

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE
SERVICES**

**CHAPTER 75. STANDARDS AND CRITERIA FOR CERTIFIED PROBLEM
GAMBLING TREATMENT COUNSELORS**

SUBCHAPTER 1. GENERAL PROVISIONS

450:75-1-1. Purpose

This Chapter implements 43A O.S. § 3-322a, which authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify Problem Gambling Treatment Counselors. Section 3-322a requires the Board to promulgate rules and standards for certification of Problem Gambling Treatment Counselors addressing criteria for certification and renewal, including minimum education requirements, examination and supervision requirements, continuing education requirements, and rules of professional conduct.

450:75-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Assessment**" means those procedures by which a Problem Gambling Treatment Counselor provides an on-going evaluation process with the consumer to collect his or her historical information, and identify strengths, needs, abilities, and preferences in order to determine a plan for recovery.

"**Board**" means the State Board of Mental Health and Substance Abuse Services.

"**Case management services**" means planned referral, linkage, monitoring and support, and advocacy provided in partnership with a consumer to support the consumer in self-sufficiency and community tenure. Services take place in the individual's home, in the community, or in a facility, in accordance with the service plan developed with and approved by the consumer and qualified staff.

"**Certified Problem Gambling Treatment Counselor**" means an individual who is certified by the Oklahoma Department of Mental Health and Substance Abuse Services to offer problem gambling treatment services as an employee of a mental health facility or a drug or alcohol treatment facility that is operated by the Department or contracts with the State to provide behavioral health services, a tribe or tribal facility that provides behavioral health services, or an Oklahoma Department of Veterans Affairs or a United States Department of Veterans Affairs facility.

"**Consumer**" means an individual, adult, adolescent, or child who has applied for, is receiving or has received evaluation or treatment services from a facility operated or certified by ODMHSAS or with which ODMHSAS contracts and includes all persons referred to in OAC Title 450 as client(s) or patient(s) or resident(s) or a combination thereof.

"**Contact**" means any encounter with a consumer who is inquiring about or seeking services.

"**Department**" or "**ODMHSAS**" means the Oklahoma Department of Mental Health and Substance Abuse Services.

"**Discharge planning**" means the process, begun at admission, of determining a

consumer's continued need for treatment services and of developing a plan to address ongoing consumer post-treatment and recovery needs.

"DSM" means the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

"Family therapy" means a method of using various commonly accepted treatment approaches provided face-to-face by a treatment professional with the consumer's family, guardian, and/or support system to promote positive emotional or behavioral change.

"Group therapy" means a method of using various commonly accepted treatment approaches provided face-to-face by a treatment professional with two (2) or more consumers that does not consist of solely related individuals, to promote positive emotional or behavioral change. Services rendered in this setting should be guided by the consumer's treatment goals and objectives, and does not include social or daily skill development as described in educational group counseling.

"ICGC" means International Certified Gambling Counselor, offered at levels I or II through the International Gambling Counselor Certification Board.

"Individual therapy" means a method of using various commonly accepted treatment approaches provided face-to-face by a treatment professional with one consumer to promote positive emotional or behavioral change.

"Licensure candidate" means a practitioner actively and regularly receiving board approved supervision, and extended supervision by a fully licensed clinician if board's supervision requirement is met but the individual is not yet licensed, to become licensed by one of the following licensing boards:

- (A) Psychology;
- (B) Social Work (clinical specialty only);
- (C) Professional Counselor;
- (D) Marriage and Family Therapist;
- (E) Behavioral Practitioner; or
- (F) Alcohol and Drug Counselor.

"NCGC" means National Certified Gambling Counselor, offered at levels I or II through the International Gambling Counselor Certification Board.

"Oklahoma Association on Problem Gambling and Gaming" or "OAPGG" means an entity which provides training and educational resources for Certified Problem Gambling Treatment Counselors and applicants.

"Problem gambling" means a persistent and recurrent maladaptive gambling behavior that disrupts personal, family, or vocational pursuits as defined by the most recent edition of the DSM.

"Problem gambling treatment services" means treatment activities for consumers by a gambling treatment professional that include the following:

- (A) Assessment;
- (B) Treatment planning;
- (C) Individual, group and family therapy;
- (D) Case management; and
- (E) Discharge planning.

"Psychotherapy" or "Therapy" means a goal directed process using generally accepted clinical approaches provided face-to-face by a qualified service provider with consumers in individual, group or family settings to promote positive emotional or

behavioral change.

"Treatment planning" means the process by which a treatment professional and the consumer together and jointly identify and rank problems, establish agreed-upon immediate short-term and long-term goals, and decide on the treatment process and resources to be utilized.

450:75-1-3. Authority of the Commissioner and Department

(a) The Commissioner shall have the authority and duty to issue, renew, revoke, deny, suspend and place on probation certifications to offer problem gambling treatment and shall have authority to reprimand Certified Problem Gambling Treatment Counselors.

(b) The Department shall have authority to:

(1) Receive and deposit fees pursuant to 43A O.S. § 3-322a;

(2) Examine all qualified applicants for Certified Problem Gambling Treatment Counselor;

(3) Investigate complaints and possible violation of the rules and standards of Certified Problem Gambling Treatment Counselors;

(4) Make recommendations regarding the outcome of formal complaints; and

(5) Enforce the recommendations of the formal complaint process.

SUBCHAPTER 3. CERTIFICATION CRITERIA AND APPLICATION REQUIREMENTS

450:75-3-1. Qualifications for certification

(a) Each applicant for certification as a Certified Problem Gambling Treatment Counselor shall:

(1) Be employed within six (6) months from the date the final application for certification was submitted at a mental health facility or a substance use disorder/addiction treatment facility that is operated by the Department or contracts with the State to provide behavioral health services, a tribe or tribal facility that provides behavioral health service, or an Oklahoma Department of Veterans Affairs or a United States Department of Veterans Affairs facility;

(2) Possess good moral turpitude;

(3) Be at least 21 years of age; and

(4) Otherwise comply with rules promulgated by the Board implementing 43A O. S. § 3-322a.

(b) In addition to the qualifications specified in subsection (a), an applicant for a certification as a Certified Problem Gambling Treatment Counselor must meet the following criteria:

(1) Meet one of the following:

(A) Hold a current, valid license to practice in the state in which services are provided from one of the following licensing boards:

(i) Social Work (clinical specialty only);

(ii) Professional Counselor;

(iii) Marriage and Family Therapist; or

(iv) Alcohol and Drug Counselor.

(B) Hold a current, valid license to practice as a Clinical Psychologist from the State Board of Examiners of Psychologists; or

(C) Be a licensure candidate as defined in OAC 450:75-1-2.

(2) Have completed the required training and experience as follows:

(A) Completion of the thirty (30) hour Basic Training for Problem Gambling from the Oklahoma Association on Problem Gambling and Gaming (OAPGG) or another entity approved by the Department; and

(B) Completion of twelve (12) hours of group case consultation and presentation of at least two (2) case studies for feedback to an OAPGG consultant; and

(C) Completion of fifty (50) hours of documented clinical experience with gambling consumers after attending the training required in part (2) above.

(D) Applicants with current or former certification as a National Certified Gambling Counselor (NCGC) I or II or certification as an International Certified Gambling Counselor (ICGC) I or II from the International Gambling Counselor Certification Board (IGCCB) are not required to complete the training and experience in parts (A), (B), and (C) above for application. If such certification is lapsed, applicants must complete ten (10) hours of approved gambling-specific Continuing Education Units (CEUs) within the twelve (12) months prior to application submission for certification as a Certified Problem Gambling Treatment Counselor.

(E) Applicants with current state certification as a problem gambling counselor from another state may request a waiver of the training and experience requirements in parts (A), (B), and (C) above. The Department may grant such a waiver if the state certification is deemed sufficient by the Department.

(c) Licensure candidates may submit an application for certification as a Certified Problem Gambling Treatment Counselor in order to complete the training and experience requirements while under supervision. However, the application shall only be considered for final application approval once the individual can provide documentation of licensure.

(d) Initial application may be made prior to completion of the training and experience requirements. However, the application shall only be considered for final application approval once the individual can provide documentation that all training and experience requirements have been completed.

(e) If an applicant has not completed the training and experience requirements at the time of initial application, the applicant shall have no more than two (2) years from the date of initial application submission to submit all necessary components for final application processing in accordance with OAC 450:75-3-3.

(f) Applicants for renewal of certification as a Certified Problem Gambling Treatment Counselor must complete ten (10) hours of approved gambling-specific Continuing Education Units (CEUs) within the twelve (12) months prior to renewal application submission.

450:75-3-3. Application for certification

(a) Application for certification as a Certified Problem Gambling Treatment Counselor shall be submitted to the Department on a form and in a manner prescribed by the Commissioner or designee.

(b) The initial application shall include the following items:

- (1) Application form completed in full according to its instructions;
 - (2) Copy of a current, valid license required in 450:75-3-1(b)(1) or documentation of status as a licensure candidate. If the latter is supplied, a copy of a current, valid license is required for final application processing;
 - (3) Documentation of required training and experience:
 - (A) Certificate of completion of Basic Training for Problem Gambling. If such training was provided by an entity other than OAPGG, documentation of course content must also be provided; and
 - (B) Documentation of group case consultation and presentation; and
 - (C) Documentation of clinical experience; or
 - (D) Copy of National Gambling Counselor Certification or International Gambling Counselor Certification. If such certification is lapsed, documentation of CEUs as required in 450:75-3-1(b)(2)(D) must also be provided; or
 - (E) Copy of current state certification as a problem gambling counselor from another state for consideration by the Department.
 - (F) With the exception of item (D) above, documentation of required training and experience may be supplied after the initial application is submitted but is required for final application processing.
 - (4) Signed Gambling Counselor Ethical Standards statement;
 - (5) Criminal history or other report, if requested; and
 - (6) Fees.
- (c) A renewal application shall include the following items:
- (1) Application form completed in full according to its instructions;
 - (2) Documentation of ten (10) hours of approved gambling-specific CEUs within the twelve (12) months prior to renewal application submission;
 - (3) Signed Gambling Counselor Ethical Standards statement;
 - (4) Criminal history or other report, if requested; and
 - (5) Fees.

450:75-3-5. Duration of certification

- (a) **Issuance.** ODMHSAS will issue an appropriate certification to all applicants who successfully complete the requirements for certification as specified in this Chapter.
- (b) **Renewal.** Unless revoked, certification issued pursuant to this Chapter must be renewed by June 30 of the calendar year following the first twelve (12) months of continuous certification and annually by June 30 thereafter.
- (c) **Suspension and Reinstatement.** Certifications not renewed by the renewal deadline will be suspended. A suspended certification may be renewed by submitting required fees and documentation within six (6) months of the date of suspension. Suspended certifications not renewed within this six (6) month timeframe will be terminated. The individual must then wait a period of sixty (60) days and submit a new application for certification and provide all required items for initial certification as specified in this Chapter.

450:75-3-7. Fees

- (a) **Application Fee.** Fifty dollars (\$50.00) shall be submitted with the application.

- (b) **Renewal Fee.** Fifty dollars (\$50.00) shall be submitted with the renewal application.
(c) **Late Renewal Fee.** An additional twenty-five dollars (\$25.00) shall be included with the renewal application if the application is submitted after the June 30 deadline.

450:75-3-9. Fitness of applicants

(a) The purpose of this Section is to establish the fitness of the applicant as one of the criteria for approval of certification as a Certified Problem Gambling Treatment Counselor and to set forth the criteria by which the Commissioner will determine the fitness of the applicants.

(b) The substantiation of any of the following items related to the applicant may be, as the Commissioner or designee determines, the basis for the denial, delay, or revocation of certification of the applicant:

- (1) Lack of necessary skills and abilities to provide adequate services;
- (2) Misrepresentation or falsification of any information on the application or other materials submitted to the Department;
- (3) Revocation of license or certification required for certification under this Chapter;
- (4) Violation of the Gambling Counselor Ethical Standards;
- (5) Any conviction of a crime involving a child or vulnerable adult;
- (6) Any conviction of a sex offense not identified in (b)(7)(D) of this Section;
- (7) Any other felony conviction, unless the applicant can demonstrate to the Department's satisfaction the successful completion of a minimum of one (1) year of probation related to one or more of the offenses below:
 - (A) Forgery, fraud, or perjury;
 - (B) Burglary, arson, embezzlement, knowingly concealing stolen property, leaving the scene of an accident, or larceny;
 - (C) Possession, manufacturing, distribution, maintaining a dwelling, driving under the influence, contributing to the delinquency of a minor, or parent causing delinquency; or
 - (D) Prostitution or nonconsensual dissemination of private sexual images.
- (8) A violation of the rules of professional conduct set forth in this Chapter.

(c) The Department shall obtain document(s) necessary to determine the fitness of an applicant.

(d) The Department may require explanation of negative references prior to issuance of certification.

450:75-3-11. Scope of Problem Gambling Treatment Counselor Certification

A Certified Problem Gambling Treatment Counselor who meets the requirements within this Chapter is authorized to provide problem gambling treatment services, including:

- (1) Assessment;
- (2) Treatment planning;
- (3) Individual, group and family therapy;
- (4) Case management; and
- (5) Discharge planning.

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

450:75-5-1. Responsibility and scope of practice

(a) Certified Problem Gambling Treatment Counselors shall be dedicated to advancing the welfare of individuals and their families. Certified Problem Gambling Treatment Counselors shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation, and shall not exploit their relationships with the consumers for personal advantage, profit, satisfaction, or interest.

(b) Certified Problem Gambling Treatment Counselors shall practice only within the boundaries of their individual certification(s) and competence based on their education, training, experience, state and national accreditations, and licenses.

(c) Certified Problem Gambling Treatment Counselors shall only use the title if employed by a mental health facility or a substance use disorder/addiction treatment facility that is operated by the Department or contracts with the State to provide behavioral health services, a tribe or tribal facility that provides behavioral health service, or an Oklahoma Department of Veterans Affairs or a United States Department of Veterans Affairs facility.

(d) As an employee of a behavioral health provider, reimbursement for services rendered will not be collected outside of the agency's system of service reimbursement.

(e) Certified Problem Gambling Treatment Counselors shall provide services with populations and in areas only within the boundaries of their competence, based on education, training, consultation, study or professional experience.

(1) Certified Problem Gambling Treatment Counselors that delegate or assign work to employees, supervisees, or assistants must take reasonable steps to see that such persons perform the services competently.

(2) Certified Problem Gambling Treatment Counselors are eligible to provide services within the scope of their certification that would not lead to conflict of interest, exploitation of relationship, loss of objectivity and based on education, training, and experience.

(3) Certified Problem Gambling Treatment Counselors shall provide consumers at the beginning of service written, accurate, and complete information regarding the extent and nature of the services available to them, to include fees and manner of payment.

(f) If Certified Problem Gambling Treatment Counselors determine that they are unable to be of professional assistance to a consumer, the Certified Problem Gambling Treatment Counselor shall refer the consumer to appropriate resources when indicated. If the consumer declines the referral the Certified Problem Gambling Treatment Counselors shall terminate the relationship.

(g) Certified Problem Gambling Treatment Counselors shall not commit fraud and shall not represent that he or she performed services which were not performed.

450:75-5-3. Code of ethics and professional standards

(a) Certified Problem Gambling Treatment Counselors shall adhere to the following code of ethics:

(1) Certified Problem Gambling Treatment Counselors shall be committed to respecting the dignity and autonomy of all persons that is to include, but is not limited to, professional relationships with consumers (or former consumers), supervisees,

students, employees, or research participants in efforts to maintain the highest standards of their practice.

(2) Certified Problem Gambling Treatment Counselors shall terminate service to consumers, and professional relationships with them, when such service and relationships are no longer required or in which a conflict of interest arises.

(3) Certified Problem Gambling Treatment Counselors shall not, in the rendering of their professional services, participate in, condone, and promote discrimination on the basis of race, color, age, gender, religion, disability and or limitation, or national origin.

(4) Certified Problem Gambling Treatment Counselors shall be aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups. They shall also eliminate the effect on their work of biases based on those factors, and shall not knowingly participate in or condone activities of others based upon such prejudices or influence.

(5) Certified Problem Gambling Treatment Counselors shall be obligated to report witnessed, involved, or reported ethical violations without violation of any confidentiality rights that may be involved. Certified Problem Gambling Treatment Counselors shall be obligated to follow steps of reporting professional misconduct as set forth by the Department and in this Chapter.

(6) Certified Problem Gambling Treatment Counselors shall give precedence to his or her professional responsibility over personal interests.

(7) Certified Problem Gambling Treatment Counselors shall not engage in any form of gambling, betting, or wagering specifically with clients.

(8) Certified Problem Gambling Treatment Counselors shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.

(b) Certified Problem Gambling Treatment Counselors must be aware of their influential positions with respect to consumers and not exploit the trust and dependency of consumers. Certified Problem Gambling Treatment Counselors shall refrain from dual relationships with consumers because of the potential to impair professional judgment and to increase the risk of harm to consumers. Certified Problem Gambling Treatment Counselors shall not exploit their relationships with current or former consumers, supervisees, students, employees, or others, sexually or otherwise, for personal advantage, profit, satisfaction, or interest.

(1) Certified Problem Gambling Treatment Counselors shall not have any type of sexual contact with consumers and shall not provide services to persons with whom they have had a sexual relationship.

(2) Certified Problem Gambling Treatment Counselors shall not engage in sexual contact with former consumers.

(3) Certified Problem Gambling Treatment Counselors shall not knowingly enter into a close personal relationship or engage in any business or financial dealings with a former consumer for five (5) years after the termination of the treatment relationship.

(4) Certified Problem Gambling Treatment Counselors shall be committed to each individual's rights of his or her own life choices and recovery journey by letting him or her direct the healing process.

(5) Certified Problem Gambling Treatment Counselors shall keep confidential all

information entrusted except when to do so puts the consumer at grave risk. Problem Gambling Treatment Counselors will be obligated to explain the limits of confidentiality initially in the professional working relationship.

(6) If the demands of an affiliated organization for whom the Certified Problem Gambling Treatment Counselors is working is in conflict with these ethics and standards, the issues must be clarified and resolved to allow adherence to the rules set forth in this Chapter.

(7) Certified Problem Gambling Treatment Counselors shall not solicit the clients of one's agency for private practice or to change service locations.

(8) Certified Problem Gambling Treatment Counselors shall not solicit clients, particularly at gambling establishments or self-help groups.

(c) It shall be unprofessional conduct for a Certified Problem Gambling Treatment Counselor or applicant to violate a state or federal statute if the violation is directly related to the duties and responsibilities of the counselor or if the violation involves moral turpitude.

450:75-5-5. Reporting

(a) Certified Problem Gambling Treatment Counselors shall report any violation of professional conduct by a Certified Problem Gambling Treatment Counselor as outlined in this Chapter.

(b) Certified Problem Gambling Treatment Counselors shall notify the Department of any change in name, address, telephone number, or employment if the counselor will continue to provide problem gambling treatment services in the new employment setting.

450:75-5-7. Failure to comply

A Certified Problem Gambling Treatment Counselor who does not comply with the standards in 450:75-5-1 or 450:75-5-3 shall be guilty of unprofessional conduct and subject to disciplinary action.

SUBCHAPTER 7. ENFORCEMENT

450:75-7-1. Enforcement

(a) ODMHSAS may impose administrative sanctions, including revocation, suspension, non-renewal of certification and reprimand against Certified Problem Gambling Treatment Counselors.

(b) The Department shall conduct itself in a manner to intervene in an immediate action to protect a consumer(s) according to the guidelines and rules provided, to prevent further detriment to any consumer.

(c) All proceedings, hearing and appeals shall be conducted in accordance with Chapter 1 of Title 450 and the Administrative Procedures Act.

450:75-7-3. Complaints of professional conduct

If ODMHSAS determines that a possible violation of any rules set forth in this Chapter has occurred, ODMHSAS may commence an investigation of the complaint pursuant to this Chapter and Chapter 1 of Title 450.