

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
356-37 (COR) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor	Therese M. Terlaje	AN ACT TO AMEND §10407 OF THE GUAM BOARD OF ALLIED HEALTH EXAMINERS ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO INCLUDING LICENSED PROFESSIONAL COUNSELORS AS CLINICAL SUPERVISORS AND MANDATING LICENSED CLINICAL PSYCHOLOGIST OR PSYCHIATRIST LICENSED IN GUAM TO HOLD A LICENSE FOR A MINIMUM OF THREE YEARS.	9/16/24 1:47 p.m.	9/19/24	Committee on Health, Land, Justice, and Culture	Request: 9/19/24 Waiver: 9/24/24	10/1/24 9:00 a.m.	10/10/24 1:01 p.m.	As amended by the Committee on Health, Land, Justice, and Culture
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	LAPSED	NOTES	
	12/5/24	AN ACT TO AMEND § 10407 OF THE GUAM BOARD OF ALLIED HEALTH EXAMINERS ADMINISTRATIVE RULES AND REGULATIONS ADOPTED IN PUBLIC LAW 36-138, RELATIVE TO INCLUDING LICENSED PROFESSIONAL COUNSELORS AS CLINICAL SUPERVISORS AND MANDATING LICENSED CLINICAL PSYCHOLOGISTS OR PSYCHIATRISTS LICENSED IN GUAM TO HOLD A LICENSE FOR A MINIMUM OF THREE (3) YEARS.	12/16/24	12/17/24	12/28/24	37-142	12/28/24	Received: 12/28/24 Messages and Communications Doc. No. 37GL-24-3163	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

December 28, 2024

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

37GL-24-3163
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

DEC 28 2024

Time: 6:01 pm
Received: [Signature]

RE: Bill No. 356-37 (COR), "AN ACT TO AMEND § 10407 OF THE GUAM BOARD OF ALLIED HEALTH EXAMINERS ADMINISTRATIVE RULES AND REGULATIONS ADOPTED IN PUBLIC LAW 36-138, RELATIVE TO INCLUDING LICENSED PROFESSIONAL COUNSELORS AS CLINICAL SUPERVISORS AND MANDATING LICENSED CLINICAL PSYCHOLOGISTS OR PSYCHIATRISTS LICENSED IN GUAM TO HOLD A LICENSE FOR A MINIMUM OF THREE (3) YEARS"

Håfa Adai Madam Speaker,

For the reasons provided below, Bill No. 356-37 (COR) will lapse into law without my signature.

My administration supports this legislation's general intent of expanding the pool of qualified licensed mental health professionals authorized to act as a clinical supervisor for those individuals studying to become licensed mental health professionals themselves. Licensed Professional Counselors (LPCs) were excluded from those qualified licensed professionals who are allowed to supervise clinical hours for people seeking a license from the Board of Allied Health Examiners when the Boards regulations were updated in 2022.

Bill No. 356 recognizes the exacting standards necessary to qualify and serve as an LPC in Guam, and formally endorses their authority, along with clinical psychologists, psychiatrists, licensed clinical social workers, licensed mental health counselors, and marriage and family therapists, to serve as clinical supervisors for persons acquiring and completing clinical experience in psychology, counseling, or therapy. Becoming an LPC is indeed a rigorous process that requires extensive education, clinical experience and licensing requirements. These individuals are qualified to provide services to our community, including diagnosis and treatment of serious behavioral, emotional and mental health issues. It is entirely fitting and appropriate that they should be recognized to supervise the clinical work of aspiring mental health professionals.

To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: December 28, 2024
Re: Bill No. 356-37 (COR)

Page 2 of 2

While our administration supports the intent of this measure, the bill purports to amend rules and regulations, an Executive Branch function. As I have noted many times before, rulemaking and law-making are separate and distinct roles as provided by the Organic Act of Guam, which charges the Executive Branch with powers to issue “regulations” not in conflict with any applicable law, including Guam’s rulemaking laws. Conversely, the Legislature is charged with drafting and passing “bills.”

Bill No. 356-37’s proposed amendments to Guam’s Administrative Rules and Regulations infringe on well-established principles. While it is within the Legislature’s authority to pass a bill containing the provisions in Bill No. 356-37, once the Legislature delegates rulemaking authority to an agency, as it has with the Guam Board of Allied Health Examiner, it must honor such delegation and not interfere with agency rulemaking unless the agency’s rulemaking power is otherwise rescinded.

Noting this concern, Bill No. 356-37 will lapse into law as ***Public Law No. 37-142***.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

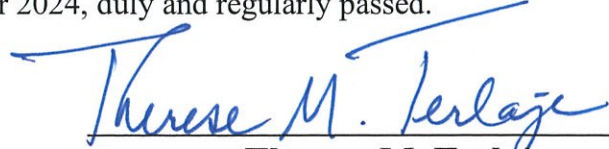
Enclosure(s): Bill No. 356-37 (COR) nka P.L. 37-142

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 356-37 (COR)**, "AN ACT TO *AMEND* § 10407 OF THE GUAM BOARD OF ALLIED HEALTH EXAMINERS ADMINISTRATIVE RULES AND REGULATIONS ADOPTED IN PUBLIC LAW 36-138, RELATIVE TO INCLUDING LICENSED PROFESSIONAL COUNSELORS AS CLINICAL SUPERVISORS AND MANDATING LICENSED CLINICAL PSYCHOLOGISTS OR PSYCHIATRISTS LICENSED IN GUAM TO HOLD A LICENSE FOR A MINIMUM OF THREE (3) YEARS," was on the 16th day of December 2024, duly and regularly passed.



Therese M. Terlaje
Speaker

Attested:



Chris Barnett
Acting Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 17th day of December 2024, at 3:52 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

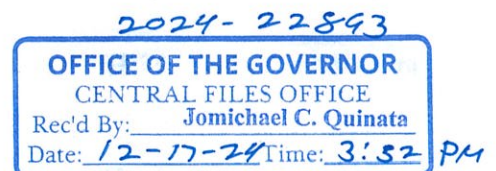
APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/28/24

Public Law No. 37-142



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 356-37 (COR)

As amended by the Committee on
Health, Land, Justice, and Culture; and
further amended on the Floor.

Introduced by:

Therese M. Terlaje
Chris Barnett
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Sabina Flores Perez
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague

AN ACT TO *AMEND* § 10407 OF THE GUAM BOARD OF ALLIED HEALTH EXAMINERS ADMINISTRATIVE RULES AND REGULATIONS ADOPTED IN PUBLIC LAW 36-138, RELATIVE TO INCLUDING LICENSED PROFESSIONAL COUNSELORS AS CLINICAL SUPERVISORS AND MANDATING LICENSED CLINICAL PSYCHOLOGISTS OR PSYCHIATRISTS LICENSED IN GUAM TO HOLD A LICENSE FOR A MINIMUM OF THREE (3) YEARS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that § 10407 of the Administrative Rules and Regulations of the Guam Board of

1 Allied Health Examiners adopted in Public Law 36-138 do not list Licensed
2 Professional Counselors (LPC) as an eligible Clinical Supervisor for Clinical
3 Supervision via telehealth.

4 *I Liheslaturan Guåhan* finds that § 10407 of the Guam Board of Allied Health
5 Examiners Administrative Rules and Regulations adopted in Public Law 36-138 is
6 in conflict with § 121301 of Article 13, Chapter 12, Title 10, GCA which delineates
7 rules for Licensed Professional Counselors to provide and obtain Clinical
8 Supervision.

9 *I Liheslaturan Guåhan* finds that individuals seeking to become Licensed
10 Professional Counselors by obtaining clinical supervision via telehealth are now
11 facing barriers due to the exclusion of LPC in the list of eligible Clinical Supervisors
12 in §10407(d)(1) of the Administrative Rules and Regulations of the Guam Board of
13 Allied Health Examiners adopted in Public Law 36-138.

14 *I Liheslaturan Guåhan* finds that the requirements for clinical supervision are
15 as stated in Rules and Regulations, §10407(d)(1). The requirements for in
16 person/face-to-face clinical supervision remain consistent with those listed in Title
17 10 GCA (Health and Safety), Chapter 12, Article 13, §§ 121301, 121302, and
18 121303 regarding licensure for LPCs, LMHCs, and FMTs, as well as those specified
19 in Rules and Regulations §10306(3) regarding licensure for Licensed Psychology
20 Associates.

21 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure the Rules and
22 Regulations of the Guam Board of Allied Health Examiners adopted in Public Law
23 36-138 are consistent with Guam law by including Licensed Professional Counselors
24 to the list of eligible professionals able to provide Clinical Supervision via telehealth.

25 **Section 2.** § 10407(d)(1) of the Administrative Rules and Regulations of the
26 Guam Board of Allied Health Examiners adopted in Public Law 36-138 is hereby
27 *amended* to read as follows:

1 “(1) Clinical Supervisor Qualification. The clinical supervisor must
2 be a licensed professional counselor, licensed clinical social worker, licensed
3 mental health counselor, or marriage and family therapist, physically located
4 in Guam who has held a Guam license for a minimum of five (5) years with
5 direct experience in clinical work requiring diagnosis and treatment planning;
6 or a Clinical Psychologist or Psychiatrist licensed in Guam who has held a
7 license for a minimum of three (3) years.”

8 **Section 3. Retroactive Provision.** This Act is intended to be applied
9 retroactively to December 28, 2022, and shall remain in effect upon enactment.

10 **Section 4. Effective Date.** This Act shall be effective upon enactment.