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<th>BILL NO.</th>
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<tr>
<td>32-054</td>
<td>R.J. Respicio</td>
<td>AN ACT TO DEFINE THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A LICENSED PROFESSIONAL COUNSELOR.</td>
<td>2/21/13</td>
<td>2/21/13</td>
<td>Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens</td>
<td>5/20/13 5:00pm</td>
<td>05/23/13</td>
<td>Fiscal Note Requested 2/22/13 Fiscal Notes Waiver Received 5/9/13 4:22 P.M.</td>
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DATE PASSED | TITLE                                                                 | TRANSMITTED | DUE DATE | DATE SIGNED BY I MAGA'LAHEN GUHAH | PUBLIC LAW NO. | NOTES                                                                 |
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<td>6/24/2013</td>
<td>AN ACT RELATIVE TO DEFINING THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS.</td>
<td>6/26/13</td>
<td>7/8/13</td>
<td>7/5/2013</td>
<td>32-054</td>
<td>As Substituted by the Committee on Rules; Federal, Foreign, &amp; Micronesian Affairs, Human &amp; Natural Resources, and Election Reform; and amended on the Floor.</td>
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JUL 08 2013

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

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’lahen Guåhan
Governor of Guam

Attachment: copy of Bill
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.

Attested:

[Signature]

Benjamin J.F. Cruz
Acting Speaker

Attested:

[Signature]

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.

[Signature]

Assistant Staff Officer
Maga’lahi’s Office

APPROVED:

[Signature]

EDWARD-J.B. CALVO
I Maga’lahen Guåhan

Date: JUL 05 2013

Public Law No. 32-054
AN ACT RELATIVE TO DEFINING THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Licensed Professional Counselor.

Definitions. In this Article:
(a) *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.

(b) *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.

(c) *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 in Guam as a Licensed Professional Counselor for the purposes of maximizing therapeutic benefit for a client.

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

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

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

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

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

(g) *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.

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

(i) *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.
(a) The provisions of this Act shall take effect two years after enactment.

At that time, the Board shall issue a license as a Licensed Professional Counselor to an applicant who:

(1) 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:

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

(B) includes course content in the following areas:

(i) Human Growth and Development;

(ii) Social/Cultural Foundations;

(iii) Counseling Theories and Techniques;

(iv) Group Work;

(v) Career and Lifestyle Development;

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

(vii) Research and Program Evaluation;

(viii) Professional Orientation (to counseling); and

(ix) Professional Ethics; and

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

(D) includes an internship, consisting of a minimum of six hundred hours;
(2) has completed a minimum of three thousand hours of documented post-graduate clinical experience and one hundred 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 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 hours of the three thousand hours of post-graduate clinical experience must be in the face-to-face treatment of individuals or groups;

(3) 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

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

(b) For an individual who has not engaged in post-graduate experience or cannot document a minimum of three thousand hours of post-graduate clinical
experience under the supervision of a licensed MFT, 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 in Guam. The three thousand 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 hours of the three thousand hours must be in the face-to-face treatment of individuals and groups, and a minimum of one hundred hours must be supervision. To provide such supervision in 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 in Guam who has held a license for a minimum of five years; or a Clinical Psychologist or Psychiatrist licensed in Guam who has held a license for a minimum of three years.

(c) 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 a Licensed Professional Counselor.

Section 3. Exceptions to Licensure.

(a) No person may practice professional counseling in 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:

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

(2) 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 in Guam. However, the consultant, if not licensed in Guam may not provide services to a client directly; or

(3) 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 hours of postgraduate 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.

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 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 forty contact hours or four Continuing Education Units directly related to the practice of Professional Counseling within each two 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 Act becomes law shall be deemed to hold a current, valid license as a Licensed Professional Counselor.

Section 8. Licensed Mental Health Counselor.

Definitions. In this Article:

(a) 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.
(b) *Clinical supervision shall* mean the supervision of no more than six 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.

(c) *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 in Guam as a Licensed Mental Health Counselor for the purposes of maximizing therapeutic benefit for a client.

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

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

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

(g) *Mental Health Counseling shall* mean the provision of services to individuals, couples, families, and groups. This includes the application of theories,
principles, and methods of counseling and psychotherapy to define goals and
develop plans of action aimed toward the prevention, treatment, and resolution of
mental and emotional dysfunction and intra- or interpersonal difficulties. The
practice of mental health counseling includes, but is not limited to, the assessment,
diagnosis, and non-medical treatment of mental and emotional disorders, the
application of psycho-educational techniques and measures aimed at the prevention
of such disorders, and consultation to individuals, couples, families, groups,
orGANizations, and communities.

(h) Counseling shall mean a specialized, formal interaction between a
Licensed Mental Health 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.

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

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

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

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

Section 9. Qualifications for Licensure.
(a) The provisions of this Act shall take effect two years after enactment. At that time, the Board shall issue a license as a Licensed Mental Health Counselor to an applicant who:

(1) 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:

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

(B) includes course content in the following areas:
   (i) Foundations;
   (ii) Counseling, Prevention, and Intervention;
   (iii) Diversity and Advocacy;
   (iv) Assessment;
   (v) Research and Evaluation; and

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

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

(2) has completed a minimum of three thousand hours of documented post-graduate clinical experience and one hundred 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
(a) 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 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 hours of the three thousand hours of post-graduate clinical experience must be in face-to-face treatment of individuals or groups;

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

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

(b) For an individual who has not engaged in post-graduate experience or cannot document a minimum of three thousand 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 in Guam. The three
thousand 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 hours of the three thousand hours must be in face-to-face treatment of
individuals and groups, and a minimum of one hundred hours must be supervision.
To provide such supervision in 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 in Guam who has
held a license for a minimum of five years with experience in clinical work which
requires diagnosis and treatment planning; or a Clinical Psychologist or
Psychiatrist licensed in Guam who has held a license for a minimum of three years
with experience in clinical work which requires diagnosis and treatment planning.
(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
Licensed Mental Health Counselor, and who has passed both the NCE and the
NCMHCE in a manner approved by the NBCC shall be eligible for the Guam
license for a Licensed Mental Health Counselor.

Section 10. Exceptions to Licensure.
(a) No person may practice Mental Health Counseling in Guam who is not licensed as a Licensed Mental Health Counselor by the Board, unless such practice is approved by the Board or other Guam licensing Board. However, this Article does not prohibit:

1. an employee of the Federal government from performing official duties on federal property;
2. 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 Mental Health Counselor in Guam. However, the consultant, if not licensed in Guam may not provide services to a client directly;
3. 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 hours of post-graduate clinical experience to become licensed as an LMHC, under the supervision of a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist or psychiatrist from performing assigned duties.
4. 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 their training and code of ethics for their respective professions; provided, that they do not hold themselves out to the public as a Mental Health Counselor.

Section 11. Scope of Practice.

Licensed Mental Health Counselors are qualified to provide services to individuals, couples, families, and groups. They apply theories, principles, and methods of counseling and psychotherapy to define goals and develop plans of
action aimed toward the prevention, treatment, and resolution of mental and emotional dysfunction and intra- or interpersonal difficulties. The practice of mental health counseling includes, but is *not* limited to, the assessment, diagnosis, and non-medical treatment of mental and emotional disorders, the application of psychoeducational techniques and measures aimed at the prevention of such disorders, and consultation to individuals, couples, families, groups, organizations, and communities.

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

**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, at the time this article is enacted into law, *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:

1. They can pass the NCMHCE developed by the NBCC (they shall be deemed eligible by the board to take the test), or
(2) They can document one thousand hours of post Masters clinical work which requires diagnosis and treatment planning, or
(3) 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 for a minimum of six years.

Section 15. Marriage and Family Therapist.

Definitions. In this Article:
(a) 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.
(b) 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.
(c) 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
Marriage and Family Therapist for the purposes of maximizing therapeutic benefit for a client.

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

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

1. assessment and diagnosis of presenting problems through inquiry, observation, evaluation, and integration of diagnostic information;
2. designing and developing treatment plans by incorporating and integrating recognized psychotherapeutic theories, in establishing treatment goals and interventions collaboratively with clients; and
3. implementing and evaluating the course of treatment by incorporating psychotherapeutic theories to assist individuals, couples, families and groups.

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

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

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

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

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

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

**Section 16. Qualifications for Licensure.**

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

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

(A) a minimum of ninety quarter hours or sixty semester
hours of graduate studies (as suggested by the Counsel for
Accreditation of Counseling and Related Educational Programs
[CACREP]) that:
(B) includes course content in the following areas:

(i) Professional Identity;

(ii) Social and Cultural Diversity;

(iii) Human Growth and Development;

(iv) Career Development;

(v) Helping Relationships;

(vi) Group Work;

(vii) Assessment;

(viii) Research and Program Development;

(ix) Professional Ethics;

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

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

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

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

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

(2) has completed a minimum of three thousand hours of documented post-graduate clinical experience and one hundred 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 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 of the three thousand hours of post-graduate clinical experience must be in the face-to-face treatment of individuals, couples, groups, or families;

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

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

(b) For an individual who has not engaged in post-graduate experience or cannot document a minimum of three thousand 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 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, observations, and other activities generally recognized to be part of clinical practice. A minimum of one thousand five hundred of the three thousand hours must be in the face-to-face treatment of individuals, couples, groups, or families, and a minimum of one hundred 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 years with experience working with couples and families; or a Clinical Psychologist or Psychiatrist licensed on Guam who has held a license for a minimum of three years with experience working with couples and families.

(c) 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 Marriage and Family Therapist, or other license deemed by the Board to be substantially equivalent to the Guam license for Marriage and Family Therapy, who have passed the Marital and Family Therapy Examination created by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), or has passed another examination created by a recognized national or international
entity deemed by the Board to be substantially equivalent to the Marital and Family Therapy Examination created by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), shall be eligible for the Guam license for Marriage and Family Therapy.

Section 17. Exceptions to Licensure.

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

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

(2) 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 Marriage and Family Therapist on Guam. However, the consultant, if not licensed on Guam may not provide services to a client directly; or

(3) 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 hours of post-graduate clinical experience to become licensed as an MFT, under the supervision of a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist or psychiatrist from performing assigned duties.

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

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

**Section 18. Scope of Practice.**

Marriage and Family Therapists 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 19. Client Confidentiality.**

Client Confidentiality is defined and regulated by the standards 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 20. Continuing Education Requirements.**

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

**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, at the time this Article
becomes law, 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 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 for a minimum of six years.

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

"(a) Creation. There is established, in and for the government of Guam, a Guam Board of Allied Health Examiners, composed of a representative from each of the professions being examined for licensure of which currently there are nine members nominated and appointed by I Maga’lahen Guåhan, with the advice and consent of I Liheslaturan Guåhan. An additional two positions on the Board are hereby created for the disciplines of Licensed Professional Counselors, Licensed Mental Health Counselors, and Marriage and Family Therapists. I Maga’lahen Guåhan shall appoint two additional members, one member for the Respiratory Therapist, and one member for the Nutritionist/Clinical Dietician, and shall appoint additional members for any other allied health profession being examined for licensure that the Board includes in its licensing procedure, and specifically recommend to I Maga’lahen Guåhan to appoint a board member representative. The Board shall examine applicants for licensure within the allied health professions not having separate Board of Examiners enacted by I Liheslaturan Guåhan. The term of appointment shall be for a
period of three (3) years, at the end of which I Maga’lahen Guåhan shall
either reappoint the member or nominate and appoint a new member, either
of which case shall be with the advice and consent of I Liheslaturan
Guåhan.”

Section 23. Publication. The Compiler of Laws shall compile, index and
publish the provisions of Sections 1 through 21 of this Act as changes to the Allied
Health regulations relative to the professional requirements for Licensed
Professional Counselors, Licensed Mental Health Counselors, and Marriage and
Family Therapists.
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.J. Cruz
Acting Speaker

Attested:

Thomas C. Ada
Acting Legislative Secretary

This Act was received by I Maga’lahen Guåhan this 3rd 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. ________________
AN ACT RELATIVE TO DEFINING THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Licensed Professional Counselor.

Definitions. In this Article:
(a) 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.

(b) 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.

(c) 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 in Guam as a Licensed Professional Counselor for the purposes of maximizing therapeutic benefit for a client.

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

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

1. assessment and diagnosis of presenting problems through inquiry, observation, evaluation and integration of diagnostic information;
2. designing and developing treatment plans by incorporating and integrating recognized psychotherapeutic theories in establishing treatment goals and interventions collaboratively with clients; and
3. implementing and evaluating the course of treatment by incorporating psychotherapeutic theories to assist individuals and groups.

(g) *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.

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

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

(1) 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:

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

(B) includes course content in the following areas:

(i) Human Growth and Development;

(ii) Social/Cultural Foundations;

(iii) Counseling Theories and Techniques;

(iv) Group Work;

(v) Career and Lifestyle Development;

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

(vii) Research and Program Evaluation;

(viii) Professional Orientation (to counseling); and

(ix) Professional Ethics; and

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

(D) includes an internship, consisting of a minimum of six hundred hours;
(2) has completed a minimum of three thousand hours of documented post-graduate clinical experience and one hundred 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 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 hours of the three thousand hours of post-graduate clinical experience must be in the face-to-face treatment of individuals or groups;

(3) 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

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

(b) For an individual who has not engaged in post-graduate experience or cannot document a minimum of three thousand 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 in Guam. The three thousand 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 hours of the three thousand hours must be in the face-to-face treatment of individuals and groups, and a minimum of one hundred hours must be supervision. To provide such supervision in 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 in Guam who has held a license for a minimum of five years; or a Clinical Psychologist or Psychiatrist licensed in Guam who has held a license for a minimum of three years.

(c) 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, \textit{shall} be eligible for the
Guam license for a Licensed Professional Counselor.

\textbf{Section 3. Exceptions to Licensure.}

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

\begin{enumerate}
\item an employee of the Federal government from performing
official duties on federal property;
\item 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 in
Guam. However, the consultant, if \textit{not} licensed in Guam \textit{may not} provide
services to a client directly; or
\item 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 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.
\end{enumerate}

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;
\textit{provided}, that they \textit{do not} hold themselves out to the public as a 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 forty contact hours or four Continuing Education Units directly related to the practice of Professional Counseling within each two 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 Act becomes law shall be deemed to hold a current, valid license as a Licensed Professional Counselor.

Section 8. Licensed Mental Health Counselor.

Definitions. In this Article:

(a) 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.
(b) **Clinical supervision shall** mean the supervision of no more than six 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.

(c) **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 in Guam as a Licensed Mental Health Counselor for the purposes of maximizing therapeutic benefit for a client.

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

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

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

(g) **Mental Health Counseling shall** mean the provision of services to individuals, couples, families, and groups. This includes the application of theories,
principles, and methods of counseling and psychotherapy to define goals and
develop plans of action aimed toward the prevention, treatment, and resolution of
mental and emotional dysfunction and intra- or interpersonal difficulties. The
practice of mental health counseling includes, but is not limited to, the assessment,
diagnosis, and non-medical treatment of mental and emotional disorders, the
application of psycho-educational techniques and measures aimed at the prevention
of such disorders, and consultation to individuals, couples, families, groups,
organizations, and communities.

(h) Counseling shall mean a specialized, formal interaction between a
Licensed Mental Health 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.

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

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

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

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

Section 9. Qualifications for Licensure.
1. The provisions of this Act shall take effect two years after enactment. At that time, the Board shall issue a license as a Licensed Mental Health Counselor to an applicant who:

   (1) 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:

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

   (B) includes course content in the following areas:

   (i) Foundations;

   (ii) Counseling, Prevention, and Intervention;

   (iii) Diversity and Advocacy;

   (iv) Assessment;

   (v) Research and Evaluation; and

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

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

   (2) has completed a minimum of three thousand hours of documented post-graduate clinical experience and one hundred 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 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 hours of the three thousand hours of post-graduate clinical experience must be in face-to-face treatment of individuals or groups;

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

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

(b) For an individual who has not engaged in post-graduate experience or cannot document a minimum of three thousand 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 in Guam. The three
thousand 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 hours of the three thousand hours must be in face-to-face treatment of
individuals and groups, and a minimum of one hundred hours must be supervision.
To provide such supervision in 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 in Guam who has
held a license for a minimum of five years with experience in clinical work which
requires diagnosis and treatment planning; or a Clinical Psychologist or
Psychiatrist licensed in Guam who has held a license for a minimum of three years
with experience in clinical work which requires diagnosis and treatment planning.

(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
Licensed Mental Health Counselor, and who has passed both the NCE and the
NCMHCE in a manner approved by the NBCC shall be eligible for the Guam
license for a Licensed Mental Health Counselor.

Section 10. Exceptions to Licensure.
(a) No person may practice Mental Health Counseling in Guam who is 
not licensed as a Licensed Mental Health Counselor by the Board, unless such 
practice is approved by the Board or other Guam licensing Board. However, this 
Article does not prohibit:

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

(2) 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 Mental Health Counselor in 
Guam. However, the consultant, if not licensed in Guam may not provide 
services to a client directly;

(3) 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 hours of post-graduate 
clinical experience to become licensed as an LMHC, under the supervision 
of a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist 
or psychiatrist from performing assigned duties.

(4) 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 their training and code of ethics 
for their respective professions; provided, that they do not hold themselves 
out to the public as a Mental Health Counselor.

Section 11. Scope of Practice.

Licensed Mental Health Counselors are qualified to provide services to 
individuals, couples, families, and groups. They apply theories, principles, and 
methods of counseling and psychotherapy to define goals and develop plans of
action aimed toward the prevention, treatment, and resolution of mental and emotional dysfunction and intra- or interpersonal difficulties. The practice of mental health counseling includes, but is not limited to, the assessment, diagnosis, and non-medical treatment of mental and emotional disorders, the application of psychoeducational techniques and measures aimed at the prevention of such disorders, and consultation to individuals, couples, families, groups, organizations, and communities.

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

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, at the time this article is enacted into law, 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:
(1) They can pass the NCMHCE developed by the NBCC (they shall be deemed eligible by the board to take the test), or
(2) They can document one thousand hours of post Masters clinical work
which requires diagnosis and treatment planning, or
(3) 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 for a minimum of six years.

Section 15. Marriage and Family Therapist.

Definitions. In this Article:

(a) 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.

(b) 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.

(c) 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
Marriage and Family Therapist for the purposes of maximizing therapeutic benefit for a client.

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

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

1. assessment and diagnosis of presenting problems through inquiry, observation, evaluation, and integration of diagnostic information;
2. designing and developing treatment plans by incorporating and integrating recognized psychotherapeutic theories, in establishing treatment goals and interventions collaboratively with clients; and
3. implementing and evaluating the course of treatment by incorporating psychotherapeutic theories to assist individuals, couples, families and groups.

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

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

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

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

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

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

**Section 16. Qualifications for Licensure.**

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

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

   (A) a minimum of ninety quarter hours or sixty semester hours of graduate studies (as suggested by the Counsel for Accreditation of Counseling and Related Educational Programs [CACREP]) that:
(B) includes course content in the following areas:

(i) Professional Identity;
(ii) Social and Cultural Diversity;
(iii) Human Growth and Development;
(iv) Career Development;
(v) Helping Relationships;
(vi) Group Work;
(vii) Assessment;
(viii) Research and Program Development;
(ix) Professional Ethics;
(x) Foundations of Marital, Couple, and Family Counseling/Therapy;
(xi) Contextual dimensions of Marital, Couple, and Family Counseling/Therapy; and
(xii) Knowledge and skill requirements for Marital, Couple, and Family Counselor/Therapist; and

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

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

(2) has completed a minimum of three thousand hours of documented post-graduate clinical experience and one hundred 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 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 of the three thousand hours of post-graduate clinical experience must be in the face-to-face treatment of individuals, couples, groups, or families;

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

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

(b) For an individual who has not engaged in post-graduate experience or cannot document a minimum of three thousand 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 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, observations, and other activities generally recognized to be part of clinical practice. A minimum of one thousand five hundred of the three thousand hours must be in the face-to-face treatment of individuals, couples, groups, or families, and a minimum of one hundred 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 years with experience working with couples and families; or a Clinical Psychologist or Psychiatrist licensed on Guam who has held a license for a minimum of three years with experience working with couples and families.

(c) 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 Marriage and Family Therapist, or other license deemed by the Board to be substantially equivalent to the Guam license for Marriage and Family Therapy, who have passed the Marital and Family Therapy Examination created by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), or has passed another examination created by a recognized national or international
entity deemed by the Board to be substantially equivalent to the Marital and
Family Therapy Examination created by the Association of Marital and Family
Therapy Regulatory Boards (AMFTRB), shall be eligible for the Guam license for
Marriage and Family Therapy.

Section 17. Exceptions to Licensure.

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

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

(2) 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 Marriage and Family Therapist
on Guam. However, the consultant, if not licensed on Guam may not provide
services to a client directly; or

(3) 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 hours of post-graduate
clinical experience to become licensed as an MFT, under the supervision of
a Guam licensed IMFT, LPC, LMHC, MFT, LCSW, clinical psychologist or
psychiatrist from performing assigned duties.

(b) Nothing herein prohibits qualified members of other professional
groups, such as clinical psychologists, counseling psychologists, school
psychologists, social workers, or ordained clergy from doing work of a counseling
nature consistent with their training and code of ethics for their respective
proessions; provided, that they do not hold themselves out to the public by any of the following titles:

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

Section 18. Scope of Practice.

Marriage and Family Therapists 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 19. Client Confidentiality.

Client Confidentiality is defined and regulated by the standards 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 20. Continuing Education Requirements.

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

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, at the time this Article
becomes law, 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 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 for a minimum of six years.

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

“(a) Creation. There is established, in and for the government of Guam, a Guam Board of Allied Health Examiners, composed of a representative from each of the professions being examined for licensure of which currently there are nine members nominated and appointed by I Maga’lahen Guåhan, with the advice and consent of I Lihesluran Guåhan. An additional two positions on the Board are hereby created for the disciplines of Licensed Professional Counselors, Licensed Mental Health Counselors, and Marriage and Family Therapists. I Maga’lahen Guåhan shall appoint two additional members, one member for the Respiratory Therapist, and one member for the Nutritionist/Clinical Dietician, and shall appoint additional members for any other allied health profession being examined for licensure that the Board includes in its licensing procedure, and specifically recommend to I Maga’lahen Guåhan to appoint a board member representative. The Board shall examine applicants for licensure within the allied health professions not having separate Board of Examiners enacted by I Lihesluran Guåhan. The term of appointment shall be for a
period of three (3) years, at the end of which *I Maga’lahen Guåhan* shall
either reappoint the member or nominate and appoint a new member, either
of which case shall be with the advice and consent of *I Liheslaturan
Guåhan.*”

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

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

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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 1 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 you 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).
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_.

Chairman, Committee on Health & Human Services, Health Insurance Reform, Economic Development, & Senior Citizens
Uttianan Todu Guam • 1 Mina Treinta Diri Na Libelaturan Guahan • 32nd Guam Legislature
176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
E-mail: senatordrodriguez@gmail.com / www.toduguan.com
AN ACT TO DEFINE THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A LICENSED PROFESSIONAL COUNSELOR.

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Legislative Findings and Intent. I Liheslatura finds that based on the representations of the Association of Individual, Marriage, Family Therapists, the current Allied Health regulations should be refined, updated, and reformed to incorporate more specialized educational and professional provisions with respect to licensed therapists. I Liheslatura further recognizes that ultimately any alterations to the current statutory and regulatory structure governing the practice of professional therapists must be done in concert with all the stakeholders involved, 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.
To commence this dialogue among all stakeholders, Liheslatura finds that the framework for new regulations in this field should be introduced in the legislative process in order to construct a final set of statutory and regulatory changes that will move this reform process forward.

SECTION 2. Definitions. In this Article:

(a) 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.

(b) 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.

(c) 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.

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

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

(f) 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:

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

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

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

(g) 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.

(h) 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.

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

SECTION 3. Qualifications for Licensure.

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

i. 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.

ii. Must be able to show documentation of 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:

A. 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

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

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

D. 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), 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, and;

E. 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).

(b) 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, LC5W, LMHC, LPC, MFT, 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. To provide such supervision on Guam, a person must be a licensed Individual Marriage and Family Therapist, Licensed Professional Counselor, Marriage and Family Therapist, Licensed
Clinical Social Worker, Clinical Psychologist or Psychiatrist licensed on Guam who has held a license for a minimum of five (5) years.

(c) 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 4. 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 LMFT, 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 Professional Counselor.

SECTION 5. 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 6. 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 7. 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 8. 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.
AN ACT TO DEFINE THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND MARRIAGE AND FAMILY THERAPISTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Legislative Findings and intent. I Liheslatura finds that based on the representations of the Association of Individual, Marriage and Family Therapists, the current Allied Health regulations should be refined, updated, and reformed to incorporate more specialized educational and professional provisions with respect to licensed therapists. I Liheslatura further recognizes that ultimately any alterations to the current statutory and regulatory structure governing the practice of professional therapists must be done in concert with all the stakeholders involved, 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.

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

SECTION 2.

LICENSED PROFESSIONAL COUNSELOR

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 in 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 in 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 3. Qualifications for Licensure.**

(1) The provisions in this bill shall take effect two years after enactment. 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, and;
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 in 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 in 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 in 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 in Guam who has held a license for a minimum of five (5) years; or a Clinical Psychologist or Psychiatrist licensed in 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 4. Exceptions to licensure.

1. No person may practice Professional Counseling in 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 in Guam. However, the consultant, if not licensed in 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 Professional Counselor.

SECTION 5. 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 6. 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 7. 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 8. 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.

SECTION 9. LICENSED MENTAL HEALTH COUNSELOR
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 in Guam as a Licensed Mental Health Counselor for the purposes of maximizing therapeutic benefit for a client.

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

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

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

(7) Mental Health Counseling shall mean the provision of services to individuals, couples, families, and groups. This includes the application of theories, principles, and methods of counseling and psychotherapy to define goals and develop plans of action aimed toward the prevention, treatment, and resolution of mental and emotional dysfunction and intra- or interpersonal difficulties. The practice of mental health counseling includes, but is not limited to,
the assessment, diagnosis, and non-medical treatment of mental and emotional disorders, the application of psycho-educational techniques and measures aimed at the prevention of such disorders, and consultation to individuals, couples, families, groups, organizations, and communities.

(8) Counseling shall mean a specialized, formal interaction between a Licensed Mental Health 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.

(9) 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.

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

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

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

Section 10. Qualifications for Licensure.

(1) The provisions in this bill shall take effect two years after
enactment. At that time, the Board shall issue a license as a Licensed
Mental Health 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 ninety (90) quarter hours or
 sixty (60) semester hours of graduate studies (as
 recommended by the Counsel for Accreditation of
 Counseling and Related Educational Programs
 [CACREP]) that:

ii. includes course content in the following areas:

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1. Foundations
2. Counseling, Prevention, and Intervention
3. Diversity and Advocacy
4. Assessment
5. Research and Evaluation
6. Diagnosis; 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 face-to-face treatment of individuals or groups; and

c. Has successfully passed the National Counselor Examination for Licensure and Certification (NCE) and the National Clinical Mental Health Counselor Exam (NCMHCE) which have 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 in 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 in 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 face-to-face treatment of individuals and groups, and a minimum of one hundred (100) hours must be supervision. To provide such supervision in 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 in Guam who has held a license for a minimum of five (5) years with experience in clinical work which requires diagnosis and treatment planning; or a Clinical Psychologist or Psychiatrist licensed in Guam who has held a license for a minimum of three (3) years with experience in clinical work which requires diagnosis and treatment planning.

(3) 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 Licensed Mental Health Counselor, and who has passed
both the NCE and the NCMHCE in a manner approved by the NBCC shall be eligible for the Guam license for Licensed Mental Health Counselor.

Section 11. Exceptions to licensure.

(1) No person may practice Mental Health Counseling in Guam who is not licensed as a Licensed Mental Health 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 Mental Health Counselor in Guam. However, the consultant, if not licensed in 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 LMHC, 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 their training and code of ethics for their respective professions; provided, that they do not hold themselves out to the public as a:

i. Mental Health Counselor

Section 12. Scope of Practice.

Licensed Mental Health Counselors are qualified to provide services to individuals, couples, families, and groups. They apply theories, principles, and methods of counseling and psychotherapy to define goals and develop plans of action aimed toward the prevention, treatment, and resolution of mental and emotional dysfunction and intra- or interpersonal difficulties. The practice of mental health counseling includes, but is not limited to, the
assessment, diagnosis, and non-medical treatment of mental and emotional disorders, the application of psychoeducational techniques and measures aimed at the prevention of such disorders, and consultation to individuals, couples, families, groups, organizations, and communities.

Section 13. 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 14. 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 Mental Health Counseling within each two (2) year licensure period to qualify for renewal of licensure.

Section 15. 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, at the time this article is enacted into law, 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:

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

2. They can document 1,000 hours of post Masters clinical work which requires diagnosis and treatment planning, or

3. 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 16.

MARRIAGE AND FAMILY THERAPIST

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

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

(5) *Marriage and Family Therapy* shall mean the application of
psychotherapeutic techniques in the delivery of services to
individuals, couples, families, or groups in order to diagnose and
treat mental, emotional, and nervous disorders, whether these are
behavioral, cognitive, or affective, within the context of the
individual's relationships. Marriage and Family Therapy 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
estimating treatment goals and interventions collaboratively with clients;

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

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

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

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

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

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

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

Section 17. Qualifications for Licensure.

1. The provisions in this bill shall take effect two years after enactment. At that time, the Board shall issue a license as a Marriage and Family Therapist 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, or other psychotherapeutic discipline. The applicant must be able to show documentation of:
i. a minimum of ninety (90) quarter hours or sixty (60) 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. Professional Identity
2. Social and Cultural Diversity
3. Human Growth and Development
4. Career Development
5. Helping Relationships
6. Group Work
7. Assessment
8. Research and Program Development
9. Professional Ethics
10. Foundations of Marital, Couple, and Family Counseling/Therapy
11. Contextual dimensions of Marital, Couple, and Family Counseling/Therapy
12. Knowledge and skill requirements for Marital, Couple, and Family Counselor/Therapist; 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 with a minimum of two hundred forty (240) clock hours in direct services with individuals, couples and families, with the majority of the direct service clock hours occurring with couples and family units; 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) of the three thousand (3,000) hours of post-graduate clinical experience must be in the face-to-face treatment of individuals, couples, groups, or families, and;
c. has successfully passed The Marital and Family Therapy Examination created by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), or has passed another examination created by a recognized national or international entity deemed by the Board to be substantially equivalent to The Marital and Family Therapy Examination created by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), 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, observations, and other activities generally recognized to be part of clinical practice. A minimum of one thousand five hundred
of the three thousand (3,000) hours must be in the face-to-face treatment of individuals, couples, groups, or families, 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 with experience working with couples and families; or a Clinical Psychologist or Psychiatrist licensed on Guam who has held a license for a minimum of three (3) years with experience working with couples and families.

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 Marriage and Family Therapist, or other license deemed by the Board to be substantially equivalent to the Guam license for Marriage and Family Therapy, who have passed The Marital and Family Therapy Examination created by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), or has passed another examination created by a recognized national or
international entity deemed by the Board to be substantially
equivalent to The Marital and Family Therapy Examination
created by the Association of Marital and Family Therapy
Regulatory Boards (AMFTRB), shall be eligible for the Guam
license for Marriage and Family Therapy.

Section 17. Exceptions to licensure.
1. No person may practice Marriage and Family Therapy in
Guam who is not licensed as a Marriage and Family Therapist 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 Marriage and Family Therapist 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 postgraduate clinical experience to become licensed as an MFT, 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, counseling psychologists, school psychologists, social workers, or ordained clergy from doing work of a counseling nature consistent with their training and code of ethics for their respective professions; provided, that they do not hold themselves out to the public by any of the following titles:

i. family therapist;

ii. marriage therapist;

iii. psychotherapist (other than Clinical Psychologist); or

iv. any combination thereof.

Section 18. Scope of Practice.
Marriage and Family Therapists 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 19. Client Confidentiality.

Client Confidentiality is defined and regulated by the standards 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 20. 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 Marriage and Family Therapy within each two (2) year licensure period to qualify for renewal of licensure.

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, at the time this article becomes law, 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:

1. 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

2. They can document 1,000 hours of post Masters clinical work with couples and families, or

3. 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.
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.

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Bill 48-32 (COR)  Page ______ of _______.

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

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

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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.

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Bill 50-32 (COR) Page of ______
SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH & HUMAN SERVICES, INSURANCE REFORM, ECONOMIC DEVELOPMENT, AND SENIOR CITIZENS
Mina’trentai Dos Na Liheslaturan Guåhan • 32nd Guam Legislature

ROUND TABLE DISCUSSION DATE / TIME: Wednesday, April 03, 2013  3:30pm  Public Hearing Room

Bill No. 48-32 (LS); Bill No. 49-32 (LS) ; Bill No. 50-32(LS)

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<td><a href="mailto:rcamacho@gmail.com">rcamacho@gmail.com</a></td>
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May 20, 2013

VIA EMAIL
senatordrodriguez@gmail.com

The Honorable Dennis G. Rodríguez, Jr.
Chairman, Committee on Health & Human Services,
Health Insurance Reform, Economic Development,
and Senior Citizens
I Mina’ trenrai 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 Rodríguez:

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,

Rory J. Respicio

155 Hesler Place • Hagåtña, Guam 96910 • (671)472-7679 • Fax: (671)472-3547 • roryforguam@gmail.com
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 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
Hafa Adai Senator Rodriguez,

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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.
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.

[Signature]

JOHN A. RIOS
Director
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’rentai Dos na Liheslaturan Guahan.

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

Si Yu’os Ma’ase!

Attachment
Bill Log Sheet

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<td>AN ACT TO DEFINE THE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A LICENSED PROFESSIONAL COUNSELOR.</td>
<td>2/21/2013</td>
<td>2/22/13</td>
<td>Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens</td>
<td>2/22/13</td>
<td>Fiscal Note Requested 2/22/13</td>
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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:

- **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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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 1 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 senator.d.rodriguez@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

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May 20, 2013 Public Hearing Notice.pdf
205K
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

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SECOND NOTICE OF PUBLIC HEARING- MAY 20, 2013

Amanda Shelton <amanda@toduguam.com>                        Thu, May 16, 2013 at 3:22 PM
To: Clynt Ridgell <clynt@spbguam.com>, Duane George <dmgeorge@guampdn.com>,
diamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, Sabrina Salas
Matanane <hottips@kuam.com>, john@kuam.com, Josh Tyquingco <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 partico <gerryparticd.mvguam3@gmail.com>, James
<officemanager@hitradio100.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablant@guampdn.com>,
Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Joy <joy@mvguam.com>, Jr
<news@lifenews.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
<brickstory@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, Travis Coffman <thebigshow@k57.com>,
William Gibson <breakfastshow@k57@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 Iliheslaturan Guahan's Public Hearing Room in
Hagatna, 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 Serena 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 senatorodr@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).

###

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_Si Yu'os Ma'ase'_,

Amanda L. Shelton  
Chief Policy Analyst  
Office of Senator Rodriguez

649-8638  
www.toduguan.com

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May 20, 2013 2nd Public Hearing Notice.pdf  
205K
SENATOR DENNIS G. RODRIGUEZ, JR.

AGENDA
Monday, May 20, 2013  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’ase’ for your participation in today’s hearings and discussions!
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 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’ase’ for your participation in today’s hearings and discussions!
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’ase’!
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.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan
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
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’āse’ for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature
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.
February 22, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2980
 Hagatna, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 48-32 through 50-32 (LS)

Hfpa Add Mr. Rios:

Transmitted herewith is a listing of 1 Ministrum Dos su Libidinam Chalan’s most recently introduced bill. Pursuant to 2 GCA §9183, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yusi na’ase’ for your attention to this matter.

Very Truly Yours,

Rory J. Respicio
Chairperson
Committee on Rules

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2/22/13 10:35am
Confirmed as read by Ana lyn Stagrio
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 Liheslururan Guåhan.

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

Si Yu’os Ma’åse!

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Legislative Findings and Intent. 1 Liheslatura finds that based on the representations of the Association of Individual, Marriage, Family Therapists, the current Allied Health regulations should be refined, updated, and reformed to incorporate more specialized educational and professional provisions with respect to licensed therapists. 1 Liheslatura further recognizes that ultimately any alterations to the current statutory and regulatory structure governing the practice of professional therapists must be done in concert with all the stakeholders involved, 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.
To commence this dialogue among all stakeholders, *Iliheslatura* finds that the framework for new regulations in this field should be introduced in the legislative process in order to construct a final set of statutory and regulatory changes that will move this reform process forward.

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

(a) *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.

(b) *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.

(c) 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.

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

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

(f) 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:

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

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

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

(g) *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.

(h) *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.

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

SECTION 3. Qualifications for Licensure.

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

i. 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.

ii. Must be able to show documentation of 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:

A. 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

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

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

D. 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),
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, and;

E. 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).

(b) 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, 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. To provide such supervision on Guam, a person must be a licensed Individual Marriage and Family Therapist, Licensed Professional Counselor, Marriage and Family Therapist, Licensed
Clinical Social Worker, Clinical Psychologist or Psychiatrist licensed on Guam who has held a license for a minimum of five (5) years.

(c) 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 4. 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
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 Professional Counselor.

**SECTION 5. 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 6. 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 7. 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 8. 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.

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