



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,

[Signature]
EDDIE BAZA CALVO
I Maga'láhen Guåhan
Governor of Guam

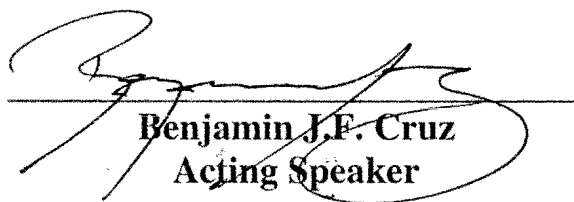
2013 JUL - 8 PM 4: 59
[Signature]

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

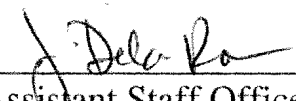
This is to certify that Substitute Bill No. 48-32 (LS), "AN ACT RELATIVE TO DEFINING THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS", was on the 24th day of June, 2013, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

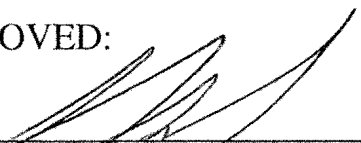
Attested:


Thomas C. Ada
Acting Legislative Secretary

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


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen 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.