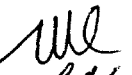



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I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 333 (EC)

Introduced by:

Mike Cruz, MD 
L. F. Kasperbauer 

AN ACT TO *AMEND* SECTION 12101(k), ARTICLE 1, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *AMEND AND RENUMBER* SECTIONS 12802(a)(iv) AND 12827, ARTICLE 8, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *AMEND* SECTION 12809(a), ARTICLE 8, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *AMEND* SECTIONS 121201, 121202, 121204, AND TABLE OF CONTENTS OF ARTICLE 12, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *ADD* A NEW SECTION 121205, ARTICLE 12, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *AMEND AND RENUMBER* SECTION 121205, ARTICLE 12, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, AND *ADD* SECTIONS 121207 AND 121208 TO ARTICLE 12, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LICENSURE OF CLINICAL PSYCHOLOGISTS.

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

2 **Section 1. Legislative Statement.** *I Liheslaturan Guåhan* finds that the
3 current statute of the licensure of Clinical Psychologists needs to be updated
4 to meet national standards of the profession, as well as acted upon as a
5 companion bill to Article 8, Chapter 12, Division 1, Part 1, Title 10 of the
6 Guam Code Annotated, relative to the Allied Health Practice Act.

7 **Section 2.** Section 12101(k), Article 1, Chapter 12, Part 1, Division 1,
8 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

1 "~~(k) Practice of Clinical Psychology~~ means the assessing and alleviating of
2 emotional and mental disorder in a hospital or clinical setting.

3 (k) Practice of Clinical Psychology means rendering to individuals,
4 groups, organizations, or the public any psychological service involving the
5 application of principles, methods, and procedures of understanding,
6 predicting, and influencing behavior, such as the principles pertaining to
7 learning, perception, motivation, thinking, emotions, and interpersonal
8 relationships; the methods and procedures of interviewing, counseling, and
9 psychotherapy; of constructing, administering, and interpreting tests of
10 mental abilities, aptitudes, interests, attitudes, personality characteristics,
11 emotion, and motivation. The application of said principles in testing,
12 evaluation, treatment, use of psychotherapeutic techniques, and other
13 methods includes, but is not limited to: diagnosis, prevention, and
14 amelioration of adjustment problems and emotional, mental, nervous, and
15 addictive disorders and mental health conditions of individuals and groups;
16 educational and vocational counseling; the evaluation and planning for
17 effective work and learning situations; and the resolution of interpersonal and
18 social conflicts."

19 Section 3. Section 12802(a)(iv), Article 8, Chapter 12, Division 1, Part 1,
20 Title 10 of the Guam Code Annotated is hereby *amended* and *renumbered* to
21 read as follows:

22 "~~(iv)~~(4)Clinical psychology shall mean the subspecialty of psychology
23 ~~which is primarily concerned with assessing and alleviating emotional,~~
24 ~~mental and behavioral disorders~~ assessment, diagnosis, and treatment
25 of psychological, emotional, mental, and behavioral disorders with

1 special emphasis on the integration of scientific research and therapeutic
2 practice in a hospital, institution, or other clinical setting, or other
3 settings requiring clinical interventions."

4 **Section 4.** Section 12809(a), Article 8, Chapter 12, Division 1, Part 1,
5 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

6 "**§ 12809. Continuing Education Requirements.**

7 (a) A total of thirty (30) credit hours of continuing education within
8 each two (2) year licensure period are required of each licensee to qualify for a
9 renewal, *except* for licensees under Podiatry, and Physician Assistants, which
10 requires fifty (50) credit hours of continuing education. At least twenty (20) of
11 these credit hours must be in the licensee's specific area of practice. A
12 prescribing Clinical Psychologist who has completed an approved APA
13 curriculum in psychopharmacology is required to successfully complete the
14 APA, FDA & DEA required number of continuing education credit hours in
15 psychopharmacology necessary to maintain prescriptive authority. Licensees
16 under Speech, Language Pathology require a certain number of contact hours
17 in the licensee's specific area of practice within each two (2) year licensure
18 period, as specified in Rules and Regulations. The Board shall prorate the
19 continuing education credit hour requirements for licenses issued less than
20 two (2) years prior to the renewal period."

21 **Section 5.** Section 12827, Article 8, Chapter 12, Division 1, Part 1, Title
22 10 of the Guam Code Annotated is hereby *amended* and *renumbered* to read as
23 follows:

24 "~~§ 12827.~~ **§12826. Prescriptive Authority for Allied Health**
25 **Professionals.** Consistent with the Food and Drug Administration (FDA)

1 Rules and Regulations, the Drug Enforcement Administration (DEA) license
2 and the license issued by the Board, physician assistants may prescribe any
3 licensed drug and 'Schedule Drugs II - V' controlled substances that fall
4 within the scope of practice of his or her supervising physician, as defined in
5 the Rules and Regulations of the Board. Any drug issued by a physician
6 assistant shall be subject to a reasonable quantitative limitation consistent
7 with FDA and DEA Rules and Regulations.

8 Physician assistants, podiatrists, and veterinarians must maintain a
9 valid Federal Drug Enforcement Administration certification and a valid
10 Guam Control Substance Registration from the Department of Public Health
11 and Social Services. A veterinarian may not prescribe controlled substances
12 for human use and shall only prescribe, dispense or administer a controlled
13 substance in good faith for use by animals within the course of his
14 professional practice. Such a prescription shall be dated and labeled: "For
15 animal use only."

16 A ~~clinical psychologist and physician assistant~~ Clinical Psychologist
17 may administer, order, and prescribe and dispense any licensed psychotropic
18 drug as a delegated authority of the Collaborative Practice Agreement ('CPA').
19 Any psychotropic drug issued by a Clinical Psychologist shall be subject to a
20 reasonable quantitative limitation consistent with FDA and DEA Rules and
21 Regulations. To qualify for prescriptive authority, the ~~Allied Health~~
22 Professional Clinical Psychologist must have all of the following:

23 (1) a valid Federal Drug Enforcement Administration ('DEA')
24 certification;

- 1 (2) a current Guam Control Substance Registration from Department
2 of Public Health and Social Services;
- 3 (3) Collaborative Practice Agreement ('CPA') approved by all of the
4 following three (3) boards: the Board of Allied Health Examiners
5 ('BAHE'), the Board of Pharmacy ('BOP'), and the Board of
6 Medical Examiners ('BOME');
- 7 (4) The CPA shall always have a physician available, preferably the
8 physician signing for the CPA, but an alternate physician shall be
9 designated during his/her absence. ~~(The Allied Health~~
10 ~~Professional Clinical Psychologist~~ must submit a scope of practice
11 list of drugs, and the CPA for approval by the BAHE, BOP and
12 BOME. At the discretion of the board(s), the ~~Allied Health~~
13 ~~Professional Clinical Psychologist~~ and his collaborative physician
14 may be requested to be present for evaluation of the applicant's
15 prescriptive authority. The ~~Allied Health Professional Clinical~~
16 ~~Psychologist~~ shall *not* include any drug on the list that he or she is
17 *not* competent to prescribe or drugs that are not routinely
18 administered within his/her scope of practice. The Board of
19 Pharmacy or Board of Medical Examiners has the authority to
20 amend the list of drugs.
- 21 (5) The Clinical Psychologist's prescriptive authority of the Allied
22 ~~Health Professional~~ shall be revoked for an invalid Guam or
23 Federal DEA registration, and In addition, prescriptive authority
24 may be revoked for any violation of this Act and its rules and
25 regulations as determined by the Guam Board of Allied Health

1 Examiners. Prescriptive Authority shall be renewed at the time of
2 licensure renewal.);

3 ~~(5)~~(6) Prescriptive authority of licensed Clinical Psychologists requires
4 proof of completion of a nationally and professionally accepted
5 recognized pharmaceutical curriculum in the area of clinical
6 mental health psychology by the clinical psychologist.
7 neurosciences, pharmacology, psychopharmacology, physiology,
8 pathophysiology, appropriate and relevant physical and
9 laboratory assessment, and clinical pharmacotherapeutics;

10 (7) Proof of passing a certifying examination in psychopharmacology
11 developed by a nationally recognized body approved by the
12 Board;

13 (8) Prescriptive authority of licensed Clinical Psychologists requires
14 proof of completion of continuing education courses in approved
15 American Psychological Association (APA), Food Drug
16 Administration (FDA), and Drug Enforcement Administration
17 (DEA) curriculum in psychopharmacology; and

18 (9) The Clinical Psychologist shall obtain supervised and clinical
19 experience hours and see a minimum number of patients
20 consistent with APA guidelines for prescription privileges. The
21 supervised hours and patient number required shall be specified
22 in Rules and Regulations of the Board."

23 **Section 6.** Sections 121201, 121202, and the Table of Contents of Article
24 12, Chapter 12, Part 2, Division 1, Title 10 of the Guam Code Annotated is
25 hereby *amended* to read as follows:

1 "ARTICLE 12.

2 CLINICAL PSYCHOLOGY.

3 § 121201. Definitions.

4 § 121202. Qualifications for Licensure.

5 § 121203. Graduates of Foreign Schools.

6 § 121204. Exceptions to Licensure Requirements.

7 § 121205. Scope of Practice.

8 ~~§ 121205.~~ § 121206. Prescriptive Authority.

9 § 121207. Collaborative Practice Agreement.

10 § 121208. Termination of Collaborative Practice
11 Agreement.

12 § 121201. Definitions. For purposes of this Article, the following
13 words and phrases have been defined to mean:

14 (1) ~~'Training'~~ means a doctoral level training in clinical psychology at
15 an accredited institution of higher learning in the U.S. The doctoral level
16 training in clinical psychology shall require the applicant to provide evidence
17 of having satisfactorily completed education in the following areas:

18 (A) ~~biological basis of behavior, physiological psychology,~~
19 ~~comparative psychology, neuropsychology, sensation, perception~~
20 ~~and psychopharmacology;~~

21 (B) ~~cognitive-affective basis of behavior, learning, thinking,~~
22 ~~motivation and emotion;~~

23 (C) ~~social basis of behavior, social psychology, group process,~~
24 ~~organizational and systems theories;~~

1 ~~(D) individual differences, personality theory, human development~~
2 ~~and abnormal psychology; and~~

3 ~~(E) research design and methodology, statistics and psychometrics.~~

4 ~~(2)(a) 'Accredited' means that the college or the university has met the~~
5 ~~standards as established by the Middle States Association of Colleges and~~
6 ~~Secondary Schools, the New England Association of Colleges and Secondary~~
7 ~~Schools, the North Central Association of Schools and Colleges, the Western~~
8 ~~Association of Schools and Colleges, or by other recognized accrediting~~
9 ~~agencies.~~entities.

10 ~~(a)(b) 'Clinical Psychologist' means a person who has received training in~~
11 ~~clinical psychology from an accredited school in the U.S. and has completed~~
12 ~~the internship requirements. who graduated from a clinical psychology~~
13 ~~program from an accredited school in the United States and has received the~~
14 ~~education and training, as well as completion of an internship program.~~

15 ~~(b)(c) 'Clinical Psychology' means a subspecialty branch in psychology~~
16 ~~which is primarily concerned with assessing and alleviating assessment,~~
17 ~~diagnosis, and treatment of psychological, emotional, mental, and behavioral~~
18 ~~disorders with special emphasis on the integration of scientific research and~~
19 ~~therapeutic practice in a hospital, institution, ~~or other~~ clinical setting, or other~~
20 ~~settings requiring clinical intervention.~~

21 ~~(c) 'Fee' means any charge, monetary or otherwise, whether paid~~
22 ~~directly, or on a prepaid capitation basis, by a third party, or a charge assessed~~
23 ~~by a facility for services rendered.~~

1 ~~(d) 'Foreign School' means any college or division of a university in a~~
2 ~~country other than the United States that offers the degree of doctor in clinical~~
3 ~~psychology.~~

4 ~~(e) 'License' means that the person named on the certificate has been~~
5 ~~found qualified to engage in the practice of clinical psychology, and has been~~
6 ~~awarded a license by the Board to practice clinical psychology.~~

7 ~~(f) 'Practice of Clinical Psychology' means:~~

8 ~~(1) a person who represents himself to be a clinical psychologist when~~
9 ~~he holds himself out to the public by any title or description of~~
10 ~~services incorporating the words 'clinical psychology,' 'clinical~~
11 ~~psychologist,' or offers to render or renders services as defined~~
12 ~~below to individuals, groups, organizations or the public.~~

13 ~~(2) the rendering to individuals, groups, organizations or the public~~
14 ~~any psychological service involving the application of principles,~~
15 ~~methods and procedures of understanding, predicting and~~
16 ~~influencing behavior, such as the principles pertaining to learning,~~
17 ~~perception, motivation, thinking, emotions and inter-personal~~
18 ~~relationships; the methods and procedures of interviewing,~~
19 ~~counseling and psychotherapy; constructing, administering and~~
20 ~~interpreting tests of mental abilities, aptitudes, interests, attitudes,~~
21 ~~personality characteristics, emotion and motivation, and of~~
22 ~~assessing public opinion;~~

23 ~~(3) the application of said principles and methods, including, but not~~
24 ~~limited to, diagnosis, prevention and amelioration of adjustment~~
25 ~~problems, and emotional and mental disorders of individuals and~~

1 groups, hypnosis, educational and vocational counseling,
2 personnel selection and management, the evaluation and planning
3 for effective work and learning situations, advertising and market
4 research and the resolution of interpersonal and social conflicts; or

5 (4) ~~psychotherapy by the use of learning, conditioning methods and~~
6 ~~emotional reactions, in a professional relationship, to assist a~~
7 ~~person or persons to modify feelings, attitudes and behavior,~~
8 ~~which are intellectually, socially or emotionally mal-adjustive or~~
9 ~~ineffectual.~~

10 (d) 'Institution of higher education' means any accredited institution of
11 higher education in the United States, including a professional school that
12 offers a full-time doctoral course of study in psychology as defined in the
13 rules of the Board. Institutions of higher education outside the United States
14 will be evaluated on a case-by-case basis by the board.

15 (3)(e) ~~'Internship'~~ means a training program that is supervised by a
16 doctoral level, licensed clinical psychologist, or approved by the American
17 Psychological Association and can be demonstrated to be of high quality. an
18 American Psychological Association (APA) approved or recognized training
19 program that is supervised by a doctoral level, licensed Psychologist or
20 Psychiatrist.

21 (f) 'Psychotropic medication' means a controlled substance or drug that
22 may not be dispensed or administered without a prescription and that are
23 recognized and customarily used for the management for mental and
24 emotional disorders.

1 § 121202. **Qualifications for Licensure.** Each applicant for licensure
2 shall comply with all of the following requirements:

3 (a) The applicant ~~must have~~ shall possess a doctorate-doctoral degree
4 in clinical psychology from an ~~accredited~~-college or university of the U.S.
5 accredited by the American Psychological Association. Applicants who have
6 obtained their academic degree outside of the United States or its territories
7 must have their academic degree validated by the Board as equivalent to a
8 doctorate level degree conferred by a regionally accredited college or
9 university in the United States;

10 (b) The applicant must have completed two (2) years of internship, of
11 which at least one (1) year must be after receiving the doctorate; and

12 (c) The applicant must have successfully ~~completed~~ passed the
13 Examination for Professional Practice in Psychology (EPPP) administered by a
14 state, territory or district of the United States, as specified in Rules and
15 Regulations."

16 **Section 7.** Section 121204, Article 12, Chapter 12, Part 2, Division 1,
17 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

18 "§ 121204. **Exceptions to Licensure Requirements.** ~~(a)~~-No person may
19 practice clinical psychology on Guam who is *not* licensed as a clinical
20 psychologist by the Board. *However*, these rules and regulations shall *not* be
21 construed to prohibit the following:

22 ~~(1)~~(a) an employee of a government of Guam agency or Federal
23 government agency performing his official duties;

24 ~~(2)~~(b) a clinical psychologist regularly licensed in another state of the
25 U.S. consulting with a licensed clinical psychologist on Guam; *or*

1 (3)(c) a person who is a regular student in clinical psychology or a
2 related field performing duties or functions assigned by his instructors, or
3 who is working under the direct supervision of a licensed, clinical
4 psychologist."

5 **Section 8.** A New Section 121205 is hereby *added* to Article 12, Chapter
6 12, Part 2, Division 1, Title 10 of the Guam Code Annotated and the following
7 section is hereby *renumbered* to read as follows:

8 "§ 121205. Scope of Practice. The practice of clinical psychology
9 includes, but is not limited to:

10 (a) observation, description, evaluation, interpretation, and
11 modification of human behavior by the application of psychological
12 principles, methods and procedures, for the purposes of preventing or
13 eliminating symptomatic, maladaptive, or undesired behavior and of
14 enhancing interpersonal relationships, work and life adjustment, personal
15 effectiveness, behavioral health and mental health;

16 (b) psychological testing and the evaluation or assessment of personal
17 characteristics such as intelligence, personality characteristics such as
18 intelligence, personality, abilities, interests, aptitudes and neuropsychological
19 functioning;

20 (c) psychoanalysis, psychotherapy, hypnosis, biofeedback and
21 behavior analysis and therapy;

22 (d) diagnosis and treatment of mental and emotional disorder or
23 disability, alcoholism and substance abuse, disorders of habit or conduct, as
24 well as of psychological aspects of physical illness, accident, injury or
25 disability; and

1 (e) psychoeducational evaluation, therapy, remediation and
2 consultation."

3 **Section 9.** Section 121205, Article 12, Chapter 12, Part 2, Division 1,
4 Title 10 of the Guam Code Annotated is hereby *amended* and *renumbered* to
5 read as follows:

6 "~~§ 121205.~~ § 121206. **Prescriptive Authority.**

7 (a) A ~~clinical psychologist~~ Clinical Psychologist may administer,
8 order, and prescribe and dispense any licensed drug in accordance with
9 ~~§12827~~ §12826 of Chapter 12 of Title 10 of the Guam Code Annotated and any
10 other rules and regulation established by the Board.

11 (b) Prescriptive authority of a licensed Clinical Psychologist shall
12 automatically renew upon the renewal of the license of the Clinical
13 Psychologist with proof of completion of approved APA, FDA, and DEA
14 curriculum in psychopharmacology, as defined in the Rules and Regulations
15 of the Board.

16 (c) If any Clinical Psychologist fails to meet any of the foregoing
17 requirements for prescriptive authority, the Board may revoke the
18 prescriptive authority of that Clinical Psychologist. In the event of such a
19 revocation, a Clinical Psychologist shall have thirty (30) days to appeal the
20 denial of prescriptive authority to the Board in writing. The Board is required
21 to respond in writing to any appeal of such revocation of prescriptive
22 authority within thirty (30) days of receipt of such a request."

23 **Section 10.** New Sections 121207 and 121208 are hereby *added* to Article
24 12, Chapter 12, Part 2, Division 1, Title 10 of the Guam Code Annotated:

1 "§ 121207. Collaborative Practice Agreement ('CPA'). To qualify for
2 prescriptive authority, a Clinical Psychologist must enter into a CPA with a
3 Guam licensed physician with experience in the provision of psychotropic
4 medication. The collaborating physician is not required to be physically
5 located at the same location as the Clinical Psychologist.

6 § 121208. Termination of Collaborative Practice Agreement. Either
7 the Clinical Psychologist or physician may terminate by mutual agreement or
8 a CPA unilaterally. The Clinical Psychologist must give notice of the
9 termination of any CPA between a Clinical Psychologist and physician to the
10 boards. The prescriptive authority of a Clinical Psychologist is suspended
11 until a CPA is re-entered with a physician."

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