EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 19 2016

33-16-1652
Office of the Speaker
Judith T. Won Pat, Ed.D
Date: 05-19-16
Time: 3:22pm
Received By:

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

Dear Madame Speaker:

Transmitted herewith is Bill No. 190-33 (COR), "**AN ACT TO *AMEND* SECTION 9(c) OF PUBLIC LAW 32-054, RELATIVE TO REQUIRING THAT THE NATIONAL CLINICAL MENTAL HEALTH COUNSELOR EXAM BE THE SOLE REQUISITE EXAM FOR LICENSURE OF MENTAL HEALTH COUNSELORS; TO *AMEND* SECTIONS 1, 2, 9 AND 16 OF PUBLIC LAW 32-054 FOR THE PURPOSES OF ESTABLISHING A LICENSED INTERN DESIGNATION DURING THE THREE THOUSAND (3,000) HOUR POST-GRADUATE CLINICAL EXPERIENCE PERIOD REQUIRED FOR MENTAL HEALTH PROFESSIONAL LICENSURE; AND TO *AMEND* SECTIONS 14 AND 21 OF PUBLIC LAW 32-054 TO PROVIDE FOR AN EIGHTEEN (18) MONTH LIMITATION ON THE GRANDFATHER PROVISION,**" which was signed into law on May 17, 2016, as **Public Law 33-154**.

2016 MAY 19 PM 4:12

Senseramente,

EDDIE BAZA CALVO

P.O. Box 2950 • Hagatna, Guam 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov
Eddie Baza Calvo @eddiebazacalvo @governorcalvo governorofguam

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Substitute Bill No. 190-33 (COR), "AN ACT TO *AMEND* SECTION 9(c) OF PUBLIC LAW 32-054, RELATIVE TO REQUIRING THAT THE NATIONAL CLINICAL MENTAL HEALTH COUNSELOR EXAM BE THE SOLE REQUISITE EXAM FOR LICENSURE OF MENTAL HEALTH COUNSELORS; TO *AMEND* SECTIONS 1, 2, 9 AND 16 OF PUBLIC LAW 32-054 FOR THE PURPOSES OF ESTABLISHING A LICENSED INTERN DESIGNATION DURING THE THREE THOUSAND (3,000) HOUR POST-GRADUATE CLINICAL EXPERIENCE PERIOD REQUIRED FOR MENTAL HEALTH PROFESSIONAL LICENSURE; AND TO *AMEND* SECTIONS 14 AND 21 OF PUBLIC LAW 32-054 TO PROVIDE FOR AN EIGHTEEN (18) MONTH LIMITATION ON THE GRANDFATHER PROVISION,"** was on the 3rd day of May 2016, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 5 day of May, 2016, at 4:46 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: MAY 2016

Public Law No. 33-154

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 190-33 (COR)
As substituted by the Committee on Health, Economic Development, Homeland Security, and Senior Citizens.

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SECTION 9(c) OF PUBLIC LAW 32-054, RELATIVE TO REQUIRING THAT THE NATIONAL CLINICAL MENTAL HEALTH COUNSELOR EXAM BE THE SOLE REQUISITE EXAM FOR LICENSURE OF MENTAL HEALTH COUNSELORS; TO *AMEND* SECTIONS 1, 2, 9 AND 16 OF PUBLIC LAW 32-054 FOR THE PURPOSES OF ESTABLISHING A LICENSED INTERN DESIGNATION DURING THE THREE THOUSAND (3,000) HOUR POST-GRADUATE CLINICAL EXPERIENCE PERIOD REQUIRED FOR MENTAL HEALTH PROFESSIONAL LICENSURE; AND TO *AMEND* SECTIONS 14 AND 21 OF PUBLIC LAW 32-054 TO PROVIDE FOR AN EIGHTEEN (18) MONTH LIMITATION ON THE GRANDFATHER PROVISION.

Doc. No. 33GL-16-1652

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the requisite examination for licensure as a Licensed Mental Health Counselor (LMHC) may be appropriately accomplished with the National Clinical Mental Health Counselor Exam (NCMHCE), which is the "specialty license" for those specializing in mental health counseling; and further, that the National Counselor Examination (NCE) is a basic entry examination for the generalist license into the profession of Licensed Professional Counselor (LPC). According to the National Board of Certified Counselors (NBCC) the taking of both exams is usually not required in most states, unless the applicant is seeking national certification and licensure that would be "portable" to most states, but still subject to any additional requirement(s) a state may mandate.

The Association of the Individual, Marriage and Family Therapists of Guam is requesting that *I Liheslaturan Guåhan* amend the requirement for both exams for Licensed Mental Health Counselors, and that only the NCMHCE be required, but not the NCE.

I Liheslaturan Guåhan finds that there is an appropriate need to establish an *intern license* designation for a qualified person pursuing an education and career as an Individual, Marriage and Family Therapist (IMFT), Certified Professional Counselor (CPC), Licensed Clinical Social Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed Professional Counselor (LPC), or Marriage and Family Therapist (MFT). This limited license designation as a mental healthcare intern would only be applicable during the post-graduate period and the accumulation of the requisite three thousand (3,000) hours of clinical experience, and would allow for billable hours for services rendered during this period.

I Liheslaturan Guåhan further finds that, notwithstanding the passage and enactment of Public Law 32-054 on July 5, 2013, the existing provisions pursuant to Article 13 (Individual, Marriage and Family Therapy), enacted in Public Law 24-329 on August 14, 1998, were not repealed. This has created a dilemma for the Compiler of Laws, who has not, to date, codified the provisions of Public Law 32-054. It is the intent of *I Liheslaturan Guåhan* to rectify this situation by repealing §§ 121301 through 121305 of Article 13, and reenact Article 13 with Public Law 32-054, as amended pursuant to this Act.

Section 2. Subsection (c) of Section 9 of Public Law 32-054 is *amended* to read:

"(c) Individuals who hold a current, valid license in a state of the United States, its territories or a foreign country approved by the Board on a case-by-case basis as a 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, or other license deemed by the Board to be substantially equivalent to the Guam license for a Licensed Mental Health Counselor, and who has passed the National Clinical Mental Health Counselor Exam (NCMHCE) in a manner approved by the National Board for Certified Counselors (NBCC) shall be eligible for the Guam license for a Licensed Mental Health Counselor."

Section 3. A new Subsection (j) is hereby *added* to Section 1 of Public Law 32-054 to read:

"(j) A *Mental Health Intern License* designation shall mean a person who is seeking licensure and is acquiring the three thousand (3,000) hours of post-graduate clinical experience in accordance with this Article for purposes of acquiring and ultimately meeting the requisite requirements for full

licensure as an 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), 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. To be eligible for the intern license, the applicant shall have completed all of the other criteria required for qualification for his or her respective field for licensure pursuant to Subsection (a)(1) of Section 2, Section 8, Section 9 or Section 16, respectively, of this Article."

Section 4. A new Subsection (d) is hereby *added* to Section 2 of Public Law 32-054 to read:

"(d) The Board *shall* issue a "Professional Counselor Intern License" and number to an applicant who has satisfied all of the applicable requisite provisions of qualifications for licensure pursuant to Subsection (a)(1) of this Section, and who is acquiring the three thousand (3,000) hours of post-graduate clinical experience required for licensure, as provided pursuant to Subsection (a)(2) of this Section.

(1) The Board shall provide the application form to be completed by an applicant for a Mental Health Intern License."

Section 5. A new Subsection (d) is hereby *added* to Section 9 of Public Law 32-054 to read:

"(d) The Board shall issue a "Mental Health Counselor Intern License" and number to an applicant who has satisfied all of the applicable requisite provisions of qualifications for licensure pursuant to Subsection (a)(1) of this Section, and who is acquiring the three thousand (3,000) hours

of post-graduate clinical experience required for licensure, as provided pursuant to Subsection (a)(2) of this Section.

(1) The Board shall provide the application form to be completed by an applicant for a Mental Health Intern License."

Section 6. A new Subsection (d) is hereby *added* to Section 16 of Public Law 32-054 to read:

"(d) The Board shall issue a "Marriage and Family Therapist Intern License" and number to an applicant who has satisfied all of the applicable requisite provisions of qualifications for licensure pursuant to Subsection (a)(1) of this Section, and who is acquiring the three thousand (3,000) hours of post-graduate clinical experience required for licensure, as provided pursuant to Subsection (a)(2) of this Section.

(1) The Board shall provide the application form to be completed by an applicant for a Mental Health Intern License."

Section 7. §§ 121301 through 121305 of Article 13, Chapter 12, Part 2, Division 1 of Title 10, Guam Code Annotated, as provided pursuant to Public Law 24-329:6 (August 14, 1998), are hereby *repealed.*

Section 8. Section 14 of Public Law 32-054 is *amended* to read:

"**Section 14. 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 or as a Licensed Professional Counselor issued by a Guam Board, within eighteen (18) months of the time this Article is enacted into law, or by August 31, 2017, whichever is later, *shall* be eligible to apply for a license as a Licensed Mental Health Counselor. They may be granted a license as a Licensed Mental Health Counselor if:

(a) they can pass the NCMHCE developed by the NBCC (they shall be deemed eligible by the Board to take the test); or

(b) they can document one thousand (1,000) hours of post Masters clinical work which requires diagnosis and treatment planning; or

(c) they have held a license as an Individual, Marriage and Family Therapist in Guam, a Licensed Professional Counselor in Guam, or any combination of the two (2) for a minimum of six (6) years."

Section 9. Section 21 of Public Law 32-054 is *amended* to read:

"**Section 21. 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, or as a Licensed Professional Counselor issued by a Guam Board, within eighteen (18) months of the time this Article becomes law, or by August 31, 2017, whichever is later, *shall* be eligible to apply for a license as a Marriage and Family Therapist. They may be granted a license as a Marriage and Family Therapist if:

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

(b) they can document one thousand (1,000) hours of post Masters clinical work with couples and families; or

(c) they have held a license as an Individual, Marriage and Family Therapist on Guam, a Licensed Professional Counselor on

Guam, or any combination of the two (2) for a minimum of six (6) years."

Section 10. The Compiler of Laws *shall* appropriately codify Public Law 32-054, as amended pursuant to this Act, under Article 13 of Chapter 12, Part 2, Division 1 of Title 10, Guam Code Annotated.

Section 11. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall* not affect other provisions or applications of this Act that can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.