

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

Bill No. 190 -33 (~~001~~)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO AMEND SECTION 9(c) OF PUBLIC LAW 32-054, RELATIVE TO REQUIRING THAT THE NATIONAL CLINICAL MENTAL HEALTH COUNSELOR EXAM IS THE SOLE REQUISITE EXAM FOR LICENSURE FOR LICENSED MENTAL HEALTH COUNSELOR; AND TO AMEND SECTIONS 1, 2, 8, 9 AND 16 OF P.L. 32-054 FOR 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.

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

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

13 The Association of the Individual, Marriage and Family Therapists of Guam
14 is requesting that *I Liheslaturan Guåhan* amend the requirement for both exams for

1 Licensed Mental Health Counselor, and that only the NCMHCE be required, but
2 not the NCE.

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

12 *I Liheslaturan Guåhan* further finds that notwithstanding the passage and
13 enactment of P.L. 32-054 (July 05, 2013), that the existing provisions pursuant to
14 Article 13 Individual, Marriage and Family Therapy (P.L. 24-329 – Aug. 14, 1998)
15 were not repealed. This has created a dilemma for the Compiler of Laws who has
16 not, to date, codified the provisions of P.L. 32-054. It is the intent of *I*
17 *Liheslaturan Guåhan* to rectify this situation by repealing §§ 121301 et seq.
18 121305 of Article 13, and reenact Article 13 with P.L. 32-054, as amended
19 pursuant to this Act.

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

21 "(c) Individuals who hold a current, valid license in a state of the United
22 States, its territories or a foreign country approved by the Board on a case-by-case
23 basis as a Licensed Clinical Counselor of Mental Health, Licensed Clinical Mental
24 Health Counselor, Licensed Mental Health Counselor, Licensed Mental Health
25 Practitioner, Licensed Professional Counselor of Mental Health, or other license

1 deemed by the Board to be substantially equivalent to the Guam License for
2 Licensed Mental Health Counselor, and who has passed ~~both the NCE and the~~
3 National Clinical Mental Health Counselor Exam (NCMHCE) in a manner
4 approved by the National Board for Certified Counselors (NBCC) shall be eligible
5 for the Guam license for a Licensed Mental Health Counselor."

6 **Section 3.** A new Subsection (j) is hereby added to Section 1 of P.L. 32-
7 054, to read:

8 "(j) A *Licensed Mental Health Intern* designation shall mean a person who
9 is seeking licensure and is acquiring the three thousand (3,000) hours of post-
10 graduate clinical experience in accordance with this Article for purposes of
11 acquiring and ultimately meeting the requisite requirements for full licensure as an
12 Individual, Marriage and Family Therapist (IMFT), Certified Professional
13 Counselor (CPC), Licensed Clinical Social Worker (LCSW), Licensed Mental
14 Health Counselor (LMHC), Licensed Professional Counselor (LPC), Marriage and
15 Family Therapist (MFT), or other Mental Health Professional, as a Licensed
16 Mental Health Professional. To be legible for the intern license, the applicant shall
17 have completed all of the other criteria required for qualification for his or her
18 respective field for licensure pursuant to (a)(1) of Section 2, Section 8, Section 9 or
19 Section 16, respectively, of this Article."

20 **Section 4.** A new Subsection (d) is hereby added to Section 2 of P.L. 32-
21 054, to read:

22 "(d) The Board *shall* issue a 'Professional Counselor Intern License' and
23 number to an applicant who has satisfied all of the applicable requisite provisions
24 of qualifications for licensure pursuant to (a)(1) of this Section, and who is

1 acquiring the three thousand (3,000) hours of post-graduate clinical experience
2 required for licensure, as provided pursuant to (a)(2) of this Section.

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

5 **Section 5.** A new Subsection (d) is hereby added to Section 8 of P.L. 32-
6 054, to read:

7 “(d) The Board shall issue a ‘Mental Health Counselor Intern License’ and
8 number to an applicant who has satisfied all of the applicable requisite provisions
9 of qualifications for licensure pursuant to (a)(1) of this Section, and who is
10 acquiring the three thousand (3,000) hours of post-graduate clinical experience
11 required for licensure, as provided pursuant to (a)(2) of this Section.

12 (1) The Board shall provide the application form to be completed
13 by an applicant for a Mental Health Intern License.”
14 Section 5.

15 **Section 6.** A new Subsection (d) is hereby added to Section 9 of P.L. 32-
16 054, to read:

17 “(d) The Board shall issue a ‘Mental Health Intern License’ and number to
18 an applicant who has satisfied all of the applicable requisite provisions of
19 qualifications for licensure pursuant to (a)(1) of this Section, and who is acquiring
20 the three thousand (3,000) hours of post-graduate clinical experience required for
21 licensure, as provided pursuant to (a)(2) of this Section.”

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

1 **Section 7.** A new Subsection (d) is hereby added to Section 16 of P.L. 32-
2 054, to read:

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

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

10 **Section 8.** The following §§ 121301 et seq. 121305 of Article 13, Chapter
11 12, Part 2, Division 1 of 10 GCA, as provided pursuant to P.L. 24-329:6 (Aug. 14,
12 1998), are hereby repealed.

13 **Section 9.** The Compiler of Laws shall appropriately codify P.L. 32-054, as
14 amended pursuant to this Act, under Article 13 of Chapter 12, Part 2, Division 1 of
15 10 GCA.

16 **Section 10. Severability.** If any provision of this Act or its application to
17 any person or circumstance is found to be invalid or contrary to law, such
18 invalidity shall not affect other provisions or applications of this Act which can be
19 given effect without the invalid provisions or application, and to this end the
20 provisions of this Act are severable.