

HOUSE BILL 274

Introduced by D. Brown, et al.

1/19	Introduced
1/20	Referred to Human Services & Aging
1/20	First Reading
1/20	Fiscal Note Requested
1/25	Hearing
1/25	Fiscal Note Received
1/25	Fiscal Note Printed
2/18	Committee Report--Bill Passed
2/19	2nd Reading Passed as Amended
1/22	3rd Reading Passed

	Transmitted to Senate
3/01	First Reading
3/01	Referred to Public Health, Welfare & Safety
3/24	Hearing
3/27	Tabled in Committee

1 *House* BILL NO. *274*
2 INTRODUCED BY *James Brown Yellowstone*
3 *St. Carlsmith*
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING MINIMUM
5 CERTIFICATION STANDARDS FOR PROBLEM GAMBLING COUNSELORS; AND
6 PROVIDING A PROCEDURE FOR CHARGING A VIOLATION OF ETHICAL
7 STANDARDS AND FOR SUSPENSION OR REVOCATION OF
8 CERTIFICATION."

9
10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because
12 it grants rulemaking authority to the department of
13 corrections and human services to define experience in 12
14 core areas of competence and to adopt standards of
15 professional ethics for certification of problem gambling
16 counselors.

17 [Section 2] requires the department to adopt rules
18 defining experience in 12 core areas of competence for
19 persons to be certified problem gambling counselors. The
20 rules must enumerate the type of experience acceptable under
21 [section 2].

22 [Section 3] requires the department to adopt by rule
23 standards of professional ethics that are intended to be
24 similar to those of the national council on problem
25 gambling. The rules must be based on the national council's

1 standards.

2
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 NEW SECTION. Section 1. Definitions. As used in
5 [sections 1 through 4], unless the context requires
6 otherwise, the following definitions apply:

7 (1) "Academic degree" means a baccalaureate degree or
8 graduate degree from an educational institution in
9 appropriate behavioral sciences or human or health services
10 programs. The course content must be related to the
11 competency requirements, professional activities, and
12 ethical principles of counseling or human services.

13 (2) "Department" means the department of corrections
14 and human services provided for in 2-15-2301.

15 (3) "Gambling-related education or training" means a
16 program in behavioral sciences, human services, or health
17 services under the auspices of treatment programs, addiction
18 institutes, councils on problem gambling, or other programs,
19 if the course content is relative to the competency
20 requirements, professional activities, and ethical
21 principles of counseling.

22 (4) "Gambling-specific training" means a program in
23 problem gambling under the auspices of treatment programs,
24 addiction institutes, councils on problem gambling, or other
25 programs, if the course content is related to the competency

requirements, professional activities, and ethical principles of gambling counseling.

(5) "Hours" means the number of clock hours credited on an hourly basis of demonstrated active participation on the part of the applicant for certification. Completion of each academic credit is equivalent to 15 clock hours of instruction. Completion of each continuing education credit (CEU) is equivalent to 10 clock hours of instruction.

(6) "Problem gambling" means the patterns of gambling behavior that compromise, disrupt, or damage personal, family, or vocational pursuits and includes pathological gambling, compulsive gambling, and excessive gambling.

NEW SECTION. Section 2. Certification of problem gambling counselors. (1) The department shall grant certification to practice as a certified problem gambling counselor to a person who has:

(a) completed a minimum of 2,000 hours or 1 year full-time equivalent of supervised work experience as a gambling counselor delivering direct treatment to problem gamblers and individuals associated with problem gamblers; and

(b) completed 300 hours of gambling-related education or training and 60 hours of gambling-specific training; or

(c) a preexisting certification as a chemical dependency counselor, licensed professional counselor, or

licensed social worker and completed 60 hours of gambling-specific training; or

(d) an academic degree in social work, nursing, clinical psychology, counseling, or other human services discipline and completed 60 hours of gambling-specific training.

(2) Work experience must include experience in 12 core areas of competence that are defined by rule, including screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, recordkeeping, and consultation with other professionals.

NEW SECTION. Section 3. Suspension or revocation of certification -- review -- recertification. (1) The department may suspend or revoke the certification of a problem gambling counselor, pursuant to the procedure contained in [section 4], if the counselor has violated the professional ethics standards adopted by the department. The department shall adopt by rule standards similar to the national standards of the national council on problem gambling. A person may not practice as a certified problem gambling counselor during the period for which certification is suspended or revoked.

(2) The department may not suspend certification for more than 6 months. Upon termination of the suspension

period, the person whose certification has been suspended shall undergo a department review before resuming practice as a certified problem gambling counselor.

(3) The department may not revoke a certificate for less than 3 years. Upon termination of the revocation period, the person whose certificate has been revoked may apply to the department for recertification.

NEW SECTION. Section 4. Procedure for charging violation of professional ethics standards. (1) A charge of a breach of professional ethics may be directed to the department. The charge must be made by affidavit, subscribed and sworn to by the person making it, and filed with the department.

(2) The director of the department shall appoint an ethics panel to investigate each charge of a breach of ethics directed to the department. The panel consists of:

- (a) three certified problem gambling counselors;
- (b) one employee of the department; and
- (c) one member of the public.

(3) The ethics panel has the power either to recommend that the person be cleared of the charge or to recommend suspension or revocation of certification.

NEW SECTION. Section 5. Implementation. The director of the department shall implement the initial appointment of the ethics panel provided for in [section 4] by appointing

three problem gambling counselors who are eligible to be certified.

NEW SECTION. Section 6. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 53, and the provisions of Title 53 apply to [sections 1 through 4].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0274, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act providing minimum certification standards for problem gambling counselors and providing a procedure for charging a violation of ethical standards and for suspension or revocation of certification.

ASSUMPTIONS:

1. Department of Corrections and Human Services (DCHS) will develop and adopt two sets of rules.
2. DCHS will require 0.50 FTE, grade 14, to develop standards and implement certification system.
3. DCHS will develop 60 hours of training and conduct two classes in FY94.

FISCAL IMPACT:Expenditures:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	0	0.50	0.50	0	0.50	0.50
Personal Services	0	15,895	15,895	0	15,895	15,895
Operating Costs	0	<u>32,670</u>	<u>32,670</u>	0	<u>4,670</u>	<u>4,670</u>
Total	0	48,565	48,565	0	20,565	20,565

Funding:

Gambling State Special (02)	0	48,565	48,565	0	20,565	20,565
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David Lewis 1-23-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

DAVE BROWN, PRIMARY SPONSOR DATE

Fiscal Note for HB0274, as introduced

HB 274

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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2 INTRODUCED BY *Steve Brown Yellowstone*
3 *Steve Carlsmith*
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STATEMENT OF INTENT

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20 rules must enumerate the type of experience acceptable under
21 [section 2].

22 [Section 3] requires the department to adopt by rule
23 standards of professional ethics that are intended to be
24 similar to those of the national council on problem
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9 appropriate behavioral sciences or human or health services
10 programs. The course content must be related to the
11 competency requirements, professional activities, and
12 ethical principles of counseling or human services.

13 (2) "Department" means the department of corrections
14 and human services provided for in 2-15-2301.

15 (3) "Gambling-related education or training" means a
16 program in behavioral sciences, human services, or health
17 services under the auspices of treatment programs, addiction
18 institutes, councils on problem gambling, or other programs,
19 if the course content is relative to the competency
20 requirements, professional activities, and ethical
21 principles of counseling.

22 (4) "Gambling-specific training" means a program in
23 problem gambling under the auspices of treatment programs,
24 addiction institutes, councils on problem gambling, or other
25 programs, if the course content is related to the competency

requirements, professional activities, and ethical principles of gambling counseling.

(5) "Hours" means the number of clock hours credited on an hourly basis of demonstrated active participation on the part of the applicant for certification. Completion of each academic credit is equivalent to 15 clock hours of instruction. Completion of each continuing education credit (CEU) is equivalent to 10 clock hours of instruction.

(6) "Problem gambling" means the patterns of gambling behavior that compromise, disrupt, or damage personal, family, or vocational pursuits and includes pathological gambling, compulsive gambling, and excessive gambling.

NEW SECTION. Section 2. Certification of problem gambling counselors. (1) The department shall grant certification to practice as a certified problem gambling counselor to a person who has:

(a) completed a minimum of 2,000 hours or 1 year full-time equivalent of supervised work experience as a gambling counselor delivering direct treatment to problem gamblers and individuals associated with problem gamblers; and

(b) completed 300 hours of gambling-related education or training and 60 hours of gambling-specific training; or

(c) a preexisting certification as a chemical dependency counselor, licensed professional counselor, or

licensed social worker and completed 60 hours of gambling-specific training; or

(d) an academic degree in social work, nursing, clinical psychology, counseling, or other human services discipline and completed 60 hours of gambling-specific training.

(2) Work experience must include experience in 12 core areas of competence that are defined by rule, including screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, recordkeeping, and consultation with other professionals.

NEW SECTION. Section 3. Suspension or revocation of certification -- review -- recertification. (1) The department may suspend or revoke the certification of a problem gambling counselor, pursuant to the procedure contained in [section 4], if the counselor has violated the professional ethics standards adopted by the department. The department shall adopt by rule standards similar to the national standards of the national council on problem gambling. A person may not practice as a certified problem gambling counselor during the period for which certification is suspended or revoked.

(2) The department may not suspend certification for more than 6 months. Upon termination of the suspension

period, the person whose certification has been suspended shall undergo a department review before resuming practice as a certified problem gambling counselor.

(3) The department may not revoke a certificate for less than 3 years. Upon termination of the revocation period, the person whose certificate has been revoked may apply to the department for recertification.

NEW SECTION. Section 4. Procedure for charging violation of professional ethics standards. (1) A charge of a breach of professional ethics may be directed to the department. The charge must be made by affidavit, subscribed and sworn to by the person making it, and filed with the department.

(2) The director of the department shall appoint an ethics panel to investigate each charge of a breach of ethics directed to the department. The panel consists of:

- (a) three certified problem gambling counselors;
- (b) one employee of the department; and
- (c) one member of the public.

(3) The ethics panel has the power either to recommend that the person be cleared of the charge or to recommend suspension or revocation of certification.

NEW SECTION. Section 5. Implementation. The director of the department shall implement the initial appointment of the ethics panel provided for in [section 4] by appointing

three problem gambling counselors who are eligible to be certified.

NEW SECTION. Section 6. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 53, and the provisions of Title 53 apply to [sections 1 through 4].

-End-

HOUSE BILL NO. 274

INTRODUCED BY D. BROWN, YELLOWTAIL, STRIZICH, PAVLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTIFICATION FOR THE PRACTICE OF COUNSELING PROBLEM GAMBLERS; PROVIDING MINIMUM CERTIFICATION STANDARDS FOR PROBLEM GAMBLING COUNSELORS; AND PROVIDING A PROCEDURE FOR CHARGING A VIOLATION OF ETHICAL STANDARDS AND FOR SUSPENSION OR REVOCATION OF CERTIFICATION; AND PROVIDING PENALTIES."

STATEMENT OF INTENT

A statement of intent is required for this bill because it grants rulemaking authority to the department of corrections and human services to define experience in 12 core areas of competence and to adopt standards of professional ethics for certification of problem gambling counselors.

[Section 2] requires the department to adopt rules defining experience in 12 core areas of competence for persons to be certified problem gambling counselors. The rules must enumerate the type of experience acceptable under [section 2].

[Section 3] requires the department to adopt by rule standards of professional ethics that are intended to be similar to those of the national council on problem

gambling. The rules must be based on the national council's standards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in [sections 1 through 4 5], unless the context requires otherwise, the following definitions apply:

(1) "Academic degree" means a baccalaureate degree or graduate degree from an educational institution in appropriate behavioral sciences or human or health services programs. The course content must be related to the competency requirements, professional activities, and ethical principles of counseling or human services.

(2) "Department" means the department of corrections and human services provided for in 2-15-2301.

(3) "Gambling-related education or training" means a program in behavioral sciences, human services, or health services under the auspices of treatment programs, addiction institutes, councils on problem gambling, or other programs, if the course content is relative to the competency requirements, professional activities, and ethical principles of counseling.

(4) "Gambling-specific training" means a program in problem gambling under the auspices of treatment programs, addiction institutes, councils on problem gambling, or other

1 programs, if the course content is related to the competency
2 requirements, professional activities, and ethical
3 principles of gambling counseling.

4 (5) "Hours" means the number of clock hours credited on
5 an hourly basis of demonstrated active participation on the
6 part of the applicant for certification. Completion of each
7 academic credit is equivalent to 15 clock hours of
8 instruction. Completion of each continuing education credit
9 (CEU) is equivalent to 10 clock hours of instruction.

10 (6) "Problem gambling" means the patterns of gambling
11 behavior that compromise, disrupt, or damage personal,
12 family, or vocational pursuits and includes pathological
13 gambling, compulsive gambling, and excessive gambling.

14 **NEW SECTION. Section 2. Certification of problem**
15 **gambling counselors.** (1) The department shall grant
16 certification to practice as a certified problem gambling
17 counselor to a person who has:

18 (a) completed a minimum of 2,000 hours or 1 year
19 full-time equivalent of supervised work experience as a
20 gambling counselor delivering direct treatment to problem
21 gamblers and individuals associated with problem gamblers;
22 and

23 (b) completed 300 hours of gambling-related education
24 or training and 60 hours of gambling-specific training; or

25 (c) a preexisting certification as a chemical

1 dependency counselor, licensed professional counselor, or
2 licensed social worker and completed 60 hours of
3 gambling-specific training; or

4 (d) an academic degree in social work, nursing,
5 clinical psychology, counseling, or other human services
6 discipline and completed 60 hours of gambling-specific
7 training.

8 (2) Work experience must include experience in 12 core
9 areas of competence that are defined by rule, including
10 screening, intake, orientation, assessment, treatment
11 planning, counseling, case management, crisis intervention,
12 client education, referral, recordkeeping, and consultation
13 with other professionals.

14 **NEW SECTION. Section 3. Suspension or revocation of**
15 **certification -- review -- recertification.** (1) The
16 department may suspend or revoke the certification of a
17 problem gambling counselor, pursuant to the procedure
18 contained in [section 4], if the counselor has violated the
19 professional ethics standards adopted by the department. The
20 department shall adopt by rule standards similar to the
21 national standards of the national council on problem
22 gambling. A person may not practice as a certified problem
23 gambling counselor during the period for which certification
24 is suspended or revoked.

25 (2) The department may not suspend certification for

more than 6 months. Upon termination of the suspension period, the person whose certification has been suspended shall undergo a department review before resuming practice as a certified problem gambling counselor.

(3) The department may not revoke a certificate for less than 3 years. Upon termination of the revocation period, the person whose certificate has been revoked may apply to the department for recertification.

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(2) The director of the department shall appoint an ethics panel to investigate each charge of a breach of ethics directed to the department. The panel consists of:

- (a) three certified problem gambling counselors;
- (b) one employee of the department; and
- (c) one member of the public.

(3) The ethics panel has the power either to recommend that the person be cleared of the charge or to recommend suspension or revocation of certification.

NEW SECTION. SECTION 5. PRACTICE WITHOUT LICENSE PROHIBITED -- PENALTY. (1) A PERSON MAY NOT ACT AS A PROBLEM

GAMBLING COUNSELOR WITHOUT A CERTIFICATION ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH [SECTIONS 1 THROUGH 5].

(2) A PERSON ACTING AS A PROBLEM GAMBLING COUNSELOR WITHOUT A CERTIFICATION ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH [SECTIONS 1 THROUGH 5] IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500, BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR BOTH.

NEW SECTION. Section 6. Implementation. The director of the department shall implement the initial appointment of the ethics panel provided for in [section 4] by appointing three problem gambling counselors who are eligible to be certified.

NEW SECTION. Section 7. Codification instruction. [Sections 1 through 4 5] are intended to be codified as an integral part of Title 53, and the provisions of Title 53 apply to [sections 1 through 4 5].

-End-