

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

Bill No. *49* -32 (LS)

Introduced by:

R.J. RESPICIO *[Signature]*

T.C. ADA *[Signature]*

B.J.F. CRUZ *[Signature]*

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**AN ACT TO DEFINE EDUCATIONAL AND
PROFESSIONAL REQUIREMENTS FOR A
LICENSED MENTAL HEALTH
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 Individual, Marriage,

4 Family Therapists Association, the current Allied Health regulations

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

6 specialized educational and professional provisions with respect to

7 licensed mental health counselors. *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

1 elected leadership, and the general public.

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

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

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

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

1 behaviors and activities and seeking to define and/or develop next
2 steps toward improved performance. This includes, but is not limited
3 to the following: case consultation, the assessment and diagnosis of
4 presenting problems, development and implementation of treatment
5 plans and the evaluation of the course of treatment.

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

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

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

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

20 (g) *Mental Health Counseling* shall mean the provision of

1 services to individuals, couples, families, and groups. This includes
2 the application of theories, principles, and methods of counseling and
3 psychotherapy to define goals and develop plans of action aimed
4 toward the prevention, treatment, and resolution of mental and
5 emotional dysfunction and intra- or interpersonal difficulties. The
6 practice of mental health counseling includes, but is not limited to,
7 the assessment, diagnosis, and non-medical treatment of mental and
8 emotional disorders, the application of psychoeducational techniques
9 and measures aimed at the prevention of such disorders, and
10 consultation to individuals, couples, families, groups, organizations,
11 and communities.

12 (h) *Counseling* shall mean a specialized, formal interaction
13 between a Licensed Mental Health 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 (i) *Individual Counseling* shall mean planned interventions to
20 assist a client enlarge competencies, increase problem solving skills

1 and coping abilities according to identified treatment goals.

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

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

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

11 **SECTION 3. Qualifications for Licensure.**

12 1. The Board shall issue a license as a *Licensed Mental Health*
13 *Counselor* to an applicant who:

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

19 ii. A minimum of ninety (90) quarter hours or sixty (60)
20 semester hours of graduate studies (as suggested by the

1 Counsel for Accreditation of Counseling and Related
2 Educational Programs [CACREP]) that:

3 a. Includes course content in the following areas:

4 1. Foundations

5 2. Counseling, Prevention, and Intervention

6 3. Diversity and Advocacy

7 4. Assessment

8 5. Research and Evaluation

9 6. Diagnosis; and

10 b. Includes a practicum, consisting of a minimum of
11 one hundred (100); and

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

14 d. Has completed a minimum of three thousand
15 (3,000) hours of documented post-graduate clinical
16 experience and one hundred (100) hours of supervision by a
17 licensed Individual, Marriage and Family Therapist (IMFT),
18 Certified Professional Counselor (CPC), Licensed Clinical
19 Social Worker (LCSW), Licensed Mental Health Counselor
20 (LMHC), Licensed Professional Counselor (LPC), Marriage

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

13 e. A minimum of one thousand five hundred (1,500)
14 hours of the three thousand (3,000) hours of post-graduate
15 clinical experience must be in face-to-face treatment of
16 individuals or groups; and has successfully passed the
17 National Counselor Examination for Licensure and
18 Certification (NCE), and the National Clinical Mental Health
19 Counselor Exam (NCMHCE), which have been conducted in
20 a manner approved by the National Board for Certified

1 Counselors (NBCC).

2 2. For an individual who has not engaged in post-graduate
3 experience or cannot document a minimum of three thousand
4 (3,000) hours of post-graduate clinical experience under the
5 supervision of a licensed IMFT, CPC, LCSW, LMHC, LPC, MFT,
6 psychologist, psychiatrist or other license deemed by the Board to
7 be substantially equivalent to these professions, who is licensed
8 and authorized to provide such supervision in the United States,
9 its territories or a foreign country determined to be acceptable on a
10 case by case basis by the Board; such individual may practice
11 under an internship program approved by the Board prior to
12 engagement in that program in order to gain that supervision on
13 Guam. To provide such supervision on Guam, a person must be a
14 licensed Individual Marriage and Family Therapist, Licensed
15 Professional Counselor, Marriage and Family Therapist, Licensed
16 Clinical Social Worker, Clinical Psychologist or Psychiatrist
17 licensed on Guam who has held a license for a minimum of five (5)
18 years with experience in clinical work which requires diagnosis
19 and treatment planning.

20 3. Individuals who hold a current, valid license in a state of the

1 United States, its territories or foreign country approved by the
2 Board on a case-by-case basis as a Licensed Clinical Counselor of
3 Mental Health, Licensed Clinical Mental Health Counselor,
4 Licensed Mental Health Counselor, Licensed Mental Health
5 Practitioner, Licensed Professional Counselor of Mental Health, or
6 other license deemed by the Board to be substantially equivalent to
7 the Guam License for Licensed Mental Health Counselor, and who
8 has passed both the NCE and the NCMHCE in a manner
9 approved by the NBCC shall be eligible for the Guam license for
10 Licensed Mental Health Counselor.

11 **SECTION 4. Exceptions to licensure.**

12 1. No person may practice Mental Health Counseling on Guam
13 who is *not* licensed as a Licensed Mental Health Counselor by the
14 Board, *unless* such practice is approved by the Board or other Guam
15 licensing Board. *However*, this Article does not prohibit:

16 a. an employee of the Federal government from performing
17 official duties on federal property;

18 b. an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
19 Psychiatrist, currently licensed in another jurisdiction of the
20 United States from consulting with or advising a Licensed

1 Mental Health Counselor on Guam. However, the consultant, if
2 not licensed on Guam may not provide services to a client
3 directly;

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

11 d. Nothing herein prohibits qualified members of other
12 professional groups, such as clinical psychologists, school
13 psychologists, counseling psychologists, social workers or
14 ordained clergy from doing work of a counseling nature
15 consistent with their training and code of ethics for their
16 respective professions; *provided*, that they do not hold themselves
17 out to the public as a:

18 i. Mental Health Counselor

19 **SECTION 5. Scope of Practice.** Licensed Mental Health

20 Counselors are qualified to provide services to individuals, couples,

1 families, and groups. They apply theories, principles, and methods of
2 counseling and psychotherapy to define goals and develop plans of
3 action aimed toward the prevention, treatment, and resolution of
4 mental and emotional dysfunction and intra- or interpersonal
5 difficulties. The practice of mental health counseling includes, but is
6 not limited to, the assessment, diagnosis, and non-medical treatment
7 of mental and emotional disorders, the application of
8 psychoeducational techniques and measures aimed at the prevention
9 of such disorders, and consultation to individuals, couples, families,
10 groups, organizations, and communities.

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

18 **SECTION 7. Continuing Education Requirements.** A licensee
19 shall complete a total of 40 contact hours or 4.0 Continuing Education
20 Units directly related to the practice of Mental Health Counseling

1 within each two (2) year licensure period to qualify for renewal of
2 licensure.

3 **SECTION 8. Grandfather Provision.** All licensees who hold a
4 current, valid, license as an Individual, Marriage, and Family
5 Therapist issued by the Guam Board of Allied Health Examiners or as
6 a Licensed Professional Counselor issued by a Guam Board, at the
7 time this article becomes law, shall be eligible to apply for a license as
8 a Licensed Mental Health Counselor. They may be granted a license
9 as a Mental Health Counselor if:

- 10 1. They can pass the NCMHCE developed by the NBCC
11 (they shall be deemed eligible by the board to take the
12 test); or
- 13 2. They can document 1,000 hours of post Masters clinical
14 work which requires diagnosis and treatment planning;
15 or
- 16 3. They have held a license as an Individual, Marriage and
17 Family Therapist on Guam, a Licensed Professional
18 Counselor on Guam, or any combination of the two (2)
19 for a minimum of six (6) years.