

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 48 -32 (LS)
Introduced by:

R.J. RESPICIO
T.C. ADA
B.J.F. CRUZ

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CPL

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

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. Legislative Findings and Intent. *I Liheslatura*

3 finds that based on the representations of the Association of

4 Individual, Marriage, Family Therapists, the current Allied Health

5 regulations should be refined, updated, and reformed to incorporate

6 more specialized educational and professional provisions with

7 respect to licensed therapists. *I Liheslatura* further recognizes that

8 ultimately any alterations to the current statutory and regulatory

9 structure governing the practice of professional therapists must be

10 done in concert with all the stakeholders involved, including the

11 Guam Board of Allied Health Examiners, local professional therapists

12 and counselors, public and private mental health providers, the

13 elected leadership, and the general public.

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

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

7 **(a)** *Accredited educational institution* shall mean any educational
8 institution which grants a doctoral or master's degree and is
9 accredited by a regional accrediting body in the United States or by
10 another accrediting or recognized approval agency recognized by the
11 Board including state, national or foreign approving agencies.

12 **(b)** *Clinical supervision* shall mean the supervision of no more
13 than six (6) persons at the same time who are acquiring and
14 completing clinical experience in accordance with Guam law. Clinical
15 supervision is that aspect of instructional supervision which draws
16 upon data from direct firsthand observation of actual teaching, or
17 other professional events, and involves face-to-face and other
18 associated interactions between the observer(s) and the person(s)
19 observed in the course of analyzing the observed professional
20 behaviors and activities and seeking to define and/or develop next

1 steps toward improved performance. This includes, but is not limited
2 to the following: case consultation, the assessment and diagnosis of
3 presenting problems, development and implementation of treatment
4 plans and the evaluation of the course of treatment.

5 (c) *Consultant* shall mean a credentialed professional who
6 provides expert service, advice, or makes recommendations for a fee
7 or pro bono, by phone, internet, in person, or by other means to an
8 individual licensed on Guam as a Licensed Professional Counselor
9 for the purposes of maximizing therapeutic benefit for a client.

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

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

16 (f) *Professional Counseling* shall mean the use of
17 psychotherapeutic techniques in the delivery of services to
18 individuals and groups in order to diagnose and treat mental,
19 emotional and nervous disorders, whether these are behavioral,
20 cognitive or affective. Professional Counseling includes, but is not

1 limited to:

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

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

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

12 **(g)** *Counseling* shall mean a specialized, formal interaction
13 between a Licensed Professional Counselor or other Mental Health
14 Professional and a client in which a therapeutic relationship is
15 established to help resolve symptoms of mental disorders,
16 psychosocial stress, family problems or other difficulties which is
17 designed to enhance problem solving skills and coping abilities as
18 identified in a treatment plan.

19 **(h)** *Individual Counseling* shall mean planned interventions to
20 assist a client to enlarge competencies, increase problem solving

1 skills and coping abilities according to identified treatment goals.

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

5 **SECTION 3. Qualifications for Licensure.**

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

9 i. Has a doctorate or master's degree from an accredited
10 educational institution with a program in psychology,
11 counseling, marriage and family therapy, clinical social
12 work or other psycho-therapeutic discipline.

13 ii. Must be able to show documentation of a minimum of
14 seventy-two (72) quarter hours or forty-eight (48)
15 semester hours of graduate studies (as suggested by the
16 Counsel for Accreditation of Counseling and Related
17 Educational Programs [CACREP]) that:

18 A. Includes course content in the following areas:

19 1. Human Growth and Development

20 2. Social/Cultural Foundations

- 1 3. Counseling Theories and Techniques
- 2 4. Group Work
- 3 5. Career and Lifestyle Development.
- 4 6. Appraisal (test and measurements for
- 5 individuals and groups)
- 6 7. Research and Program Evaluation
- 7 8. Professional Orientation (to counseling)
- 8 9. Professional Ethics; and
- 9 B. Includes a practicum, consisting of a minimum of
- 10 one hundred (100) hours; and
- 11 C. Includes an internship, consisting of a minimum
- 12 of six hundred (600) hours and;
- 13 D. Has completed a minimum of three thousand
- 14 (3,000) hours of documented post-graduate
- 15 clinical experience and one hundred (100)
- 16 hours of supervision by a licensed Individual,
- 17 Marriage and Family Therapist (IMFT),
- 18 Certified Professional Counselor (CPC),
- 19 Licensed Clinical Social Worker (LCSW),
- 20 Licensed Mental Health Counselor (LMHC),

1 Licensed Professional Counselor (LPC),
2 Marriage and Family Therapist (MFT),
3 psychologist, psychiatrist or other license
4 deemed by the Board to be substantially
5 equivalent to these professions, who is licensed
6 and authorized to provide such supervision in
7 the United States, its territories or a foreign
8 country determined to be acceptable on a case
9 by case basis by the Board. The three thousand
10 (3,000) hours of post graduate clinical
11 experience may include, but is not limited to:
12 face-to-face treatment of clients, keeping
13 clinical notes, supervision, treatment team
14 meetings, consultation, education, treatment
15 planning, observation and other activities
16 generally recognized to be part of clinical
17 practice. A minimum of one thousand five
18 hundred (1,500) hours of the three thousand
19 (3,000) hours of post-graduate clinical
20 experience must be in the face-to-face treatment

1 of individuals or groups, and;

2 E. Has successfully passed the National
3 Counselor Examination for Licensure and
4 Certification (NCE) which has been conducted
5 in a manner approved by the National Board
6 for Certified Counselors (NBCC).

7 (b) For an individual who has not engaged in post-graduate
8 experience or cannot document a minimum of three thousand
9 (3,000) hours of post-graduate clinical experience under the
10 supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC, MFT,
11 psychologist, psychiatrist or other license deemed by the Board to
12 be substantially equivalent to these professions, who is licensed
13 and authorized to provide such supervision in the United States,
14 its territories or a foreign country determined to be acceptable on a
15 case by case basis by the Board; such individual may practice
16 under an internship program approved by the Board prior to
17 engagement in that program in order to gain that supervision on
18 Guam. To provide such supervision on Guam, a person must be a
19 licensed Individual Marriage and Family Therapist, Licensed
20 Professional Counselor, Marriage and Family Therapist, Licensed

1 Clinical Social Worker, Clinical Psychologist or Psychiatrist
2 licensed on Guam who has held a license for a minimum of five (5)
3 years.

4 (c) Individuals who hold a current, valid license issued by a
5 state of the United States, its territories or foreign country
6 approved by the Board on a case-by-case basis as a Certified
7 Professional Counselor, Licensed Clinical Counselor of Mental
8 Health, Licensed Clinical Mental Health Counselor, Licensed
9 Mental Health Counselor, Licensed Mental Health Practitioner,
10 Licensed Professional Counselor of Mental Health, Professional
11 Counselor, Marriage and Family Therapist or other license
12 deemed by the Board to be substantially equivalent to the Guam
13 License for Licensed Professional Counselor, shall be eligible for
14 the Guam license for Licensed Professional Counselor.

15 **SECTION 4. Exceptions to licensure.**

16 1. No person may practice Professional Counseling on Guam who
17 is *not* licensed as a Licensed Professional Counselor by the Board,
18 *unless* such practice is approved by the Board or other Guam
19 licensing Board. *However*, this Article does not prohibit:

20 a. An employee of the Federal government from performing

1 official duties on federal property;

2 b. An LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
3 Psychiatrist, currently licensed in another jurisdiction of the
4 United States from consulting with or advising a Licensed
5 Professional Counselor on Guam. However, the consultant,
6 if not licensed on Guam may not provide services to a client
7 directly;

8 c. An active student in good standing as a requirement of a
9 university program for completion of a degree or a person
10 who is engaged in the completion of the requirement of
11 three thousand (3,000) hours of post-graduate clinical
12 experience to become licensed as an LPC, under the
13 supervision of a Guam licensed IMFT, LPC, LMHC, MFT,
14 LCSW, clinical psychologist or psychiatrist from performing
15 assigned duties.

16 d. Nothing herein prohibits qualified members of other
17 professional groups, such as clinical psychologists, school
18 psychologists, counseling psychologists, social workers or
19 ordained clergy from doing work of a counseling nature
20 consistent with the training and code of ethics for their

1 respective professions; *provided*, that they do not hold
2 themselves out to the public as a Professional Counselor.

3 **SECTION 5. Scope of Practice.** Licensed Professional
4 Counselors use psychotherapeutic techniques to prevent, assess,
5 evaluate, diagnose, develop treatment goals, plans and objectives,
6 treat and evaluate outcomes for mental, emotional or behavioral
7 disorders and associated distresses that interfere with mental health.

8 **SECTION 6. Client Confidentiality.** Client Confidentiality
9 is defined and regulated as set forth in the Health Insurance
10 Portability and Accountability Act (HIPAA), the ethical rules of the
11 American Counseling Association (ACA), Guam law, and revisions
12 thereof. Breach of client confidentiality except as provided for by
13 HIPAA, the ACA, or Guam law shall be considered unprofessional
14 conduct and may be grounds for revocation or suspension of the
15 license.

16 **SECTION 7. Continuing Education Requirements.** A
17 licensee shall complete a total of 40 contact hours or 4.0 Continuing
18 Education Units directly related to the practice of Professional
19 Counseling within each two (2) year licensure period to qualify for
20 renewal of licensure.

1 **SECTION 8. Grandfather Provision.** All licensees who hold
2 a current, valid, license as an Individual, Marriage, and Family
3 Therapist issued by the Guam Board of Allied Health Examiners at
4 the time this section becomes law shall be deemed to hold a current,
5 valid license as a Licensed Professional Counselor.

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