

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
48-32 (LS) - P.L. 32-054	R.J. Respicio	AN ACT TO DEFINE THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A LICENSED PROFESSIONAL COUNSELOR.	2/21/13	2/21/13	Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens	5/20/13 5:00pm	05/23/13	Fiscal Note Requested 2/22/13 Fiscal Notes Waiver Received 5/9/13 4:22 P.M.
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	6/24/2013	AN ACT RELATIVE TO DEFINING THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS.	6/26/13	3:00pm	7/8/13	7/5/2013	32-054	As Substituted by the Committee on Rules; Federal, Foreign, & Micronesia Affairs, Human & Natural Resources, and Election Reform;and amended on the Floor.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUL 08 2013

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

32-13-574
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 7/8/13
Time: 4:31
Received by: *[Signature]*

Dear Madame Speaker:

Transmitted herewith is Bill No.48-32 (LS) "AN ACT RELATIVE TO DEFINING THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS" which I signed into law on July 5, 2013 as Public Law 32-054.

Senseramente,

EDDIE BAZA CALVO
I Maga'lahaen Guåhan
Governor of Guam

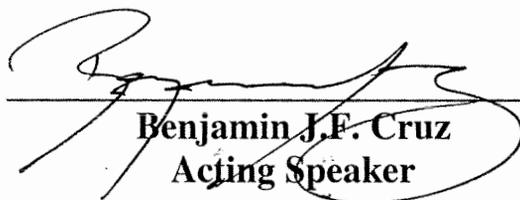
2013 JUL - 8 PM 4: 59

Attachment: copy of Bill

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

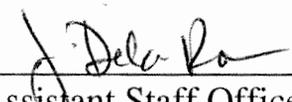
This is to certify that **Substitute Bill No. 48-32 (LS), "AN ACT RELATIVE TO DEFINING THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS"**, was on the 24th day of June, 2013, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

Attested:


Thomas C. Ada
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 26th day of June,
2013, at 3:00 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: JUL 05 2013

Public Law No. 32-054

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 48-32 (LS)

As Substituted by the Committee on Rules;
Federal, Foreign, & Micronesian Affairs,
Human & Natural Resources, and Election Reform;
and amended on the Floor.

Introduced by:

R. J. Respicio
T. C. Ada
B. J.F. Cruz
Aline A. Yamashita, Ph.D.
V. Anthony Ada
Frank B. Aguon, Jr.
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Judith T. Won Pat, Ed.D.

**AN ACT RELATIVE TO DEFINING THE
EDUCATIONAL AND PROFESSIONAL
REQUIREMENTS FOR LICENSED PROFESSIONAL
COUNSELORS, LICENSED MENTAL HEALTH
COUNSELORS, AND MARRIAGE AND FAMILY
THERAPISTS.**

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

2 **Section 1. Licensed Professional Counselor.**

3 **Definitions.** In this Article:

1 (a) *Accredited educational institution shall* mean any educational
2 institution which grants a doctoral or master's degree and is accredited by a
3 regional accrediting body in the United States or by another accrediting or
4 recognized approval agency recognized by the Board, including state, national or
5 foreign approving agencies.

6 (b) *Clinical supervision shall* mean the supervision of no more than six
7 (6) persons at the same time who are acquiring and completing clinical experience
8 in accordance with Guam law. Clinical supervision is that aspect of instructional
9 supervision which draws upon data from direct firsthand observation of actual
10 teaching, or other professional events, and involves face-to-face and other
11 associated interactions between the observer(s) and the person(s) observed in the
12 course of analyzing the observed professional behaviors and activities and seeking
13 to define and/or develop next steps toward improved performance. This includes,
14 but is *not* limited to the following: case consultation, the assessment and diagnosis
15 of presenting problems, development and implementation of treatment plans, and
16 the evaluation of the course of treatment.

17 (c) *Consultant shall* mean a credentialed professional who provides
18 expert service, advice, or makes recommendations for a fee or pro bono, by phone,
19 internet, in person, or by other means to an individual licensed in Guam as a
20 Licensed Professional Counselor for the purposes of maximizing therapeutic
21 benefit for a client.

22 (d) *Licensed Professional Counselor shall* mean a person licensed in
23 Guam to practice Professional Counseling as defined in these rules and regulations.

24 (e) *National Counselor Examination for Licensure and Certification (NCE)*
25 *shall* mean the examination compiled by the National Board for Certified
26 Counselors (NBCC).

1 (f) *Professional Counseling shall* mean the use of psychotherapeutic
2 techniques in the delivery of services to individuals and groups in order to
3 diagnose and treat mental, emotional and nervous disorders, whether these are
4 behavioral, cognitive or affective. Professional Counseling includes, but is *not*
5 limited to:

6 (1) assessment and diagnosis of presenting problems through
7 inquiry, observation, evaluation and integration of diagnostic information;

8 (2) designing and developing treatment plans by incorporating and
9 integrating recognized psychotherapeutic theories in establishing treatment
10 goals and interventions collaboratively with clients; and

11 (3) implementing and evaluating the course of treatment by
12 incorporating psychotherapeutic theories to assist individuals and groups.

13 (g) *Counseling shall* mean a specialized, formal interaction between a
14 Licensed Professional Counselor, or other Mental Health Professional, and a client
15 in which a therapeutic relationship is established to help resolve symptoms of
16 mental disorders, psychosocial stress, family problems or other difficulties which
17 is designed to enhance problem solving skills and coping abilities as identified in a
18 treatment plan.

19 (h) *Individual Counseling shall* mean planned interventions to assist a
20 client to enlarge competencies, and increase problem solving skills and coping
21 abilities according to identified treatment goals.

22 (i) *Group Counseling shall* mean the gathering together of unrelated
23 individuals at the direction of a group facilitator or counselor for a therapeutic
24 purpose.

25 **Section 2. Qualifications for Licensure.**

1 (a) The provisions of this Act *shall* take effect two years after enactment.
2 At that time, the Board *shall* issue a license as a Licensed Professional Counselor
3 to an applicant who:

4 (1) has a doctorate or master's degree from an accredited
5 educational institution with a program in psychology, counseling, marriage
6 and family therapy, clinical social work or other psycho-therapeutic
7 discipline. The applicant must be able to show documentation of:

8 (A) a minimum of seventy-two quarter hours or forty-eight
9 semester hours of graduate studies (as suggested by the Counsel for
10 Accreditation of Counseling and Related Educational Programs
11 [CACREP]) that:

12 (B) includes course content in the following areas:

- 13 (i) Human Growth and Development;
- 14 (ii) Social/Cultural Foundations;
- 15 (iii) Counseling Theories and Techniques;
- 16 (iv) Group Work;
- 17 (v) Career and Lifestyle Development;
- 18 (vi) Appraisal (test and measurements for individuals and
19 groups);
- 20 (vii) Research and Program Evaluation;
- 21 (viii) Professional Orientation (to counseling); and
- 22 (ix) Professional Ethics; and

23 (C) includes a practicum, consisting of a minimum of one
24 hundred hours; and

25 (D) includes an internship, consisting of a minimum of six
26 hundred hours;

1 (2) has completed a minimum of three thousand hours of
2 documented post-graduate clinical experience and one hundred hours of
3 supervision by a licensed Individual, Marriage and Family Therapist
4 (IMFT), Certified Professional Counselor (CPC), Licensed Clinical Social
5 Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed
6 Professional Counselor (LPC), Marriage and Family Therapist (MFT),
7 Clinical Psychologist, Psychiatrist or other license deemed by the Board to
8 be substantially equivalent to these professions, who is licensed and
9 authorized to provide such supervision in the United States, its territories or
10 a foreign country determined to be acceptable on a case by case basis by the
11 Board. The three thousand hours of post graduate clinical experience may
12 include, but is *not* limited to: face-to-face treatment of clients, keeping
13 clinical notes, supervision, treatment team meetings, consultation, education,
14 treatment planning, observation and other activities generally recognized to
15 be part of clinical practice. A minimum of one thousand five hundred hours
16 of the three thousand hours of post-graduate clinical experience must be in
17 the face-to-face treatment of individuals or groups;

18 (3) has successfully passed the National Counselor Examination for
19 Licensure and Certification (NCE) which has been conducted in a manner
20 approved by the National Board for Certified Counselors (NBCC), and

21 (4) has documented completion of training by a professional
22 association or educational institution and approved by the Board that
23 consists of at least six hours of professional ethics, three hours of culturally
24 competent counseling practices with Micronesian communities in Guam and
25 one hour of mandated reporting.

26 (b) For an individual who has not engaged in post-graduate experience or
27 cannot document a minimum of three thousand hours of post-graduate clinical

1 experience under the supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC,
2 MFT, Clinical Psychologist, Psychiatrist or other license deemed by the Board to
3 be substantially equivalent to these professions, who is licensed and authorized to
4 provide such supervision in the United States, its territories or a foreign country
5 determined to be acceptable on a case by case basis by the Board; such individual
6 may practice under an internship program approved by the Board prior to
7 engagement in that program in order to gain that supervision in Guam. The three
8 thousand hour internship program may include, but is *not* limited to: face-to-face
9 treatment of clients, keeping clinical notes, supervision, treatment team meetings,
10 consultation, education, treatment planning, observation and other activities
11 generally recognized to be part of clinical practice. A minimum of one thousand
12 five hundred hours of the three thousand hours must be in the face-to-face
13 treatment of individuals and groups, and a minimum of one hundred hours must be
14 supervision. To provide such supervision in Guam, a person must be a licensed
15 Individual Marriage and Family Therapist, Licensed Professional Counselor,
16 Marriage and Family Therapist or Licensed Clinical Social Worker licensed in
17 Guam who has held a license for a minimum of five years; or a Clinical
18 Psychologist or Psychiatrist licensed in Guam who has held a license for a
19 minimum of three years.

20 (c) Individuals who hold a current, valid license issued by a state of the
21 United States, its territories or foreign country, approved by the Board on a case-
22 by-case basis as a Certified Professional Counselor, Licensed Clinical Counselor of
23 Mental Health, Licensed Clinical Mental Health Counselor, Licensed Mental
24 Health Counselor, Licensed Mental Health Practitioner, Licensed Professional
25 Counselor of Mental Health, Professional Counselor, Marriage and Family
26 Therapist, or other license deemed by the Board to be substantially equivalent to

1 the Guam License for Licensed Professional Counselor, *shall* be eligible for the
2 Guam license for a Licensed Professional Counselor.

3 **Section 3. Exceptions to Licensure.**

4 (a) No person may practice professional counseling in Guam who is *not*
5 licensed as a Licensed Professional Counselor by the Board, *unless* such practice is
6 approved by the Board or other Guam licensing Board. However, this Article does
7 *not* prohibit:

8 (1) an employee of the Federal government from performing
9 official duties on federal property;

10 (2) an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
11 Psychiatrist, currently licensed in another jurisdiction of the United States
12 from consulting with or advising a Licensed Professional Counselor in
13 Guam. However, the consultant, if *not* licensed in Guam *may not* provide
14 services to a client directly; or

15 (3) an active student in good standing as a requirement of a
16 university program for completion of a degree, or a person who is engaged
17 in the completion of the requirement of three thousand hours of post-
18 graduate clinical experience to become licensed as an LPC, under the
19 supervision of a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical
20 psychologist or psychiatrist, from performing assigned duties.

21 Nothing herein prohibits qualified members of other professional groups,
22 such as clinical psychologists, school psychologists, counseling psychologists,
23 social workers or ordained clergy from doing work of a counseling nature
24 consistent with the training and code of ethics for their respective professions;
25 *provided*, that they *do not* hold themselves out to the public as a Professional
26 Counselor.

1 **Section 4. Scope of Practice.** Licensed Professional Counselors use
2 psychotherapeutic techniques to prevent, assess, evaluate, diagnose, develop
3 treatment goals, plans and objectives, treat and evaluate outcomes for mental,
4 emotional or behavioral disorders and associated distresses that interfere with
5 mental health.

6 **Section 5. Client Confidentiality.** Client Confidentiality is defined and
7 regulated as set forth in the Health Insurance Portability and Accountability Act
8 (HIPAA), the ethical rules of the American Counseling Association (ACA), Guam
9 law, and revisions thereof. Breach of client confidentiality, *except* as provided for
10 by HIPAA, the ACA, or Guam law *shall* be considered unprofessional conduct and
11 may be grounds for revocation or suspension of the license.

12 **Section 6. Continuing Education Requirements.** A licensee *shall*
13 complete a total of forty contact hours or four Continuing Education Units directly
14 related to the practice of Professional Counseling within each two year licensure
15 period to qualify for renewal of licensure.

16 **Section 7. Grandfather Provision.** All licensees who hold a current, valid
17 license as an Individual, Marriage, and Family Therapist issued by the Guam
18 Board of Allied Health Examiners at the time this Act becomes law *shall* be
19 deemed to hold a current, valid license as a Licensed Professional Counselor.

20 **Section 8. Licensed Mental Health Counselor.**

21 **Definitions.** In this Article:

22 (a) *Accredited educational institution shall* mean any educational
23 institution which grants a doctoral or master's degree and is accredited by a
24 regional accrediting body in the United States or by another accrediting or
25 recognized approval agency recognized by the Board including state, national or
26 foreign approving agencies.

1 (b) *Clinical supervision shall* mean the supervision of no more than six
2 persons at the same time who are acquiring and completing clinical experience in
3 accordance with Guam law. Clinical supervision is that aspect of instructional
4 supervision which draws upon data from direct firsthand observation of actual
5 teaching, or other professional events, and involves face-to-face and other
6 associated interactions between the observer(s) and the person(s) observed in the
7 course of analyzing the observed professional behaviors and activities and seeking
8 to define and/or develop next steps toward improved performance. This includes,
9 but is *not* limited to the following: case consultation, the assessment and diagnosis
10 of presenting problems, development and implementation of treatment plans and
11 the evaluation of the course of treatment.

12 (c) *Consultant shall* mean a credentialed professional who provides
13 expert service, advice, or makes recommendations for a fee or pro bono, by phone,
14 internet, in person, or by other means to an individual licensed in Guam as a
15 Licensed Mental Health Counselor for the purposes of maximizing therapeutic
16 benefit for a client.

17 (d) *Licensed Mental Health Counselor shall* mean a person licensed in
18 Guam to practice Mental Health Counseling as defined in these rules and
19 regulations.

20 (e) *National Clinical Mental Health Counselor Examination (NCMHCE)*
21 *shall* mean the examination of that name compiled by the National Board for
22 Certified Counselors (NBCC).

23 (f) *National Counselor Examination for Licensure and Certification*
24 *(NCE) shall* mean the examination of that name compiled by the National Board
25 for Certified Counselors (NBCC).

26 (g) *Mental Health Counseling shall* mean the provision of services to
27 individuals, couples, families, and groups. This includes the application of theories,

1 principles, and methods of counseling and psychotherapy to define goals and
2 develop plans of action aimed toward the prevention, treatment, and resolution of
3 mental and emotional dysfunction and intra- or interpersonal difficulties. The
4 practice of mental health counseling includes, but is *not* limited to, the assessment,
5 diagnosis, and non-medical treatment of mental and emotional disorders, the
6 application of psycho-educational techniques and measures aimed at the prevention
7 of such disorders, and consultation to individuals, couples, families, groups,
8 organizations, and communities.

9 (h) *Counseling shall* mean a specialized, formal interaction between a
10 Licensed Mental Health Counselor or other Mental Health Professional and a client
11 in which a therapeutic relationship is established to help resolve symptoms of
12 mental disorders, psychosocial stress, family problems or other difficulties, which
13 is designed to enhance problem solving skills and coping abilities as identified in a
14 treatment plan.

15 (i) *Individual Counseling shall* mean planned interventions to assist a
16 client to enlarge competencies, and increase problem solving skills and coping
17 abilities according to identified treatment goals.

18 (j) *Couples therapy shall* mean therapeutic interventions with married or
19 unmarried couples to resolve problems and conflicts in their relationship.

20 (k) *Family therapy shall* mean systematic interventions for the purpose of
21 enabling family members to understand the behavior of individuals in relation to
22 the ongoing operations of the family group.

23 (l) *Group Counseling shall* mean the gathering together of unrelated
24 individuals at the direction of a group facilitator or counselor for a therapeutic
25 purpose.

26 **Section 9. Qualifications for Licensure.**

1 (a) The provisions of this Act *shall* take effect two years after enactment.
2 At that time, the Board *shall* issue a license as a Licensed Mental Health Counselor
3 to an applicant who:

4 (1) has a doctorate or master's degree from an accredited
5 educational institution with a program in psychology, counseling, marriage
6 and family therapy, clinical social work or other psycho-therapeutic
7 discipline. The applicant must be able to show documentation of:

8 (A) a minimum of ninety quarter hours or sixty semester
9 hours of graduate studies (as recommended by the Counsel for
10 Accreditation of Counseling and Related Educational Programs
11 [CACREP]) that:

12 (B) includes course content in the following areas:

- 13 (i) Foundations;
- 14 (ii) Counseling, Prevention, and Intervention;
- 15 (iii) Diversity and Advocacy;
- 16 (iv) Assessment;
- 17 (iv) Research and Evaluation; and
- 18 (v) Diagnosis;

19 (C) includes a practicum, consisting of a minimum of one
20 hundred hours; and

21 (D) includes an internship, consisting of a minimum of six
22 hundred hours;

23 (2) has completed a minimum of three thousand hours of
24 documented post-graduate clinical experience and one hundred hours of
25 supervision by a licensed Individual, Marriage and Family Therapist
26 (IMFT), Certified Professional Counselor (CPC), Licensed Clinical Social
27 Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed

1 Professional Counselor (LPC), Marriage and Family Therapist (MFT),
2 Clinical Psychologist, Psychiatrist or other license deemed by the Board to
3 be substantially equivalent to these professions, who is licensed and
4 authorized to provide such supervision in the United States, its territories or
5 a foreign country determined to be acceptable on a case by case basis by the
6 Board. The three thousand hours of post-graduate clinical experience may
7 include, but is not limited to; face-to-face treatment of clients, keeping
8 clinical notes, supervision, treatment team meetings, consultation, education,
9 treatment planning, observation and other activities generally recognized to
10 be part of clinical practice. A minimum of one thousand five hundred hours
11 of the three thousand hours of post-graduate clinical experience must be in
12 face-to-face treatment of individuals or groups;

13 (3) has successfully passed the National Counselor Examination for
14 Licensure and Certification (NCE) and the National Clinical Mental Health
15 Counselor Exam (NCMHCE) which have been conducted in a manner
16 approved by the National Board for Certified Counselors (NBCC); and

17 (4) has documented completion of training by a professional
18 association or educational institution and approved by the Board that
19 consists of at least six hours of professional ethics, three hours of culturally
20 competent counseling practices with Micronesian communities in Guam and
21 one hour of mandated reporting.

22 (b) For an individual who has *not* engaged in post-graduate experience or
23 cannot document a minimum of three thousand hours of post-graduate clinical
24 experience under the supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC,
25 MFT, Clinical Psychologist, Psychiatrist or other license deemed by the Board to
26 be substantially equivalent to these professions, who is licensed and authorized to
27 provide such supervision in the United States, its territories or a foreign country

1 determined to be acceptable on a case by case basis by the Board; such individual
2 may practice under an internship program approved by the Board prior to
3 engagement in that program in order to gain that supervision in Guam. The three
4 thousand hour internship program may include, but is *not* limited to: face-to-face
5 treatment of clients, keeping clinical notes, supervision, treatment team meetings,
6 consultation, education, treatment planning, observation and other activities
7 generally recognized to be part of clinical practice. A minimum of one thousand
8 five hundred hours of the three thousand hours must be in face-to-face treatment of
9 individuals and groups, and a minimum of one hundred hours must be supervision.
10 To provide such supervision in Guam, a person must be a licensed Individual
11 Marriage and Family Therapist, Licensed Professional Counselor, Marriage and
12 Family Therapist or Licensed Clinical Social Worker licensed in Guam who has
13 held a license for a minimum of five years with experience in clinical work which
14 requires diagnosis and treatment planning; or a Clinical Psychologist or
15 Psychiatrist licensed in Guam who has held a license for a minimum of three years
16 with experience in clinical work which requires diagnosis and treatment planning.

17 (c) Individuals who hold a current, valid license in a state of the United
18 States, its territories or a foreign country approved by the Board on a case-by-case
19 basis as a Licensed Clinical Counselor of Mental Health, Licensed Clinical Mental
20 Health Counselor, Licensed Mental Health Counselor, Licensed Mental Health
21 Practitioner, Licensed Professional Counselor of Mental Health, or other license
22 deemed by the Board to be substantially equivalent to the Guam License for
23 Licensed Mental Health Counselor, and who has passed both the NCE and the
24 NCMHCE in a manner approved by the NBCC *shall* be eligible for the Guam
25 license for a Licensed Mental Health Counselor.

26 **Section 10. Exceptions to Licensure.**

1 (a) No person may practice Mental Health Counseling in Guam who is
2 *not* licensed as a Licensed Mental Health Counselor by the Board, *unless* such
3 practice is approved by the Board or other Guam licensing Board. However, this
4 Article *does not* prohibit:

5 (1) an employee of the Federal government from performing
6 official duties on federal property;

7 (2) an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
8 Psychiatrist, currently licensed in another jurisdiction of the United States
9 from consulting with or advising a Licensed Mental Health Counselor in
10 Guam. However, the consultant, if *not* licensed in Guam *may not* provide
11 services to a client directly;

12 (3) an active student in good standing, as a requirement of a
13 university program for completion of a degree or a person who is engaged in
14 the completion of the requirement of three thousand hours of post-graduate
15 clinical experience to become licensed as an LMHC, under the supervision
16 of a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist
17 or psychiatrist from performing assigned duties.

18 (4) Nothing herein prohibits qualified members of other
19 professional groups, such as clinical psychologists, school psychologists,
20 counseling psychologists, social workers or ordained clergy from doing
21 work of a counseling nature consistent with their training and code of ethics
22 for their respective professions; *provided*, that they *do not* hold themselves
23 out to the public as a Mental Health Counselor.

24 **Section 11. Scope of Practice.**

25 Licensed Mental Health Counselors are qualified to provide services to
26 individuals, couples, families, and groups. They apply theories, principles, and
27 methods of counseling and psychotherapy to define goals and develop plans of

1 action aimed toward the prevention, treatment, and resolution of mental and
2 emotional dysfunction and intra- or interpersonal difficulties. The practice of
3 mental health counseling includes, but is *not* limited to, the assessment, diagnosis,
4 and non-medical treatment of mental and emotional disorders, the application of
5 psychoeducational techniques and measures aimed at the prevention of such
6 disorders, and consultation to individuals, couples, families, groups, organizations,
7 and communities.

8 **Section 12. Client Confidentiality.**

9 Client Confidentiality is defined and regulated as set forth in the Health
10 Insurance Portability and Accountability Act (HIPAA), the ethical rules of the
11 American Counseling Association (ACA), Guam law, and revisions thereof.
12 Breach of client confidentiality except as provided for by HIPAA, the ACA, or
13 Guam law *shall* be considered unprofessional conduct and may be grounds for
14 revocation or suspension of the license.

15 **Section 13. Continuing Education Requirements.**

16 A licensee *shall* complete a total of forty contact hours or four Continuing
17 Education Units directly related to the practice of Mental Health Counseling within
18 each two year licensure period to qualify for renewal of licensure.

19 **Section 14. Grandfather Provision.**

20 All licensees who hold a current, valid, license as an Individual, Marriage,
21 and Family Therapist issued by the Guam Board of Allied Health Examiners or as
22 a Licensed Professional Counselor issued by a Guam Board, at the time this article
23 is enacted into law, *shall* be eligible to apply for a license as a Licensed Mental
24 Health Counselor. They may be granted a license as a Licensed Mental Health
25 Counselor if:

- 26 (1) They can pass the NCMHCE developed by the NBCC (they shall be
27 deemed eligible by the board to take the test), or

1 (2) They can document one thousand hours of post Masters clinical work
2 which requires diagnosis and treatment planning, or

3 (3) They have held a license as an Individual, Marriage and Family
4 Therapist in Guam, a Licensed Professional Counselor in Guam, or any
5 combination of the two for a minimum of six years.

6 **Section 15. Marriage and Family Therapist.**

7 **Definitions.** In this Article:

8 (a) *Accredited educational institution shall* mean any educational
9 institution which grants a doctoral or master's degree and is accredited by a
10 regional accrediting body in the United States or by another accrediting or
11 recognized approval agency recognized by the Board including state, national or
12 foreign approving agencies.

13 (b) *Clinical supervision shall* mean the supervision of no more than six
14 (6) persons at the same time who are acquiring and completing clinical experience
15 in accordance with Guam law. Clinical supervision is that aspect of instructional
16 supervision which draws upon data from direct firsthand observation of actual
17 teaching, or other professional events, and involves face-to-face and other
18 associated interactions between the observer(s) and the person(s) observed in the
19 course of analyzing the observed professional behaviors and activities and seeking
20 to define and/or develop next steps toward improved performance. This includes,
21 but is *not* limited to the following: case consultation, the assessment and diagnosis
22 of presenting problems, development and implementation of treatment plans, and
23 the evaluation of the course of treatment.

24 (c) *Consultant shall* mean a credentialed professional who provides
25 expert service, advice, or makes recommendations for a fee or pro bono, by phone,
26 internet, in person, or by other means to an individual licensed on Guam as a

1 Marriage and Family Therapist for the purposes of maximizing therapeutic benefit
2 for a client.

3 (d) *Family shall* mean all forms of households that consist of members
4 with emotional bonds and mutual obligations that define themselves as families.
5 “Family” as used here includes, but is *not* limited to, nuclear families, once
6 married couples with children, a single parent with children, non-married couples
7 with children, blended families, remarried couples, and couples without children.

8 (e) *Marriage and Family Therapy shall* mean the application of
9 psychotherapeutic techniques in the delivery of services to individuals, couples,
10 families, or groups in order to diagnose and treat mental, emotional, and nervous
11 disorders, whether these are behavioral, cognitive, or affective, within the context
12 of the individual's relationships. Marriage and Family Therapy includes, but is *not*
13 limited to:

14 (1) assessment and diagnosis of presenting problems through
15 inquiry, observation, evaluation, and integration of diagnostic information;

16 (2) designing and developing treatment plans by incorporating and
17 integrating recognized psychotherapeutic theories, in establishing treatment
18 goals and interventions collaboratively with clients; and

19 (3) implementing and evaluating the course of treatment by
20 incorporating psychotherapeutic theories to assist individuals, couples,
21 families and groups.

22 (f) *Marriage and Family Therapist* (herein referred to as MFT) *shall*
23 mean a person licensed on Guam to practice Marriage and Family Therapy as
24 defined in these rules and regulations.

25 (g) *Psychotherapy shall* mean a specialized, formal interaction between
26 an MFT or other Mental Health Professional, and a client (an individual, couple,
27 family, or group) in which a therapeutic relationship is established to help resolve

1 symptoms of a mental disorder, psychosocial stressor, family problem, or other
2 difficulty, which is designed to enhance problem solving skills and coping abilities.
3 Therapy can be used interchangeably with counseling and psychotherapy.

4 (h) *Family therapy shall* mean systematic interventions for the purpose of
5 enabling family members to understand the behavior of individuals in relation to
6 the ongoing operations of the family group. This approach enables family members
7 to generate a wider range of options for coping with problems, and to learn
8 problem solving skills.

9 (i) *Individual therapy shall* mean planned interventions to help a client
10 enlarge competencies and increase problem solving skills and coping abilities.

11 (j) *Group therapy shall* mean the gathering together of unrelated
12 individuals at the direction of a group facilitator or therapist for a therapeutic
13 purpose.

14 (k) *Couples therapy shall* mean therapeutic interventions with married or
15 unmarried couples to resolve problems and conflicts in their relationship.

16 **Section 16. Qualifications for Licensure.**

17 (a) The provisions of this Act *shall* take effect two years after enactment.
18 At that time, the Board *shall* issue a license as a Marriage and Family Therapist to
19 an applicant who:

20 (1) has a doctorate or master's degree from an accredited
21 educational institution with a program in psychology, counseling, marriage
22 and family therapy, or other psycho-therapeutic discipline. The applicant
23 must be able to show documentation of:

24 (A) a minimum of ninety quarter hours or sixty semester
25 hours of graduate studies (as suggested by the Counsel for
26 Accreditation of Counseling and Related Educational Programs
27 [CACREP]) that:

- 1 (B) includes course content in the following areas:
- 2 (i) Professional Identity;
- 3 (ii) Social and Cultural Diversity;
- 4 (iii) Human Growth and Development;
- 5 (iv) Career Development;
- 6 (v) Helping Relationships;
- 7 (vi) Group Work;
- 8 (vii) Assessment;
- 9 (viii) Research and Program Development;
- 10 (ix) Professional Ethics;
- 11 (x) Foundations of Marital, Couple, and Family
- 12 Counseling/Therapy;
- 13 (xi) Contextual dimensions of Marital, Couple, and
- 14 Family Counseling/Therapy; and
- 15 (xii) Knowledge and skill requirements for Marital,
- 16 Couple, and Family Counselor/Therapist; and
- 17 (C) includes a practicum, consisting of a minimum of one
- 18 hundred hours; and
- 19 (D) includes an internship, consisting of a minimum of six
- 20 hundred hours with a minimum of two hundred forty clock hours in
- 21 direct services with individuals, couples and families, with the
- 22 majority of the direct service clock hours occurring with couples and
- 23 family units;
- 24 (2) has completed a minimum of three thousand hours of
- 25 documented post-graduate clinical experience and one hundred hours of
- 26 supervision by a licensed Individual, Marriage and Family Therapist
- 27 (IMFT), Certified Professional Counselor (CPC), Licensed Clinical Social

1 Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed
2 Professional Counselor (LPC), Marriage and Family Therapist (MFT),
3 Clinical Psychologist, Psychiatrist or other license deemed by the Board to
4 be substantially equivalent to these professions, who is licensed and
5 authorized to provide such supervision in the United States, its territories or
6 a foreign country determined to be acceptable on a case by case basis by the
7 Board. The three thousand hours of post-graduate clinical experience may
8 include, but is not limited to: face-to-face treatment of clients, keeping
9 clinical notes, supervision, treatment team meetings, consultation, education,
10 treatment planning, observation, and other activities generally recognized to
11 be part of clinical practice. A minimum of one thousand five hundred of the
12 three thousand hours of post-graduate clinical experience must be in the
13 face-to-face treatment of individuals, couples, groups, or families;

14 (3) has successfully passed the Marital and Family Therapy
15 Examination created by the Association of Marital and Family Therapy
16 Regulatory Boards (AMFTRB), or has passed another examination created
17 by a recognized national or international entity deemed by the Board to be
18 substantially equivalent to the Marital and Family Therapy Examination
19 created by the Association of Marital and Family Therapy Regulatory
20 Boards (AMFTRB); and

21 (4) has documented completion of training by a professional
22 association or educational institution and approved by the Board that
23 consists of at least six hours of professional ethics, three hours of culturally
24 competent counseling practices with Micronesian communities on Guam
25 and one hour of mandated reporting.

26 (b) For an individual who has *not* engaged in post-graduate experience or
27 cannot document a minimum of three thousand hours of post-graduate clinical

1 experience under the supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC,
2 MFT, Clinical Psychologist, Psychiatrist, or other license deemed by the Board to
3 be substantially equivalent to these professions, who is licensed and authorized to
4 provide such supervision in the United States, its territories or a foreign country
5 determined to be acceptable on a case by case basis by the Board; such individual
6 may practice under an internship program approved by the Board prior to
7 engagement in that program in order to gain that supervision on Guam. The three
8 thousand hour internship program may include, but is *not* limited to: face-to-face
9 treatment of clients, keeping clinical notes, supervision, treatment team meetings,
10 consultation, education, treatment planning, observations, and other activities
11 generally recognized to be part of clinical practice. A minimum of one thousand
12 five hundred of the three thousand hours must be in the face-to-face treatment of
13 individuals, couples, groups, or families, and a minimum of one hundred hours
14 must be supervision. To provide such supervision on Guam a person must be a
15 licensed Individual Marriage and Family Therapist, Licensed Professional
16 Counselor, Marriage and Family Therapist or Licensed Clinical Social Worker
17 licensed on Guam who has held a license for a minimum of five years with
18 experience working with couples and families; or a Clinical Psychologist or
19 Psychiatrist licensed on Guam who has held a license for a minimum of three years
20 with experience working with couples and families.

21 (c) Individuals who hold a current valid license issued by a state of the
22 United States, its territories, or foreign country approved by the Board on a case by
23 case basis as a Marriage and Family Therapist, or other license deemed by the
24 Board to be substantially equivalent to the Guam license for Marriage and Family
25 Therapy, who have passed the Marital and Family Therapy Examination created by
26 the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), or
27 has passed another examination created by a recognized national or international

1 entity deemed by the Board to be substantially equivalent to the Marital and
2 Family Therapy Examination created by the Association of Marital and Family
3 Therapy Regulatory Boards (AMFTRB), *shall* be eligible for the Guam license for
4 Marriage and Family Therapy.

5 **Section 17. Exceptions to Licensure.**

6 (a) No person may practice Marriage and Family Therapy in Guam who
7 is *not* licensed as a Marriage and Family Therapist by the Board, *unless* such
8 practice is approved by the Board or other Guam licensing Board. *However*, this
9 Article *does not* prohibit:

10 (1) an employee of the Federal government from performing
11 official duties on federal property;

12 (2) an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist, or
13 Psychiatrist currently licensed in another jurisdiction of the United States
14 from consulting with or advising a licensed Marriage and Family Therapist
15 on Guam. However, the consultant, if not licensed on Guam may not provide
16 services to a client directly; or

17 (3) an active student in good standing, as a requirement of a
18 university program for completion of a degree or a person who is engaged in
19 the completion of the requirement of three thousand hours of post-graduate
20 clinical experience to become licensed as an MFT, under the supervision of
21 a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist or
22 psychiatrist from performing assigned duties.

23 (b) Nothing herein prohibits qualified members of other professional
24 groups, such as clinical psychologists, counseling psychologists, school
25 psychologists, social workers, or ordained clergy from doing work of a counseling
26 nature consistent with their training and code of ethics for their respective

1 professions; *provided*, that they *do not* hold themselves out to the public by any of
2 the following titles:

- 3 (1) family therapist;
- 4 (2) marriage therapist;
- 5 (3) psychotherapist (other than Clinical Psychologist); or
- 6 (4) any combination thereof.

7 **Section 18. Scope of Practice.**

8 Marriage and Family Therapists use psychotherapeutic techniques to
9 prevent, assess, evaluate, diagnose, develop treatment goals, plans and objectives,
10 treat and evaluate outcomes for mental, emotional or behavioral disorders and
11 associated distresses that interfere with mental health.

12 **Section 19. Client Confidentiality.**

13 Client Confidentiality is defined and regulated by the standards set forth in
14 the Health Insurance Portability and Accountability Act (HIPAA), the ethical rules
15 of the American Counseling Association (ACA), Guam law, and revisions thereof.
16 Breach of client confidentiality, *except* as provided for by HIPAA the ACA, or
17 Guam law, *shall* be considered unprofessional conduct and may be grounds for
18 revocation or suspension of the license.

19 **Section 20. Continuing Education Requirements.**

20 A licensee *shall* complete a total of forty contact hours or four Continuing
21 Education Units directly related to the practice of Marriage and Family Therapy
22 within each two year licensure period to qualify for renewal of licensure.

23 **Section 21. Grandfather Provision.**

24 All licensees who hold a current, valid license as an Individual, Marriage,
25 and Family Therapist issued by the Guam Board of Allied Health Examiners, or as
26 a Licensed Professional Counselor issued by a Guam Board, at the time this Article

1 becomes law, *shall* be eligible to apply for a license as a Marriage and Family
2 Therapist. They may be granted a license as a Marriage and Family Therapist if:

3 (a) they can pass the Marital and Family Therapy examination developed
4 by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB)
5 (they shall be deemed eligible to take the test by the Board); or

6 (b) they can document one thousand hours of post Masters clinical work
7 with couples and families; or

8 (c) they have held a license as an Individual, Marriage and Family
9 Therapist on Guam, a Licensed Professional Counselor on Guam, or any
10 combination of the two for a minimum of six years.

11 **Section 22.** Amend 10 GCA §12803(a) to read:

12 “(a) Creation. There is established, in and for the government of
13 Guam, a Guam Board of Allied Health Examiners, composed of a
14 representative from each of the professions being examined for licensure of
15 which currently there are nine members nominated and appointed by *I*
16 *Maga’lahen Guåhan*, with the advice and consent of *I Liheslaturan Guåhan*.
17 An additional two positions on the Board are hereby created for the
18 disciplines of Licensed Professional Counselors, Licensed Mental Health
19 Counselors, and Marriage and Family Therapists. *I Maga’lahen Guåhan*
20 shall appoint two additional members, one member for the Respiratory
21 Therapist, and one member for the Nutritionist/Clinical Dietician, and shall
22 appoint additional members for any other allied health profession being
23 examined for licensure that the Board includes in its licensing procedure,
24 and specifically recommend to *I Maga’lahen Guåhan* to appoint a board
25 member representative. The Board shall examine applicants for licensure
26 within the allied health professions not having separate Board of Examiners
27 enacted by *I Liheslaturan Guåhan*. The term of appointment shall be for a

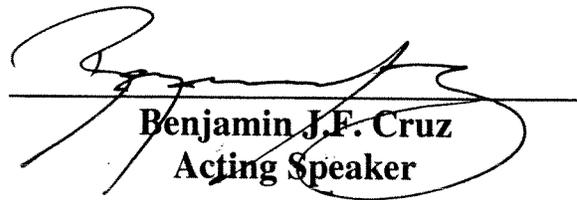
1 period of three (3) years, at the end of which *I Maga'lahen Guåhan* shall
2 either reappoint the member or nominate and appoint a new member, either
3 of which case shall be with the advice and consent of *I Liheslaturan*
4 *Guåhan.*”

5 **Section 23. Publication.** The Compiler of Laws *shall* compile, index and
6 publish the provisions of Sections 1 through 21 of this Act as changes to the Allied
7 Health regulations relative to the professional requirements for Licensed
8 Professional Counselors, Licensed Mental Health Counselors, and Marriage and
9 Family Therapists.

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session**

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

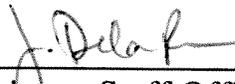
This is to certify that **Substitute Bill No. 48-32 (LS), "AN ACT RELATIVE TO DEFINING THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS"**, was on the 24th day of June, 2013, duly and regularly passed.


**Benjamin J.F. Cruz
Acting Speaker**

Attested:


**Thomas C. Ada
Acting Legislative Secretary**

This Act was received by *I Maga'lahen Guåhan* this 26th day of June,
2013, at 3:00 o'clock P.M.


**Assistant Staff Officer
Maga'lahi's Office**

APPROVED:

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

Date: _____

Public Law No. _____

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 48-32 (LS)

As Substituted by the Committee on Rules;
Federal, Foreign, & Micronesian Affairs,
Human & Natural Resources, and Election Reform;
and amended on the Floor.

Introduced by:

R. J. Respicio
T. C. Ada
B. J.F. Cruz
Aline A. Yamashita, Ph.D.
V. Anthony Ada
Frank B. Aguon, Jr.
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Judith T. Won Pat, Ed.D.

**AN ACT RELATIVE TO DEFINING THE
EDUCATIONAL AND PROFESSIONAL
REQUIREMENTS FOR LICENSED PROFESSIONAL
COUNSELORS, LICENSED MENTAL HEALTH
COUNSELORS, AND MARRIAGE AND FAMILY
THERAPISTS.**

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

2 **Section 1. Licensed Professional Counselor.**

3 **Definitions.** In this Article:

1 (a) *Accredited educational institution shall* mean any educational
2 institution which grants a doctoral or master's degree and is accredited by a
3 regional accrediting body in the United States or by another accrediting or
4 recognized approval agency recognized by the Board, including state, national or
5 foreign approving agencies.

6 (b) *Clinical supervision shall* mean the supervision of no more than six
7 (6) persons at the same time who are acquiring and completing clinical experience
8 in accordance with Guam law. Clinical supervision is that aspect of instructional
9 supervision which draws upon data from direct firsthand observation of actual
10 teaching, or other professional events, and involves face-to-face and other
11 associated interactions between the observer(s) and the person(s) observed in the
12 course of analyzing the observed professional behaviors and activities and seeking
13 to define and/or develop next steps toward improved performance. This includes,
14 but is *not* limited to the following: case consultation, the assessment and diagnosis
15 of presenting problems, development and implementation of treatment plans, and
16 the evaluation of the course of treatment.

17 (c) *Consultant shall* mean a credentialed professional who provides
18 expert service, advice, or makes recommendations for a fee or pro bono, by phone,
19 internet, in person, or by other means to an individual licensed in Guam as a
20 Licensed Professional Counselor for the purposes of maximizing therapeutic
21 benefit for a client.

22 (d) *Licensed Professional Counselor shall* mean a person licensed in
23 Guam to practice Professional Counseling as defined in these rules and regulations.

24 (e) *National Counselor Examination for Licensure and Certification (NCE)*
25 *shall* mean the examination compiled by the National Board for Certified
26 Counselors (NBCC).

1 (f) *Professional Counseling shall* mean the use of psychotherapeutic
2 techniques in the delivery of services to individuals and groups in order to
3 diagnose and treat mental, emotional and nervous disorders, whether these are
4 behavioral, cognitive or affective. Professional Counseling includes, but is *not*
5 limited to:

6 (1) assessment and diagnosis of presenting problems through
7 inquiry, observation, evaluation and integration of diagnostic information;

8 (2) designing and developing treatment plans by incorporating and
9 integrating recognized psychotherapeutic theories in establishing treatment
10 goals and interventions collaboratively with clients; and

11 (3) implementing and evaluating the course of treatment by
12 incorporating psychotherapeutic theories to assist individuals and groups.

13 (g) *Counseling shall* mean a specialized, formal interaction between a
14 Licensed Professional Counselor, or other Mental Health Professional, and a client
15 in which a therapeutic relationship is established to help resolve symptoms of
16 mental disorders, psychosocial stress, family problems or other difficulties which
17 is designed to enhance problem solving skills and coping abilities as identified in a
18 treatment plan.

19 (h) *Individual Counseling shall* mean planned interventions to assist a
20 client to enlarge competencies, and increase problem solving skills and coping
21 abilities according to identified treatment goals.

22 (i) *Group Counseling shall* mean the gathering together of unrelated
23 individuals at the direction of a group facilitator or counselor for a therapeutic
24 purpose.

25 **Section 2. Qualifications for Licensure.**

1 (a) The provisions of this Act *shall* take effect two years after enactment.
2 At that time, the Board *shall* issue a license as a Licensed Professional Counselor
3 to an applicant who:

4 (1) has a doctorate or master's degree from an accredited
5 educational institution with a program in psychology, counseling, marriage
6 and family therapy, clinical social work or other psycho-therapeutic
7 discipline. The applicant must be able to show documentation of:

8 (A) a minimum of seventy-two quarter hours or forty-eight
9 semester hours of graduate studies (as suggested by the Counsel for
10 Accreditation of Counseling and Related Educational Programs
11 [CACREP]) that:

12 (B) includes course content in the following areas:

13 (i) Human Growth and Development;

14 (ii) Social/Cultural Foundations;

15 (iii) Counseling Theories and Techniques;

16 (iv) Group Work;

17 (v) Career and Lifestyle Development;

18 (vi) Appraisal (test and measurements for individuals and
19 groups);

20 (vii) Research and Program Evaluation;

21 (viii) Professional Orientation (to counseling); and

22 (ix) Professional Ethics; and

23 (C) includes a practicum, consisting of a minimum of one
24 hundred hours; and

25 (D) includes an internship, consisting of a minimum of six
26 hundred hours;

1 (2) has completed a minimum of three thousand hours of
2 documented post-graduate clinical experience and one hundred hours of
3 supervision by a licensed Individual, Marriage and Family Therapist
4 (IMFT), Certified Professional Counselor (CPC), Licensed Clinical Social
5 Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed
6 Professional Counselor (LPC), Marriage and Family Therapist (MFT),
7 Clinical Psychologist, Psychiatrist or other license deemed by the Board to
8 be substantially equivalent to these professions, who is licensed and
9 authorized to provide such supervision in the United States, its territories or
10 a foreign country determined to be acceptable on a case by case basis by the
11 Board. The three thousand hours of post graduate clinical experience may
12 include, but is *not* limited to: face-to-face treatment of clients, keeping
13 clinical notes, supervision, treatment team meetings, consultation, education,
14 treatment planning, observation and other activities generally recognized to
15 be part of clinical practice. A minimum of one thousand five hundred hours
16 of the three thousand hours of post-graduate clinical experience must be in
17 the face-to-face treatment of individuals or groups;

18 (3) has successfully passed the National Counselor Examination for
19 Licensure and Certification (NCE) which has been conducted in a manner
20 approved by the National Board for Certified Counselors (NBCC), and

21 (4) has documented completion of training by a professional
22 association or educational institution and approved by the Board that
23 consists of at least six hours of professional ethics, three hours of culturally
24 competent counseling practices with Micronesian communities in Guam and
25 one hour of mandated reporting.

26 (b) For an individual who has not engaged in post-graduate experience or
27 cannot document a minimum of three thousand hours of post-graduate clinical

1 experience under the supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC,
2 MFT, Clinical Psychologist, Psychiatrist or other license deemed by the Board to
3 be substantially equivalent to these professions, who is licensed and authorized to
4 provide such supervision in the United States, its territories or a foreign country
5 determined to be acceptable on a case by case basis by the Board; such individual
6 may practice under an internship program approved by the Board prior to
7 engagement in that program in order to gain that supervision in Guam. The three
8 thousand hour internship program may include, but is *not* limited to: face-to-face
9 treatment of clients, keeping clinical notes, supervision, treatment team meetings,
10 consultation, education, treatment planning, observation and other activities
11 generally recognized to be part of clinical practice. A minimum of one thousand
12 five hundred hours of the three thousand hours must be in the face-to-face
13 treatment of individuals and groups, and a minimum of one hundred hours must be
14 supervision. To provide such supervision in Guam, a person must be a licensed
15 Individual Marriage and Family Therapist, Licensed Professional Counselor,
16 Marriage and Family Therapist or Licensed Clinical Social Worker licensed in
17 Guam who has held a license for a minimum of five years; or a Clinical
18 Psychologist or Psychiatrist licensed in Guam who has held a license for a
19 minimum of three years.

20 (c) Individuals who hold a current, valid license issued by a state of the
21 United States, its territories or foreign country, approved by the Board on a case-
22 by-case basis as a Certified Professional Counselor, Licensed Clinical Counselor of
23 Mental Health, Licensed Clinical Mental Health Counselor, Licensed Mental
24 Health Counselor, Licensed Mental Health Practitioner, Licensed Professional
25 Counselor of Mental Health, Professional Counselor, Marriage and Family
26 Therapist, or other license deemed by the Board to be substantially equivalent to

1 the Guam License for Licensed Professional Counselor, *shall* be eligible for the
2 Guam license for a Licensed Professional Counselor.

3 **Section 3. Exceptions to Licensure.**

4 (a) No person may practice professional counseling in Guam who is *not*
5 licensed as a Licensed Professional Counselor by the Board, *unless* such practice is
6 approved by the Board or other Guam licensing Board. However, this Article does
7 *not* prohibit:

8 (1) an employee of the Federal government from performing
9 official duties on federal property;

10 (2) an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
11 Psychiatrist, currently licensed in another jurisdiction of the United States
12 from consulting with or advising a Licensed Professional Counselor in
13 Guam. However, the consultant, if *not* licensed in Guam *may not* provide
14 services to a client directly; or

15 (3) an active student in good standing as a requirement of a
16 university program for completion of a degree, or a person who is engaged
17 in the completion of the requirement of three thousand hours of post-
18 graduate clinical experience to become licensed as an LPC, under the
19 supervision of a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical
20 psychologist or psychiatrist, from performing assigned duties.

21 Nothing herein prohibits qualified members of other professional groups,
22 such as clinical psychologists, school psychologists, counseling psychologists,
23 social workers or ordained clergy from doing work of a counseling nature
24 consistent with the training and code of ethics for their respective professions;
25 *provided*, that they *do not* hold themselves out to the public as a Professional
26 Counselor.

1 **Section 4. Scope of Practice.** Licensed Professional Counselors use
2 psychotherapeutic techniques to prevent, assess, evaluate, diagnose, develop
3 treatment goals, plans and objectives, treat and evaluate outcomes for mental,
4 emotional or behavioral disorders and associated distresses that interfere with
5 mental health.

6 **Section 5. Client Confidentiality.** Client Confidentiality is defined and
7 regulated as set forth in the Health Insurance Portability and Accountability Act
8 (HIPAA), the ethical rules of the American Counseling Association (ACA), Guam
9 law, and revisions thereof. Breach of client confidentiality, *except* as provided for
10 by HIPAA, the ACA, or Guam law *shall* be considered unprofessional conduct and
11 may be grounds for revocation or suspension of the license.

12 **Section 6. Continuing Education Requirements.** A licensee *shall*
13 complete a total of forty contact hours or four Continuing Education Units directly
14 related to the practice of Professional Counseling within each two year licensure
15 period to qualify for renewal of licensure.

16 **Section 7. Grandfather Provision.** All licensees who hold a current, valid
17 license as an Individual, Marriage, and Family Therapist issued by the Guam
18 Board of Allied Health Examiners at the time this Act becomes law *shall* be
19 deemed to hold a current, valid license as a Licensed Professional Counselor.

20 **Section 8. Licensed Mental Health Counselor.**

21 **Definitions.** In this Article:

22 (a) *Accredited educational institution shall* mean any educational
23 institution which grants a doctoral or master's degree and is accredited by a
24 regional accrediting body in the United States or by another accrediting or
25 recognized approval agency recognized by the Board including state, national or
26 foreign approving agencies.

1 (b) *Clinical supervision shall* mean the supervision of no more than six
2 persons at the same time who are acquiring and completing clinical experience in
3 accordance with Guam law. Clinical supervision is that aspect of instructional
4 supervision which draws upon data from direct firsthand observation of actual
5 teaching, or other professional events, and involves face-to-face and other
6 associated interactions between the observer(s) and the person(s) observed in the
7 course of analyzing the observed professional behaviors and activities and seeking
8 to define and/or develop next steps toward improved performance. This includes,
9 but is *not* limited to the following: case consultation, the assessment and diagnosis
10 of presenting problems, development and implementation of treatment plans and
11 the evaluation of the course of treatment.

12 (c) *Consultant shall* mean a credentialed professional who provides
13 expert service, advice, or makes recommendations for a fee or pro bono, by phone,
14 internet, in person, or by other means to an individual licensed in Guam as a
15 Licensed Mental Health Counselor for the purposes of maximizing therapeutic
16 benefit for a client.

17 (d) *Licensed Mental Health Counselor shall* mean a person licensed in
18 Guam to practice Mental Health Counseling as defined in these rules and
19 regulations.

20 (e) *National Clinical Mental Health Counselor Examination (NCMHCE)*
21 *shall* mean the examination of that name compiled by the National Board for
22 Certified Counselors (NBCC).

23 (f) *National Counselor Examination for Licensure and Certification*
24 *(NCE) shall* mean the examination of that name compiled by the National Board
25 for Certified Counselors (NBCC).

26 (g) *Mental Health Counseling shall* mean the provision of services to
27 individuals, couples, families, and groups. This includes the application of theories,

1 principles, and methods of counseling and psychotherapy to define goals and
2 develop plans of action aimed toward the prevention, treatment, and resolution of
3 mental and emotional dysfunction and intra- or interpersonal difficulties. The
4 practice of mental health counseling includes, but is *not* limited to, the assessment,
5 diagnosis, and non-medical treatment of mental and emotional disorders, the
6 application of psycho-educational techniques and measures aimed at the prevention
7 of such disorders, and consultation to individuals, couples, families, groups,
8 organizations, and communities.

9 (h) *Counseling shall* mean a specialized, formal interaction between a
10 Licensed Mental Health Counselor or other Mental Health Professional and a client
11 in which a therapeutic relationship is established to help resolve symptoms of
12 mental disorders, psychosocial stress, family problems or other difficulties, which
13 is designed to enhance problem solving skills and coping abilities as identified in a
14 treatment plan.

15 (i) *Individual Counseling shall* mean planned interventions to assist a
16 client to enlarge competencies, and increase problem solving skills and coping
17 abilities according to identified treatment goals.

18 (j) *Couples therapy shall* mean therapeutic interventions with married or
19 unmarried couples to resolve problems and conflicts in their relationship.

20 (k) *Family therapy shall* mean systematic interventions for the purpose of
21 enabling family members to understand the behavior of individuals in relation to
22 the ongoing operations of the family group.

23 (l) *Group Counseling shall* mean the gathering together of unrelated
24 individuals at the direction of a group facilitator or counselor for a therapeutic
25 purpose.

26 **Section 9. Qualifications for Licensure.**

1 (a) The provisions of this Act *shall* take effect two years after enactment.
2 At that time, the Board *shall* issue a license as a Licensed Mental Health Counselor
3 to an applicant who:

4 (1) has a doctorate or master's degree from an accredited
5 educational institution with a program in psychology, counseling, marriage
6 and family therapy, clinical social work or other psycho-therapeutic
7 discipline. The applicant must be able to show documentation of:

8 (A) a minimum of ninety quarter hours or sixty semester
9 hours of graduate studies (as recommended by the Counsel for
10 Accreditation of Counseling and Related Educational Programs
11 [CACREP]) that:

12 (B) includes course content in the following areas:

- 13 (i) Foundations;
- 14 (ii) Counseling, Prevention, and Intervention;
- 15 (iii) Diversity and Advocacy;
- 16 (iv) Assessment;
- 17 (iv) Research and Evaluation; and
- 18 (v) Diagnosis;

19 (C) includes a practicum, consisting of a minimum of one
20 hundred hours; and

21 (D) includes an internship, consisting of a minimum of six
22 hundred hours;

23 (2) has completed a minimum of three thousand hours of
24 documented post-graduate clinical experience and one hundred hours of
25 supervision by a licensed Individual, Marriage and Family Therapist
26 (IMFT), Certified Professional Counselor (CPC), Licensed Clinical Social
27 Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed

1 Professional Counselor (LPC), Marriage and Family Therapist (MFT),
2 Clinical Psychologist, Psychiatrist or other license deemed by the Board to
3 be substantially equivalent to these professions, who is licensed and
4 authorized to provide such supervision in the United States, its territories or
5 a foreign country determined to be acceptable on a case by case basis by the
6 Board. The three thousand hours of post-graduate clinical experience may
7 include, but is not limited to; face-to-face treatment of clients, keeping
8 clinical notes, supervision, treatment team meetings, consultation, education,
9 treatment planning, observation and other activities generally recognized to
10 be part of clinical practice. A minimum of one thousand five hundred hours
11 of the three thousand hours of post-graduate clinical experience must be in
12 face-to-face treatment of individuals or groups;

13 (3) has successfully passed the National Counselor Examination for
14 Licensure and Certification (NCE) and the National Clinical Mental Health
15 Counselor Exam (NCMHCE) which have been conducted in a manner
16 approved by the National Board for Certified Counselors (NBCC); and

17 (4) has documented completion of training by a professional
18 association or educational institution and approved by the Board that
19 consists of at least six hours of professional ethics, three hours of culturally
20 competent counseling practices with Micronesian communities in Guam and
21 one hour of mandated reporting.

22 (b) For an individual who has *not* engaged in post-graduate experience or
23 cannot document a minimum of three thousand hours of post-graduate clinical
24 experience under the supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC,
25 MFT, Clinical Psychologist, Psychiatrist or other license deemed by the Board to
26 be substantially equivalent to these professions, who is licensed and authorized to
27 provide such supervision in the United States, its territories or a foreign country

1 determined to be acceptable on a case by case basis by the Board; such individual
2 may practice under an internship program approved by the Board prior to
3 engagement in that program in order to gain that supervision in Guam. The three
4 thousand hour internship program may include, but is *not* limited to: face-to-face
5 treatment of clients, keeping clinical notes, supervision, treatment team meetings,
6 consultation, education, treatment planning, observation and other activities
7 generally recognized to be part of clinical practice. A minimum of one thousand
8 five hundred hours of the three thousand hours must be in face-to-face treatment of
9 individuals and groups, and a minimum of one hundred hours must be supervision.
10 To provide such supervision in Guam, a person must be a licensed Individual
11 Marriage and Family Therapist, Licensed Professional Counselor, Marriage and
12 Family Therapist or Licensed Clinical Social Worker licensed in Guam who has
13 held a license for a minimum of five years with experience in clinical work which
14 requires diagnosis and treatment planning; or a Clinical Psychologist or
15 Psychiatrist licensed in Guam who has held a license for a minimum of three years
16 with experience in clinical work which requires diagnosis and treatment planning.

17 (c) Individuals who hold a current, valid license in a state of the United
18 States, its territories or a foreign country approved by the Board on a case-by-case
19 basis as a Licensed Clinical Counselor of Mental Health, Licensed Clinical Mental
20 Health Counselor, Licensed Mental Health Counselor, Licensed Mental Health
21 Practitioner, Licensed Professional Counselor of Mental Health, or other license
22 deemed by the Board to be substantially equivalent to the Guam License for
23 Licensed Mental Health Counselor, and who has passed both the NCE and the
24 NCMHCE in a manner approved by the NBCC *shall* be eligible for the Guam
25 license for a Licensed Mental Health Counselor.

26 **Section 10. Exceptions to Licensure.**

1 (a) No person may practice Mental Health Counseling in Guam who is
2 *not* licensed as a Licensed Mental Health Counselor by the Board, *unless* such
3 practice is approved by the Board or other Guam licensing Board. However, this
4 Article *does not* prohibit:

5 (1) an employee of the Federal government from performing
6 official duties on federal property;

7 (2) an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
8 Psychiatrist, currently licensed in another jurisdiction of the United States
9 from consulting with or advising a Licensed Mental Health Counselor in
10 Guam. However, the consultant, if *not* licensed in Guam *may not* provide
11 services to a client directly;

12 (3) an active student in good standing, as a requirement of a
13 university program for completion of a degree or a person who is engaged in
14 the completion of the requirement of three thousand hours of post-graduate
15 clinical experience to become licensed as an LMHC, under the supervision
16 of a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist
17 or psychiatrist from performing assigned duties.

18 (4) Nothing herein prohibits qualified members of other
19 professional groups, such as clinical psychologists, school psychologists,
20 counseling psychologists, social workers or ordained clergy from doing
21 work of a counseling nature consistent with their training and code of ethics
22 for their respective professions; *provided*, that they *do not* hold themselves
23 out to the public as a Mental Health Counselor.

24 **Section 11. Scope of Practice.**

25 Licensed Mental Health Counselors are qualified to provide services to
26 individuals, couples, families, and groups. They apply theories, principles, and
27 methods of counseling and psychotherapy to define goals and develop plans of

1 action aimed toward the prevention, treatment, and resolution of mental and
2 emotional dysfunction and intra- or interpersonal difficulties. The practice of
3 mental health counseling includes, but is *not* limited to, the assessment, diagnosis,
4 and non-medical treatment of mental and emotional disorders, the application of
5 psychoeducational techniques and measures aimed at the prevention of such
6 disorders, and consultation to individuals, couples, families, groups, organizations,
7 and communities.

8 **Section 12. Client Confidentiality.**

9 Client Confidentiality is defined and regulated as set forth in the Health
10 Insurance Portability and Accountability Act (HIPAA), the ethical rules of the
11 American Counseling Association (ACA), Guam law, and revisions thereof.
12 Breach of client confidentiality except as provided for by HIPAA, the ACA, or
13 Guam law *shall* be considered unprofessional conduct and may be grounds for
14 revocation or suspension of the license.

15 **Section 13. Continuing Education Requirements.**

16 A licensee *shall* complete a total of forty contact hours or four Continuing
17 Education Units directly related to the practice of Mental Health Counseling within
18 each two year licensure period to qualify for renewal of licensure.

19 **Section 14. Grandfather Provision.**

20 All licensees who hold a current, valid, license as an Individual, Marriage,
21 and Family Therapist issued by the Guam Board of Allied Health Examiners or as
22 a Licensed Professional Counselor issued by a Guam Board, at the time this article
23 is enacted into law, *shall* be eligible to apply for a license as a Licensed Mental
24 Health Counselor. They may be granted a license as a Licensed Mental Health
25 Counselor if:

26 (1) They can pass the NCMHCE developed by the NBCC (they shall be
27 deemed eligible by the board to take the test), or

1 (2) They can document one thousand hours of post Masters clinical work
2 which requires diagnosis and treatment planning, or

3 (3) They have held a license as an Individual, Marriage and Family
4 Therapist in Guam, a Licensed Professional Counselor in Guam, or any
5 combination of the two for a minimum of six years.

6 **Section 15. Marriage and Family Therapist.**

7 **Definitions.** In this Article:

8 (a) *Accredited educational institution shall* mean any educational
9 institution which grants a doctoral or master's degree and is accredited by a
10 regional accrediting body in the United States or by another accrediting or
11 recognized approval agency recognized by the Board including state, national or
12 foreign approving agencies.

13 (b) *Clinical supervision shall* mean the supervision of no more than six
14 (6) persons at the same time who are acquiring and completing clinical experience
15 in accordance with Guam law. Clinical supervision is that aspect of instructional
16 supervision which draws upon data from direct firsthand observation of actual
17 teaching, or other professional events, and involves face-to-face and other
18 associated interactions between the observer(s) and the person(s) observed in the
19 course of analyzing the observed professional behaviors and activities and seeking
20 to define and/or develop next steps toward improved performance. This includes,
21 but is *not* limited to the following: case consultation, the assessment and diagnosis
22 of presenting problems, development and implementation of treatment plans, and
23 the evaluation of the course of treatment.

24 (c) *Consultant shall* mean a credentialed professional who provides
25 expert service, advice, or makes recommendations for a fee or pro bono, by phone,
26 internet, in person, or by other means to an individual licensed on Guam as a

1 Marriage and Family Therapist for the purposes of maximizing therapeutic benefit
2 for a client.

3 (d) *Family shall* mean all forms of households that consist of members
4 with emotional bonds and mutual obligations that define themselves as families.
5 “Family” as used here includes, but is *not* limited to, nuclear families, once
6 married couples with children, a single parent with children, non-married couples
7 with children, blended families, remarried couples, and couples without children.

8 (e) *Marriage and Family Therapy shall* mean the application of
9 psychotherapeutic techniques in the delivery of services to individuals, couples,
10 families, or groups in order to diagnose and treat mental, emotional, and nervous
11 disorders, whether these are behavioral, cognitive, or affective, within the context
12 of the individual's relationships. Marriage and Family Therapy includes, but is *not*
13 limited to:

14 (1) assessment and diagnosis of presenting problems through
15 inquiry, observation, evaluation, and integration of diagnostic information;

16 (2) designing and developing treatment plans by incorporating and
17 integrating recognized psychotherapeutic theories, in establishing treatment
18 goals and interventions collaboratively with clients; and

19 (3) implementing and evaluating the course of treatment by
20 incorporating psychotherapeutic theories to assist individuals, couples,
21 families and groups.

22 (f) *Marriage and Family Therapist* (herein referred to as MFT) *shall*
23 mean a person licensed on Guam to practice Marriage and Family Therapy as
24 defined in these rules and regulations.

25 (g) *Psychotherapy shall* mean a specialized, formal interaction between
26 an MFT or other Mental Health Professional, and a client (an individual, couple,
27 family, or group) in which a therapeutic relationship is established to help resolve

1 symptoms of a mental disorder, psychosocial stressor, family problem, or other
2 difficulty, which is designed to enhance problem solving skills and coping abilities.
3 Therapy can be used interchangeably with counseling and psychotherapy.

4 (h) *Family therapy shall* mean systematic interventions for the purpose of
5 enabling family members to understand the behavior of individuals in relation to
6 the ongoing operations of the family group. This approach enables family members
7 to generate a wider range of options for coping with problems, and to learn
8 problem solving skills.

9 (i) *Individual therapy shall* mean planned interventions to help a client
10 enlarge competencies and increase problem solving skills and coping abilities.

11 (j) *Group therapy shall* mean the gathering together of unrelated
12 individuals at the direction of a group facilitator or therapist for a therapeutic
13 purpose.

14 (k) *Couples therapy shall* mean therapeutic interventions with married or
15 unmarried couples to resolve problems and conflicts in their relationship.

16 **Section 16. Qualifications for Licensure.**

17 (a) The provisions of this Act *shall* take effect two years after enactment.
18 At that time, the Board *shall* issue a license as a Marriage and Family Therapist to
19 an applicant who:

20 (1) has a doctorate or master's degree from an accredited
21 educational institution with a program in psychology, counseling, marriage
22 and family therapy, or other psycho-therapeutic discipline. The applicant
23 must be able to show documentation of:

24 (A) a minimum of ninety quarter hours or sixty semester
25 hours of graduate studies (as suggested by the Counsel for
26 Accreditation of Counseling and Related Educational Programs
27 [CACREP]) that:

1 (B) includes course content in the following areas:

2 (i) Professional Identity;

3 (ii) Social and Cultural Diversity;

4 (iii) Human Growth and Development;

5 (iv) Career Development;

6 (v) Helping Relationships;

7 (vi) Group Work;

8 (vii) Assessment;

9 (viii) Research and Program Development;

10 (ix) Professional Ethics;

11 (x) Foundations of Marital, Couple, and Family
12 Counseling/Therapy;

13 (xi) Contextual dimensions of Marital, Couple, and
14 Family Counseling/Therapy; and

15 (xii) Knowledge and skill requirements for Marital,
16 Couple, and Family Counselor/Therapist; and

17 (C) includes a practicum, consisting of a minimum of one
18 hundred hours; and

19 (D) includes an internship, consisting of a minimum of six
20 hundred hours with a minimum of two hundred forty clock hours in
21 direct services with individuals, couples and families, with the
22 majority of the direct service clock hours occurring with couples and
23 family units;

24 (2) has completed a minimum of three thousand hours of
25 documented post-graduate clinical experience and one hundred hours of
26 supervision by a licensed Individual, Marriage and Family Therapist
27 (IMFT), Certified Professional Counselor (CPC), Licensed Clinical Social

1 Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed
2 Professional Counselor (LPC), Marriage and Family Therapist (MFT),
3 Clinical Psychologist, Psychiatrist or other license deemed by the Board to
4 be substantially equivalent to these professions, who is licensed and
5 authorized to provide such supervision in the United States, its territories or
6 a foreign country determined to be acceptable on a case by case basis by the
7 Board. The three thousand hours of post-graduate clinical experience may
8 include, but is not limited to: face-to-face treatment of clients, keeping
9 clinical notes, supervision, treatment team meetings, consultation, education,
10 treatment planning, observation, and other activities generally recognized to
11 be part of clinical practice. A minimum of one thousand five hundred of the
12 three thousand hours of post-graduate clinical experience must be in the
13 face-to-face treatment of individuals, couples, groups, or families;

14 (3) has successfully passed the Marital and Family Therapy
15 Examination created by the Association of Marital and Family Therapy
16 Regulatory Boards (AMFTRB), or has passed another examination created
17 by a recognized national or international entity deemed by the Board to be
18 substantially equivalent to the Marital and Family Therapy Examination
19 created by the Association of Marital and Family Therapy Regulatory
20 Boards (AMFTRB); and

21 (4) has documented completion of training by a professional
22 association or educational institution and approved by the Board that
23 consists of at least six hours of professional ethics, three hours of culturally
24 competent counseling practices with Micronesian communities on Guam
25 and one hour of mandated reporting.

26 (b) For an individual who has *not* engaged in post-graduate experience or
27 cannot document a minimum of three thousand hours of post-graduate clinical

1 experience under the supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC,
2 MFT, Clinical Psychologist, Psychiatrist, or other license deemed by the Board to
3 be substantially equivalent to these professions, who is licensed and authorized to
4 provide such supervision in the United States, its territories or a foreign country
5 determined to be acceptable on a case by case basis by the Board; such individual
6 may practice under an internship program approved by the Board prior to
7 engagement in that program in order to gain that supervision on Guam. The three
8 thousand hour internship program may include, but is *not* limited to: face-to-face
9 treatment of clients, keeping clinical notes, supervision, treatment team meetings,
10 consultation, education, treatment planning, observations, and other activities
11 generally recognized to be part of clinical practice. A minimum of one thousand
12 five hundred of the three thousand hours must be in the face-to-face treatment of
13 individuals, couples, groups, or families, and a minimum of one hundred hours
14 must be supervision. To provide such supervision on Guam a person must be a
15 licensed Individual Marriage and Family Therapist, Licensed Professional
16 Counselor, Marriage and Family Therapist or Licensed Clinical Social Worker
17 licensed on Guam who has held a license for a minimum of five years with
18 experience working with couples and families; or a Clinical Psychologist or
19 Psychiatrist licensed on Guam who has held a license for a minimum of three years
20 with experience working with couples and families.

21 (c) Individuals who hold a current valid license issued by a state of the
22 United States, its territories, or foreign country approved by the Board on a case by
23 case basis as a Marriage and Family Therapist, or other license deemed by the
24 Board to be substantially equivalent to the Guam license for Marriage and Family
25 Therapy, who have passed the Marital and Family Therapy Examination created by
26 the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), or
27 has passed another examination created by a recognized national or international

1 entity deemed by the Board to be substantially equivalent to the Marital and
2 Family Therapy Examination created by the Association of Marital and Family
3 Therapy Regulatory Boards (AMFTRB), *shall* be eligible for the Guam license for
4 Marriage and Family Therapy.

5 **Section 17. Exceptions to Licensure.**

6 (a) No person may practice Marriage and Family Therapy in Guam who
7 is *not* licensed as a Marriage and Family Therapist by the Board, *unless* such
8 practice is approved by the Board or other Guam licensing Board. *However*, this
9 Article *does not* prohibit:

10 (1) an employee of the Federal government from performing
11 official duties on federal property;

12 (2) an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist, or
13 Psychiatrist currently licensed in another jurisdiction of the United States
14 from consulting with or advising a licensed Marriage and Family Therapist
15 on Guam. However, the consultant, if not licensed on Guam may not provide
16 services to a client directly; or

17 (3) an active student in good standing, as a requirement of a
18 university program for completion of a degree or a person who is engaged in
19 the completion of the requirement of three thousand hours of post-graduate
20 clinical experience to become licensed as an MFT, under the supervision of
21 a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist or
22 psychiatrist from performing assigned duties.

23 (b) Nothing herein prohibits qualified members of other professional
24 groups, such as clinical psychologists, counseling psychologists, school
25 psychologists, social workers, or ordained clergy from doing work of a counseling
26 nature consistent with their training and code of ethics for their respective

1 professions; *provided*, that they *do not* hold themselves out to the public by any of
2 the following titles:

- 3 (1) family therapist;
- 4 (2) marriage therapist;
- 5 (3) psychotherapist (other than Clinical Psychologist); or
- 6 (4) any combination thereof.

7 **Section 18. Scope of Practice.**

8 Marriage and Family Therapists use psychotherapeutic techniques to
9 prevent, assess, evaluate, diagnose, develop treatment goals, plans and objectives,
10 treat and evaluate outcomes for mental, emotional or behavioral disorders and
11 associated distresses that interfere with mental health.

12 **Section 19. Client Confidentiality.**

13 Client Confidentiality is defined and regulated by the standards set forth in
14 the Health Insurance Portability and Accountability Act (HIPAA), the ethical rules
15 of the American Counseling Association (ACA), Guam law, and revisions thereof.
16 Breach of client confidentiality, *except* as provided for by HIPAA the ACA, or
17 Guam law, *shall* be considered unprofessional conduct and may be grounds for
18 revocation or suspension of the license.

19 **Section 20. Continuing Education Requirements.**

20 A licensee *shall* complete a total of forty contact hours or four Continuing
21 Education Units directly related to the practice of Marriage and Family Therapy
22 within each two year licensure period to qualify for renewal of licensure.

23 **Section 21. Grandfather Provision.**

24 All licensees who hold a current, valid license as an Individual, Marriage,
25 and Family Therapist issued by the Guam Board of Allied Health Examiners, or as
26 a Licensed Professional Counselor issued by a Guam Board, at the time this Article

1 becomes law, *shall* be eligible to apply for a license as a Marriage and Family
2 Therapist. They may be granted a license as a Marriage and Family Therapist if:

3 (a) they can pass the Marital and Family Therapy examination developed
4 by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB)
5 (they shall be deemed eligible to take the test by the Board); or

6 (b) they can document one thousand hours of post Masters clinical work
7 with couples and families; or

8 (c) they have held a license as an Individual, Marriage and Family
9 Therapist on Guam, a Licensed Professional Counselor on Guam, or any
10 combination of the two for a minimum of six years.

11 **Section 22.** Amend 10 GCA §12803(a) to read:

12 “(a) Creation. There is established, in and for the government of
13 Guam, a Guam Board of Allied Health Examiners, composed of a
14 representative from each of the professions being examined for licensure of
15 which currently there are nine members nominated and appointed by *I*
16 *Maga’lahen Guåhan*, with the advice and consent of *I Liheslaturan Guåhan*.
17 An additional two positions on the Board are hereby created for the
18 disciplines of Licensed Professional Counselors, Licensed Mental Health
19 Counselors, and Marriage and Family Therapists. *I Maga’lahen Guåhan*
20 shall appoint two additional members, one member for the Respiratory
21 Therapist, and one member for the Nutritionist/Clinical Dietician, and shall
22 appoint additional members for any other allied health profession being
23 examined for licensure that the Board includes in its licensing procedure,
24 and specifically recommend to *I Maga’lahen Guåhan* to appoint a board
25 member representative. The Board shall examine applicants for licensure
26 within the allied health professions not having separate Board of Examiners
27 enacted by *I Liheslaturan Guåhan*. The term of appointment shall be for a

1 period of three (3) years, at the end of which *I Maga'lahen Guåhan* shall
2 either reappoint the member or nominate and appoint a new member, either
3 of which case shall be with the advice and consent of *I Liheslaturan*
4 *Guåhan.*”

5 **Section 23. Publication.** The Compiler of Laws *shall* compile, index and
6 publish the provisions of Sections 1 through 21 of this Act as changes to the Allied
7 Health regulations relative to the professional requirements for Licensed
8 Professional Counselors, Licensed Mental Health Counselors, and Marriage and
9 Family Therapists.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingo Legislative Session Hall

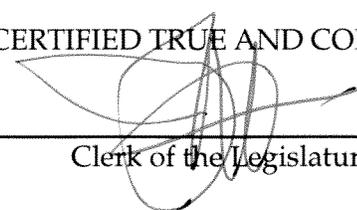
Bill No. 48-32 (LS)

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

<u>15</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



SENATOR DENNIS G. RODRIGUEZ, JR.

May 22, 2013

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

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

RE: Committee Report – Bill No. 48-32 (LS), as Substituted

2013 MAY 23 AM 11:06
[Handwritten signature]

Dear Speaker Won Pat:

- Transmitted herewith, for your consideration, is the **Committee Report on Bill No. 48-32 (LS), as Substituted, An act to define the educational and professional requirements for licensed Professional Counselors, licensed Mental Health Counselors, and Marriage and Family Therapists;** Introduced by Senator Rory J. Respicio, and referred to the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens. Bill No. 48-32 (LS) was publicly heard on May 20, 2013.

Committee votes are as follows:

- 08 TO PASS
- 0 NOT TO PASS
- 0 ABSTAIN
- 02 TO REPORT OUT ONLY
- 0 TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments



SENATOR DENNIS G. RODRIGUEZ, JR.

**COMMITTEE REPORT
ON**

**BILL NO. 48-32 (LS),
as Substituted**

Sponsored by Senator Rory J. Respicio

**An act to define the educational and
professional requirements for licensed
Professional Counselors, licensed
Mental Health Counselors, and
Marriage and Family Therapists.**



SENATOR DENNIS G. RODRIGUEZ, JR.

May 22, 2013

MEMORANDUM

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

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

Subject: Committee Report on Bill no. 48-32 (LS), as Substituted

Transmitted herewith, for your consideration, is the **Committee Report on Bill No. 48-32 (LS), as Substituted, An act to define the educational and professional requirements for licensed Professional Counselors, licensed Mental Health Counselors, and Marriage and Family Therapists; Introduced by Sen. Rory J. Respicio.**

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill no. 48-32 (LS),
- Copy of Bill no. 48-32 (LS), as Substituted
- Public Hearing Sign-in Sheet,
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill no. 48-32 (LS),
- Notices of Public Hearing (1st and 2nd)
- 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'!



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

Bill No. 48-32 (LS), as Substituted, An act to define the educational and professional requirements for licensed Professional Counselors, licensed Mental Health Counselors, and Marriage and Family Therapists.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		5/22 ✓				
V. ANTHONY ADA Vice Chairman		5/22				
JUDITH T. WON PAT, Ed.D. Speaker (Ex-officio)						
BENJAMIN J. F. CRUZ Vice-Speaker		5/22 ✓				
TINA ROSE MUNA-BARNES Legislative Secretary		✓				
FRANK B. AGUON, Jr. 5/22/13		✓				
VICENTE C. PANGELINAN						
RORY J. RESPICIO		5/22/13 ✓				
ALINE A. YAMASHITA, Ph.D.		5/22/13 ✓				
THOMAS MORRISON		5/22/13 ✓				
MICHAEL LIMTIACO					5/22/13	
BRANT T. MCCREADIE						
CHRISTOPHER M. DUENAS					5/22 ✓	



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT DIGEST

Bill No. 48-32 (LS)

I. OVERVIEW: The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens conducted a public hearing on May 20, 2013. The hearing convened at 5:00 p.m. in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **Bill No. 48-32 (LS)**, An act to define the educational and professional requirements for a licensed Professional Counselors.

II. Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on May 13, 2013 (5-day notice), and again on May 16, 2013 (48-hour notice).

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator V. Anthony Ada	Vice-Chairman
Senator Benjamin F. Cruz	Committee Member
Senator Thomas Morrison	Committee Member
Senator Brant McCreadie	Committee Member
Senator Aline A. Yamashita, Ph.D.	Committee Member
Senator Rory J. Respicio	Committee Member

The public hearing on agenda item Bill No. 48-32 (LS) was called to order at 5:00 p.m.

II. SUMMARY OF TESTIMONY & DISCUSSION.

Chairman Rodriguez: Thank you everyone for being here at the Public Hearing. I would like to ask the author if he wishes to provide remarks opening remarks regarding the bills.

Senator Respicio: [Please see written testimony]

About a month ago, we had a round table meeting, which you facilitated and required that they go back to their colleagues and determine whether or not these are acceptable to us or any changes are needed to be made. During the last several weeks, I am pleased to report that they have reached consensus, particularly the area to which Senator Yamashita had concerns on cultural diversity. This is about a ten year struggle and they have shed blood, sweat and tears because you have those in the same profession that do not want to change at all. They wanted to maintain their current licence and did not want to reflect what is required on the national level. So, you have the up and coming ones who want to be recognized up to the national standard.



SENATOR DENNIS G. RODRIGUEZ, JR.

What we decided to do, which I hope your committee agrees to, is we provide a grandfather clause. Those who want to maintain status quo, they can do that, those who want to be recognized with national standards can do that as well in these three bills. I would also like to thank the co-sponsors of these bills. The message they are trying to get is basically if this is what we want, this is what we are going to give them. They are a little bit worried that the legislature will make changes that they did not want. But those are their concerns.

Chairman Rodriguez: Thank you very much for joining us here and the round table we had recently. I hope that we can move this forward and we will work with him to get this done right away.

Rosemarie Camacho: [Please see written testimony]

Wayne Butler: I think Rosemarie said it very well. We really did our best to include everyone in every possible way. We believe we've addressed every concern and reached out to everyone. What we have right now is based on the current practices and reflect what is happening in the other states. We do expect reciprocity. Thank you for this opportunity and all your help.

Maresa Aguon: I come to the table as a student. I am currently seeking my Masters Degree in Clinical Psychology through the University of Guam. I am currently finishing up my course and hope to graduate by this December. When I started my program in 2010, one of the first things we did is looked at the licensure. At that time, there haven't been any major actions for change. During the development of these three licensures, we wanted to make sure that these courses are required through all the three levels of licensure and programs. We can say with confidence that through the Clinical Psychology program, all of the requirements can be met. During the round table discussion, there had been various concerns and we had an in depth meeting with Dr. Patricia Taimanglo at the Guam Behavioral Health and Wellness Center. Her primary concerns were to have course work available on Guam as well as requirements to be a supervisor.

During the round table, Senator Aline Yamashita mentioned the cultural competency. So what we did is sat with Dr. Taimanglo and made revisions for all three bills.

[Please see attachment for revisions made]

Nadine Cepeda: I am here because of some of the concerns of the group and other psychologists in the other disciplines, and more importantly, because of the need. Currently, we only have 6 psychologists at Mental Health, 3 are licensed and 3 are still working on their licensure. There is a need and the demand just keeps getting grater and we still can't meet those needs. Currently, we have to contract out because there is not enough. I know this group has worked very hard to standardized and specialize in training, classes and so forth. This really holds us accountable in what we can and cannot do. Again, we are all invested in the community and this is the best that we have come up with and the people who have worked on this have really done an awesome job. In the last ten years, this is definitely the standards that we are trying to move forward with.



SENATOR DENNIS G. RODRIGUEZ, JR.

This will determine that you do know, understand, and competent to do the type of work for people who are very vulnerable. I really ask that we can move forward with this fast and hastily. Thank you again.

Senator Respicio: During the round table, it was Nadine who said that her colleagues at the Department. Now, I see that we are all in agreement.

Nadine Cepeda: Yes, Senator. These people have met with Dr. Taimanglo and other psychologists in the Department. Annie Unpingco's concerns were also addressed. All the concerns in the round table have been addressed.

Senator Respicio: Again, I thank you and Rosemarie for your leadership in this effort in moving this legislation forward.

Senator Yamashita: I thank each of you for actually caring and making a difference. The whole change issue is sometimes scary but then when you made time to speak and listen, that makes a difference. This is what I suggest, by the time we are done, everyone in the world is going to want you because of your diversity background and your openness to culture competency. This is a global community now, and more and more people are looking for you because the people today are going through more and more struggles. The idea is you will be competitive because of the knowledge and experience you will gain. Thank you for your leadership and your time.

Chairman Rodriguez: During the round table, we discussed about moving you out of the Allied Health Board because you are the largest discipline in the board. I know you said that perhaps we should take care of this issue first and we can do that later on down the road. I still would like to pursue that idea.

Rosemarie Camacho: Just to add on Nadine's points, we also have federal jobs where our locally trained counselors have not been qualified for. There are these lucrative opportunities that we have to watch them pass us by because we are not up to standards. So, we are also helping our people fill the positions available here locally as well.

Chairman Rodriguez: I know the Chairman's intent is to include this in the session we are in now. I would like to announce that we will work on this diligently and will put out a committee report together. Usually, we have a 10 day window to provide in testimonies, unfortunately that will not be done for these three bills.

Senator Respicio: Also, Senator you agree to concise these three bills into one?

Senator Rodriguez: Yes. Thank you very much.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No. 48-32 (LS).



SENATOR DENNIS G. RODRIGUEZ, JR.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens, hereby reports out **Bill No. 48-32 (COR)**, as **Substituted** with the recommendation to

- PASS -

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 4B -32 (LS)
Introduced by:

R.J. RESPICIO
T.C. ADA
B.J.F. CRUZ

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CPL

AN ACT TO DEFINE THE EDUCATIONAL
AND PROFESSIONAL REQUIREMENTS FOR
A LICENSED PROFESSIONAL COUNSELOR.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. Legislative Findings and Intent. *I Liheslatura*

3 finds that based on the representations of the Association of

4 Individual, Marriage, Family Therapists, the current Allied Health

5 regulations should be refined, updated, and reformed to incorporate

6 more specialized educational and professional provisions with

7 respect to licensed therapists. *I Liheslatura* further recognizes that

8 ultimately any alterations to the current statutory and regulatory

9 structure governing the practice of professional therapists must be

10 done in concert with all the stakeholders involved, including the

11 Guam Board of Allied Health Examiners, local professional therapists

12 and counselors, public and private mental health providers, the

13 elected leadership, and the general public.

1 To commence this dialogue among all stakeholders, *I*
2 *Liheslatura* finds that the framework for new regulations in this field
3 should be introduced in the legislative process in order to construct a
4 final set of statutory and regulatory changes that will move this
5 reform process forward.

6 **SECTION 2. Definitions.** In this Article:

7 **(a)** *Accredited educational institution* shall mean any educational
8 institution which grants a doctoral or master's degree and is
9 accredited by a regional accrediting body in the United States or by
10 another accrediting or recognized approval agency recognized by the
11 Board including state, national or foreign approving agencies.

12 **(b)** *Clinical supervision* shall mean the supervision of no more
13 than six (6) persons at the same time who are acquiring and
14 completing clinical experience in accordance with Guam law. Clinical
15 supervision is that aspect of instructional supervision which draws
16 upon data from direct firsthand observation of actual teaching, or
17 other professional events, and involves face-to-face and other
18 associated interactions between the observer(s) and the person(s)
19 observed in the course of analyzing the observed professional
20 behaviors and activities and seeking to define and/or develop next

1 steps toward improved performance. This includes, but is not limited
2 to the following: case consultation, the assessment and diagnosis of
3 presenting problems, development and implementation of treatment
4 plans and the evaluation of the course of treatment.

5 (c) *Consultant* shall mean a credentialed professional who
6 provides expert service, advice, or makes recommendations for a fee
7 or pro bono, by phone, internet, in person, or by other means to an
8 individual licensed on Guam as a Licensed Professional Counselor
9 for the purposes of maximizing therapeutic benefit for a client.

10 (d) *Licensed Professional Counselor* shall mean a person licensed
11 in Guam to practice Professional Counseling as defined in these rules
12 and regulations.

13 (e) *National Counselor Examination for Licensure and Certification*
14 (NCE) shall mean the examination compiled by the National Board
15 for Certified Counselors (NBCC).

16 (f) *Professional Counseling* shall mean the use of
17 psychotherapeutic techniques in the delivery of services to
18 individuals and groups in order to diagnose and treat mental,
19 emotional and nervous disorders, whether these are behavioral,
20 cognitive or affective. Professional Counseling includes, but is not

1 limited to:

2 i. Assessment and diagnosis of presenting problems
3 through inquiry, observation, evaluation and integration
4 of diagnostic information;

5 ii. Designing and developing treatment plans by
6 incorporating and integrating recognized
7 psychotherapeutic theories in establishing treatment
8 goals and interventions collaboratively with clients; and

9 iii. Implementing and evaluating the course of treatment by
10 incorporating psychotherapeutic theories to assist
11 individuals and groups.

12 **(g)** *Counseling* shall mean a specialized, formal interaction
13 between a Licensed Professional Counselor or other Mental Health
14 Professional and a client in which a therapeutic relationship is
15 established to help resolve symptoms of mental disorders,
16 psychosocial stress, family problems or other difficulties which is
17 designed to enhance problem solving skills and coping abilities as
18 identified in a treatment plan.

19 **(h)** *Individual Counseling* shall mean planned interventions to
20 assist a client to enlarge competencies, increase problem solving

1 skills and coping abilities according to identified treatment goals.

2 (i) *Group Counseling* shall mean the gathering together of
3 unrelated individuals at the direction of a group facilitator or
4 counselor for a therapeutic purpose.

5 **SECTION 3. Qualifications for Licensure.**

6 (a) The provisions in this bill shall take effect two (2) years after
7 enactment. At that time, the Board shall issue a license as a *Licensed*
8 *Professional Counselor* to an applicant who:

9 i. Has a doctorate or master's degree from an accredited
10 educational institution with a program in psychology,
11 counseling, marriage and family therapy, clinical social
12 work or other psycho-therapeutic discipline.

13 ii. Must be able to show documentation of a minimum of
14 seventy-two (72) quarter hours or forty-eight (48)
15 semester hours of graduate studies (as suggested by the
16 Counsel for Accreditation of Counseling and Related
17 Educational Programs [CACREP]) that:

18 A. Includes course content in the following areas:

19 1. Human Growth and Development

20 2. Social/Cultural Foundations

- 1 3. Counseling Theories and Techniques
- 2 4. Group Work
- 3 5. Career and Lifestyle Development.
- 4 6. Appraisal (test and measurements for
- 5 individuals and groups)
- 6 7. Research and Program Evaluation
- 7 8. Professional Orientation (to counseling)
- 8 9. Professional Ethics; and
- 9 B. Includes a practicum, consisting of a minimum of
- 10 one hundred (100) hours; and
- 11 C. Includes an internship, consisting of a minimum
- 12 of six hundred (600) hours and;
- 13 D. Has completed a minimum of three thousand
- 14 (3,000) hours of documented post-graduate
- 15 clinical experience and one hundred (100)
- 16 hours of supervision by a licensed Individual,
- 17 Marriage and Family Therapist (IMFT),
- 18 Certified Professional Counselor (CPC),
- 19 Licensed Clinical Social Worker (LCSW),
- 20 Licensed Mental Health Counselor (LMHC),

1 Licensed Professional Counselor (LPC),
2 Marriage and Family Therapist (MFT),
3 psychologist, psychiatrist or other license
4 deemed by the Board to be substantially
5 equivalent to these professions, who is licensed
6 and authorized to provide such supervision in
7 the United States, its territories or a foreign
8 country determined to be acceptable on a case
9 by case basis by the Board. The three thousand
10 (3,000) hours of post graduate clinical
11 experience may include, but is not limited to:
12 face-to-face treatment of clients, keeping
13 clinical notes, supervision, treatment team
14 meetings, consultation, education, treatment
15 planning, observation and other activities
16 generally recognized to be part of clinical
17 practice. A minimum of one thousand five
18 hundred (1,500) hours of the three thousand
19 (3,000) hours of post-graduate clinical
20 experience must be in the face-to-face treatment

1 of individuals or groups, and;

2 E. Has successfully passed the National
3 Counselor Examination for Licensure and
4 Certification (NCE) which has been conducted
5 in a manner approved by the National Board
6 for Certified Counselors (NBCC).

7 (b) For an individual who has not engaged in post-graduate
8 experience or cannot document a minimum of three thousand
9 (3,000) hours of post-graduate clinical experience under the
10 supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC, MFT,
11 psychologist, psychiatrist or other license deemed by the Board to
12 be substantially equivalent to these professions, who is licensed
13 and authorized to provide such supervision in the United States,
14 its territories or a foreign country determined to be acceptable on a
15 case by case basis by the Board; such individual may practice
16 under an internship program approved by the Board prior to
17 engagement in that program in order to gain that supervision on
18 Guam. To provide such supervision on Guam, a person must be a
19 licensed Individual Marriage and Family Therapist, Licensed
20 Professional Counselor, Marriage and Family Therapist, Licensed

1 Clinical Social Worker, Clinical Psychologist or Psychiatrist
2 licensed on Guam who has held a license for a minimum of five (5)
3 years.

4 (c) Individuals who hold a current, valid license issued by a
5 state of the United States, its territories or foreign country
6 approved by the Board on a case-by-case basis as a Certified
7 Professional Counselor, Licensed Clinical Counselor of Mental
8 Health, Licensed Clinical Mental Health Counselor, Licensed
9 Mental Health Counselor, Licensed Mental Health Practitioner,
10 Licensed Professional Counselor of Mental Health, Professional
11 Counselor, Marriage and Family Therapist or other license
12 deemed by the Board to be substantially equivalent to the Guam
13 License for Licensed Professional Counselor, shall be eligible for
14 the Guam license for Licensed Professional Counselor.

15 **SECTION 4. Exceptions to licensure.**

16 1. No person may practice Professional Counseling on Guam who
17 is *not* licensed as a Licensed Professional Counselor by the Board,
18 *unless* such practice is approved by the Board or other Guam
19 licensing Board. *However*, this Article does not prohibit:

20 a. An employee of the Federal government from performing

1 official duties on federal property;

2 b. An LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
3 Psychiatrist, currently licensed in another jurisdiction of the
4 United States from consulting with or advising a Licensed
5 Professional Counselor on Guam. However, the consultant,
6 if not licensed on Guam may not provide services to a client
7 directly;

8 c. An active student in good standing as a requirement of a
9 university program for completion of a degree or a person
10 who is engaged in the completion of the requirement of
11 three thousand (3,000) hours of post-graduate clinical
12 experience to become licensed as an LPC, under the
13 supervision of a Guam licensed IMFT, LPC, LMHC, MFT,
14 LCSW, clinical psychologist or psychiatrist from performing
15 assigned duties.

16 d. Nothing herein prohibits qualified members of other
17 professional groups, such as clinical psychologists, school
18 psychologists, counseling psychologists, social workers or
19 ordained clergy from doing work of a counseling nature
20 consistent with the training and code of ethics for their

1 respective professions; *provided*, that they do not hold
2 themselves out to the public as a Professional Counselor.

3 **SECTION 5. Scope of Practice.** Licensed Professional
4 Counselors use psychotherapeutic techniques to prevent, assess,
5 evaluate, diagnose, develop treatment goals, plans and objectives,
6 treat and evaluate outcomes for mental, emotional or behavioral
7 disorders and associated distresses that interfere with mental health.

8 **SECTION 6. Client Confidentiality.** Client Confidentiality
9 is defined and regulated as set forth in the Health Insurance
10 Portability and Accountability Act (HIPAA), the ethical rules of the
11 American Counseling Association (ACA), Guam law, and revisions
12 thereof. Breach of client confidentiality except as provided for by
13 HIPAA, the ACA, or Guam law shall be considered unprofessional
14 conduct and may be grounds for revocation or suspension of the
15 license.

16 **SECTION 7. Continuing Education Requirements.** A
17 licensee shall complete a total of 40 contact hours or 4.0 Continuing
18 Education Units directly related to the practice of Professional
19 Counseling within each two (2) year licensure period to qualify for
20 renewal of licensure.

1 **SECTION 8. Grandfather Provision.** All licensees who hold
2 a current, valid, license as an Individual, Marriage, and Family
3 Therapist issued by the Guam Board of Allied Health Examiners at
4 the time this section becomes law shall be deemed to hold a current,
5 valid license as a Licensed Professional Counselor.

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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 48 -32 (LS)
As Substituted by the Author

Introduced by:

R.J. RESPICIO
T.C. ADA
B.J.F. CRUZ

**AN ACT TO DEFINE THE EDUCATIONAL
AND PROFESSIONAL REQUIREMENTS FOR
LICENSED PROFESSIONAL COUNSELORS,
LICENSED MENTAL HEALTH COUNSELORS,
AND MARRIAGE AND FAMILY THERAPISTS.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. Legislative Findings and intent. *I Liheslatura*

3 finds that based on the representations of the Association of

4 Individual, Marriage and Family Therapists, the current Allied

5 Health regulations should be refined, updated, and reformed to

6 incorporate more specialized educational and professional provisions

7 with respect to licensed therapists. *I Liheslatura* further recognizes

8 that ultimately any alterations to the current statutory and regulatory

9 structure governing the practice of professional therapists must be

10 done in concert with all the stakeholders involved, including the

11 Guam Board of Allied Health Examiners, local professional therapists

1 and counselors, public and private mental health providers, the
2 elected leadership, and the general public.

3 To commence this dialogue among all stakeholders, *I*
4 *Liheslatura* finds that the framework for new regulations in this field
5 should be introduced in the legislative process in order to construct a
6 final set of statutory and regulatory changes that will move this
7 reform process forward.

8 SECTION 2.

9 LICENSED PROFESSIONAL COUNSELOR

10 **Definitions.** In this Article:

11 (1) *Accredited educational institution* shall mean any educational
12 institution which grants a doctoral or master's degree and is
13 accredited by a regional accrediting body in the United States or by
14 another accrediting or recognized approval agency recognized by the
15 Board including state, national or foreign approving agencies.

16 (2) *Clinical supervision* shall mean the supervision of no more
17 than six (6) persons at the same time who are acquiring and
18 completing clinical experience in accordance with Guam law.
19 Clinical supervision is that aspect of instructional supervision which
20 draws upon data from direct firsthand observation of actual teaching,

1 or other professional events, and involves face-to-face and other
2 associated interactions between the observer(s) and the person(s)
3 observed in the course of analyzing the observed professional
4 behaviors and activities and seeking to define and/or develop next
5 steps toward improved performance. This includes, but is not limited
6 to the following: case consultation, the assessment and diagnosis of
7 presenting problems, development and implementation of treatment
8 plans and the evaluation of the course of treatment.

9 (3) *Consultant* shall mean a credentialed professional who
10 provides expert service, advice, or makes recommendations for a fee
11 or pro bono, by phone, internet, in person, or by other means to an
12 individual licensed in Guam as a Licensed Professional Counselor for
13 the purposes of maximizing therapeutic benefit for a client.

14 (4) *Licensed Professional Counselor* shall mean a person licensed
15 in Guam to practice Professional Counseling as defined in these rules
16 and regulations.

17 (5) *National Counselor Examination for Licensure and Certification*
18 (*NCE*) shall mean the examination compiled by the National Board
19 for Certified Counselors (*NBCC*).

20 (6) *Professional Counseling* shall mean the use of

1 psychotherapeutic techniques in the delivery of services to
2 individuals and groups in order to diagnose and treat mental,
3 emotional and nervous disorders, whether these are behavioral,
4 cognitive or affective. Professional Counseling includes, but is not
5 limited to:

6 a. Assessment and diagnosis of presenting problems
7 through inquiry, observation, evaluation and integration of
8 diagnostic information;

9 b. Designing and developing treatment plans by
10 incorporating and integrating recognized psychotherapeutic
11 theories in establishing treatment goals and interventions
12 collaboratively with clients; and

13 c. Implementing and evaluating the course of treatment
14 by incorporating psychotherapeutic theories to assist
15 individuals and groups.

16 (7) *Counseling* shall mean a specialized, formal interaction
17 between a Licensed Professional Counselor or other Mental Health
18 Professional and a client in which a therapeutic relationship is
19 established to help resolve symptoms of mental disorders,
20 psychosocial stress, family problems or other difficulties which is

1 designed to enhance problem solving skills and coping abilities as
2 identified in a treatment plan.

3 (8) *Individual Counseling* shall mean planned interventions to
4 assist a client to enlarge competencies, increase problem solving
5 skills and coping abilities according to identified treatment goals.

6 (9) *Group Counseling* shall mean the gathering together of
7 unrelated individuals at the direction of a group facilitator or
8 counselor for a therapeutic purpose.

9 **SECTION 3. Qualifications for Licensure.**

10 (1) The provisions in this bill shall take effect two years after
11 enactment. At that time, the Board shall issue a license as a *Licensed*
12 *Professional Counselor* to an applicant who:

13 a. Has a doctorate or master's degree from an accredited
14 educational institution with a program in psychology,
15 counseling, marriage and family therapy, clinical social
16 work or other psycho-therapeutic discipline. The
17 applicant must be able to show documentation of:

18 i. a minimum of seventy-two (72) quarter hours or
19 forty-eight (48) semester hours of graduate studies (as
20 suggested by the Counsel for Accreditation of

1 Counseling and Related Educational Programs
2 [CACREP]) that:

3 ii. Includes course content in the following areas:

- 4 1. Human Growth and Development
- 5 2. Social/Cultural Foundations
- 6 3. Counseling Theories and Techniques
- 7 4. Group Work
- 8 5. Career and Lifestyle Development
- 9 6. Appraisal (test and measurements for
10 individuals and groups)
- 11 7. Research and Program Evaluation
- 12 8. Professional Orientation (to counseling)
- 13 9. Professional Ethics; and

14 iii. Includes a practicum, consisting of a minimum
15 of one hundred (100) hours; and

16 iv. Includes an internship, consisting of a
17 minimum of six hundred (600) hours and;

18 b. Has completed a minimum of three thousand (3,000)
19 hours of documented post-graduate clinical experience
20 and one hundred (100) hours of supervision by a licensed

1 Individual, Marriage and Family Therapist (IMFT),
2 Certified Professional Counselor (CPC), Licensed Clinical
3 Social Worker (LCSW), Licensed Mental Health
4 Counselor (LMHC), Licensed Professional Counselor
5 (LPC), Marriage and Family Therapist (MFT), Clinical
6 Psychologist, Psychiatrist or other license deemed by the
7 Board to be substantially equivalent to these professions,
8 who is licensed and authorized to provide such
9 supervision in the United States, its territories or a foreign
10 country determined to be acceptable on a case by case
11 basis by the Board. The three thousand (3,000) hours of
12 post graduate clinical experience may include, but is not
13 limited to: face-to-face treatment of clients, keeping
14 clinical notes, supervision, treatment team meetings,
15 consultation, education, treatment planning, observation
16 and other activities generally recognized to be part of
17 clinical practice. A minimum of one thousand five
18 hundred (1,500) hours of the three thousand (3,000) hours
19 of post-graduate clinical experience must be in the face-
20 to-face treatment of individuals or groups, and;

1 c. has successfully passed the National Counselor
2 Examination for Licensure and Certification (NCE) which
3 has been conducted in a manner approved by the
4 National Board for Certified Counselors (NBCC), and
5 d. has documented completion of training by a professional
6 association or educational institution and approved by
7 the Board that consists of at least six (6) hours of
8 professional ethics, three (3) hours of culturally
9 competent counseling practices with Micronesian
10 communities in Guam and one (1) hour of mandated
11 reporting.

12 (2) For an individual who has not engaged in post-graduate
13 experience or cannot document a minimum of three thousand (3,000)
14 hours of post-graduate clinical experience under the supervision of a
15 licensed IMFT, CPC, LCSW, LMHC, LPC, MFT, Clinical Psychologist,
16 Psychiatrist or other license deemed by the Board to be substantially
17 equivalent to these professions, who is licensed and authorized to
18 provide such supervision in the United States, its territories or a
19 foreign country determined to be acceptable on a case by case basis
20 by the Board; such individual may practice under an internship

1 program approved by the Board prior to engagement in that program
2 in order to gain that supervision in Guam. The three thousand (3,000)
3 hour internship program may include, but is not limited to: face-to-
4 face treatment of clients, keeping clinical notes, supervision,
5 treatment team meetings, consultation, education, treatment
6 planning, observation and other activities generally recognized to be
7 part of clinical practice. A minimum of one thousand five hundred
8 (1,500) hours of the three thousand (3,000) hours must be in the face-
9 to-face treatment of individuals and groups, and a minimum of one
10 hundred (100) hours must be supervision. To provide such
11 supervision in Guam, a person must be a licensed Individual
12 Marriage and Family Therapist, Licensed Professional Counselor,
13 Marriage and Family Therapist or Licensed Clinical Social Worker
14 licensed in Guam who has held a license for a minimum of five (5)
15 years; or a Clinical Psychologist or Psychiatrist licensed in Guam who
16 has held a license for a minimum of three (3) years.

17 **(3)** Individuals who hold a current, valid license issued by a state
18 of the United States, its territories or foreign country approved by the
19 Board on a case-by-case basis as a Certified Professional Counselor,
20 Licensed Clinical Counselor of Mental Health, Licensed Clinical

1 Mental Health Counselor, Licensed Mental Health Counselor,
2 Licensed Mental Health Practitioner, Licensed Professional
3 Counselor of Mental Health, Professional Counselor, Marriage and
4 Family Therapist or other license deemed by the Board to be
5 substantially equivalent to the Guam License for Licensed
6 Professional Counselor, shall be eligible for the Guam license for
7 Licensed Professional Counselor.

8 **SECTION 4. Exceptions to licensure.**

9 1. No person may practice Professional Counseling in Guam who
10 is *not* licensed as a Licensed Professional Counselor by the Board,
11 *unless* such practice is approved by the Board or other Guam
12 licensing Board. *However*, this Article does not prohibit:

- 13 a. An employee of the Federal government from performing
14 official duties on federal property;
- 15 b. An LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
16 Psychiatrist, currently licensed in another jurisdiction of the
17 United States from consulting with or advising a Licensed
18 Professional Counselor in Guam. *However*, the consultant, if
19 not licensed in Guam may not provide services to a client
20 directly;

1 c. An active student in good standing as a requirement of a
2 university program for completion of a degree, or a person
3 who is engaged in the completion of the requirement of
4 three thousand (3,000) hours of post-graduate clinical
5 experience to become licensed as an LPC, under the
6 supervision of a Guam licensed IMFT, LPC, LMHC, MFT,
7 LCSW, clinical psychologist or psychiatrist, from performing
8 assigned duties.

9 d. Nothing herein prohibits qualified members of other
10 professional groups, such as clinical psychologists, school
11 psychologists, counseling psychologists, social workers or
12 ordained clergy from doing work of a counseling nature
13 consistent with the training and code of ethics for their
14 respective professions; *provided*, that they do not hold
15 themselves out to the public as a Professional Counselor.

16 **SECTION 5. Scope of Practice.** Licensed Professional

17 Counselors use psychotherapeutic techniques to prevent, assess,
18 evaluate, diagnose, develop treatment goals, plans and objectives,
19 treat and evaluate outcomes for mental, emotional or behavioral
20 disorders and associated distresses that interfere with mental health.

1 **SECTION 6. Client Confidentiality.** Client Confidentiality
2 is defined and regulated as set forth in the Health Insurance
3 Portability and Accountability Act (HIPAA), the ethical rules of the
4 American Counseling Association (ACA), Guam law, and revisions
5 thereof. Breach of client confidentiality except as provided for by
6 HIPAA, the ACA, or Guam law shall be considered unprofessional
7 conduct and may be grounds for revocation or suspension of the
8 license.

9 **SECTION 7. Continuing Education Requirements.** A
10 licensee shall complete a total of 40 contact hours or 4.0 Continuing
11 Education Units directly related to the practice of Professional
12 Counseling within each two (2) year licensure period to qualify for
13 renewal of licensure.

14 **SECTION 8. Grandfather Provision.** All licensees who hold
15 a current, valid, license as an Individual, Marriage, and Family
16 Therapist issued by the Guam Board of Allied Health Examiners at
17 the time this section becomes law shall be deemed to hold a current,
18 valid license as a Licensed Professional Counselor.

19

SECTION 9.

20

LICENSED MENTAL HEALTH COUNSELOR

1 **Definitions.** In this Article:

2 (1) *Accredited educational institution* shall mean any
3 educational institution which grants a doctoral or master's degree
4 and is accredited by a regional accrediting body in the United States
5 or by another accrediting or recognized approval agency recognized
6 by the Board including state, national or foreign approving agencies.

7 (2) *Clinical supervision* shall mean the supervision of no more
8 than six (6) persons at the same time who are acquiring and
9 completing clinical experience in accordance with Guam law.
10 Clinical supervision is that aspect of instructional supervision which
11 draws upon data from direct firsthand observation of actual teaching,
12 or other professional events, and involves face-to-face and other
13 associated interactions between the observer(s) and the person(s)
14 observed in the course of analyzing the observed professional
15 behaviors and activities and seeking to define and/or develop next
16 steps toward improved performance. This includes, but is not limited
17 to the following: case consultation, the assessment and diagnosis of
18 presenting problems, development and implementation of treatment
19 plans and the evaluation of the course of treatment.

20 (3) *Consultant* shall mean a credentialed professional who

1 provides expert service, advice, or makes recommendations for a fee
2 or pro bono, by phone, internet, in person, or by other means to an
3 individual licensed in Guam as a Licensed Mental Health Counselor
4 for the purposes of maximizing therapeutic benefit for a client.

5 (4) *Licensed Mental Health Counselor* shall mean a person
6 licensed in Guam to practice Mental Health Counseling as defined in
7 these rules and regulations.

8 (5) *National Clinical Mental Health Counselor Examination*
9 (NCMHCE) shall mean the examination of that name compiled by
10 the National Board for Certified Counselors (NBCC).

11 (6) *National Counselor Examination for Licensure and*
12 *Certification* (NCE) shall mean the examination of that name compiled
13 by the National Board for Certified Counselors (NBCC).

14 (7) *Mental Health Counseling* shall mean the provision of
15 services to individuals, couples, families, and groups. This includes
16 the application of theories, principles, and methods of counseling and
17 psychotherapy to define goals and develop plans of action aimed
18 toward the prevention, treatment, and resolution of mental and
19 emotional dysfunction and intra- or interpersonal difficulties. The
20 practice of mental health counseling includes, but is not limited to,

1 the assessment, diagnosis, and non-medical treatment of mental and
2 emotional disorders, the application of psycho-educational
3 techniques and measures aimed at the prevention of such disorders,
4 and consultation to individuals, couples, families, groups,
5 organizations, and communities.

6 (8) *Counseling* shall mean a specialized, formal interaction
7 between a Licensed Mental Health Counselor or other Mental Health
8 Professional and a client in which a therapeutic relationship is
9 established to help resolve symptoms of mental disorders,
10 psychosocial stress, family problems or other difficulties which is
11 designed to enhance problem solving skills and coping abilities as
12 identified in a treatment plan.

13 (9) *Individual Counseling* shall mean planned interventions to
14 assist a client to enlarge competencies, increase problem solving skills
15 and coping abilities according to identified treatment goals.

16 (10) *Couples therapy* shall mean therapeutic interventions
17 with married or unmarried couples to resolve problems and conflicts
18 in their relationship.

19 (11) *Family therapy* shall mean systematic interventions for
20 the purpose of enabling family members to understand the behavior

1 of individuals in relation to the ongoing operations of the family
2 group.

3 (12) *Group Counseling* shall mean the gathering together of
4 unrelated individuals at the direction of a group facilitator or
5 counselor for a therapeutic purpose.

6 **Section 10. Qualifications for Licensure.**

7 (1) The provisions in this bill shall take effect two years after
8 enactment. At that time, the Board shall issue a license as a Licensed
9 Mental Health Counselor to an applicant who:

10 a. Has a doctorate or master's degree from an
11 accredited educational institution with a program in
12 psychology, counseling, marriage and family therapy,
13 clinical social work or other psycho-therapeutic discipline.

14 The applicant must be able to show documentation of:

15 i. A minimum of ninety (90) quarter hours or
16 sixty (60) semester hours of graduate studies (as
17 recommended by the Counsel for Accreditation of
18 Counseling and Related Educational Programs
19 [CACREP]) that:

20 ii. includes course content in the following areas:

- 1 1. Foundations
- 2 2. Counseling, Prevention, and Intervention
- 3 3. Diversity and Advocacy
- 4 4. Assessment
- 5 5. Research and Evaluation
- 6 6. Diagnosis; and
- 7 iii. includes a practicum, consisting of a
- 8 minimum of one hundred (100) hours; and
- 9 iv. includes an internship, consisting of a
- 10 minimum of six hundred (600) hours; and
- 11 b. Has completed a minimum of three thousand (3,000)
- 12 hours of documented post-graduate clinical experience and
- 13 one hundred (100) hours of supervision by a licensed
- 14 Individual, Marriage and Family Therapist (IMFT), Certified
- 15 Professional Counselor (CPC), Licensed Clinical Social
- 16 Worker (LCSW), Licensed Mental Health Counselor
- 17 (LMHC), Licensed Professional Counselor (LPC), Marriage
- 18 and Family Therapist (MFT), Clinical Psychologist,
- 19 Psychiatrist or other license deemed by the Board to be
- 20 substantially equivalent to these professions, who is licensed

1 and authorized to provide such supervision in the United
2 States, its territories or a foreign country determined to be
3 acceptable on a case by case basis by the Board. The three
4 thousand (3,000) hours of post-graduate clinical experience
5 may include, but is not limited to; face-to-face treatment of
6 clients, keeping clinical notes, supervision, treatment team
7 meetings, consultation, education, treatment planning,
8 observation and other activities generally recognized to be
9 part of clinical practice. A minimum of one thousand five
10 hundred (1,500) hours of the three thousand (3,000) hours of
11 post-graduate clinical experience must be in face-to-face
12 treatment of individuals or groups; and

13 c. Has successfully passed the National Counselor
14 Examination for Licensure and Certification (NCE) and the
15 National Clinical Mental Health Counselor Exam
16 (NCMHCE) which have been conducted in a manner
17 approved by the National Board for Certified Counselors
18 (NBCC); and

19 d. Has documented completion of training by a
20 professional association or educational institution and

1 approved by the Board that consists of at least six (6) hours
2 of professional ethics, three (3) hours of culturally competent
3 counseling practices with Micronesian communities in
4 Guam and one (1) hour of mandated reporting.

5 (2) For an individual who has not engaged in post-graduate
6 experience or cannot document a minimum of three thousand (3,000)
7 hours of post-graduate clinical experience under the supervision of a
8 licensed IMFT, CPC, LCSW, LMHC, LPC, MFT, Clinical Psychologist,
9 Psychiatrist or other license deemed by the Board to be substantially
10 equivalent to these professions, who is licensed and authorized to
11 provide such supervision in the United States, its territories or a
12 foreign country determined to be acceptable on a case by case basis
13 by the Board; such individual may practice under an internship
14 program approved by the Board prior to engagement in that program
15 in order to gain that supervision in Guam. The three thousand (3,000)
16 hour internship program may include, but is not limited to: face-to-
17 face treatment of clients, keeping clinical notes, supervision,
18 treatment team meetings, consultation, education, treatment
19 planning, observation and other activities generally recognized to be
20 part of clinical practice. A minimum of one thousand five hundred

1 (1,500) hours of the three thousand (3,000) hours must be in face-to-
2 face treatment of individuals and groups, and a minimum of one
3 hundred (100) hours must be supervision. To provide such
4 supervision in Guam, a person must be a licensed Individual
5 Marriage and Family Therapist, Licensed Professional Counselor,
6 Marriage and Family Therapist or Licensed Clinical Social Worker
7 licensed in Guam who has held a license for a minimum of five (5)
8 years with experience in clinical work which requires diagnosis and
9 treatment planning; or a Clinical Psychologist or Psychiatrist licensed
10 in Guam who has held a license for a minimum of three (3) years
11 with experience in clinical work which requires diagnosis and
12 treatment planning.

13 (3) Individuals who hold a current, valid license in a state of
14 the United States, its territories or a foreign country approved by the
15 Board on a case-by-case basis as a Licensed Clinical Counselor of
16 Mental Health, Licensed Clinical Mental Health Counselor, Licensed
17 Mental Health Counselor, Licensed Mental Health Practitioner,
18 Licensed Professional Counselor of Mental Health, or other license
19 deemed by the Board to be substantially equivalent to the Guam
20 License for Licensed Mental Health Counselor, and who has passed

1 both the NCE and the NCMHCE in a manner approved by the NBCC
2 shall be eligible for the Guam license for Licensed Mental Health
3 Counselor.

4 **Section 11. Exceptions to licensure.**

5 (1) No person may practice Mental Health Counseling in
6 Guam who is not licensed as a Licensed Mental Health Counselor by
7 the Board, unless such practice is approved by the Board or other
8 Guam licensing Board. However, this Article does not prohibit:

9 a. an employee of the Federal government from
10 performing official duties on federal property;

11 b. an LCSW, PC, LPC, CPC, LMHC, MFT,
12 Psychologist or Psychiatrist, currently licensed in another
13 jurisdiction of the United States from consulting with or
14 advising a Licensed Mental Health Counselor in Guam.
15 However, the consultant, if not licensed in Guam may not
16 provide services to a client directly;

17 c. an active student in good standing, as a
18 requirement of a university program for completion of a
19 degree or a person who is engaged in the completion of the
20 requirement of three thousand (3,000) hours of post-

1 graduate clinical experience to become licensed as an
2 LMHC, under the supervision of a Guam licensed IMFT,
3 LPC, LMHC, MFT, LCSW, clinical psychologist or
4 psychiatrist from performing assigned duties.

5 d. Nothing herein prohibits qualified members of
6 other professional groups, such as clinical psychologists,
7 school psychologists, counseling psychologists, social
8 workers or ordained clergy from doing work of a counseling
9 nature consistent with their training and code of ethics for
10 their respective professions; *provided*, that they do not hold
11 themselves out to the public as a:

12 i. Mental Health Counselor

13 **Section 12. Scope of Practice.**

14 Licensed Mental Health Counselors are qualified to provide
15 services to individuals, couples, families, and groups. They apply
16 theories, principles, and methods of counseling and psychotherapy to
17 define goals and develop plans of action aimed toward the
18 prevention, treatment, and resolution of mental and emotional
19 dysfunction and intra- or interpersonal difficulties. The practice of
20 mental health counseling includes, but is not limited to, the

1 assessment, diagnosis, and non-medical treatment of mental and
2 emotional disorders, the application of psychoeducational techniques
3 and measures aimed at the prevention of such disorders, and
4 consultation to individuals, couples, families, groups, organizations,
5 and communities.

6 **Section 13. Client Confidentiality.**

7 Client Confidentiality is defined and regulated as set forth in
8 the Health Insurance Portability and Accountability Act (HIPAA), the
9 ethical rules of the American Counseling Association (ACA), Guam
10 law, and revisions thereof. Breach of client confidentiality except as
11 provided for by HIPAA, the ACA, or Guam law shall be considered
12 unprofessional conduct and may be grounds for revocation or
13 suspension of the license.

14 **Section 14. Continuing Education Requirements.**

15 A licensee shall complete a total of 40 contact hours or 4.0
16 Continuing Education Units directly related to the practice of Mental
17 Health Counseling within each two (2) year licensure period to
18 qualify for renewal of licensure.

19 **Section 15. Grandfather Provision.**

20 All licensees who hold a current, valid, license as an

1 Individual, Marriage, and Family Therapist issued by the Guam
2 Board of Allied Health Examiners or as a Licensed Professional
3 Counselor issued by a Guam Board, at the time this article is enacted
4 into law, shall be eligible to apply for a license as a Licensed Mental
5 Health Counselor. They may be granted a license as a Licensed
6 Mental Health Counselor if:

- 7 1. They can pass the NCMHCE developed by the NBCC
8 (they shall be deemed eligible by the board to take the test),
9 or
- 10 2. They can document 1,000 hours of post Masters
11 clinical work which requires diagnosis and treatment
12 planning, or
- 13 3. They have held a license as an Individual, Marriage
14 and Family Therapist in Guam, a Licensed Professional
15 Counselor in Guam, or any combination of the two (2) for a
16 minimum of six (6) years.

17 **SECTION 16.**

18 **MARRIAGE AND FAMILY THERAPIST**

19 **Definitions.** In this Article:

20 **(1)** *Accredited educational institution* shall mean any educational

1 institution which grants a doctoral or master's degree and is
2 accredited by a regional accrediting body in the United States or by
3 another accrediting or recognized approval agency recognized by the
4 Board including state, national or foreign approving agencies.

5 **(2)** *Clinical supervision* shall mean the supervision of no more
6 than six (6) persons at the same time who are acquiring and
7 completing clinical experience in accordance with Guam law. Clinical
8 supervision is that aspect of instructional supervision which draws
9 upon data from direct firsthand observation of actual teaching, or
10 other professional events, and involves face-to-face and other
11 associated interactions between the observer(s) and the person(s)
12 observed in the course of analyzing the observed professional
13 behaviors and activities and seeking to define and/or develop next
14 steps toward improved performance. This includes, but is not limited
15 to the following: case consultation, the assessment and diagnosis of
16 presenting problems, development and implementation of treatment
17 plans and the evaluation of the course of treatment.

18 **(3)** *Consultant* shall mean a credentialed professional who
19 provides expert service, advice, or makes recommendations for a fee
20 or pro bono, by phone, internet, in person, or by other means to an

1 individual licensed on Guam as a Marriage and Family Therapist for
2 the purposes of maximizing therapeutic benefit for a client.

3 (4) *Family* shall mean all forms of households that consist of
4 members with emotional bonds and mutual obligations that define
5 themselves as families. "Family" as used here includes, but is not
6 limited to, nuclear families, once married couples with children, a
7 single parent with children, non-married couples with children,
8 blended families, remarried couples, and couples without children.

9 (5) *Marriage and Family Therapy* shall mean the application of
10 psychotherapeutic techniques in the delivery of services to
11 individuals, couples, families, or groups in order to diagnose and
12 treat mental, emotional, and nervous disorders, whether these are
13 behavioral, cognitive, or affective, within the context of the
14 individual's relationships. Marriage and Family Therapy includes,
15 but is not limited to:

- 16 a. Assessment and diagnosis of presenting problems through
17 inquiry, observation, evaluation, and integration of
18 diagnostic information;
- 19 b. Designing and developing treatment plans by incorporating
20 and integrating recognized psychotherapeutic theories, in

1 establishing treatment goals and interventions
2 collaboratively with clients;

3 c. Implementing and evaluating the course of treatment by
4 incorporating psychotherapeutic theories to assist
5 individuals, couples, families and groups.

6 **(6) *Marriage and Family Therapist*** (herein referred to as MFT)
7 shall mean a person licensed on Guam to practice Marriage and
8 Family Therapy as defined in these rules and regulations.

9 **(7) *Psychotherapy*** shall mean a specialized, formal interaction
10 between an MFT or other Mental Health Professional, and a client (an
11 individual, couple, family, or group) in which a therapeutic
12 relationship is established to help resolve symptoms of a mental
13 disorder, psychosocial stressor, family problem, or other difficulty,
14 which is designed to enhance problem solving skills and coping
15 abilities. Therapy can be used interchangeably with counseling and
16 psychotherapy.

17 a. *Family therapy* shall mean systematic interventions for the
18 purpose of enabling family members to understand the
19 behavior of individuals in relation to the ongoing operations of
20 the family group. This approach enables family members to

1 generate a wider range of options for coping with problems,
2 and to learn problem solving skills.

3 b. *Individual therapy* shall mean planned interventions to help
4 a client enlarge competencies and increase problem solving
5 skills and coping abilities.

6 c. *Group therapy* shall mean the gathering together of
7 unrelated individuals at the direction of a group facilitator or
8 therapist for a therapeutic purpose.

9 d. *Couples therapy* shall mean therapeutic interventions with
10 married or unmarried couples to resolve problems and conflicts
11 in their relationship.

12 **Section 17. Qualifications for Licensure.**

13 1. The provisions in this bill shall take effect two years after
14 enactment. At that time, the Board shall issue a license as a
15 Marriage and Family Therapist to an applicant who:

16 a. has a doctorate or master's degree from an accredited
17 educational institution with a program in psychology,
18 counseling, marriage and family therapy, or other psycho-
19 therapeutic discipline. The applicant must be able to show
20 documentation of:

1 i. a minimum of ninety (90) quarter hours or sixty (60)
2 semester hours of graduate studies (as suggested by the
3 Counsel for Accreditation of Counseling and Related
4 Educational Programs [CACREP]) that:

5 ii. includes course content in the following areas:

- 6 1. Professional Identity
- 7 2. Social and Cultural Diversity
- 8 3. Human Growth and Development
- 9 4. Career Development
- 10 5. Helping Relationships
- 11 6. Group Work
- 12 7. Assessment
- 13 8. Research and Program Development
- 14 9. Professional Ethics
- 15 10. Foundations of Marital, Couple, and Family
16 Counseling/Therapy
- 17 11. Contextual dimensions of Marital, Couple, and
18 Family Counseling/Therapy
- 19 12. Knowledge and skill requirements for Marital,
20 Couple, and Family Counselor/Therapist; and

1 iii. includes a practicum, consisting of a minimum of one
2 hundred (100) hours; and

3 iv. includes an internship, consisting of a minimum of six
4 hundred (600) hours with a minimum of two hundred
5 forty (240) clock hours in direct services with individuals,
6 couples and families, with the majority of the direct
7 service clock hours occurring with couples and family
8 units; and

9 b. has completed a minimum of three thousand (3,000) hours of
10 documented post-graduate clinical experience and one
11 hundred (100) hours of supervision by a licensed Individual,
12 Marriage and Family Therapist (IMFT), Certified Professional
13 Counselor (CPC), Licensed Clinical Social Worker (LCSW),
14 Licensed Mental Health Counselor (LMHC), Licensed
15 Professional Counselor (LPC), Marriage and Family Therapist
16 (MFT), Clinical Psychologist, Psychiatrist or other license
17 deemed by the Board to be substantially equivalent to these
18 professions, who is licensed and authorized to provide such
19 supervision in the United States, its territories or a foreign
20 country determined to be acceptable on a case by case basis by

1 the Board. The three thousand (3,000) hours of post-graduate
2 clinical experience may include, but is not limited to: face-to-
3 face treatment of clients, keeping clinical notes, supervision,
4 treatment team meetings, consultation, education, treatment
5 planning, observation, and other activities generally recognized
6 to be part of clinical practice. A minimum of one thousand five
7 hundred (1,500) of the three thousand (3,000) hours of post-
8 graduate clinical experience must be in the face-to-face
9 treatment of individuals, couples, groups, or families, and;

10 c. has successfully passed The Marital and Family Therapy
11 Examination created by the Association of Marital and Family
12 Therapy Regulatory Boards (AMFTRB), or has passed another
13 examination created by a recognized national or international
14 entity deemed by the Board to be substantially equivalent to
15 The Marital and Family Therapy Examination created by the
16 Association of Marital and Family Therapy Regulatory Boards
17 (AMFTRB), and;

18 d. Has documented completion of training by a professional
19 association or educational institution and approved by the
20 Board that consists of at least six (6) hours of professional

1 ethics, three (3) hours of culturally competent counseling
2 practices with Micronesian communities on Guam and one (1)
3 hour of mandated reporting.

4 2. For an individual who has not engaged in post-graduate
5 experience or cannot document a minimum of three thousand
6 (3,000) hours of post-graduate clinical experience under the
7 supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC, MFT,
8 Clinical Psychologist, Psychiatrist, or other license deemed by the
9 Board to be substantially equivalent to these professions, who is
10 licensed and authorized to provide such supervision in the United
11 States, its territories or a foreign country determined to be
12 acceptable on a case by case basis by the Board; such individual
13 may practice under an internship program approved by the Board
14 prior to engagement in that program in order to gain that
15 supervision on Guam. The three thousand (3,000) hour
16 internship program may include, but is not limited to: face-to-face
17 treatment of clients, keeping clinical notes, supervision, treatment
18 team meetings, consultation, education, treatment planning,
19 observations, and other activities generally recognized to be part
20 of clinical practice. A minimum of one thousand five hundred

1 (1,500) of the three thousand (3,000) hours must be in the face-to-
2 face treatment of individuals, couples, groups, or families, and a
3 minimum of one hundred (100) hours must be supervision. To
4 provide such supervision on Guam a person must be a licensed
5 Individual Marriage and Family Therapist, Licensed Professional
6 Counselor, Marriage and Family Therapist or Licensed Clinical
7 Social Worker licensed on Guam who has held a license for a
8 minimum of five (5) years with experience working with couples
9 and families; or a Clinical Psychologist or Psychiatrist licensed on
10 Guam who has held a license for a minimum of three (3) years
11 with experience working with couples and families.

12 3. Individuals who hold a current valid license issued by a
13 state of the United States, its territories, or foreign country
14 approved by the Board on a case by case basis as a Marriage and
15 Family Therapist, or other license deemed by the Board to be
16 substantially equivalent to the Guam license for Marriage and
17 Family Therapy, who have passed The Marital and Family
18 Therapy Examination created by the Association of Marital and
19 Family Therapy Regulatory Boards (AMFTRB), or has passed
20 another examination created by a recognized national or

1 international entity deemed by the Board to be substantially
2 equivalent to The Marital and Family Therapy Examination
3 created by the Association of Marital and Family Therapy
4 Regulatory Boards (AMFTRB), shall be eligible for the Guam
5 license for Marriage and Family Therapy.

6 **Section 17. Exceptions to licensure.**

7 1. No person may practice Marriage and Family Therapy in
8 Guam who is *not* licensed as a Marriage and Family Therapist by
9 the Board, *unless* such practice is approved by the Board or other
10 Guam licensing Board. *However*, this Article does not prohibit:

11 a. an employee of the Federal government from
12 performing official duties on federal property;

13 b. an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist,
14 or Psychiatrist currently licensed in another jurisdiction of
15 the United States from consulting with or advising a
16 licensed Marriage and Family Therapist on Guam.
17 However, the consultant, if not licensed on Guam may not
18 provide services to a client directly;

19 c. an active student in good standing, as a requirement of
20 a university program for completion of a degree or a

1 person who is engaged in the completion of the
2 requirement of three thousand (3,000) hours of post-
3 graduate clinical experience to become licensed as an MFT,
4 under the supervision of a Guam licensed IMFT, LPC,
5 LMHC, MFT, LCSW, clinical psychologist or psychiatrist
6 from performing assigned duties.

7 d. Nothing herein prohibits qualified members of other
8 professional groups, such as clinical psychologists,
9 counseling psychologists, school psychologists, social
10 workers, or ordained clergy from doing work of a
11 counseling nature consistent with their training and code
12 of ethics for their respective professions; *provided*, that they
13 do not hold themselves out to the public by any of the
14 following titles:

15 i. family therapist;

16 ii. marriage therapist;

17 iii. psychotherapist (other than Clinical
18 Psychologist); or

19 iv. any combination thereof.

20 **Section 18. Scope of Practice.**

1 Marriage and Family Therapists use psychotherapeutic
2 techniques to prevent, assess, evaluate, diagnose, develop
3 treatment goals, plans and objectives, treat and evaluate outcomes
4 for mental, emotional or behavioral disorders and associated
5 distresses that interfere with mental health.

6 **Section 19. Client Confidentiality.**

7 Client Confidentiality is defined and regulated by the
8 standards set forth in the Health Insurance Portability and
9 Accountability Act (HIPAA), the ethical rules of the American
10 Counseling Association (ACA), Guam law, and revisions thereof.
11 Breach of client confidentiality except as provided for by HIPAA
12 the ACA, or Guam law shall be considered unprofessional
13 conduct and may be grounds for revocation or suspension of the
14 license.

15 **Section 20. Continuing Education Requirements.**

16 A licensee shall complete a total of 40 contact hours or 4.0
17 Continuing Education Units directly related to the practice of
18 Marriage and Family Therapy within each two (2) year licensure
19 period to qualify for renewal of licensure.

20 **Section 21. Grandfather Provision.**

1 All licensees who hold a current, valid, license as an
2 Individual, Marriage, and Family Therapist issued by the Guam
3 Board of Allied Health Examiners or as a Licensed Professional
4 Counselor issued by a Guam Board, at the time this article
5 becomes law, shall be eligible to apply for a license as a Marriage
6 and Family Therapist. They may be granted a license as a
7 Marriage and Family Therapist if:

- 8 1. They can pass the Marital and Family Therapy
9 examination developed by the Association of Marital
10 and Family Therapy Regulatory Boards (AMFTRB)
11 (they shall be deemed eligible to take the test by the
12 Board), or
- 13 2. They can document 1,000 hours of post Masters
14 clinical work with couples and families, or
- 15 3. They have held a license as an Individual, Marriage
16 and Family Therapist on Guam, a Licensed
17 Professional Counselor on Guam, or any combination
18 of the two (2) for a minimum of six (6) years.



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH & HUMAN SERVICES, HEALTH INSURANCE REFORM,
 ECONOMIC DEVELOPMENT AND SENIOR CITIZENS
 Mina'trentai Dos Na Liheslaturan Guåhan • 32nd Guam Legislature

PUBLIC HEARING DATE / TIME: Monday, May 20, 2013 5pm

- **Bill No. 48-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed professional counselor.

PRINT NAME	SIGNATURE	AGENCY or ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS
- Rosemarie B. Camacho	<i>[Signature]</i>	AIMFT	<i>[Signature]</i>		<i>[Signature]</i>		
Maresa Aquon	<i>[Signature]</i>	AIMFT			<i>[Signature]</i>		
Nadine Cepeda	<i>[Signature]</i>	AIMFT			<i>[Signature]</i>		
- Wayne Butler	<i>[Signature]</i>	AIMFT	<i>[Signature]</i>		<i>[Signature]</i>		



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH & HUMAN SERVICES, HEALTH INSURANCE REFORM,
 ECONOMIC DEVELOPMENT AND SENIOR CITIZENS
 Mina'trentai Dos Na Liheslaturan Guåhan • 32nd Guam Legislature

PUBLIC HEARING DATE / TIME: Monday, May 20, 2013 5pm

- **Bill No. 50-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for a marriage and family therapist.

PRINT NAME	SIGNATURE	AGENCY or ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS
Rosemarie B. Camacho	<i>[Signature]</i>	AIMFT	<i>[Signature]</i>		<i>[Signature]</i>		
Maresa Aguiar	<i>[Signature]</i>	AIMFT			<i>[Signature]</i>		
Nadine Cepeda	<i>[Signature]</i>	AIMFT			<i>[Signature]</i>		
Wayne Butler	<i>[Signature]</i>	AIMFT	<i>[Signature]</i>		<i>[Signature]</i>		

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

May 20, 2013

VIA EMAIL

senatordrodriguez@gmail.com

The Honorable Dennis G. Rodriguez, Jr.
Chairman, Committee on Health & Human Services,
Health Insurance Reform, Economic Development,
and Senior Citizens
I Mina' trentai Dos Na Liheslaturan Guåhan
176 Serenu Ave., Suite 107
Tamuning, Guam 96931

Re: Sponsor Statement on Bill Nos. 48-32 (LS), 49-32 (LS), and 50-32 (LS)

Dear Senator Rodriguez:

Thank you for scheduling a public hearing for Bill No. 48-32 (LS)- "AN ACT TO DEFINE THE EDUCATIONAL AND PROFESSIONAL REQUIREMENT FOR A LICENSED PROFESSIONAL COUNSELOR," Bill No. 49-32 (LS)- "AN ACT TO DEFINE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A LICENSED MENTAL HEALTH COUNSELOR," and Bill No. 50-32 (LS)- "AN ACT TO DEFINE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A MARRIAGE AND FAMILY THERAPIST." These bills create and define the educational and professional requirements for three professional positions.

The three bills refine and update the current Allied Health regulations incorporating qualifications and exceptions to licensure, scope of practice, client confidentiality, and continuing educational requirements. Members of the Individual, Marriage, Family Therapists Association (IMFTA) are required to meet these stringent training and education requirements.

The three bills recognize that any alterations to the current statutory and regulatory structure governing the practice of professional therapists must be inclusive of all of the stakeholders, including the Guam Board of Allied Health Examiners, local professional therapists and counselors, public and private mental health providers, the elected leadership, and the general public.

IMFTA members have determined that the framework for new regulations in this field should be introduced by way of the legislative process, to produce an updated set of statutory and regulatory changes that will move this reform process forward.

Thank you, again, for this opportunity. I respectfully request that this statement be included with your committee's report on Bill Nos. 48-32 (LS), 49-32 (LS), and 50-32 (LS).

Very truly yours,

A handwritten signature in black ink that reads "Rory J. Respicio". The signature is written in a cursive, flowing style.

Rory J. Respicio

Hafa Adai Senator Rodriguez,

My name is Rosemarie B. Camacho and I am the current president of the Association of Individual, Marriage, and Family Therapists of Guam.

On behalf of the Association of Individual, Marriage, and Family Therapists of Guam (AIMFT), Si Yu'os Ma'ase for this opportunity to provide testimony in support of AIMFT's proposed new licenses: 1) Licensed Professional Counselor, 2) Licensed Mental Health Counselor, and 3) Marriage and Family Therapist, which would replace the current Individual Marriage, and Family Therapy license.

The current license for Individual, Marriage, and Family Therapist, was created in 1989 at a time when there were very few master's level mental health providers from a variety of backgrounds, including social work, counseling, psychology, and related fields. More than 20 years later, Guam's mental health community has outgrown this one-size-fits-all license. There are approximately 60 licensed IMFTs from a variety of backgrounds which allows for more specific licenses based on national standards, as seen on the U.S. mainland. Most importantly, the educational opportunities for these specialty licenses are now available to local residents.

AIMFT's proposed licenses are based on national standards, as recommended by the Council on the Accreditation of Counseling and Related Educational Programs (CACREP) and the National Board of Certified Counselors (NBCC). Each license will require CACREP-recommended graduate coursework, 3000 hours of supervised clinical practice, and passage of national exams offered by the NBCC and the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB). Grandparent clauses are included in each of the proposed licenses providing flexible options to ensure that currently licensed IMFTs will be able to continue practicing. The new requirements would go into effect two years from the passage of the bills into law, giving graduate students and interns time to transition.

These proposals are the result of ten years of research, negotiation, and compromise, with ongoing efforts to consult with key stakeholders, including members of NASW-Guam Chapter, the Guam Psychological Association, and the University of Guam Social Work, Clinical Psychology, and Counseling programs, and the Department of Mental Health and Substance Abuse.

We have done our best to address all concerns and reach a consensus that benefits our collective professional community and, most importantly, the individuals and families we all serve.

meetings with stakeholders:

- Wed 3/2/12 12:00pm meeting with NASW license committee
- Wed 3/28/12 1:00pm, presentation of proposed licenses at NASW conference
- Wed 9/5/12 1-4pm AIMFT License Committee Forum - emails sent to all licensed IMFTs, provided by Board of Allied Health
- Wed 9/26/12 Presentation to Counseling Program
- Wednesday 3/13/13 addressed concern brought by AIMFT/GPA member regarding requirement for 5 years of licensure to qualify as a supervisor for IMFT interns
- 3/29/13 sent email to Dr. Lindsey Miller, President of GPA, acknowledging concern about supervision and informing her the AIMFT is willing to negotiate this requirement
- 4/3/13 Round-table discussion at Guam Legislature. Heard concerns expressed by DMHSA and Dr. Aline Yamashita regarding Cultural Competency
 - Added 6 contact hours on Ethics
 - Added 3 contact hours on Culturally Competent Counseling with Micronesian Communities in Guam
 - Added 1 contact hour on Mandatory Reporting
- April 2013 met with Dr. Taimanglo at DMHSA to address concerns raised at round-table discussion
 - Agreed the psychologists and psychiatrists must be licensed for 3 years in order to serve as supervisors whereas master's level supervisors must be licensed for five years

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These proposals are the result of ten years of research, negotiation, and compromise, with ongoing efforts to consult with key stakeholders, including members of NASW-Guam Chapter, the Guam Psychological Association, and the University of Guam Social Work, Clinical Psychology, and Counseling programs, and the Department of Mental Health and Substance Abuse.

We have done our best to address all concerns and reach a consensus that benefits our collective professional community and, most importantly, the individuals and families we all serve.

Once again, Si Yu'os Ma'ase for this opportunity.

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ARTICLE ##.

LICENSED PROFESSIONAL COUNSELOR

Section #####1. Definitions.

Section #####2. Qualifications for Licensure.

Section #####3. Exceptions to Licensure.

Section #####4. Scope of Practice.

Section #####5. Privileged Communications.

Section #####6. Continuing Education Requirements.

Section #####7. Grandfather Provision.

Section #####1. Definitions. In this Article:

1. *Accredited educational institution* shall mean any educational institution which grants a doctoral or master's degree and is accredited by a regional accrediting body in the United States or by another accrediting or recognized approval agency recognized by the Board including state, national or foreign approving agencies.
2. *Clinical supervision* shall mean the supervision of no more than six (6) persons at the same time who are acquiring and completing clinical experience in accordance with Guam law. Clinical supervision is that aspect of instructional supervision which draws upon data from direct firsthand observation of actual teaching, or other professional events, and involves face-to-face and other associated interactions between the observer(s) and the person(s) observed in the course of analyzing the observed professional behaviors and activities and seeking to define and/or develop next steps toward improved performance. This includes, but is not limited to the following: case consultation, the assessment and diagnosis of presenting problems, development and implementation of treatment plans and the evaluation of the course of treatment.
3. *Consultant* shall mean a credentialed professional who provides expert service, advice, or makes recommendations for a fee or pro bono, by phone, internet, in person, or by other means to an individual licensed on Guam as a Licensed Professional Counselor for the purposes of maximizing therapeutic benefit for a client.
4. *Licensed Professional Counselor* shall mean a person licensed on Guam to practice Professional Counseling as defined in these rules and regulations.
5. *National Counselor Examination for Licensure and Certification (NCE)* shall mean the examination compiled by the National Board for Certified Counselors (NBCC).
6. *Professional Counseling* shall mean the use of psychotherapeutic techniques in the delivery of services to individuals and groups in order to diagnose and treat mental, emotional and nervous disorders, whether these are behavioral, cognitive or affective. Professional Counseling includes, but is not limited to:
 - a. Assessment and diagnosis of presenting problems through inquiry, observation, evaluation and integration of diagnostic information;
 - b. Designing and developing treatment plans by incorporating and integrating recognized psychotherapeutic theories in establishing treatment goals and interventions collaboratively with clients; and

- c. Implementing and evaluating the course of treatment by incorporating psychotherapeutic theories to assist individuals and groups.
7. *Counseling* shall mean a specialized, formal interaction between a Licensed Professional Counselor or other Mental Health Professional and a client in which a therapeutic relationship is established to help resolve symptoms of mental disorders, psychosocial stress, family problems or other difficulties which is designed to enhance problem solving skills and coping abilities as identified in a treatment plan.
8. *Individual Counseling* shall mean planned interventions to assist a client to enlarge competencies, increase problem solving skills and coping abilities according to identified treatment goals.
9. *Group Counseling* shall mean the gathering together of unrelated individuals at the direction of a group facilitator or counselor for a therapeutic purpose.

Section #####2. Qualifications for Licensure.

1. The provisions in this bill shall take effect two years after this bill is passed. At that time, the Board shall issue a license as a Licensed Professional Counselor to an applicant who:
 - a. has a doctorate or master's degree from an accredited educational institution with a program in psychology, counseling, marriage and family therapy, clinical social work or other psycho-therapeutic discipline. The applicant must be able to show documentation of:
 - i. a minimum of seventy-two (72) quarter hours or forty-eight (48) semester hours of graduate studies (as suggested by the Counsel for Accreditation of Counseling and Related Educational Programs [CACREP]) that:
 - ii. includes course content in the following areas:
 1. Human Growth and Development
 2. Social / Cultural Foundations
 3. Counseling Theories and Techniques
 4. Group Work
 5. Career and Lifestyle Development
 6. Appraisal (test and measurements for individuals and groups)
 7. Research and Program Evaluation
 8. Professional Orientation (to counseling)
 9. Professional Ethics; and
 - iii. includes a practicum, consisting of a minimum of one hundred (100) hours; and
 - iv. includes an internship, consisting of a minimum of six hundred (600) hours and;
 - b. has completed a minimum of three thousand (3,000) hours of documented post-graduate clinical experience and one hundred (100) hours of supervision by a licensed Individual, Marriage and Family Therapist (IMFT), Certified Professional Counselor (CPC), Licensed Clinical Social Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed Professional Counselor (LPC), Marriage and Family Therapist (MFT), Clinical Psychologist, Psychiatrist or other license deemed by the Board to be substantially equivalent to these professions, who is licensed and authorized to provide such supervision in the United States, its territories or a foreign country determined to be acceptable on a case by case basis by the Board. The three thousand (3,000) hours of post graduate clinical experience may include, but is not limited to: face-to-face treatment of clients, keeping clinical notes, supervision, treatment team meetings, consultation,

education, treatment planning, observation and other activities generally recognized to be part of clinical practice. A minimum of one thousand five hundred (1,500) hours of the three thousand (3,000) hours of post-graduate clinical experience must be in the face-to-face treatment of individuals or groups,

- c. has successfully passed the National Counselor Examination for Licensure and Certification (NCE) which has been conducted in a manner approved by the National Board for Certified Counselors (NBCC), and;
 - d. has documented completion of training by a professional association or educational institution and approved by the Board that consists of at least six (6) hours of professional ethics, three (3) hours of culturally competent counseling practices with Micronesian communities on Guam and one (1) hour of mandated reporting
2. For an individual who has not engaged in post-graduate experience or cannot document a minimum of three thousand (3,000) hours of post-graduate clinical experience under the supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC, MFT, Clinical Psychologist, Psychiatrist or other license deemed by the Board to be substantially equivalent to these professions, who is licensed and authorized to provide such supervision in the United States, its territories or a foreign country determined to be acceptable on a case by case basis by the Board; ~~such individual may practice under an internship program approved by the Board prior to engagement in that program in order to gain that supervision on Guam. The three thousand (3,000) hour internship program may include, but is not limited to: face-to-face treatment of clients, keeping clinical notes, supervision, treatment team meetings, consultation, education, treatment planning, observation and other activities generally recognized to be part of clinical practice. A minimum of one thousand five hundred (1,500) hours of the three thousand (3,000) hours must be in the face-to-face treatment of individuals and groups, and a minimum of one hundred (100) hours must be supervision. To provide such supervision on Guam, a person must be a licensed Individual Marriage and Family Therapist, Licensed Professional Counselor, Marriage and Family Therapist or Licensed Clinical Social Worker licensed on Guam who has held a license for a minimum of five (5) years; or a Clinical Psychologist or Psychiatrist licensed on Guam who has held a license for a minimum of three (3) years.~~
3. Individuals who hold a current, valid license issued by a state of the United States, its territories or foreign country approved by the Board on a case-by-case basis as a Certified Professional Counselor, Licensed Clinical Counselor of Mental Health, Licensed Clinical Mental Health Counselor, Licensed Mental Health Counselor, Licensed Mental Health Practitioner, Licensed Professional Counselor of Mental Health, Professional Counselor, Marriage and Family Therapist or other license deemed by the Board to be substantially equivalent to the Guam License for Licensed Professional Counselor, shall be eligible for the Guam license for Licensed Professional Counselor.

Section #####3. Exceptions to licensure.

1. No person may practice Professional Counseling on Guam who is *not* licensed as a Licensed Professional Counselor by the Board, *unless* such practice is approved by the Board or other Guam licensing Board. *However*, this Article does not prohibit:
 - a. an employee of the Federal government from performing official duties on federal property;

- b. an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or Psychiatrist, currently licensed in another jurisdiction of the United States from consulting with or advising a Licensed Professional Counselor on Guam. However, the consultant, if not licensed on Guam may not provide services to a client directly;
- c. an active student in good standing as a requirement of a university program for completion of a degree or a person who is engaged in the completion of the requirement of three thousand (3,000) hours of post-graduate clinical experience to become licensed as an LPC, under the supervision of a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist or psychiatrist from performing assigned duties.
- d. Nothing herein prohibits qualified members of other professional groups, such as clinical psychologists, school psychologists, counseling psychologists, social workers or ordained clergy from doing work of a counseling nature consistent with the training and code of ethics for their respective professions; *provided*, that they do not hold themselves out to the public as a:
 - i. Professional Counselor

Section #####4. Scope of Practice.

Licensed Professional Counselors use psychotherapeutic techniques to prevent, assess, evaluate, diagnose, develop treatment goals, plans and objectives, treat and evaluate outcomes for mental, emotional or behavioral disorders and associated distresses that interfere with mental health.

Section #####5. Client Confidentiality.

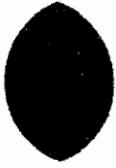
Client Confidentiality is defined and regulated as set forth in the Health Insurance Portability and Accountability Act (HIPAA), the ethical rules of the American Counseling Association (ACA), Guam law, and revisions thereof. Breach of client confidentiality except as provided for by HIPAA, the ACA, or Guam law shall be considered unprofessional conduct and may be grounds for revocation or suspension of the license.

Section #####6. Continuing Education Requirements.

A licensee shall complete a total of 40 contact hours or 4.0 Continuing Education Units directly related to the practice of Professional Counseling within each two (2) year licensure period to qualify for renewal of licensure.

Section #####7. Grandfather Provision.

All licensees who hold a current, valid, license as an Individual, Marriage, and Family Therapist issued by the Guam Board of Allied Health Examiners at the time this section becomes law shall be deemed to hold a current, valid license as a Licensed Professional Counselor.

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR**RAY S. TENORIO**
LIEUTENANT GOVERNOR**JOHN A. RIOS**
DIRECTOR**MAY 07 2013**

The Bureau requests that Bill No(s) 48-32 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The intent of the proposed measure is to define the educational and professional requirements for a licensed professional counselor. The proposed legislation is introduced in order to begin the framework among various stakeholders to update the current Allied Health regulations to incorporate more specialized educational and professional provisions with respect to licensed therapists in order to construct a final set of statutory changes.

Although the Bill's intent is administrative in nature, however, there is no reference made relative to amending or adding these new Sections to an existing mandate under the Guam Code Annotated.


JOHN A. RIOS
Director



COMMITTEE ON RULES

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MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 21, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill No. 48-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 48-32(LS).

Please ensure that the subject bill is 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 Dos na Liheslaturan Guahan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
48-32 (LS)	R.J. Respicio	AN ACT TO DEFINE THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A LICENSED PROFESSIONAL COUNSELOR.	2/21/2013	2/21/13	Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens			Fiscal Note Requested 2/22/13



Amanda Shelton <amanda@toduguam.com>

FIRST NOTICE OF PUBLIC HEARING-MAY 20, 2013

Amanda Shelton <amanda@toduguam.com>

Mon, May 13, 2013 at 4:56 PM

To: phnotice@guamlegislature.org

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE OF PUBLIC HEARING- MAY 20, 2013

Buenas yan Hafa Adai!

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a Public Hearing for May 20, 2013 at 5:00 p.m. The items on the agenda are as follows:

5:00 p.m.

- **Bill No. 48-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed professional counselor.
- **Bill No. 49-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed mental health counselor.
- **Bill No. 50-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for marriage and family therapist.

I look forward to your presence and participation.

--

Si Yu'os Ma'ase'

Amanda L. Shelton

Chief Policy Analyst

Office of Senator Rodriguez

649-8638

www.toduguam.com

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As of April 23, 2013**

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As of April 23, 2013**

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FIRST NOTICE OF PUBLIC HEARING-MAY 20, 2013

Amanda Shelton <amanda@toduguan.com>

Mon, May 13, 2013 at 4:52 PM

To: Clynt Ridgell <clynt@spbgum.com>, Duane George <dmgeorge@guampdn.com>, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, Sabrina Salas Matanane <hottips@kuam.com>, john@kuam.com, Josh Tyquiengco <jtyquiengco@spbgum.com>, mpieper@guampdn.com, mvariety@pticom.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, ricknauta@hitradio100.com, Sabrina Salas Matanane <sabrina@kuam.com>, slimtiaco@guampdn.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, Cameron Miculka <cimiculka@guampdn.com>, "David V. Crisostomo" <dcrisostomo@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.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>, Marvic Cagurangan <marvic@mvguam.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairikl <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>

Hafa Adai,

Please see attached notice of public hearing. Please contact our office should you have any questions or concerns. Thank you.

FOR IMMEDIATE RELEASE

May 13, 2013

PRESS RELEASE**FIRST NOTICE OF PUBLIC HEARING****Monday, May 20, 2013, 5:00 p.m.**

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, Insurance Reform, Economic Development and Senior Citizens will be conducting a Public Hearing ~~Monday, May 20, 2013 at 5:00 p.m.~~ at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

5:00 p.m.

- **Bill No. 48-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed professional counselor.
- **Bill No. 49-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed mental health counselor.
- **Bill No. 50-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for marriage and family therapist.

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.

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).

###

--

Si Yu'os Ma'åse',

Amanda L. Shelton

Chief Policy Analyst

Office of Senator Rodriguez

649-8638

www.toduguam.com



May 20, 2013 Public Hearing Notice.pdf

205K



Amanda Shelton <amanda@toduguam.com>

SECOND NOTICE OF PUBLIC HEARING-MAY 20, 2013

Amanda Shelton <amanda@toduguam.com>

Thu, May 16, 2013 at 3:25 PM

To: phnotice@guamlegislature.org

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE OF PUBLIC HEARING-MAY 20, 2013

Buenas yan Hafa Adai!

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a Public Hearing for May 20, 2013 at 5:00 p.m. The items on the agenda are as follows:

5:00 p.m.

- **Bill No. 48-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed professional counselor.
- **Bill No. 49-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed mental health counselor.
- **Bill No. 50-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for marriage and family therapist.

I look forward to your presence and participation.

—
Si Yu'os Ma'ase'.

Amanda L. Shelton
Chief Policy Analyst
Office of Senator Rodriguez

649-8638
www.toduguam.com

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As of April 23, 2013**

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As of April 23, 2013**

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SECOND NOTICE OF PUBLIC HEARING-MAY 20, 2013

Amanda Shelton <amanda@toduguan.com>

Thu, May 16, 2013 at 3:22 PM

To: Clynt Ridgell <clynt@spbguam.com>, Duane George <dmgeorge@guampdn.com>, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, Sabrina Salas Matanane <hottips@kuam.com>, john@kuam.com, Josh Tyquiengco <jtyquiengco@spbguam.com>, mpieper@guampdn.com, mvariety@pticom.com, news@spbguam.com, nick.delgado@kuam.com, parroyo@k57.com, Sabrina Salas Matanane <sabrina@kuam.com>, slimtiaco@guampdn.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, Cameron Miculka <cimiculka@guampdn.com>, "David V. Crisostomo" <dcrisostomo@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.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@spbguam.com>, Kevin Kerrigan <news@k57.com>, Marvic Cagurangan <marvic@mvguam.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairikl <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>

Hafa Adai,

Please see attached notice of Public Hearing. Please contact our office should you have any questions. Thank you.

FOR IMMEDIATE RELEASE

May 16, 2013

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Monday, May 20, 2013, 5:00 p.m.

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, Insurance Reform, Economic Development and Senior Citizens will be conducting a Public Hearing ~~Monday, May 20, 2013 at 5:00 p.m.~~ at *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

5:00 p.m.

- **Bill No. 48-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed professional counselor.
- **Bill No. 49-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed mental health counselor.
- **Bill No. 50-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for marriage and family therapist.

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.

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).

###

—
Si Yu 'os Ma 'ase',
Amanda L. Shelton
Chief Policy Analyst
Office of Senator Rodriguez

649-8638
www.toduguam.com

 **May 20, 2013 2nd Public Hearing Notice.pdf**
205K



SENATOR DENNIS G. RODRIGUEZ, JR.

Monday, May 20, 2013 **AGENDA**
5pm Public Hearing Room, *I Liheslatura*

I. **Call to Order**

II. **Items public consideration:**

- **Bill No. 48-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed professional counselor.
- **Bill No. 49-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for licensed mental health counselor.
- **Bill No. 50-32 (COR) R.J. Respicio**- An act to define the educational and professional requirements for marriage and family therapist.

III. **Adjournment**

Testimonies may be addressed to Sen. Dennis G. Rodriguez, Jr. and sent or to 155 Hesler St. Hagatna, Guam, the Guam Legislature's Mailroom, or via email at senatordrodriguez@gmail.com.

Si Yu'os Ma'åse' for your participation in today's hearings and discussions!



SENATOR DENNIS G. RODRIGUEZ, JR.

AGENDA

Wednesday, April 3, 2013

9:00am

Public Hearing Room, *I Liheslatura*

9:00am **Guam Memorial Hospital Presentation**

- Status update presentation by the Guam Memorial Hospital Authority on the financial state of affairs of the hospital as well as corrective actions currently being undertaken.

10:00am **Public Hearing**

- **BILL 42-32(COR)**- An act to authorize the Department of Public Health and Social Services Director to charge third party payers, first, for services provided to individuals who qualify under any welfare program (Medicaid, Medically Indigent Program, etc.) by adding a new Article 12 to Chapter 2, Title 10, Guam Code Annotated. Introduced by Sen. Dennis G. Rodriguez, Jr.
- **BILL 62-32(COR)**- An act to establish the Guam Council on Child Death Review and Prevention (CCDRP) by adding a new Article 10 to Chapter 3, Division I of Title 10, Guam Code Annotated. Introduced by Sen. Dennis G. Rodriguez, Jr., Sen. Aline Yamashita, Ph.D., & Sen. Brant McCreadie.
- **BILL 73-32(LS)**- An act to rename the Department of Mental Health and Substance Abuse (DMHSA), to the "*Guam Behavioral Health Center*" (GBHC), by amending Chapter 86 of Title 10, Guam Code Annotated, and to allow for changes to other relevant laws as necessary *solely* for consistency with the agency's name change. Introduced by Sen. Dennis G. Rodriguez, Jr., Sen. BJ Cruz & Sen. Aline Yamashita, Ph.D.

3:30pm **Roundtable Discussion**

- **Bill 48-32(COR)**- An act to define educational and professional requirements for a licensed professional counselor. Introduced by Sen. Rory Respicio.
- **Bill 49-32(COR)**- An act to define educational and professional requirements for a licensed mental health counselor. Introduced by Sen. Rory Respicio.
- **Bill 50-32(COR)**- An act to define educational and professional requirements for a marriage and family therapist. Introduced by Sen. Rory Respicio.

Si Yu'os Ma'ãse' for your participation in today's hearings and discussions!



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
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Legislative Secretary
Tina Rose Muña Barnes
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Frank Blas Aguon, Jr.
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 9, 2013

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

Bill Nos.: 27-32(COR), 42-32(COR), 79-32(COR)

WAIVERS:

Bill No. 48-32(LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2013 MAY - 9 PM 4: 22

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR**MAY 08 2013**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 27-32(COR), 42-32(COR), 79-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 48-32(LS).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

Handwritten signature of John A. Rios in black ink.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR**RAY S. TENORIO**
LIEUTENANT GOVERNOR**JOHN A. RIOS**
DIRECTOR**MAY 07 2013**

The Bureau requests that Bill No(s). 48-32 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The intent of the proposed measure is to define the educational and professional requirements for a licensed professional counselor. The proposed legislation is introduced in order to begin the framework among various stakeholders to update the current Allied Health regulations to incorporate more specialized educational and professional provisions with respect to licensed therapists in order to construct a final set of statutory changes.

Although the Bill's intent is administrative in nature, however, there is no reference made relative to amending or adding these new Sections to an existing mandate under the Guam Code Annotated.


JOHN A. RIOS
Director



COMMITTEE ON RULES

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Senator
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CHAIRPERSON
MAJORITY LEADER

Senator
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VICE CHAIRPERSON
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Senator
Vicente (Ben) C. Pangelinan
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Tina Rose Muña Barnes
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 22, 2013

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. 48-32 through 50-32 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 22 AM 10:55

Bill No. 48-32 (LS) - R.J. Respicio - AN ACT TO DEFINE THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A LICENSED PROFESSIONAL COUNSELOR

Bill No. 49-32 (LS) - R.J. Respicio - AN ACT TO DEFINE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A LICENSED MENTAL HEALTH COUNSELOR.

Bill No. 50-32 (LS) - R.J. Respicio - AN ACT TO DEFINE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A MARRIAGE AND FAMILY THERAPIST.

MESSAGE CONFIRMATION

FEB-22-2013 10:02 AM FRI

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : FEB-22-2013 10:01AM FRI
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RESULTS : [O.K]



COMMITTEE ON RULES

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Michael F.Q. San Nicolas
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February 22, 2013

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. 48-32 through 50-32 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of 1 Mina'trentai Dos na Liheslaturan Guahan's most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2/22/13 10:25am
Confirmed rec'd by Ana Lynn Estaquio

AS



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 21, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 48-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 48-32(LS).

Please ensure that the subject bill is 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 Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 48 -32 (LS)
Introduced by:

R.J. RESPICIO
T.C. ADA
B.J.F. CRUZ

2013 FEB 21 PM 5:06
CPR

AN ACT TO DEFINE THE EDUCATIONAL
AND PROFESSIONAL REQUIREMENTS FOR
A LICENSED PROFESSIONAL COUNSELOR.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. Legislative Findings and Intent. *I Liheslatura*

3 finds that based on the representations of the Association of

4 Individual, Marriage, Family Therapists, the current Allied Health

5 regulations should be refined, updated, and reformed to incorporate

6 more specialized educational and professional provisions with

7 respect to licensed therapists. *I Liheslatura* further recognizes that

8 ultimately any alterations to the current statutory and regulatory

9 structure governing the practice of professional therapists must be

10 done in concert with all the stakeholders involved, including the

11 Guam Board of Allied Health Examiners, local professional therapists

12 and counselors, public and private mental health providers, the

13 elected leadership, and the general public.

1 To commence this dialogue among all stakeholders, *I*
2 *Liheslatura* finds that the framework for new regulations in this field
3 should be introduced in the legislative process in order to construct a
4 final set of statutory and regulatory changes that will move this
5 reform process forward.

6 **SECTION 2. Definitions.** In this Article:

7 **(a)** *Accredited educational institution* shall mean any educational
8 institution which grants a doctoral or master's degree and is
9 accredited by a regional accrediting body in the United States or by
10 another accrediting or recognized approval agency recognized by the
11 Board including state, national or foreign approving agencies.

12 **(b)** *Clinical supervision* shall mean the supervision of no more
13 than six (6) persons at the same time who are acquiring and
14 completing clinical experience in accordance with Guam law. Clinical
15 supervision is that aspect of instructional supervision which draws
16 upon data from direct firsthand observation of actual teaching, or
17 other professional events, and involves face-to-face and other
18 associated interactions between the observer(s) and the person(s)
19 observed in the course of analyzing the observed professional
20 behaviors and activities and seeking to define and/or develop next

1 steps toward improved performance. This includes, but is not limited
2 to the following: case consultation, the assessment and diagnosis of
3 presenting problems, development and implementation of treatment
4 plans and the evaluation of the course of treatment.

5 (c) *Consultant* shall mean a credentialed professional who
6 provides expert service, advice, or makes recommendations for a fee
7 or pro bono, by phone, internet, in person, or by other means to an
8 individual licensed on Guam as a Licensed Professional Counselor
9 for the purposes of maximizing therapeutic benefit for a client.

10 (d) *Licensed Professional Counselor* shall mean a person licensed
11 in Guam to practice Professional Counseling as defined in these rules
12 and regulations.

13 (e) *National Counselor Examination for Licensure and Certification*
14 (*NCE*) shall mean the examination compiled by the National Board
15 for Certified Counselors (*NBCC*).

16 (f) *Professional Counseling* shall mean the use of
17 psychotherapeutic techniques in the delivery of services to
18 individuals and groups in order to diagnose and treat mental,
19 emotional and nervous disorders, whether these are behavioral,
20 cognitive or affective. Professional Counseling includes, but is not

1 limited to:

- 2 i. Assessment and diagnosis of presenting problems
3 through inquiry, observation, evaluation and integration
4 of diagnostic information;
- 5 ii. Designing and developing treatment plans by
6 incorporating and integrating recognized
7 psychotherapeutic theories in establishing treatment
8 goals and interventions collaboratively with clients; and
- 9 iii. Implementing and evaluating the course of treatment by
10 incorporating psychotherapeutic theories to assist
11 individuals and groups.

12 (g) *Counseling* shall mean a specialized, formal interaction
13 between a Licensed Professional Counselor or other Mental Health
14 Professional and a client in which a therapeutic relationship is
15 established to help resolve symptoms of mental disorders,
16 psychosocial stress, family problems or other difficulties which is
17 designed to enhance problem solving skills and coping abilities as
18 identified in a treatment plan.

19 (h) *Individual Counseling* shall mean planned interventions to
20 assist a client to enlarge competencies, increase problem solving

1 skills and coping abilities according to identified treatment goals.

2 (i) *Group Counseling* shall mean the gathering together of
3 unrelated individuals at the direction of a group facilitator or
4 counselor for a therapeutic purpose.

5 **SECTION 3. Qualifications for Licensure.**

6 (a) The provisions in this bill shall take effect two (2) years after
7 enactment. At that time, the Board shall issue a license as a *Licensed*
8 *Professional Counselor* to an applicant who:

9 i. Has a doctorate or master's degree from an accredited
10 educational institution with a program in psychology,
11 counseling, marriage and family therapy, clinical social
12 work or other psycho-therapeutic discipline.

13 ii. Must be able to show documentation of a minimum of
14 seventy-two (72) quarter hours or forty-eight (48)
15 semester hours of graduate studies (as suggested by the
16 Counsel for Accreditation of Counseling and Related
17 Educational Programs [CACREP]) that:

18 A. Includes course content in the following areas:

19 1. Human Growth and Development

20 2. Social/Cultural Foundations

- 1 3. Counseling Theories and Techniques
- 2 4. Group Work
- 3 5. Career and Lifestyle Development.
- 4 6. Appraisal (test and measurements for
- 5 individuals and groups)
- 6 7. Research and Program Evaluation
- 7 8. Professional Orientation (to counseling)
- 8 9. Professional Ethics; and
- 9 B. Includes a practicum, consisting of a minimum of
- 10 one hundred (100) hours; and
- 11 C. Includes an internship, consisting of a minimum
- 12 of six hundred (600) hours and;
- 13 D. Has completed a minimum of three thousand
- 14 (3,000) hours of documented post-graduate
- 15 clinical experience and one hundred (100)
- 16 hours of supervision by a licensed Individual,
- 17 Marriage and Family Therapist (IMFT),
- 18 Certified Professional Counselor (CPC),
- 19 Licensed Clinical Social Worker (LCSW),
- 20 Licensed Mental Health Counselor (LMHC),

1 Licensed Professional Counselor (LPC),
2 Marriage and Family Therapist (MFT),
3 psychologist, psychiatrist or other license
4 deemed by the Board to be substantially
5 equivalent to these professions, who is licensed
6 and authorized to provide such supervision in
7 the United States, its territories or a foreign
8 country determined to be acceptable on a case
9 by case basis by the Board. The three thousand
10 (3,000) hours of post graduate clinical
11 experience may include, but is not limited to:
12 face-to-face treatment of clients, keeping
13 clinical notes, supervision, treatment team
14 meetings, consultation, education, treatment
15 planning, observation and other activities
16 generally recognized to be part of clinical
17 practice. A minimum of one thousand five
18 hundred (1,500) hours of the three thousand
19 (3,000) hours of post-graduate clinical
20 experience must be in the face-to-face treatment

1 of individuals or groups, and;

2 E. Has successfully passed the National
3 Counselor Examination for Licensure and
4 Certification (NCE) which has been conducted
5 in a manner approved by the National Board
6 for Certified Counselors (NBCC).

7 (b) For an individual who has not engaged in post-graduate
8 experience or cannot document a minimum of three thousand
9 (3,000) hours of post-graduate clinical experience under the
10 supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC, MFT,
11 psychologist, psychiatrist or other license deemed by the Board to
12 be substantially equivalent to these professions, who is licensed
13 and authorized to provide such supervision in the United States,
14 its territories or a foreign country determined to be acceptable on a
15 case by case basis by the Board; such individual may practice
16 under an internship program approved by the Board prior to
17 engagement in that program in order to gain that supervision on
18 Guam. To provide such supervision on Guam, a person must be a
19 licensed Individual Marriage and Family Therapist, Licensed
20 Professional Counselor, Marriage and Family Therapist, Licensed

1 Clinical Social Worker, Clinical Psychologist or Psychiatrist
2 licensed on Guam who has held a license for a minimum of five (5)
3 years.

4 (c) Individuals who hold a current, valid license issued by a
5 state of the United States, its territories or foreign country
6 approved by the Board on a case-by-case basis as a Certified
7 Professional Counselor, Licensed Clinical Counselor of Mental
8 Health, Licensed Clinical Mental Health Counselor, Licensed
9 Mental Health Counselor, Licensed Mental Health Practitioner,
10 Licensed Professional Counselor of Mental Health, Professional
11 Counselor, Marriage and Family Therapist or other license
12 deemed by the Board to be substantially equivalent to the Guam
13 License for Licensed Professional Counselor, shall be eligible for
14 the Guam license for Licensed Professional Counselor.

15 **SECTION 4. Exceptions to licensure.**

16 1. No person may practice Professional Counseling on Guam who
17 is *not* licensed as a Licensed Professional Counselor by the Board,
18 *unless* such practice is approved by the Board or other Guam
19 licensing Board. *However*, this Article does not prohibit:

20 a. An employee of the Federal government from performing

1 official duties on federal property;

2 b. An LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
3 Psychiatrist, currently licensed in another jurisdiction of the
4 United States from consulting with or advising a Licensed
5 Professional Counselor on Guam. However, the consultant,
6 if not licensed on Guam may not provide services to a client
7 directly;

8 c. An active student in good standing as a requirement of a
9 university program for completion of a degree or a person
10 who is engaged in the completion of the requirement of
11 three thousand (3,000) hours of post-graduate clinical
12 experience to become licensed as an LPC, under the
13 supervision of a Guam licensed IMFT, LPC, LMHC, MFT,
14 LCSW, clinical psychologist or psychiatrist from performing
15 assigned duties.

16 d. Nothing herein prohibits qualified members of other
17 professional groups, such as clinical psychologists, school
18 psychologists, counseling psychologists, social workers or
19 ordained clergy from doing work of a counseling nature
20 consistent with the training and code of ethics for their

1 respective professions; *provided*, that they do not hold
2 themselves out to the public as a Professional Counselor.

3 **SECTION 5. Scope of Practice.** Licensed Professional
4 Counselors use psychotherapeutic techniques to prevent, assess,
5 evaluate, diagnose, develop treatment goals, plans and objectives,
6 treat and evaluate outcomes for mental, emotional or behavioral
7 disorders and associated distresses that interfere with mental health.

8 **SECTION 6. Client Confidentiality.** Client Confidentiality
9 is defined and regulated as set forth in the Health Insurance
10 Portability and Accountability Act (HIPAA), the ethical rules of the
11 American Counseling Association (ACA), Guam law, and revisions
12 thereof. Breach of client confidentiality except as provided for by
13 HIPAA, the ACA, or Guam law shall be considered unprofessional
14 conduct and may be grounds for revocation or suspension of the
15 license.

16 **SECTION 7. Continuing Education Requirements.** A
17 licensee shall complete a total of 40 contact hours or 4.0 Continuing
18 Education Units directly related to the practice of Professional
19 Counseling within each two (2) year licensure period to qualify for
20 renewal of licensure.

1 **SECTION 8. Grandfather Provision.** All licensees who hold
2 a current, valid, license as an Individual, Marriage, and Family
3 Therapist issued by the Guam Board of Allied Health Examiners at
4 the time this section becomes law shall be deemed to hold a current,
5 valid license as a Licensed Professional Counselor.

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