

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

Bill No. 50 -32 (LS)

Introduced by:

R.J. RESPICIO

T.C. ADA

B.J.F. CRUZ

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AN ACT TO DEFINE EDUCATIONAL AND PROFESSIONAL REQUIREMENTS FOR A MARRIAGE AND FAMILY THERAPIST.

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 mental health counselors. *I Liheslatura* further

8 recognizes that ultimately any alterations to the current statutory and

9 regulatory structure governing the practice of professional therapists

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

11 the Guam Board of Allied Health Examiners, local professional

12 therapists and counselors, public and private mental health

13 providers, the 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.
15 Clinical supervision is that aspect of instructional supervision which
16 draws upon data from direct firsthand observation of actual teaching,
17 or 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 Mental Health Counselor
9 for the purposes of maximizing therapeutic benefit for a client.

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

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

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

19 (g) *Mental Health Counseling* shall mean the provision of
20 services to individuals, couples, families, and groups. This includes

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

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

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

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

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

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

10 **SECTION 3. Qualifications for Licensure.**

11 1. The Board shall issue a license as a *Marriage and Family Therapist*
12 to an applicant who:

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

18 ii. A minimum of ninety (90) quarter hours or sixty (60)
19 semester hours of graduate studies (as suggested by the
20 Counsel for Accreditation of Counseling and Related

1 Educational Programs [CACREP]) that:

2 a. Includes course content in the following areas:

3 1. Foundations

4 2. Counseling, Prevention, and Intervention

5 3. Diversity and Advocacy

6 4. Assessment

7 5. Research and Evaluation

8 6. Diagnosis; and

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

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

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

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

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

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

19 3. Individuals who hold a current, valid license in a state of the
20 United States, its territories or foreign country approved by the

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

10 **SECTION 4. Exceptions to licensure.**

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

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

17 b. an LCSW, PC, LPC, CPC, LMHC, MFT, Psychologist or
18 Psychiatrist, currently licensed in another jurisdiction of the
19 United States from consulting with or advising a Marriage and
20 Family Therapist on Guam. However, the consultant, if not

1 licensed on Guam may not provide services to a client directly;

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

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

16 i. Marriage and Family Therapist

17 **SECTION 5. Scope of Practice.** Licensed Marriage and Family

18 Therapists are qualified to provide services to individuals, couples,
19 families, and groups. They apply theories, principles, and methods of
20 counseling and psychotherapy to define goals and develop plans of

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

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

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

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

- 8 1. They can pass the Marital and Family Therapy examination
9 developed by the Association of Marital and Family Therapy
10 Regulatory Boards (they shall be deemed eligible to take the test
11 by the Board), or
- 12 2. They can document 1,000 hours of post Masters clinical work
13 with couples and families, or
- 14 3. They have held a license as an Individual, Marriage and Family
15 Therapist on Guam, a Licensed Professional Counselor on
16 Guam, or any combination of the two (2) for a minimum of six
17 (6) years.

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