.** *I Maga'lahaen Guahan* shall appoint the  
23 members of the Board and shall be confirmed by *I Liheslaturan Guahan*.

24 **§ 122307. Terms of Office.** Members of the Board shall be appointed  
25 for a term of three (3) years, except members of the Board who are  
26 appointed to fill vacancies which occur prior to the expiration of a former  
27 member's full term shall serve the unexpired portion of such term. The terms

1 of the members of the Board shall be staggered, so that the terms of no more  
2 than three (3) members shall expire in any year. Each member shall serve  
3 until a successor is appointed and qualified.

4 No member of the Board shall serve more than two (2) consecutive  
5 full terms. The completion of the unexpired portion of a full term shall not  
6 constitute a full term.

7 **§ 122308. Vacancies.** Any vacancy which occurs in the membership of  
8 the Board for any reason, including expiration of term, removal, resignation,  
9 death, disability or disqualification, shall be filled by *I Maga'lahaen Guahan*  
10 in the manner prescribed by § 122306.

11 **§ 122309. Removal.** (a) A Board member may be removed pursuant  
12 to the procedures set forth in Subsection (b) herein, upon one or more of the  
13 following grounds:

14 (1) The refusal or inability for any reason of a Board member to  
15 perform the duties as a member of the Board in an efficient, responsible, and  
16 professional manner;

17 (2) The misuse of office by a member of the Board to obtain  
18 pecuniary or material gain or advantage personally or for another through  
19 such office;

20 (3) The violation by any member of the laws governing the  
21 practice of social work; or

22 (4) For other just and reasonable causes as determined solely by  
23 the Board pursuant to applicable law, rule or regulation.

24 (b) Removal of a member of the Board shall be in accordance with the  
25 Administrative Adjudication Law of Guam, or other applicable laws.

26 **§ 122310. Board Meetings.** The Board shall meet regularly at a time  
27 and place decided by the Board, or as decided by the Chairperson. A special

1 meeting may be called at the discretion of the Chairperson. All meetings,  
2 whether regular or special, shall be announced and notice thereof given in  
3 accordance with the Open Government Law.

4 **§ 122311. Personnel.** The Department of Public Health and Social  
5 Services shall be the Department responsible for the implementation of this  
6 Act. The Director shall provide such office space, staff, supplies, equipment,  
7 vehicle and assistants as may be necessary for the work of the Board  
8 including the execution and enforcement of this Chapter. The Attorney  
9 General shall provide legal services to the Board without a fee.

10 **§ 122312. Rules and Regulations.** The Board shall be authorized to  
11 adopt and enforce rules and regulations to carry into effect the provisions of  
12 this Act and shall adopt rules and regulations in accordance with 5GCA,  
13 Chapter 9, the Administrative Adjudication Law, Rule Making Procedures.

14 **§ 122313. Duties, Powers, and Authority.**

15 (a) The Board shall be responsible for the control and regulation of the  
16 practice of social work, including, but not limited to, the following:

17 (1) The licensing by examination or by licensure transfer of  
18 applicants who are qualified to engage in the practice of social work under  
19 the provisions of this Article;

20 (2) The renewal of licenses to engage in the practice of social  
21 work;

22 (3) Determining the appropriate fees for licensing, licensing  
23 renewal, and other forms of regulation;

24 (4) The establishment and enforcement of compliance with  
25 professional standards of practice and rules of conduct of social workers  
26 engaged in the practice of social work and consistent with the National  
27 Association of Social Workers Code of Ethics;

1           (5) The enforcement of those provisions in the Act relating to the  
2 conduct or competence of social workers practicing in this territory,  
3 investigation of any such activities related to the practice of unauthorized  
4 practice of social work, and the suspension, revocation, or restriction of  
5 licenses to engage in the practice of social work;

6           (6) With probable cause that an applicant or licensee has engaged  
7 in conduct prohibited by this Act or a statute or rule enforced by the Board,  
8 the Board may issue an order directing the applicant or licensee to submit to  
9 a mental or physical examination or chemical dependency evaluation. For  
10 the purpose of this section, every applicant or licensee is considered to have  
11 consented to submit to a mental or physical examination or chemical  
12 dependency evaluation when ordered to do so in writing by the Board and to  
13 have waived all objections to the admissibility of the examiner's or  
14 evaluator's testimony or reports on the grounds that the testimony or reports  
15 constitute a privileged communication;

16           (7) The collection of professional demographic data;

17           (8) The issuance and renewal of licenses of all persons engaged in the  
18 practice of social work;

19           (9) The evaluation of non-social work degree holders who submit a  
20 written request for exemption from social work licensure as prescribed in  
21 this Act, determination of whether or not exemption should be granted, and  
22 the granting of a Certificate of Exemption to applicant within a one-year  
23 period of the passage of this law;

24           (10) The evaluation of non-social work degree holders who submit a  
25 written request for exception from the requirements of social work licensure  
26 as prescribed in this act, the determination of whether or not an exception

1 should be granted; and the granting of said exceptions within a one-year  
2 period of the passage of this law;

3 (11) Inspection of any licensed person at all reasonable hours for the  
4 purpose of determining if any provisions of the laws governing the practice  
5 of social work are being violated. The Board, its officers, inspectors, and  
6 representatives shall cooperate with all agencies charged with the  
7 enforcement of the laws of this territory relating to the practice of social  
8 work.

9 (b) The Board shall have such other duties, powers, and authority as  
10 may be necessary to the enforcement of this Act and to the enforcement of  
11 Board rules made pursuant thereto, which shall include, but are not limited  
12 to, the following:

13 (1) The Board may join such professional organizations and  
14 associations organized exclusively to promote the improvement of the  
15 standards of the practice of social work for the protection of the health and  
16 welfare of the public and/or whose activities assist and facilitate the work of  
17 the Board;

18 (2) The Board may receive and expend funds, in addition to its  
19 annual appropriation, from other entities, to include but not limited to grants  
20 and/or awards provided that:

21 (i) Such funds are awarded for the pursuit of a specific  
22 objective which the Board is authorized to accomplish by this Article,  
23 or which the Board is qualified to accomplish by reason of its  
24 jurisdiction or professional expertise;

25 (ii) Such funds are expended for the pursuit of the objective for  
26 which they are awarded;

1 (iii) Activities connected with or occasioned by the  
2 expenditures of such funds do not interfere with the performance of  
3 the Board's duties and responsibilities and do not conflict with the  
4 exercise of the Board's powers as specified by this Act;

5 (iv) Such funds are kept in a separate account and an annual  
6 audit report relative to the receipt of such grants and/or awards and the  
7 expenditure of such funds.

8 (i) The Board may establish a Bill of Rights for clients concerning the  
9 services a client may expect in regard to social work services.

10 (j) Any investigation, inquiry, or hearing which the Board is  
11 empowered to hold or undertake by or before any member or members of  
12 the Board and the finding or order of such member or members shall be  
13 deemed to be the order of said Board when approved and confirmed.

14 (k) The Board shall report to the Attorney General of Guam any  
15 violation in this Article, which is deemed violative pursuant to criminal  
16 statutes of Guam to cause appropriate proceedings to be instituted in the  
17 proper court in a timely manner and to be prosecuted in the manner required  
18 by law.

19 (l) The Board shall have the power to subpoena and to bring before it  
20 any person and to take testimony either orally or by deposition, or both, in  
21 the same manner as prescribed in civil cases in the courts of this territory.  
22 Any member of the Board, hearing officer, or administrative law judge shall  
23 have power to administer oaths to witnesses at any hearing, which the Board  
24 is authorized to conduct, and any other oaths authorized in any Act  
25 administered by the Board.

26 (m) The Board shall establish and collect fees from every applicant for  
27 the services it performs. The fees shall be established through rules and

1 regulations pursuant to the 5 GCA, Chapter 9, the Administrative  
2 Adjudication Law, Rule Making Procedures.

3 (n) In addition to the fees specifically provided for, the Board may  
4 assess additional reasonable fees for services rendered to carry out its duties  
5 and responsibilities as required or authorized by this Act or rules adopted  
6 hereunder. Such services rendered shall include but not be limited to the  
7 following:

- 8 (1) Issuance of duplicate certificates or identification cards;
- 9 (2) Mailing lists, or reports of data maintained by the Board;
- 10 (3) Copies of any documents;
- 11 (4) Certification of documents;
- 12 (5) Notices of meetings;
- 13 (6) Licensure transfer;
- 14 (7) Examination administration to a licensure applicant; and
- 15 (8) Examination materials.

16 **§ 122314. Social Work Licensing Program.** There is hereby  
17 established within the Department of Public Health and Social Services to be  
18 administered by the Board that shall recognize the “Licensed Bachelor  
19 Social Worker” or “L.B.S.W.”, the “Licensed Master’s Social Worker” or  
20 “L.M.S.W.”, and the “Licensed Clinical Social Worker” or “L.C.S.W”.

21 **§ 122315. Limitations of scope of practice.** In accordance with the  
22 definition of the practice of social work there shall be limitations on the  
23 scope of the practice of social work as follows:

- 24 (1) The “Licensed Bachelor Social Worker” or “L.B.S.W.” may  
25 perform duties as defined in § 122302 and as defined in numbers (1) to (4)  
26 of the definition of the practice of social work in said section in an agency  
27 setting under supervision;

1 (2) The “Licensed Master’s Social Worker” or “L.M.S.W.” may  
2 perform duties as defined in §122302 and as defined in numbers (1) to (7) of  
3 the definition of the practice of social work in said section; and

4 (3) The “Licensed Clinical Social Worker” or “L.C.S.W.” may  
5 perform duties as defined in Section 122302 and as defined in numbers (1)  
6 to (8) of the definition of the practice of social work in said section.

7 **§122316. License Required.** No person shall purport to be a “social  
8 worker”, “Licensed Bachelor Social Worker”, “Licensed Master’s Social  
9 Worker”, “Licensed Clinical Social Worker”, or use the letters “S.W.”,  
10 “L.B.S.W.”, “L.M.S.W.”, or “L.C.S.W.”, in connection with the person’s  
11 name, or engage in the practice of social work as defined in this Article  
12 without meeting the applicable requirements and holding a license as set  
13 forth in this Article or holding a Certificate of Exemption from the Board.  
14 For those granted a Certificate of Exemption, the person is prohibited from  
15 using any of the letters indicated in this section, irrespective of their job title.

16 **§ 122317. Exemptions.** Exemptions may be granted to non-social  
17 work degree holders who are employed with the job title “social worker” or  
18 any derivative thereof. Those granted a Certificate of Exemption by the  
19 Board would be allowed to remain in their social work positions without a  
20 social work license. Persons may apply for a Certificate of Exemption for up  
21 to one (1) year of the date of the enactment of this Act. After the one (1)  
22 year period has expired, no person shall be granted a Certificate of  
23 Exemption.

24 (a) A Certificate of Exemption is granted to any person employed  
25 with the job title “social worker” or any derivative thereof who possesses a  
26 Bachelor’s, Master’s, or PhD level degree that is not in the field of social  
27 work as of the date of the enactment of this Act, but wishes to continue

1 employment with the job title “social worker”, may obtain a Certificate of  
2 Exemption from the Board by providing the following:

3 (1) Provide a written request for exemption from licensure;

4 (2) Provide a written declaration that they are individuals in good  
5 standing based on satisfactory employment performance evaluations and  
6 with no ethical complaints in the course of their employment with the job  
7 title “social worker”;

8 (3) Sign a declaration statement that they will abide by the  
9 National Association of Social Workers Code of Ethics; and

10 (4) Submit three (3) letters of verification; one (1) from their  
11 current employer acknowledging that he/she is an individual in good  
12 standing, and is highly recommended for employment with the job title,  
13 “social worker”.

14 (b) Licensure shall not be required of:

15 (1) Any licensed person doing work within the scope of practice or  
16 duties of the person’s profession that overlaps with the practice of social  
17 work; provided the person does not purport to be a social worker;

18 (2) Any person employed by a federal, state, or government agency  
19 in a social worker position, but only at those times when that person is  
20 carrying out the duties and responsibilities as a social worker in  
21 environmental employment;

22 (3) Any student enrolled in an accredited educational institution in  
23 a recognized program of study leading toward attainment of a degree in  
24 social work; provided that the student’s activities and services are part of a  
25 prescribed course of study supervised by the educational institution and the  
26 student is identified by an appropriate title such as “social work student”,

1 “social work intern”, or any other title which clearly indicates the student’s  
2 training status;

3 (4) Any person who is a member of a mental health professional  
4 not requiring licensure; provided that the person functions only within the  
5 person’s professional capacities; and provided further that the person does  
6 not purport to be a social worker;

7 (5) Any person teaching, lecturing, consulting, or engaging in  
8 research in social work insofar as the activities are performed as part of or  
9 are dependent upon employment in a college or university; provided that the  
10 person shall not engage in the practice of social work outside the  
11 responsibilities of the person’s employment;

12 (6) Any person who is a duly recognized member of the clergy;  
13 provided that the person functions only within the person’s capacities as a  
14 member of the clergy; and provided further that the person does not purport  
15 to be a social worker;

16 (7) Any person who is obtaining supervised clinical experience for  
17 licensure as a psychologist, marriage and family therapist, or as another  
18 licensed professional; provided that the person’s title indicates a trainee  
19 status; and provided further that the person does not purport to be a social  
20 worker;

21 (8) Any person in the process of obtaining three thousand (3,000)  
22 hours of post Master’s clinical social work experience under the supervision  
23 of a licensed clinical social worker or an individual identified in §122302 to  
24 qualify for a license as a licensed clinical social worker; and provided that  
25 the person calls oneself a clinical social worker intern and is supervised  
26 while performing clinical diagnosis and psychotherapy.

1           **§122318. Exceptions.** An exception is granted to any person meeting  
2 the following conditions:

3           (a) A person who is employed with the job title “social worker” or any  
4 derivative thereof and possesses a Bachelor’s, Master’s, or Ph.D. degree in  
5 the field of social work from an accredited or unaccredited social work  
6 degree program as of the date of passage of this law. Those granted  
7 exceptions must obtain a social work license within one (1) year upon  
8 enactment of this Act;

9           (b) A person who self-identifies as a social worker and possesses a  
10 Bachelor’s, Master’s, or Ph.D. degree in the field of social work from an  
11 accredited or unaccredited social work degree program upon enactment of  
12 this Act. Those granted exceptions must obtain a social work license within  
13 one (1) year upon enactment of this Act; and

14           (c) A person who possess a non-social work degree, but possesses a  
15 degree in a related social science to include degrees such as psychology,  
16 sociology, counseling, human relations and human services; and who self-  
17 identifies as a social worker may apply for an exception to obtain social  
18 work licensure meeting the following requirements:

19           (1) Provide a written request for exception from licensure  
20 requirements to the Board;

21           (2) Provide a written declaration that they are individuals in good  
22 standing based on satisfactory employment performance evaluations and  
23 with no ethical complaints in the course of their employment with the job  
24 title “social worker”;

25           (3) Sign a declaration statement that they will abide by the  
26 National Association of Social Workers Code of Ethics;

1 (4) Submit three (3) letters of verification; one (1) from their  
2 current employer acknowledging that he/she is an individual in good  
3 standing, and is highly recommended for employment with the job title,  
4 “social worker”; and

5 (5) Obtain fifty (50) continuing education units (CEU) approved  
6 by the Social Work Board in the field of social work to include the  
7 following: the application of social work theory, knowledge, methods,  
8 ethics, and the professional use of self to restore or enhance social,  
9 psychosocial, or bio-psychosocial functioning of individuals, couples,  
10 families, groups, organizations, and communities; and training in the social  
11 work Generalist Practice Model that includes assessment, planning,  
12 intervention, evaluation, case management, information and referral,  
13 counseling, supervision, consultation, education, advocacy, community  
14 organization, and the development, implementation, and administration of  
15 policies, programs, and activities.

16 (d) All persons qualified for exceptions do not need to take the  
17 appropriate licensure examination but must conform to all other  
18 requirements consistent with the appropriate level of licensure as prescribed  
19 in the law. Exceptions may only be granted by the Board up until one (1)  
20 year upon enactment of this Act.

21 **Section 122319. Licensing Requirements.** Every applicant for a  
22 license as a social worker shall submit evidence satisfactory to the Board  
23 that the applicant meets the following requirements:

24 (a) For the licensed bachelor social worker (L.B.S.W.), the applicant  
25 must:

1 (1) Hold a Bachelor's degree from a college or university in a  
2 social work program accredited by or deemed to be equivalent to a program  
3 accredited by the Council on Social Work Education; and

4 (2) Have passed the basic level national examination given by the  
5 Association of Social Work Boards (ASWB).

6 (b) For the licensed Master's social worker (L.M.S.W.), the applicant  
7 must:

8 (1) Hold a Master's degree from a college or university in a social  
9 work program accredited by or deemed to be equivalent to an accredited  
10 program by the Council on Social Work Education or a doctoral degree from  
11 a doctoral degree program in social work accredited by the Western  
12 Association of Schools and Colleges or a comparable regional accreditation  
13 body; and

14 (2) Have passed the intermediate higher-level national examination  
15 given by the Association of Social Work Board (ASWB) or has been  
16 credentialed by the Association of Certified Social Workers (ACSW).

17 (c) For the licensed clinical social worker (L.C.S.W.), the applicant  
18 must:

19 (1) Meet the educational requirements in paragraph Subsection (b)  
20 of §122319; and

21 (2) Have passed the clinical level national examination give the by  
22 the Association of Social Work Boards (ASWB); and

23 (3) Have provided evidence of successful completion of at last  
24 three thousand (3,000) hours of post maters clinical social work experience  
25 under the supervision completed within no fewer than two (2) years, but  
26 within no more than five (5) years. Clinical social work experience shall  
27 include a minimum of two thousand (2,000) hours of assessment, clinical

1 diagnosis and psychotherapy; no more than a maximum of nine hundred  
2 (900) hours of client-centered advocacy, consultation, and evaluation; and at  
3 least one hundred (100) hours of direct face-to-face supervision. At least  
4 sixty (60) of the one hundred (100) hours of direct face-to-face supervision  
5 shall have been individualized supervision and the remaining forty (40)  
6 hours may have been under small group (up to six (6) supervisees)  
7 supervision; provided that the supervisor shall have been a licensed clinical  
8 social worker with at least four thousand five hundred (4,500) hours of post  
9 masters clinical social work experience.

10 (d) For the first five (5) years upon enactment of this Act, the  
11 following individuals shall be deemed to have satisfied the requirements of a  
12 supervisor:

13 (1) a person with a master's degree in social work with at least four  
14 thousand five hundred (4,500) post masters clinical social work experience;

15 (2) an individual who holds a diplomat in clinical social work  
16 (DCSW) or a board certified diplomat certification (BCD); or a board  
17 certified psychiatrist, psychologist, advanced practice registered nurse who  
18 has a minimum of four thousand five hundred (4,500) hours of post masters  
19 clinical experience in assessment, clinical diagnosis, and psychotherapy.

20 (e) Supervision shall have occurred in an agency setting that provided  
21 clinical diagnosis and psychotherapy.

22 (f) An applicant who submits evidence of certification as a Qualified  
23 Clinical Social Worker (QCSW) or Diplomat in Clinical Social Work  
24 (DCSW) by the National Association of Social Workers or as a board  
25 certified diplomat by the American Board of Examiners shall be deemed to  
26 have satisfied the experience requirements of this Section.

27 **§ 122320. Reciprocity and Endorsement.**

1 (a) The Board may enter into reciprocity agreements with other states  
2 and issue a license to a social worker who has been licensed in that state;  
3 provided that the requirements for a license in the state in which the  
4 applicant is licensed are deemed by the Board to be equal or greater than the  
5 current requirements for a license in this territory.

6 (b) The Board may issue a license by endorsement by honoring a  
7 passing score on the examination of the Association of Social Work Boards  
8 (ASWB); provided that at a minimum, the applicant meets the other  
9 requirements and the passing score is from the examination category that is  
10 required for licensed in this territory and the other state uses for its license.

11 **§ 122321. Application for Examination.**

12 (a) Any person eligible for licensure who wishes to be licensed shall  
13 apply for examination to the Board at least ninety (90) days prior to the date  
14 of the examination, upon a form and in the manner that the Board shall  
15 prescribe;

16 (b) Any application to the Board shall be accompanied by a  
17 nonrefundable application fee; and

18 (c) A person who fails an examination may apply for reexamination.

19 **§ 122322. Examination for License.**

20 (a) Each applicant for licensure shall take and pass a national  
21 examination administered by the Association of Social Work Boards  
22 (ASWB) in accordance with procedures and standards prescribed by the  
23 Board.

24 (b) Applicants for the “licensed clinical social worker” or “L.C.S.W.”  
25 license who have passed the L.C.S.W. examination administered by the  
26 Association of Social Work Boards before the enactment of this Act shall be  
27 deemed to have satisfied the requirement of this Article.

1 (c) The applicant shall pay the examination fee directly to the  
2 Association of Social Work Boards (ASWB).

3 **§ 122323. Issuance of License.** The Board shall issue a license to  
4 any person who meets all licensure requirements to include payment of the  
5 appropriate fees.

6 **§ 122324. Renewals.** Every license issued under this Act shall be  
7 renewed every two (2) years on or before the date set forth by the Board.

8 **§ 122325. Requirement.** A licensee must complete at least thirty (30)  
9 hours of approved programs of continuing education units in the two (2)  
10 year period that shall be completed at the time of license renewal.

11 (a) A Program of Continuing Education must contain at least one (1)  
12 of the following content areas related to social work practice:

13 (1) Theories and concepts of human behavior in the social  
14 environment;

15 (2) Social work practice, knowledge and skills;

16 (3) Social work research, programs, or practice evaluations;

17 (4) Social work management, administration or social policy;

18 (5) Social work ethics; and

19 (6) Other areas approved by the Board deemed important and  
20 relevant to current social work practice.

21 (b) The following amount of continuing education hours must be  
22 earned in the following program areas:

23 (1) Six (6) education hours addressing social work ethics and must  
24 be completed through courses offered by NASW; and

25 (2) Four (4) education hours addressing cultural competency,  
26 specific to the diverse population of Guam; and

1           (3) Two (2) education hours in the area of working with persons  
2 with disabilities.

3           (c) Continuing education hours must be earned in at least two of the  
4 following academic course work:

5           (1) Courses and seminars given by an Accredited Program of  
6 Social Work;

7           (2) Postgraduate courses from a university, college, or other  
8 institution of higher education, in a field other than social work, upon proof  
9 that the course is relevant to social work practice and with the approval of  
10 the Board;

11           (3) Undergraduate courses from a university, college or other  
12 institution of higher education, upon satisfaction of the Board that such  
13 course updates or enhances the licensee's social work competence;

14           (4) Correspondence work, televised courses, audio/visual,  
15 videotapes, on-line, and other forms of self-study upon approval of the  
16 Board, shown to update or enhance social work competence. Under no  
17 circumstances shall more than five (5) hours from this category be  
18 acceptable as continuing education for each renewal cycle;

19           (5) Continuing education presentations of national, international,  
20 regional, or sub-regional conferences or association meetings relevant to  
21 social work practice;

22           (6) Workshops or institutes including approved workshops at  
23 conventions relevant to social work practice from approved providers;

24           (7) Public or private agency staff development programs from  
25 approved providers that contribute to the enhancement of social work  
26 practice or knowledge that are not primarily procedural or administrative.

1 (d) The Board shall have the final approval of the content areas for  
2 designating a program as a Program of Continuing Education. The Board  
3 may determine an Approved Provider of Continuing Education, after receipt  
4 of an application as set forth by the Board, accompanied by an applicable  
5 fee, which demonstrates the following:

6 (1) Programs to be provided will meet guidelines as determined by  
7 the Board, and will be presented by competent individuals as documented by  
8 appropriate academic training, professional licensure or certification, or  
9 professionally recognized experience;

10 (2) An identified licensed social worker will be involved in  
11 program planning and review;

12 (3) Appropriate documents will be maintained and provided to the  
13 Board upon request, including presenter qualifications, learning objectives,  
14 content outlines, attendance records, and completed evaluation forms;

15 (4) Compliance with all other applicable laws, including the  
16 Americans with Disabilities Act.

17 (5) Attendees will be provided a certificate of completion, which  
18 includes the provider number.

19 Upon enactment of this Act, the Board shall convene an adhoc  
20 committee, with no more than five (5) members as appointed by the Chair,  
21 which may include non-members of the Board to compile a list of any  
22 additional continuing education units and/or hours not identified in this  
23 Chapter with the final approval by the Board.

24 **§ 122326. Revocation, suspension, denial, or condition of licenses;**  
25 **finer.**

26 (a) In addition to any other acts or conditions provided by law, the  
27 Board may refuse to renew, reinstate, or restore or may deny, revoke,

1 suspend, or condition in any manner any license, or fine any exempt  
2 government employee for any one (1) or more of the following acts or  
3 conditions on the part of the applicant, licensee or exempt person:

4 (1) Failing to meet or maintain the conditions and requirements  
5 necessary to qualify for the granting of a license;

6 (2) Being addicted to, dependent on, or being a habitual user of a  
7 narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine, or  
8 other drugs or derivatives of a similar nature;

9 (3) Engaging in the practice of social work while impaired by  
10 alcohol, drugs, or mental instability;

11 (4) Procuring a social work license through fraud,  
12 misrepresentation, or deceit;

13 (5) Aiding and abetting an unlicensed person to directly or  
14 indirectly use the title “social worker” or engage in the practice as a  
15 “Licensed Bachelor Social Worker”, “Licensed Master’s Social Worker” or  
16 “Licensed Clinical Social Worker”;

17 (6) Engaging in professional misconduct, incompetence, gross  
18 negligence, or manifest incapacity in the practice of social work;

19 (7) Engaging in conduct or practice contrary to the National  
20 Association of Social Worker’s Professional Code of Ethics;

21 (8) Failing to comply, observe, or adhere to any law in a manner  
22 such that the Board deems the applicant or holder to be an unfit or improper  
23 person to hold a social work license;

24 (9) Revocation, suspension or other disciplinary action by another  
25 state or federal agency against the licensee or applicant for any reason  
26 provided by this Section;

1 (10) Having a criminal conviction, whether by nolo contendere or  
2 otherwise, of a crime directly related to the qualifications, functions or duties  
3 of the social work profession;

4 (11) Failing to report in writing to the Board any disciplinary  
5 decision issued against the licensee or the applicant in another jurisdiction  
6 within thirty (30) days of the disciplinary decision;

7 (12) Employing, utilizing, or attempting to employ or utilize at any  
8 time any person not licensed who purports to be or engages in practice as a  
9 social worker, licensed bachelor social worker, licensed social worker, or  
10 licensed clinical social worker;

11 (13) Engaging in the practice of social work beyond the scope of  
12 the person's license; or

13 (14) Violating this Chapter or any rules adopted pursuant thereto.

14 (b) The Board may determine on a case-by-case basis to give a license  
15 to an applicant who has been convicted of a crime provided the following is  
16 met:

17 (1) The applicant must provide proof that he/she has made efforts  
18 to rehabilitate himself/herself and become positive, productive member in  
19 the community; and

20 (2) If one was convicted of a crime ten or more years before the  
21 date of application or the date of license renewal, the Board may  
22 automatically administer the license, except when the crime is of a felony of  
23 the first degree and the victim is a client or patient of the applicant.

24 (c) Any licensee who violates this Section may also be fined not more  
25 than one thousand dollars (\$1,000) per violation.

26 (d) The Board shall have the authority to investigate, prosecute, and  
27 conduct administrative hearings regarding exempt government employees.

1 (e) The Board may defer action with regard to an impaired licensee  
2 who voluntarily signs an agreement, in a form satisfactory to the Board,  
3 agreeing not to practice social work and to enter an approved treatment and  
4 monitoring program in accordance with this section, provided that this  
5 section should not apply to a licensee who has been convicted of, pleads  
6 guilty to, or enters a plea of nolo contendere to a felonious act or an offense  
7 relating to a controlled substance in a court of law of the United States or  
8 any other state, territory, or country or a conviction related to sexual  
9 misconduct. A licensee who is physically or mentally impaired due to  
10 mental illness or addiction to drugs or alcohol may qualify as an impaired  
11 social worker and have disciplinary action deferred and ultimately waived  
12 only if the Board is satisfied that such action will not endanger the public  
13 and the licensee enters into an agreement with the Board for a treatment and  
14 monitoring plan approved by the Board, progresses satisfactorily in such  
15 treatment and monitoring program, complies with all terms of the agreement  
16 and all other applicable terms of subsection.

17 (f) Failure to enter such agreement or to comply with the terms and  
18 make satisfactory progress in the treatment and monitoring program shall  
19 disqualify the licensee from the provisions of this section and the Board may  
20 activate an immediate investigation and disciplinary proceeding. Upon  
21 completion of the rehabilitation program in accordance with the agreement  
22 signed by the Board, the licensee may apply for permission to resume the  
23 practice of social work upon such conditions as the Board determines  
24 necessary.

25 **§ 122327. Prohibited acts; penalties.** No person shall:

26 (a) Use in connection with the person's name any designation tending  
27 to imply that the person is a social worker, licensed bachelor social worker,

1 licensed master's social worker, or licensed clinical social worker unless the  
2 person is duly licensed and authorized under this Chapter;

3 (b) Represent oneself as a social worker, licensed bachelor social  
4 worker, licensed master's social worker, or licensed clinical social worker  
5 during the time the person's license issued under this Chapter is forfeited,  
6 terminated, suspended, or revoked;

7 (c) Perform clinical diagnosis or psychotherapy unless the person is a  
8 licensed clinical social worker; or

9 (d) Engage in autonomous and independent clinical social work  
10 practice without being licensed as a licensed clinical social worker.

11 (e) Any person who is in violation of any of the acts pursuant to this  
12 Article, shall be subject to a fine of not more than one thousand dollars  
13 (\$1,000) and each day's violation shall be deemed a separate offense. The  
14 Board shall determine the revocation of any license issued by the Board in  
15 consideration of the severity of the violation and severity of the prohibited  
16 acts.

17 **§ 122328. Consumer Right of Action.** Any person who suffers  
18 damage as a result of a violation of this Article shall be entitled to  
19 injunctive relief restraining further violations and may sue to recover  
20 damages in any circuit court of the territory and, if successful, shall recover  
21 three (3) times the actual damages or one thousand dollars (\$1,000),  
22 whichever is lessor. In any action brought under this Act, the prevailing  
23 party shall be entitled to the recovery of costs of suits, including reasonable  
24 attorney's fees.

25 **§ 122329. Privileged communication.**

26 (a) No social worker shall disclose any information acquired or  
27 provided by a client or from persons consulting the social worker in a

1 professional capacity, except that which may be voluntarily disclosed under  
2 the following circumstances:

3 (1) In the course of formally reporting, conferring or consulting  
4 with administrative superiors, colleagues or consultants who share  
5 professional responsibility, in which instance all recipients of such  
6 information are similarly bound to regard the communication as privileged;

7 (2) With the written consent of the person who provided the  
8 information;

9 (3) In case of death or disability, with the written consent of a  
10 personal representative, other person authorized to sue, or the beneficiary of  
11 an insurance policy on the person's life, health or physical condition;

12 (4) When a communication reveals the intended commission of a  
13 crime or harmful act and such disclosure is judged necessary by the social  
14 worker to protect any person from a clear, imminent risk of serious mental  
15 or physical harm or injury, or to forestall a serious threat to the public safety;  
16 or

17 (5) When the person waives the privilege by bringing any public  
18 charges against the licensee.

19 (b) When the person is a minor under the laws of the territory of  
20 Guam and the information acquired by the social worker indicates the minor  
21 was the victim of or witness to a crime, the social worker may be required to  
22 testify in any judicial proceedings in which the commission of that crime is  
23 the subject of inquiry and when the court determines that the interests of the  
24 minor in having the information held privileged are outweighed by the  
25 requirements of justice, the need to protect the public safety or the need to  
26 protect the minor.

1 (c) Any person having access to records or anyone who participates in  
2 providing social work services or who, in providing any human services, is  
3 supervised by a social worker, is similarly bound to regard all information  
4 and communications as privileged in accord with the section.

5 (d) Nothing shall be construed to prohibit a social worker from  
6 voluntarily testifying in court hearings concerning matters of adoption, child  
7 abuse, child neglect or other matters pertaining to children, elderly, and  
8 physically and mentally impaired adults, except as prohibited under the  
9 applicable state and federal laws.

10 **§ 122330. Creation of Revolving Fund.** There is hereby created the  
11 “Social Work Board Revolving Fund” (Fund) within the Health Professional  
12 Licensing Office of the Department of Public Health and Social Services  
13 specifically for use by the Board. All such revenues from fees and charges  
14 authorized and adopted pursuant to this Act, including fines, shall be  
15 deposited into the Fund. Such funds shall be appropriated continuously and  
16 shall be used by the Board only for administration and enforcement of this  
17 Act. All fees and charges shall be set by the Board pursuant to its budget  
18 needs and shall comply with 5 GCA, Chapter 9. A designated officer of the  
19 Board shall oversee the collection and disbursement of funds. The Office of  
20 Public Accountability or its equivalent shall audit the Fund annually with  
21 reports to be submitted to *I Maga’lahen Guahan* and the Speaker of *I*  
22 *Liheslaturan Guahan*. The fund shall not be subject to any transfer authority  
23 by *I Maga’lahen Guahan*.

24 **§ 122331. Standards of Practice/ Code of Conduct.**

25 **Part 1. Standards of Practice.**

1           **Subpart 1. Scope & Applicability.** The standards of practice apply to  
2 all applicants and licensees. The use of the term social worker within these  
3 standards of practice includes all applicants and licensees.

4           **Subpart 2. Purpose.** The standards of practice constitute the  
5 standards by which the professional conduct of an applicant or licensee is  
6 measured.

7           **Subpart 3. Violations.** A violation of the standards of practice  
8 constitutes unprofessional or unethical conduct and constitutes grounds for  
9 disciplinary action or denial of licensure.

## 10           **Part 2. General Practice Parameters.**

11           **Subpart 1. Client welfare.** Within the context of the specific  
12 standards of practice prescribed herein, a social worker shall make  
13 reasonable efforts to advance the welfare and best interests of a client.

14           **Subpart 2. Self-determination.** Within the context of the specific  
15 standards of practice prescribed herein, a social worker shall respect a  
16 client's right to self-determination.

17           **Subpart 3. Nondiscrimination.** A social worker shall not  
18 discriminate against a client, student, or supervisee on the basis of age,  
19 gender, sexual orientation, race, color, national origin, religion, diagnosis,  
20 disability, political affiliation, or social or economic status. If the social  
21 worker is unable to offer services because of a concern about potential  
22 discrimination against a client, student, or supervisee, the social worker shall  
23 make an appropriate and timely referral. When a referral is not possible, the  
24 social worker shall obtain supervision or consultation to address the concern.

## 25           **Subpart 4. Professional Disclosure Statement.**

26           (a) A social worker shall effectively communicate through handout or  
27 other means as appropriate for all clients and may display at the social

1 worker's primary place of practice a statement that the client has the right to  
2 the following:

3 (1) To expect that the social worker has met the minimal  
4 qualifications of education, training, and experience required by the law in  
5 that jurisdiction;

6 (2) To examine public records maintained by the Board which  
7 contain the social worker's qualifications and credentials;

8 (3) To be given a copy of the standards of practice upon request;

9 (4) To report a complaint about the social worker's practice to the  
10 Board;

11 (5) To be informed of the cost of professional services before  
12 receiving the services;

13 (6) To privacy as allowed by law, and to be informed of the limits  
14 of confidentiality.

15 (b) Limited access to client information. A social worker shall make  
16 reasonable efforts to limit access to client information in a social worker's  
17 agency to appropriate agency staff whose duties require access.

18 (c) A social worker receiving supervision related to practice shall  
19 inform the client that the social worker may be reviewing the client's case  
20 with the social worker's supervisor or consultant. Upon request, the social  
21 worker shall provide the name of the supervisor and the supervisor's contact  
22 information.

23 (d) To be free from being the object of discrimination while receiving  
24 social work service.

25 (e) To have access to records as allowed by law.

26 **Part 3. Competence.**

1           **Subpart 1. Continued competence.** A social worker shall take all  
2 necessary and reasonable steps to maintain continued competence in the  
3 practice of social work.

4           **Subpart 2. Limits on practice.** A social worker shall limit practice  
5 only to the competency areas for which the social worker is qualified by  
6 licensure and training, experience, or supervised practice.

7           **Subpart 3. Referrals.** A social worker shall make a referral to other  
8 professionals when the services required are beyond the social worker's  
9 competence.

10           **Subpart 4. Delegation.** A social worker shall not assign, oversee or  
11 supervise the performance of a task by another individual when the social  
12 worker knows that the other individual is not licensed to perform the task or  
13 has not developed the competence to perform such task.

#### 14           **Part 4. Practice Requirements.**

15           **Subpart 1. Assessment or diagnosis.** A social worker shall base  
16 services on an assessment or diagnosis. A social worker shall evaluate on an  
17 ongoing basis whether the assessment or diagnosis needs to be reviewed or  
18 revised.

19           **Subpart 2. Assessment or diagnosis instruments.** A social worker  
20 shall follow standard and accepted procedures for deciding when and how to  
21 use an assessment or diagnostic instrument. A social worker shall inform a  
22 client of its purpose before administering the instrument and, when  
23 available, of the results derived there from.

24           **Subpart 3. Plan.** A social worker shall develop a plan for service,  
25 which includes goals based on the assessment or diagnosis. A social worker  
26 shall evaluate on an ongoing basis whether the plan needs to be reviewed or  
27 revised.

1           **Subpart 4. Supervision or consultation.** A social worker shall obtain  
2 supervision or engage in consultation when necessary to serve the best  
3 interests of a client.

4           **Subpart 5. Informed consent.**

5           (a) Social workers shall provide services to clients only in the context  
6 of a professional relationship based, when appropriate, on valid informed  
7 consent. Social workers should use clear and understandable language to  
8 inform clients of the plan of the services, risks related to the plan, limits to  
9 services, relevant costs, reasonable alternatives, client's right to refuse or  
10 withdraw consent, and the time frame covered by the consent. Social  
11 workers shall provide clients with an opportunity to ask questions.

12           (b) If the client does not have the capacity to provide consent, the  
13 social worker shall obtain consent for the services from the client's legal  
14 guardian or other authorized representative.

15           (c) If the client, the legal guardian, or other authorized representative  
16 does not consent, the social worker shall discuss with the client that a  
17 referral to other resources may be in the client's best interests.

18           **Subpart 6. Records.**

19           (a) A social worker shall make and maintain records of services  
20 provided to a client. At a minimum, the records shall contain documentation  
21 of the assessment or diagnosis; documentation of a plan, documentation of  
22 any revision of the assessment or diagnosis or of a plan; any fees charged  
23 and other billing information; copies of all client authorization for release of  
24 information and any other legal forms pertaining to the client. These records  
25 shall be maintained by the licensee or agency employing the licensee under  
26 secure conditions and for time periods in compliance with applicable federal

1 or state law, but in no case for fewer than seven years after the last date of  
2 service.

3 (b) Where a social worker or social work practice ceases operations as  
4 a result of a suspension, retirement or death of the owner, sale or other  
5 cause, including insolvency, the licensee, or other individual responsible for  
6 supervising the disposition of the practice, shall make every effort to notify  
7 the clients of their right to retrieve current records for a period of six (6)  
8 months using all of the following methods:

9 (1) Notification in writing to the board;

10 (2) Publication, at least weekly for one month, in a newspaper  
11 whose circulation encompasses the major area of a practitioner's former  
12 practice, of a notice advising clients of the right to retrieve their records for a  
13 six (6) month period; and

14 (3) If applicable, a sign placed at the practice location informing  
15 clients of the right and procedures to retrieve their records.

16 (b) Should any client fail to retrieve the records within the six (6)  
17 month period and unless otherwise required by law, the responsible party  
18 shall arrange the destruction of such documents in a manner to ensure  
19 confidentiality.

20 **Subpart 7. Reports.** A social worker shall complete and submit  
21 reports as required by law in a timely manner.

22 **Subpart 8. Exploitation.** A social worker shall not exploit in any  
23 manner the professional relationship with a client, student, or supervisee for  
24 the social worker's emotional, financial, sexual or personal advantage or  
25 benefit, nor shall the social worker use the professional relationship with a  
26 client, student, or supervisee to further personal, religious, political or  
27 business interests.

1           **Subpart 9. Termination of services.** A social worker shall terminate a  
2 professional relationship with a client when the client is not likely to benefit  
3 from continued services or the services are no longer needed. The social  
4 worker who anticipates the termination of services shall give reasonable  
5 notice to the client. The social worker shall take reasonable steps to inform  
6 the client of the termination of professional relationship. The social worker  
7 shall provide referrals as needed or upon the request of the client. A social  
8 worker shall not terminate a professional relationship for the purpose of  
9 beginning a personal or business relationship with a client.

10           **Part 5. Relationships with Clients and Former Clients.**

11           **Subpart 1. Personal relationships with clients.** A social worker  
12 shall not engage in dual relationships with clients that compromise the well-  
13 being of the client, impair the objectivity and professional judgment of the  
14 social worker or increase the risk of client exploitation. When a social  
15 worker may not avoid a personal relationship with a client, the social worker  
16 shall take appropriate precautions, such as informed consent, consultation, or  
17 supervision to ensure that the social worker's objectivity and professional  
18 judgment are not impaired.

19           **Subpart 2. Personal relationships with former clients.** A social  
20 worker may engage in a personal relationship, except as prohibited by Part  
21 5, Subpart 4, with a former client, if the former client was notified of the  
22 termination of the professional relationship. The social worker shall continue  
23 to consider the best interests of the former client, and shall not engage in a  
24 personal relationship with a former client if a reasonable social worker  
25 would conclude that the former client continues to relate to the social worker  
26 in the social worker's professional capacity.

1           **Subpart 3. Sexual contact with a client.** A social worker shall not  
2 engage in or request sexual contact as defined in Part 5, Subpart 5, with a  
3 client under any circumstances. A social worker shall not engage in any  
4 verbal or physical behavior which a reasonable person would find to be  
5 sexually seductive or sexually demeaning. A social worker shall not sexually  
6 harass a client.

7           **Subpart 4. Sexual contact with a former client.** A social worker  
8 who has provided clinical social work services to a client shall not engage in  
9 or request sexual contact as defined in Part 5, Subpart 5, with the former  
10 client under any circumstances. A social worker who has provided other  
11 social work services to a client shall not engage in or request sexual contact  
12 as defined in Part 5, Subpart 5, with the former client at any time if a  
13 reasonable social worker would determine that engaging in sexual contact  
14 with the client would be exploitative, abusive, or detrimental to the client's  
15 welfare. It is the responsibility of the social worker to assume the full burden  
16 of demonstrating that the former client has not been exploited or abused  
17 either intentionally or unintentionally.

18           **Subpart 5. Sexual contact defined.** Sexual contact includes but is not  
19 limited to sexual intercourse, either genital or anal, cunnilingus, fellatio, or  
20 the handling of the breasts, genital areas, buttocks, or thighs, whether  
21 clothed or unclothed, by either the social worker or the client.

22           **Subpart 6. Business relationship with a client.** A social worker shall  
23 not engage in any type of a business relationship with a client. Business  
24 relationships do not include purchases made by the social worker from the  
25 client when the client is providing necessary goods or services to the general  
26 public, and the social worker determines that it is not possible or reasonable  
27 to obtain the necessary goods or services from another provider.

1           **Subpart 7. Business relationship with a former client.** A social  
2 worker may engage in a business relationship with a former client, if the  
3 former client was notified of the termination of the professional relationship.  
4 The social worker shall continue to consider the best interests of the former  
5 client, and shall not engage in a business relationship with a former client if  
6 a reasonable social worker would conclude that the former client continues  
7 to relate to the social worker in the social worker’s professional capacity.

8           **Subpart 8. Prior Personal or Business Relationships.** A social  
9 worker may engage in a professional relationship with an individual with  
10 whom the social worker had a previous personal or business relationship  
11 only if a reasonable social worker would conclude that the social worker’s  
12 objectivity and professional judgment will not be impaired by reason of the  
13 previous personal or business relationship.

14           **Subpart 9. Social worker responsibility.** A social worker shall be  
15 solely responsible for acting appropriately in regard to relationships with  
16 clients or former clients. A client or a former client’s initiation of a personal,  
17 sexual, or business relationship shall not be a defense by the social worker  
18 for a violation of Part 5, Subparts 1 through 8.

19           **Subpart 10. Others.** Part 5, Subparts 1 through 9 also apply to a social  
20 worker’s relationship with students, supervisees, employees of the social  
21 worker, family members or significant others of a client.

22           **Part 6. Client Confidentiality.**

23           **Subpart 1. General.** A social worker shall protect all information  
24 provided by or obtained about a client. “Client information” includes the  
25 social worker’s personal knowledge of the client and client records. Except  
26 as provided herein, client information may be disclosed or released only  
27 with the client’s written informed consent. The written informed consent

1 shall explain to whom the client information will be disclosed or released  
2 and the purpose and time frame for the release of information.

3 **Subpart 2. Release of client information without written consent.**

4 A social worker shall disclose client information without the client's written  
5 consent only under the following circumstances:

6 (a) Where mandated by federal or state law, including mandatory  
7 reporting laws, requiring release of client information;

8 (b) The social worker determines that there is a clear and imminent  
9 risk that the client will inflict serious harm on either the client or another  
10 identified individual. The social worker shall release only the information  
11 that is necessary to avoid the infliction of serious harm. The social worker  
12 may release this information to the appropriate authorities and the potential  
13 victim;

14 (c) The Board duly issues a valid subpoena to the social worker, as  
15 permitted by law.

16 **Subpart 3. Release of client records without written consent.** A  
17 social worker shall release client records without the client's written consent  
18 under the following circumstances:

19 (a) A client's authorized representative consents in writing to the  
20 release;

21 (b) As mandated by federal or jurisdiction law requiring release of the  
22 records;

23 (c) The Board duly issues a valid subpoena for the records, as  
24 permitted by law.

25 **Subpart 4. Limits of confidentiality.** The social worker shall inform  
26 the client of the limits of confidentiality as provided under applicable law.

1           **Subpart 5. Minor clients.** In addition to the general directive in Part  
2 6, Subpart 4, a social worker must inform a minor client, at the beginning of  
3 a professional relationship, of any laws which impose a limit on the right of  
4 privacy of a minor.

5           **Subpart 6. Third party billing.** A social worker shall provide client  
6 information to a third party for the purpose of payment for services rendered  
7 only with the client's written informed consent. The social worker shall  
8 inform the client of the nature of the client information to be disclosed or  
9 released to the third party payor.

10           **Subpart 7. Client information to remain private.** A social worker  
11 shall continue to maintain confidentiality of client information upon  
12 termination of the professional relationship including upon the death of the  
13 client, except as provided under applicable law.

14           **Subpart 8. Recording/Observation.** A social worker shall obtain the  
15 client's written informed consent before the taping or recording of a session  
16 or a meeting with the client, or before a third party is allowed to observe the  
17 session or meeting. The written informed consent shall explain to the client  
18 the purpose of the taping or recording and how the taping or recording will  
19 be used, how it will be stored and when it will be destroyed.

## 20           **Part 7. Conduct.**

21           **Subpart 1. Impairment.** A social worker shall not practice while  
22 impaired by medication, alcohol, drugs, or other chemicals. A social worker  
23 shall not practice under a mental or physical condition that impairs the  
24 ability to safely practice.

25           **Subpart 2. Giving drugs to a client.** Unless permissible by state law,  
26 a social worker shall not offer medication or controlled substances to a  
27 client, or accept these substances from a client for personal use or gain. The

1 social worker may accept medication or controlled substances from a client  
2 for purposes of disposal or to monitor use. Under no circumstances shall a  
3 social worker offer alcoholic beverages to a client or accept such from a  
4 client.

5 **Subpart 3. Investigation.** A social worker shall comply with and not  
6 interfere with Board investigations.

7 **Part 8. Representation to the Public. Advertising.**

8 **Subpart 1. Required use of license designation.** A social worker shall use  
9 the license designation of LBSW, LMSW, LCSW, which corresponds to the  
10 social worker's license, after the social worker's name in all written  
11 communications related to social work practice, including any advertising,  
12 correspondence, and entries to client records.

13 **Subpart 2. Information to clients or potential clients.** A social  
14 worker shall provide accurate and factual information concerning the social  
15 worker's credentials, education, training, and experience upon request from  
16 a client or potential client. A social worker shall not misrepresent directly or  
17 by implication the social worker's license level, degree, professional  
18 certifications, affiliations, or other professional qualifications in any oral or  
19 written communication or permit or continue to permit any  
20 misrepresentations by others. A social worker shall not misrepresent,  
21 directly or by implication, affiliations, purposes, and characteristics of  
22 institutions and organizations with which the social worker is associated.

23 **Subpart 3. Licensure status.** Licensure status shall not be used as a  
24 claim, promise, or guarantee of successful service, nor shall the license be  
25 used to imply that the licensee has competence in another service. Public  
26 statements or advertisements may describe fees, professional qualifications,

1 and services provided, but they may not advertise services as to their quality  
2 or uniqueness and may not contain testimonials by quotation or implication.

3 **Subpart 4. Display of license.** A social worker shall conspicuously  
4 display a current license issued by the Board at the social worker's primary  
5 place of practice.

6 **Part 9. Fees and Billing Practices.**

7 **Subpart 1. Fees and payments.** A social worker who provides a  
8 service for a fee shall inform a client of the fee at the initial session or  
9 meeting with the client. Payment must be arranged at the beginning of the  
10 professional relationship, and the payment arrangement must be provided to  
11 a client in writing. A social worker shall provide, upon request from a client,  
12 a client's legal guardian, or other authorized representative, a written  
13 explanation of the charges for any services rendered.

14 **Subpart 2. Necessary services.** A social worker shall bill only for  
15 services, which have been provided. A social worker shall provide only  
16 services, which are necessary.

17 **Subpart 3. Bartering.** A social worker may not accept goods or  
18 services from the client or a third party in exchange for the social worker's  
19 services, except when such arrangement is initiated by the client and is an  
20 accepted practice in the social worker's community or within the client's  
21 culture. It is the responsibility of the social worker to assume the full burden  
22 of demonstrating that this arrangement will not be detrimental or  
23 exploitative to the client or the professional relationship.

24 **Subpart 4. No payment for referrals.** A social worker shall neither  
25 accept nor give a commission, rebate, fee split, or other form of  
26 remuneration for the referral of a client.

27 **Part 10. Research.**

1           **Subpart 1. Informed consent.** When undertaking research activities,  
2 the social worker shall abide by accepted protocols for protection of human  
3 subjects. A social worker must obtain a client’s or a client’s legal guardian’s  
4 written informed consent for the client to participate in a study or research  
5 project and explain in writing the purpose of the study or research as well as  
6 the activities to be undertaken by the client should the client agree to  
7 participate in the study or research project. The social worker must inform  
8 the client of the client’s right to withdraw from the project at any time.”

9           **Section 2. Effective Date.** This Act shall become effective one (1)  
10 year after enactment.

11           **Section 3. Severability.** If any provision of this Law or its  
12 application to any person or circumstances is found to be invalid or contrary  
13 to law, such invalidity shall not affect other provisions or applications of this  
14 Law which can be given effect without the invalid provisions or application,  
15 and to this end the provisions of this Law are severable.