TITLE 206 BEHAVIORAL HEALTH SERVICES

CHAPTER 7-000 CERTIFICATION OF COMPULSIVE GAMBLING COUNSELORS

7-001 DEFINITIONS:
All Definitions in 206 NAC 2 are also applicable.

Approved Continuing Education means courses, seminars, workshops, lectures, institutes, or training programs, that pertain to the clinical knowledge and skill base associated with problem gambling counseling services, and which have been approved by the Division.

Board means the Compulsive Gambling Counselor Certification Advisory Board.

Certification means the process by which the Division sets minimum standards for problem gambling counselors and grants recognition of individuals who have met those standards.

Certified Compulsive Gambling Counselor (CCGC) means a person who has documented the standards for certification under 206 NAC 7 and holds a valid certification issued by the Division. An individual may not represent himself or herself as a Certified Compulsive Gambling Counselor unless he/she holds a valid certificate issued by the Division.

Clinical Supervision means supervision directed towards enhancing the clinical skills and competencies of individuals providing problem gambling counseling.

Code of Ethics means the mandatory behavioral guidelines set forth in 206 NAC 7-016 to govern the conduct of Certified Compulsive Gambling Counselors.

Complainant means a person who has filed a complaint pursuant to 206 NAC 7-016 against any person who is seeking or has obtained certification.

Counselor Performance Domains means the competencies required of a problem gambling counselor; such as but not limited to client, family, and community education, intake and assessment, counseling, case management, and professional responsibility.

Education means formal classroom education/instruction in the form of workshops, seminars, institutes and college/university course work for the continuing education of the clinician.

Gross Incompetence means demonstrated lack of proficiency, skill ,ability or ethical boundaries to perform the duties and functions of a problem gambling counselor to a high degree.

Hour of Education means 60 minutes of instruction. One hour post secondary academic credit per semester constitutes 15 hours of education. One hour of post secondary academic credit per quarter constitutes 10 hours of education.

Inactive Certification means the voluntary termination of the right or privilege to practice problem gambling counseling. The certificate holder retains the right or privilege to represent him/her self as being a Certified Compulsive Gambling Counselor and having an inactive certificate.

Lapsed Certification means the termination of the right or privilege to practice problem gambling counseling and to represent oneself as a Certified Compulsive Gambling Counselor. This is considered the same as an expired certification.

Must means a mandatory statement. The only acceptable action.

Problem Gambling means gambling to the extent that it causes emotional, family, legal, financial, or other problems for the gambler and the people around the gambler. A problem gambler is an individual who is experiencing problems of any kind as a result of his/her gambling behavior. In these regulations, the term Problem Gambling also includes the continuum of levels of severity including Pathological Gambling.

> Pathological Gambling has features of persistent, recurrent, maladaptive gambling behavior that disrupts personal, family, or other pursuits. A pathological gambler is an individual who suffers from a pathological gambling disorder as described by clinical criteria in the DSM-IV.

Problem Gambling Counseling means rendering counseling services, under clinical supervision when necessary, to problem/pathological gambling consumers for remuneration. Specific tasks must include, but are not limited to:

1. Responding to consumer needs during periods of acute emotional and/or physical distress related to problem gambling behavior via application of appropriate counseling techniques;
2. Assisting consumers to evaluate their gambling behaviors and to identify problem/pathological gambling when it exists; and
3. Assisting consumers through the counseling relationship to develop understanding, define goals, plan action, and change the problem gambling behavior, taking into consideration the consumer's abilities, aptitudes, needs, and desires.

Problem Gambling Clinician means an individual who possesses the specialized knowledge and skills in the field of problem/pathological gambling who is a Certified Compulsive Gambling Clinician (CCGC); or is fully licensed (not provisionally licensed) in a profession whose scope of practice includes diagnosing and treating problem gambling disorders.

Problem Gambling Consumer means a person with a diagnosis of pathological gambling or problem gambling. It also refers to any individual significantly impacted by another's gambling behavior and who is the recipient of problem gambling counseling services.

Provisional Certified Compulsive Gambling Counselor (PCCGC) means a person who has documented the requirements for provisional certification under 206 NAC 7 and holds a valid provisional certification issued by the Division. An individual may not represent himself or

herself as a Provisional Certified Compulsive Gambling Counselor unless he/she holds a valid provisional certificate issued by the Division.

Significant Other Treatment means the utilization of special skills and knowledge in the provision of counseling to individuals who are in a family or family-like relationship with a problem gambling consumer who are either impacted by the problem gambling and/or, in turn, impact the gambler. It includes the process of exploring the dynamics of the family system and facilitating appropriate changes as related to the problem gambling behavior.

Six Critical Domains means the required performance domains a practicum student and a provisional certified clinician must document work experience in under supervision. They are: Assessment, Treatment Approaches/Methods, Case Management, Finances, Special Populations, and Ethics. The demonstration of work performance in these domains must include the applicable skills as identified in the 12 Core Functions.

Twelve Core Functions means the clinical skills relevant to a problem gambling counselor as adapted from the 12 Core Functions of the Alcohol and Drug Abuse Counselor (developed by the International Certification and Reciprocity Consortium (IC&RC)/Alcohol and Other Drug Abuse, Inc. (AODA):

- Assessment (A 12 Core Function) means the procedures by which a counselor identifies and evaluates an individual's strengths, weaknesses, problems and needs for the development of a treatment plan. This includes a gathering of relevant history, collateral information, diagnostic evaluation using appropriate assessment tools and explanation to the consumer of process.
- Case Management (A 12 Core Function) means activities which bring services, agencies, resources or people together within a planned framework of action toward the achievement of established goals for an individual in treatment. This includes the coordination of services, contacts with liaisons/collateral contacts and management of consumer records.
- Client Education (A 12 Core Function) means the provision of information to individuals and groups concerning problem gambling.
- Consultation (A 12 Core Function) means relating with interagency staff or outside professionals to assure comprehensive, quality care for the consumer. This includes recognizing issues that are beyond the counselor knowledge, skill and/or scope of work; consulting with appropriate resources while adhering to applicable laws, regulations, and policies governing disclosure and confidentiality of consumer data.
- Counseling (A 12 Core Function) means the utilization of special skills to assist individuals, families or groups in achieving objectives through exploration of a problem and its ramifications; examination of attitudes and feelings; consideration of alternative solutions; and decision making. This includes the selection of appropriate theory(ies), application of appropriate technique(s), individualizing process for consumer differences, developing a therapeutic relationship, and implementing and monitoring the treatment plan.
- Crisis Intervention (12 Core Function) means those skills/services which respond to an individual experiencing a crisis related to problem gambling. This includes recognizing

the elements of crisis, implementation of immediate course of action, and ability to screen for coexisting conditions.

- Intake (A 12 Core Function) means the administrative and initial assessment procedures for admission to a program. A consumer will complete required documents for eligibility, appropriateness and admission into the program. This will also include the gathering of relevant consumer data for administrative, research, and clinical purposes with the consumer's informed consent and signed authorization to consent for protected health information.
- Orientation (A 12 Core Function) means describing to the consumer the following: general nature and goals of the program; rules governing consumer conduct and infractions that can lead to disciplinary action or discharge from the program; the hours of available services, treatment costs to be borne by the consumer, and consumer rights and responsibilities and privacy regulations.
- Referral (A 12 Core Function) means identifying the needs of a consumer that cannot be met by or within the scope of practice of the counselor and/or agency and assisting the consumer to identify support systems and community resources available.
- Report and Record Keeping (A 12 Core Function) means charting the results of the assessment and treatment plan, progress notes, discharge summaries and other consumer relevant data. This includes preparing reports, maintaining records, and charting and evaluating progress while upholding consumer privacy rights.
- Screening (A 12 Core Function) means the process by which a consumer is determined appropriate and eligible for admission to a particular program. This process includes a brief evaluation of psychological, social, and physiological signs and symptoms and the identification of any coexisting conditions that indicate the need for further assessment, referral, and/or services.
- Treatment Planning (A 12 Core Function) means the process by which the counselor and consumer identify and rank problems needing resolution; establish agreed upon immediate short and long term goals; and decide upon a treatment process as well as the resources to be utilized. This includes an explanation to the consumer of results, rationale, and resources available to ensure consumer driven care.

7-002 SCOPE OF PRACTICE: These regulations govern Certified Compulsive Gambling Counselors. The scope of practice for problem gambling counseling addresses the application of general counseling theories and treatment modalities adapted to specific problem gambling theory and research, for the express purpose of treating problem gambling. The practice consists of the following activities:

7-002.01 Consumer, Significant Other, and Community Education: This includes:

1. Education is defined as a two-way communication between an educator or facilitator and participant(s) where the strategy focuses on improving critical life and social skills such as decision making, refusal, critical analysis, improved judgment, and informational learning achievement;
2. Educating the consumer on the pathology of problem gambling, theoretical approaches to treatment, self-help options, the recovery process, and available literature on the subject of problem gambling;

3. Educating the significant others of a problem gambler on impulse control disorders and pathological gambling, family dynamics and the impact of problem gambling, self-help organizations, and the recovery process; and
4. Educating the community on problem gambling issues, the social impact of the disorder, available resources for assistance, and opportunities for community involvement.

7-002.02 Intake and Assessment: This includes:

1. Gathering relevant consumer data for administrative, research, and clinical purposes with informed consumer consent;
2. Using appropriate interview and testing techniques and processes to determine the nature and severity of an individual's gambling related problems and behaviors;
3. Recognizing potential co-occurring disorders and/or medical conditions which warrant screening, referral and /or concurrent treatment interventions by a qualified professional; and
4. Coordinating services with other professionals/agencies/organizations via exchange of assessment information within the guidelines of the code of ethics and local, State, and federal laws.

7-002.03 Counseling: Counseling includes the following components:

1. An appropriate treatment plan, based on a completed assessment, will be developed as soon as clinically feasible after the consumer's admission to the treatment program, but no later than fifteen days or the third session following admission. The treatment plan must include the following:
    a. A clear and concise statement of the consumer's current strengths and needs;
    b. Short-term and long-term goals the consumer has identified;
    c. Type and frequency of therapeutic activities in which the consumer will be participating, the specific criteria to be met for successful completion of treatment and an anticipated timeline; and
    d. Developed in partnership with the consumer and written in a manner readily understandable to the consumer. The treatment plan reflects the nature of the problem, the desired outcomes and the preferred interventions. Treatment plans should be individualized according to the consumer's goals, psychobiology and social context and should be reviewed every 90 days or as events impacting progress occur, whichever is sooner. Ultimately, treatment plans must address the goals and specific objectives of treatment, the psychological interventions and particular modalities, medications when appropriate, other supportive strategies, length of treatment, and setting;
2. Use of appropriate evidenced based therapeutic interventions to assist the consumer in attainment of identified treatment goals;

3. Use of safety planning, crisis identification and intervention techniques; and
4. Continual monitoring of potential co-occurring disorders which require further screening, referral, and/or consultation.

7-002.04 Case Management: Case management includes:

1. Developing a professional relationship with a variety of community resource systems;
2. Evaluating the consumer's financial status, selection of therapeutically appropriate resources for financial recovery, indicate all known sources of income and debt and determine the consumer's ability to pay for services based upon all identified income and debt;
3. Maintaining appropriate documentation which facilitates coordination of services across disciplines; and
4. Monitoring and coordinating treatment rendered to consumers including the management of records, treatment planning, referrals to resources, and communication with collateral contacts.

7-002.05 Professional Responsibility: The counselor must:

1. Maintain professional relationships with consumers, co-workers, and the community;
2. Maintain appropriate documentation and record keeping of interactions with consumers;
3. Identify issues/disorders beyond the clinician's scope of practice and referral of the consumer to appropriate resources to meet consumer needs; and
4. Maintain current knowledge of counseling techniques, trends in the field, ethical and cultural/linguistic competency, and uphold a current status of certification or licensure for the qualifying profession meeting the scope of practice allowed for problem gambling services.

7-003 PROVISIONAL CERTIFIED COMPULSIVE GAMBLING COUNSELOR (PCCGC) STANDARDS: This is a status for individuals working towards a Certified Compulsive Gambling Counselor (CCGC) status. This status enables these clinicians to practice under supervision and acquire the 2,000 hours of supervised clinical work experience in problem gambling counseling as defined in Certified Compulsive Gambling Counselor Standards in 206 NAC 7-007. The following requirements are mandatory:

1. An individual must obtain a Provisional Certificate if gaining problem gambling counseling hours in Nebraska.
2. Provisional status may be granted once, must be renewed every two years on or before September 1 of each even-numbered year, and may be held for a time period not to exceed five years.
3. A Provisional Certified clinician may not render services without clinical supervision as set forth in 206 NAC 7-004.
4. A Provisional Certified clinician must inform all clients that s/he holds a Provisional Certificate, is practicing under supervision, and must identify the supervisor.

5. A Provisional Certified clinician must obtain Continuing Education Units (CEU's) throughout the duration of the provisional certification period. Standard regulations for CEU's apply as defined in 206 NAC 7-010.

The criteria for the issuance of a Provisional Certification and the documentation required by the Division and the Board are set forth below:

7-003.01 Core Educational Requirements: To be certified to practice as a Provisional Certified Compulsive Gambling Counselor, an applicant must have the following core education:

1. A Bachelors Degree in a related field of psychology, counseling, social work, sociology, or human services in which the course work and training contributes to the development of a profession in the field of behavioral health;
2. A total of 255 hours of core education (workshops, seminars, institutes, college/university coursework); with 90 related specifically to the knowledge and skills of problem gambling counseling and within the previous 48 months. (Distance learning and Continuing Education Unit course work are not accepted towards core education.) This must include the following domains:
    a. Counseling Theories and Techniques – a minimum of 45 clock hours. This means education that includes the study and practice of theories, principles, and techniques of counseling. A minimum of four accepted counseling techniques must be studied such as active listening, reflective feedback, self-disclosing, displaying empathy, confronting, establishing rapport, and communicating at the client's comprehension level. A minimum of four accepted counseling theories must be studied such as cognitive behavioral, motivational interviewing, client-centered, and the twelve step approach.
    b. Multicultural Counseling – a minimum of 30 clock hours. This means education about cultural, linguistic, physical, social, lifestyle, spiritual, and economic factors relevant to the provision of competent counseling to varied populations.
    c. Human Growth and Development - a minimum of 30 clock hours. This means education that includes the study of the nature and needs of individuals at all developmental levels from birth to death.
    d. Professional Ethics and Issues – a minimum of 15 clock hours. This means education that addresses standards of conduct, professional boundaries, and behavior expectations for counselors.
    e. Individual and Group Counseling – a minimum of 45 clock hours. This means education that includes the study and practice of individual and group theories, processes, dynamics, techniques, methods, evidence based approaches, group process, and facilitation.
    f. Problem Gambling Assessment, Case Management and Treatment Planning – a minimum of 30 clock hours. This means education about the process of collecting consumer biopsychosocial information in order to screen, assess, diagnosis, identify level of

care, and develop a plan for treatment including co-morbid screening and referrals. Training must also cover the identification of consumer strengths, needs, matching identified needs with appropriate treatment modalities, and measuring treatment effectiveness and utilization of resources to effectively accomplish identified goals. In addition, education must include the study and practice of record keeping addressing the development of problem gambling assessment summaries, treatment plans, progress notes, discharge plans, and clinical case reviews including case management activities to bring together services, agencies, and resources to achieve consumer driven treatment goals while adhering to national guidelines for confidentiality. A critical component this training must also cover is the financial aspect related to problem gambling and the intensive nature of case management for a consumer's financial stability and recovery and any legal involvement related to finances or criminal activity.

g. Problem Gambling Clinical Aspects – a minimum of 30 clock hours. This means education about treatment issues specific to problem/pathological gambling including denial, resistance, minimization, family dynamics, relapse, spirituality, and influences of self-help groups. In addition, training for the screening, assessing, and referrals of trauma, co-occurring disorders and common medical conditions is critical. Training to identify clinical treatment needs of individuals considering gender, culture, and lifestyle must be addressed. This education must also include the clinical aspects specific to problem gambling such as legal issues, treatment for significant others and special populations, and specifically addresses the financial aspects of problem gambling.

h. Problem Gambling Medical/Psychosocial Aspects – a minimum of 30 clock hours. This means education on the physiological, psychological, and sociological aspects of problem/pathological gambling including the history of gambling. This basic knowledge must consist of education on the history and social impact of gambling in the U.S., the historical and theoretical approaches to treating problem gamblers, and the predominant effects of problem gambling on society as well as current regulated forms of gambling in Nebraska. The education must include studying the process of abuse, addiction, signs and symptoms, behavior patterns, and financial indicators. It may also include the study of pharmacology relevant to the treatment of problem/pathological gambling and co-morbid disorders.

7-003.01A An applicant who holds an active credential of a Provisional Licensed Mental Health Practitioner (PLMHP) or Licensed Mental Health Practitioner (LMHP) or Licensed Independent Mental Health Practitioner (LIMHP); or Provisional Licensed Alcohol and Drug Counselor (PLADC) or Licensed Alcohol and Drug Counselor (LADC); or Licensed Mental Health Practitioner who holds a associated

certificate in Social Work (LCSW) or as a master social worker or Psychologist (PhD) is deemed to have met 206 NAC 7-002.01, items 2a, 2b, 2c, 2d, and 2e. This allowance leaves a requirement of items 2f, 2g and 2h for 90 education hours of problem gambling specific coursework still required.

7-003.01B Core education is required for an individual in pursuit of a certified status as a problem gambling counselor. Web based coursework and continuing education coursework is not eligible as core education.

7-003.02 Practicum: An applicant must complete a practicum experience with the following requirements:

1. Performing 200 clock hours in the required Six Critical Domains in a work setting where problem gambling counseling with diagnosed problem gambling consumers is provided;
2. Performing no less than 10 hours in each of the Six Critical Domains while demonstrating the applicable skill set of the Twelve Core Functions;
3. Had a formal, systematic learning environment that focused on the skill development and integration of the six domains/twelve core functions;
4. Maintained an accurate record of documented direct and indirect performance by date, time unit and domain performance area; and
5. Is under the Division approved supervision of a current Nebraska certified or licensed individual whose scope of work includes problem gambling services.

7-003.03 Substitution for Practicum: Current problem gambling certification at the national level may be substituted for the hours of practicum experience.

7-003.04 Counselors who have documented 255 hours of training as required in 206 NAC 7-003.01 and have completed the practicum requirements in 206 NAC 7-003.02 but are not certified must apply to the Division to become a Provisional Certified Compulsive Gambling Counselor.

7-004 PRACTICUM AND PROVISIONAL SUPERVISION: The applicant must submit the required Division documentation signed by the Division approved clinical supervisor prior to or within 15 days of starting practicum and Provisional Certification work experience.

7-004.01 Practicum Supervision: A minimum of one hour of evaluative face-to face supervision for every ten hours of counselor performance in direct therapeutic service must be documented.

7-004.02: Provisional Supervision: One hour of evaluative supervision for every forty hours of paid work experience as a problem gambling counselor is required. If this forty hours in not obtained within two consecutive calendar months, a minimum of one hour of evaluative supervision must still be received. Evaluative supervision must be face to face; however methods of video or teleconference are acceptable but must not be utilized for more than one-third of the evaluative supervision increments.

7-004.03: All practicum/provisional hours obtained must be maintained by an accurate record of documented direct and indirect service by date, time unit, and critical domain performance area.

7-004.04: Methods of supervision may include, but are not limited to; individual supervisory sessions, formal case staffing, conjoint/co-therapy sessions, phone, taped session reviews, video conferencing, and mailing of documentation for review and discussion as appropriate, beneficial, or allowed. Supervision must be directed toward teaching the knowledge and skills of problem gambling counseling in order to increase competency within the six critical domains. Electronic mail is not a form of supervision and is only considered a form of correspondence.

7-005 PRACTICUM AND PROVISIONAL SUPERVISOR: The supervisor must be a Division-approved clinical supervisor who holds a current certificate and/or license in a field whose scope of work covers problem gambling services: a Nebraska Certified Compulsive Gambling Counselor, Licensed Mental Health Practitioner, Licensed Independent Mental Health Practitioner, a Psychiatrist, or a Psychologist. The supervisee may not be related to the supervisor by blood or by marriage. The supervisor must:

1. Have completed a minimum of 90 hours of core education in problem gambling counseling as described in 206 NAC 7-003.01, items 2f, 2g, and 2h;
2. Have completed a Division-approved six-hour supervisor course in problem gambling prior to providing supervision;
3. Have not had his/her certificate and/or license disciplined, limited, suspended, or placed on probation during the one year immediately preceding supervision as a practical training supervisor. If any of these actions are taken by the Department during the practicum/provisional training supervision period, the supervisor and/or student/clinician must terminate the supervision immediately;
4. Have attained the age of majority and be of good moral character; and
5. Have signed an attestation indicating s/he has read and agrees to be bound by the Code of Ethics for problem gambling certification set out in 206 NAC 7-016.

7-005.01 Change of Supervisor: A practicum student/provisional clinician who changes his/her supervisor during the work experience must submit an application prior to or within 15 days following the change utilizing the Division-approved document to record such changes.

7-005.02 Termination of Supervision: If a supervisor or practicum student/provisional clinician terminates supervision, s/he must immediately notify the Department in writing of the date of termination. The Division will document the termination date in the students/clinician's record.

7-006 PROVISIONAL CERTIFIED COMPULSIVE GAMBLING COUNSELOR (PCCGC) APPLICATION PROCESS: The following information must be submitted to the Division:

1. A complete application for a Provisional Certified Compulsive Gambling Counselor (PCCGC);
2. An official copy of all collegiate degrees and transcript verifying receipt of a degree, date and name of institution; (If applicant has achieved a collegiate level degree, the achievement of a high school diploma or GED is deemed met and applicant need not submit this official document.)
3. Documentation of 255 clock hours of education (workshops, seminars, institutes, college/university coursework) as set out in 206 NAC 7-003.01;
   a. An official transcript must be submitted for any hours completed through a college or university; and
   b. Certificates of completion must be submitted for hours earned through workshops/seminars and institutes;
   c. If the applicant seeks a substitution for the core education requirements in 206 NAC 7-003.01, items 2a, 2b, 2c, 2d, and 2e based on a licensure status, a copy of that current license is required;
4. Official course descriptions for each course submitted (e.g., syllabi, course catalogue, brochure, etc.) and indication of the course name and course number;
5. Documentation of 200 hours of supervised practicum training as set out in 206 NAC 7-003.02 with a minimum of 10 hours in each of the six critical domains;
6. Evidence of having attained at least the age of majority, examples of evidence include:
   a. Driver's license;
   b. Birth certificate;
   c. Marriage license;
   d. Official transcript which provides date of birth; or
   e. Other similar documentation, such as government-issued identification;
7. If the applicant holds a credential in another state and if any disciplinary action was taken against the applicant's credential by another state, an official copy of the disciplinary action, including charges and disposition;
8. If the applicant has been convicted of a felony or misdemeanor:
   a. Official Court Record, which includes charges and disposition;
   b. Copies of arrest records;
   c. A letter from the applicant explaining the nature of the conviction.
   d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a gambling, drug and/or alcohol related offense and if treatment was obtained and/or required; and
   e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
9. The required provisional certification application fee;
10. Attestation that the applicant has read and agrees to be bound by the Code of Ethics for problem gambling counselors in 206 NAC 7-016 and the Grounds for Discipline for problem gambling counselors in 206 NAC 7-017; and

11. One reference must be sent to the Division from the applicant's practicum and provisional supervisor. The reference must include a rating of the applicant's problem gambling counseling knowledge and skills.

7-006.01 A Provisional Certified Compulsive Gambling Counselor certificate expires upon receipt of certification as a Certified Compulsive Gambling Counselor or five years after the date of issuance, whichever comes first. A 12-month waiting period will be required before re-application of provisional certification if the five years lapse without meeting the required Provisional hours.

7-006.02 The applicant may request a waiver for an extension of the Provisional Certification period for special circumstances such as regional boundaries, access to consumers, proximity to supervisor, military deployment, or medical condition. The applicant must submit the Division-approved document for this request with all required documentation. The Division and Board will review the request and notify applicant of the determination within 60 days of receipt of application.

7-007 CERTIFIED COMPULSIVE GAMBLING COUNELOR (CCGC) STANDARDS: Individuals desiring certification must submit an application to the Division and must meet the following:

1. The applicant must have met the criteria for and be a current Provisional Certified Compulsive Gambling Counselor, having fulfilled all requirements specified for the Provisional Certified Compulsive Gambling Counselor in 206 NAC 7-003.01 through 7-003.02.
2. The applicant must pass a Division-approved examination for problem gambling counselors.
3. The applicant must have completed the required 2,000 hours of supervised work experience providing problem gambling services to problem gambling consumers for remuneration. An applicant must have an active PCCGC status if gaining work experience hours in Nebraska.
   a. The supervised clinical work experience must include a client caseload as the primary problem gambling counselor performing the six critical domains and addressing the twelve core functions.
   b. Experience that will not count towards certification includes but is not limited to:
      (1) Providing services to individuals who are not problem gambling consumers or significant other of the consumer, such as prevention activities;
      (2) Providing services out of the problem gambling scope of practice such as alcohol/drug counseling or mental health counseling except when in direct context of treatment for problem gambling;
      (3) Providing services when the experience does not include the performance of any of the six critical domains and twelve core functions.
   c. The maximum number of hours of experience that may be accrued are 40 hours per week or 2,000 per year.

d. A post secondary degree and/or certain licensure may be substituted for part of the supervised clinical provisional work experience. The degree must be from a regionally accredited post secondary educational institution or the educational program must be accredited by a nationally recognized accreditation agency.
   (1) A Provisionally Licensed Alcohol and Drug Counselor (PLADC) or Licensed Alcohol and Drug Counselor (LADC) as defined in 172 NAC 15 may be substituted for 1,000 hours of supervised clinical provisional work experience.
   (2) A Master's Degree or higher with a Provisionally Licensed Mental Health Practitioner (PLMHP) or Licensed Mental Health Practitioner (LMHP) or Licensed Independent Mental Health Practitioner as defined in 172 NAC 94 may be substituted for 1,000 hours of supervised clinical provisional work experience.
   (3) A Licensed Mental Health Practitioner with an associated certification in Social Work (LCSW) as defined in 172 NAC 94 or Psychologist as defined in 172 NAC 155 may be substituted for 1,000 hours of supervised clinical provisional work experience.

<u>7-008 CERTIFIED COMPULSIVE GAMBLING COUNSELOR APPLICATION PROCESS:</u> There are three sequential parts to the application process:

1. Application for Portfolio Review; and
2. Board Recommendation for Examination; and
3. Examination Process.

<u>7-008.01 Application for Portfolio Review:</u> An applicant must submit an Application for Portfolio Review which must include the following:

1. A complete application for a Certified Compulsive Gambling Counselor (CCGC);
2. Documentation of the 2,000 hours of clinical provisional work experience and supervisor evaluation;
   a. Attach a copy of the Provisional Certified Compulsive Gambling Counselor certification;
   b. If the applicant seeks a substitution for work experience hours based on a degree or licensure status, an official transcript from the educational institution and current license is required.; and
   c. One reference must be sent to the Division from the applicant's provisional supervisor. The reference must include a rating of the applicant's problem gambling counseling knowledge and skills.
3. Evidence of having attained at least the age of majority, examples of evidence include:
   a. Driver's license;
   b. Birth certificate;
   c. Marriage license;
   d. Official transcript which provides date of birth; or

e. Other similar documentation, such as government-issued identification;

4. If the applicant holds a credential in another state and if any disciplinary action was taken against the applicant's credential by another state, an official copy of the disciplinary action, including charges and disposition;
5. If the applicant has been convicted of a felony or misdemeanor:
   a. Official Court Record, which includes charges and disposition;
   b. Copies of arrest records;
   c. A letter from the applicant explaining the nature of the conviction;
   d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a gambling, drug and/or alcohol related offense and if treatment was obtained and/or required; and
   e. A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation;
6. The required certification application fee; and
7. Attestation that the applicant has read and agrees to be bound by the Code of Ethics for problem gambling counselors as set out in 206 NAC 7-016 and the Grounds for Discipline for problem gambling counselors as set out in 206 NAC 7-017.

7-008.01A To be considered, the Division must receive the complete application by the posted application acceptance date or at least 30 business days prior to the scheduled Certification Advisory Board meeting for review consideration.

7-008.01B The effective date of the application is the date of receipt at the Division. This date is used when calculating counseling experience, education, and training. Only counseling experience, education, and training gained before this date, and included in the application, will be considered.

7-008.01C Only a complete application will be eligible for review during any given review cycle. A complete application is one in which the application and all other required documents are received at the Division by the application deadline date. Incomplete applications will be held over to the next application deadline date and review cycle.

7-008.02 Board Recommendation for Examination: The Division will conduct the administrative review of the Application for Portfolio Review and upon approval, will recommend to the Board for evaluation to determine the Recommendation for Examination.

7-008.02A The Board may request additional information or clarification in writing and/or in person and defer action on the application until the next Board meeting.

7-008.02B The Board must forward its recommendation to the Division Administrator.

7-008.04C The Division must notify the applicant of its findings in writing within 60 days of the Board meeting in which the application was reviewed. The notice is

deemed received three business days after being mailed to the last known address of the applicant.

7-008.03 Examination Process: Upon receipt of the Board's application review, approval and Recommendation for Examination, the Division will extend a testing opportunity to the applicant.

7-008.03A Applicants for Certified Compulsive Gambling Counselor are eligible to take the examination if they have met the requirements of 206 NAC 7-007 and have paid the examination fees.

7-008.03B All Division-approved testing entity test policies and procedures must be followed.

7-008.03C The examination must be administered at least one time per year.

7-008.03D The Division must notify applicants when the applicant is able to select an examination testing date, time and location.

7-008.03E The Division or the test administration organization must notify the applicant when the date, time, place and other information pertinent have been approved.

7-008.03F The applicant will be notified of the examination score.

7-008.03G The Division will prepare and dispense the applicant's official certification documentation once all three phases (Application for Portfolio Review approval, Board Recommendation for Examination, and Division approved Examination passes) are verified and completed.

7-008.03H An applicant who does not pass the examination may apply to retake the examination as many times as desired by applying for re-examination and submitting the re-examination fee to the Division within one calendar year of the date of the unsuccessful examination last taken by the applicant.

7-008.04 An applicant denied certification may do one of the following:

1. Submit to the Division a request for deferral within 15 days of receipt of the denial notice. This will allow the application on file to be held over until the next application deadline date, and avoid the submittal of a new application. The applicant may submit new information by the next application deadline date to support the application;
2. Contest the decision under procedures detailed in 206 NAC 7-019; or
3. Elect to take no action. The individual will be required to submit a new application should he/she elect to seek certification in the future.

7-008.05 All applications are the property of the Division and will not be returned to the applicant. The application will be disposed of according to the record retention policies of the Department.

7-009 CERTIFICATION PERIOD: The Provisional Certified Compulsive Gambling Counselor certification and the Certified Compulsive Gambling Counselor certification are valid for two calendar years or until September 1 of the next even numbered year and are renewable upon meeting the renewal requirements in 206 NAC 7-013.

7-010 CONTINUING EDUCATION UNITS (CEUs) REQUIRED FOR CERTIFICATE RENEWAL: Provisional Certified Compulsive Gambling Counselors (PCCGC) and Certified Compulsive Gambling Counselors (CCGC) are required to obtain CEUs for the duration of their active certification status.

7-010.01 General Requirements: The certificate holder must complete 40 hours of Division-approved continuing education during the certification period of two years that must include the following:

1. A minimum of 20 hours must be in problem gambling specific education;
2. A minimum of 2 hours in Ethics; and
3. A minimum of 2 hours of Cultural/Linguistic Competency.

7-010.01A A maximum of 12 hours are allowed for the presentation of approved continuing education programs precertification period. A presenter may receive credit for only the initial presentation if the presentation is repeated during a certificate period.

7-010.01B The certificate holder is responsible for:

1. Verifying with the Division that a continuing education program is approved by the Division;
2. Maintaining documentation of attendance and/or completion of approved continuing education programs; and
3. Maintaining documentation of presentation of an approved continuing education program.

7-011 APPROVAL CRITERIA FOR CONTINUING EDUCATION UNITS: All continuing education programs must be pre-approved by the Division in order to be considered valid towards certification renewal. To be approved, a continuing education program must meet the following criteria:

1. The program must include at least one hour of instructional/presentation time;
2. The program must be formal, structured training with objectives pertaining to the clinical knowledge and skill base associated with the performance of problem gambling counseling;
3. The program's content must be at a level which contributes to the development of the clinical knowledge and skills of a problem gambling counselor;

4. Presenters of programs must be qualified by education, experience, and/ or training;
5. The program must be open to all problem gambling counselors certified by the Division who meet the prerequisites for the program; and
6. Program providers must have a process for monitoring and verifying attendance.

7-011.01 Application for CEU Prior Approval: To seek prior approval of a continuing education program, a complete application must be received at the Division at least 45 days before the date on which the program is to begin. The Division will act within 30 days upon all completed applications, and must notify the applicant.

7-011.01A Exceptions: Clinicians need not seek approval from the Division for any continuing education programs that already have a Division approval and subsequent code number.

7-011.02 Post-Program Approval: Applications for approval of a continuing education program may be submitted for approval after the program has occurred.

7-011.02A Certificate holders assume the risk that a program may not be approved when they attend a training program that has not been Division approved prior to the program's occurrence.

7-011.02B Certificate holders assume the risk that if a program has not been approved 30 days before the receipt of a certificate holder's renewal application, it may not count toward that certificate holder's renewal.

7-012 APPLICATION BY FACILITATORS FOR THE APPROVAL OF CONTINUING EDUCATION UNITS: To seek approval of unit hours for the continuing education program, the facilitator must submit an application to the Division. Only applications that are complete will be considered. The following must be included in the application:

1. The title of the program;
2. A copy of the program agenda indicating actual presentation times, lunch, and breaks;
3. A description of the program content and objectives;
4. A description of the qualifications of each presenter which includes the education, experience, and training that qualifies each presenter to present the program;
5. The number of hours for which approval is requested;
6. The name, address, and telephone number of the provider, and a contact person representing the provider;
7. A description of the process the provider will use to document and monitor attendance;
8. The date, time, town/city, state, and location of the program;
9. A sample copy of the documentation the provider will issue to the certificate holder as proof of attendance at the program; and
10. The signature of the program provider contact person.

7-012.01 Certificate of Completion: Providers of Division-approved continuing education must furnish each person completing the program a certificate of completion. The completed certificate must include:

1. Program title;
2. Name of the participant;
3. All dates of the training;
4. Provider's name;
5. Division approval number;
6. Number of Division-approved continuing education hours earned by the certificate holder; and
7. Signature of provider representative.

7-012.02 Program Monitoring: Providers/facilitators are responsible for monitoring the physical presence of participants throughout the entire program. Certificates must not be issued to participants who do not complete the requirements of the program. If a participant chooses not to participate in the entire program, the certificate of attendance must reflect the participant's actual hours of attendance.

7-012.03 Providers of Division-approved continuing education who fail to issue certificates of completion to individuals who completed the program, or who issue certificates to individuals who do not complete the program, may jeopardize Division approval of future educational courses.

7-013 PROVISIONAL CERTIFIED COMPULSIVE GAMBLING COUNSELOR AND CERTIFIED COMPULSIVE GAMBLING COUNSELOR CERTIFICATION RENEWAL PROCESS

7-013.01 Renewal Due Date A certification for Provisional and Certified Compulsive Gambling Counselors is due for renewal every even year on September 1 and is valid for two years.

7-013.02 Renewal Notification The Division will mail each certificate holder a renewal notice and renewal application no later than 30 days before the expiration date of the certificate.

7-013.02A The notice will be sent to the last place of residence and name as noted in the Division's records. It is the responsibility of the certificate holder to notify the Division in writing of any name and/or address change before the renewal period.

7-013.02B Non-receipt of the renewal notice does not relieve the certificate holder of responsibility for certificate renewal.

7-013.03 Renewal Application The applicant must submit the following:

1. The Division document for Certificate Renewal;

2. Validation of Division approved CEU's earned within the two year period via copies of program attendance certificate or appropriate documentation (no more than ten CEU hours of distance learning are accepted); and
3. Certificate Renewal fee.

7-013.03A Applications for renewal must be postmarked before the date of certification expiration to be deemed timely. Applications postmarked after certification expiration will not be considered for renewal.

7-013.03B Failure to pay the renewal fee or document the required continuing education constitutes non-renewal of certification, and the certificate is deemed to be lapsed or expired unless a waiver of or extension of time to complete continuing education hours has been granted, or the certificate is placed on inactive status.

7-013.03C Completed applications will be reviewed by the Division upon receipt and notification to the applicant will be mailed to the submitted contacted information within 30 days of status award.

7-014 WAIVER OF OR EXTENSION OF TIME TO COMPLETE CONTINUING EDUCATION HOURS

7-014.01 The Division may waive the continuing education requirements in whole or in part, or extend the time to complete continuing education requirements for any two-year certification period, when a certificate holder submits documentation that extenuating circumstances beyond his/her control prevented him/her from completing the requirements. Extenuating circumstances include that the certificate holder may have:

1. Been in the service of the regular Armed Forces of the United States during any part of the certification period;
2. Experienced a serious or disabling illness or disability which prevented completion of the required number of continuing education hours during the certification period; or
3. Encountered other unforeseen circumstances beyond the certificate holder's control that prevented completion of the continuing education hours during the certification period.

7-014.02 The Division will not grant a waiver of or extension of time to complete continuing education for the circumstances of an employer's unwillingness to pay for training or give time off from work, change of employment or unemployment, or training not available in immediate geographic area.

7-014.03 Application: Any certificate holder who seeks a waiver of or extension of time to complete continuing education must make an application to the Division before the certificate expiration date. Applications must be postmarked on or before the date of certificate expiration. The certificate holder must submit:

1. A verified completed application for a waiver of or extension of time to complete continuing education; and
2. Official documentation stating dates of service of regular Armed Forces of the United States; or
3. A statement from the treating physician(s), stating that the certificate holder was injured or ill, the duration of the injury or illness, and the recovery period that the certificate holder was unable to attend continuing education activities during that period; or
4. A statement from an individual in an official capacity who can attest to the unforeseen circumstances that prevented the certificate holder from completing the continuing education hours. There must be evidence of the certificate holder's intent and good faith effort to meet the continuing education requirements.

7-014.04 The Division will notify the certificate holder in writing of the approval or denial of the request for a waiver of or extension of time to complete continuing education within 30 days of receipt of the application.

7-014.04A If the Division grants an extension of time to complete continuing education requirements, it will be for a specified period of time not to exceed six months. The certificate holder must meet any conditions that are specified by the Division in granting the extension.

7-014.04B If the Division denies the application for a waiver of or extension of time to complete continuing education requirements, the notice will be sent by certified mail, and set forth the reasons for denial. The applicant may contest this decision by following the procedures outlined in 206 NAC 7-019.

7-015 INACTIVE CERTIFICATION STATUS

7-015.01 A Certified Compulsive Gambling Counselor who has a current certificate but is not currently practicing problem gambling counseling or will be entering into a period of non-service provision in the State of Nebraska is eligible to apply for inactive status.

7-015.02 A certificate holder who seeks inactive status must make an application to the Division no later than 30 days before the certificate expiration date. Applications must be postmarked on or before the date of certificate expiration.

7-015.03 While a certificate is in the inactive status, the certificate holder must not engage in the practice of problem gambling counseling. Practicing while a certificate is on inactive status may result in revocation of inactive status, denial of reinstatement, and revocation of certification. The certificate holder retains the right or privilege to represent him/herself as having inactive certification.

7-015.05 Reinstatement After Inactive Status: A person whose Certified Compulsive Gambling Certificate has been placed on inactive status may move to active status by

completing the continuing education requirements in effect at the time s/he wishes to regain active status and payment of the renewal fee. The person must submit:

1. A complete Application for Reinstatement;
2. The required renewal fee; and
3. Documentation of 40 hours of Division-approved continuing education completed within a 24-month period before receipt of the Application for Reinstatement.

7-016 CERTIFIED COMPULSIVE GAMBLING COUNSELOR CODE OF ETHICS: All Provisional and Certified Compulsive Gambling Counselors must:

1. Provide and support the highest quality of care in the recovery of all persons served which must include referring, or releasing an individual to other health professionals or services, if that is in the individual's best interest;
2. Respect the unique characteristics of the professional counseling relationship which demand sound, non-exploitive inter-personal transactions between consumer and counselor;
3. Respect the therapeutic needs of the consumer by not engaging in a personal and/or sexual relationship with the consumer;
4. Respect the therapeutic needs of the consumer by not conducting any business or political transactions with the consumer that may jeopardize his/her therapeutic needs;
5. Adhere to a strict policy of non-discrimination in the provision of services;
6. Respect the basic human rights of all consumers, including their right to make their own decisions, to participate in any plans made in their interests, and to reject services unless a court order stipulates otherwise;
7. Adhere to the legal requirements for confidentiality of all records, materials, and communications regarding consumers, their families, and significant others;
8. Assess their own personal and professional strengths and limitations, biases and effectiveness on a continuing basis. Strive for self-improvement, and assume responsibility for professional growth through further education and training;
9. Respect the rights and views of fellow colleagues and members of other professions;
10. Refrain from the abuse of mood-altering chemicals or gambling in a manner that will reflect adversely on the credibility and integrity of the profession; and
11. Report evidence of incompetent, unethical, unprofessional, or illegal practice of a Provisional/Certified Compulsive Gambling Counselor.

7-017 GROUNDS ON WHICH THE DIVISION MAY DENY CERTIFICATION, REFUSE RENEWAL OF, OR DISCIPLINE A CERTIFICATE HOLDER

7-017.01 The Division will deny an application for a certificate when the applicant fails to meet all the requirements for certification specified in 206 NAC 7-007 and 7-008.

7-017.02 The Division will refuse renewal of a certificate if the certificate holder fails to meet the requirements specified in 206 NAC 7-007 and 7-008.

7-017.03 The Division will deny, refuse renewal of, limit, suspend, revoke with possibility of reinstatement, or permanently revoke certification on any of the following grounds:

1. Using fraud, forgery, or misrepresentation of material facts in procuring, or attempting to procure certification, or re-certification as a problem gambling counselor, or knowingly assisting another in procuring, or attempting to procure certification, or re-certification using fraud, forgery, or misrepresentation of material facts;

2. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction, and which if committed within this state, would have constituted a misdemeanor or felony under state law, and which has a rational connection with the applicant's or certificate holder's fitness or capacity to practice the profession;
3. Refusal of an applicant for certification, or of a certificate holder, to submit to a physical, mental, alcohol/drug abuse, or gambling examination/assessment, requested by the Division, paid for by the applicant, to determine his/her qualifications to practice, or to continue in the practice of problem gambling counseling and to provide the results to the Division;
4. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability;
5. Use of mood-altering substances or engaging in gambling behavior in a manner that results in interference with the performance of, or credibility of, professional services provided;
6. Practice of the profession fraudulently, beyond its authorized scope, with manifest incapacity, with gross incompetence, with gross negligence, or in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession;
7. Engaging in the abuse of mood altering substances, or gambling activities that will reflect negatively on the integrity and credibility of the profession.
8. Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means;
9. When an applicant or a certificate holder is found to be not qualified to practice the profession, because of a physical or mental illness, or physical or mental deterioration or disability;
10. Being unable to competently perform problem gambling counseling domains because of a psychological impairment;
11. Practicing the profession of problem gambling counseling while the individual's certificate is revoked, suspended, or in contravention of any limitation placed upon the individuals certificate;
12. Permitting, aiding, or abetting the practice of a profession, or the performance of activities requiring a license or certificate by a person not licensed or certified to do so;
13. Unlawful invasion of the field of practice of any profession licensed or certified by the State of Nebraska which the certificate holder is not licensed or certified to practice;
14. Encouraging or promoting the practice of problem gambling counseling by untrained or unqualified persons;
15. Willful or repeated violations of 206 NAC 7-016 or 206 NAC 7-017.03;
16. Grossly immoral or dishonorable conduct evidencing unfitness, or lack of proficiency sufficient to meet the standards required for practice of the profession;
17. Action taken by another jurisdiction to deny, refuse renewal, limit, suspend, or revoke a license and/or certificate to practice problem gambling counseling;

18. Distributing intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
19. Obtaining any fee for professional services by fraud, deceit, or misrepresentation including, but not limited to, falsification of third party claim documents;
20. Using undue influence to entice consumers or significant others to commit actions that are emotionally, physically, or financially detrimental;
21. Developing a casual, sexual, dating, or romantic relationship with a consumer during the provision of professional services, or within two years following the termination of professional services;
22. Violating federal or state confidentiality statutes;
23. Releasing consumer information without possession of a signed release when consumer consent is required by federal or state confidentiality statutes;
24. Violating the federal or state discrimination laws;
25. The use of any letters, words, or terms, either as a prefix, affix, or suffix on stationery, in advertisements, or otherwise, indicating a person is entitled to practice a system or mode of healing for which he/she is not licensed and/or certified;
26. Failure to report through the proper channels the incompetent, unethical, unprofessional, or illegal practice of any Certified Compulsive Gambling Counselor, unless the certificate holder acquired the knowledge in a professional relationship otherwise protected by confidentiality;
27. Physically or verbally abusing a consumer;
28. Exploiting another person for one's own advantage;
29. Entering into a professional counseling relationship with members of one's own family, with friends, or with other persons closely connected to the certificate holder, or with an individual the certificate holder currently has or previously had a sexual, dating, or romantic relationship;
30. Performing or agreeing to perform problem gambling counseling services when these services are known to be contraindicated or unjustified;
31. Performing or agreeing to perform procedures when these procedures are known to be outside of the problem gambling counseling scope of practice;
32. Providing services to a consumer or consumers for which the certificate holder is not trained or experienced which must include, but not be limited to: committing any act which endangers consumer safety or welfare, or which could jeopardize the health, safety, or welfare of a consumer; or, failure to adhere to, or departure from the standards of acceptable and prevailing practice in compulsive gambling counseling;
33. Delegating to other personnel those consumer-related services for which the clinical skills of a certificate holder are required;
34. Failure to safeguard the consumer's dignity and right to privacy;
35. The commission of any act of sexual abuse, misconduct, or exploitation in the practice of the profession;
36. Entering into a dual relationship with a consumer which includes, but is not limited to: a business, political or close personal relationship, that impairs the certificate holder's professional judgment, or exploits the consumer;

37. Engaging in sexual harassment of a consumer which means making unwelcome sexual advances; requesting sexual favors; or engaging in other verbal or physical conduct of a sexual nature. The sexual harassment may result in, but does not have to result in: providing or denying care to a consumer; creating an intimidating, hostile, or offensive environment for the consumer; or, interfering with the consumers ability to recover;
38. Falsification or unauthorized destruction of consumer records;
39. Failure to keep and maintain adequate records of treatment or service;
40. Division of fees, or agreeing to split or share fees received for professional services with any person bringing or referring a consumer;
41. Making use of any advertising statements of a character tending to deceive or mislead the public; or
42. Use of untruthful or improbable statements, or flamboyant, exaggerated, or extravagant claims concerning certificate holder's professional excellence or abilities, in advertisements or otherwise.

7-018 DISCIPLINARY PROCEDURES

7-018.01 Filing a Complaint Against a Certificate Holder: The complainant must submit a written statement to the Division, which must include:

1. The exact nature of the complaint outlining what professional and/or ethical standards it is alleged that the certificate holder has violated;
2. Information and facts supporting the complaint including; dates, times, locations, names, and addresses of witnesses or other individuals with knowledge about the situation, and any other supporting information. All materials submitted become a part of the record and may be used in the disciplinary review process; and
3. The printed name and signature of the complainant, address, and a daytime telephone number.

7-018.02 The Division determines if the complaint has been properly filed. Further information may be requested from the complainant. All materials submitted become a part of the record and may be used in any disciplinary action.

7-018.03 The Division may serve as the complainant in any allegation.

7-018.04 Complaint Processing

7-018.04A The Division reviews all complaints and determines whether to conduct an investigation, and in making a determination may consider such factors as:

1. Whether the complaint pertains to a matter within the authority of the Division to enforce;
2. Whether the circumstances indicate that a complaint is made in good faith and is not malicious, frivolous, or vexatious;

3. Whether the complaint is timely, or has been delayed too long to justify present evaluation of its merits;
4. Whether the complainant may be a necessary witness if action is taken, and is willing to identify himself/herself and come forward to testify; and
5. Whether the information provided, or within the knowledge of the complainant is sufficient to provide a reasonable basis to believe that a violation may have occurred, or to secure necessary evidence from other sources.

7-018.04B If after initial investigation there appears to be a possible violation of the criminal laws of the State of Nebraska, the Division will notify the appropriate authorities.

7-018.04C If after initial investigation there is reasonable cause to believe there may be imminent danger to the public health and safety, the Division may, upon written notification to the certificate holder, immediately suspend certification for a maximum of 90 days while conducting a further investigation.

7-018.04D If after initial investigation the Division determines there is insufficient documentation of an alleged violation, the case will be dismissed and if certification was suspended, it will be reinstated.

7-018.04E If after initial investigation the Division determines there is sufficient information supporting an alleged violation, a notice of allegation and undetermined suspension of certification will be sent by certified mail to the certificate holder.

7-018.04F The certificate holder must be requested to respond in writing to the allegations.

7-018.04F1 The response must be received at the Division within 20 days of the receipt of the notice.

7-018.04F2 Failure of the certificate holder to respond to the allegations within 20 days of receipt will be construed as agreement with the allegations, and the Division will act on the certification within 45 days without further investigation.

7-018.04G The Division will provide for additional investigation of all allegations responded to by the certificate holder.

7-018.04H The Division will act upon the certification within 120 days after receipt of the certificate holder's written reply. This timeframe may be extended by the Division upon notice to all parties.

7-018.04I Investigational materials and related records will remain confidential within the Department except as part of a hearing contesting disciplinary action.

7-018.05 Notice of Findings

7-018.05A The Division will issue its findings by certified mail to the certificate holder.

7-018.05B If disciplinary action is taken, the certificate holder has 30 days from receipt of the notification to contest the decision and request a hearing with the Department.

7-018.05B1 The individual must request a hearing in writing as outlined in 206 NAC 7-019.02.

7-018.05C Disciplinary action is a matter of public record.

7-019 PROCEDURE TO CONTEST DIVISION DECISIONS: An applicant may contest the following results of a Division decision regarding certification status:

1. Denial of certification following portfolio review;
2. Denial of the certificate holder for a waiver or extension of time to complete continuing education requirements;
3. Denial of the certificate holder of placement on inactive status; and/or
4. Denial of reinstatement of certificate after expiration or revocation.

7-019.01 The individual must request a hearing in writing with the Department within 30 days of receipt of the denial notice. The date of receipt of the denial notice is three days from the date the notice was mailed by the Division to the applicant's last known address.

7-020 REINSTATEMENT OF CERTIFICATE AFTER EXPIRATION

7-020.01 Reinstatement Within One Year Of Expiration: A person whose Certified Compulsive Gambling Certificate has expired may be reinstated by the Division within one year of expiration. The person must submit:

1. A verified complete Application for Reinstatement;
2. The regular renewal fee and late fee; and
3. Documentation of 40 hours of Division-approved continuing education within 24 months before receipt of the Application for Reinstatement.

7-020.02 The petition for reinstatement will be presented for review and recommendation at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

7-020.03 The Division will act upon the petition for reinstatement within 90 days after review by the Board.

7-020.04 Denial by the Division of the petition for reinstatement will be issued by certified mail.

7-021 REINSTATEMENT OF CERTIFICATE AFTER REVOCATION: A person whose Certified Compulsive Gambling Counselor certificate has not been permanently revoked may petition the Division for reinstatement after a period not less than five years has elapsed from the date of revocation. The person must submit:

1. A verified petition for reinstatement;
2. Three recommendations from behavioral health professionals whose scope includes problem gambling (Certified Compulsive Gambling Counselor, Licensed Mental Health Professional, Psychologist); at least one must be a Certified Compulsive Gambling Counselor; and who have personal knowledge of the activities of the petitioner since the certificate was revoked. A letter of recommendation may not be submitted by family members;
3. Two letters of recommendation from citizens, each having personal knowledge of the activities of the petitioner since the certificate was revoked. A letter of recommendation may not be submitted by family members;
4. The standard renewal fee; and
5. Documentation of the continuing education requirements of Division-approved continuing education completed for every year of revoked status prior to receipt of application for reinstatement.

7-021.01 In determining whether reinstatement will be granted, the Division may:

1. Investigate all activities of the petitioner since the disciplinary action was taken against him/her, including any new information regarding the petitioner, and petitioner's current reputation for truth, professional ability, and good character; and
2. Require the petitioner to submit to a complete physical, mental, problem gambling, and/or alcohol/drug abuse diagnostic examination, at the petitioner's expense, by one or more professionals selected by the Division, and provide the results to the Division.

7-021.02 The petition for reinstatement and any necessary accompanying documents will be presented for review and recommendation at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed. The Board may request additional information, and hold action on the petition until the information is received.

7-021.03 The Division will act upon the petition for reinstatement within 90 days after the final review and recommendation by the Board.

7-021.04 Denial by the Division of the application for reinstatement will be issued by certified mail.

7-022 COMPULSIVE GAMBLING COUNSELOR CERTIFICATION ADVISORY BOARD

7-022.01 Composition: The Board consists of six members appointed by the Division Director, three of whom must hold the credential of Certified Compulsive Gambling Counselor in a valid active or inactive status (a National Certified Gambling Counselor is considered a status equal to a Nebraska CCGC); and one of whom must hold the credential as a licensed behavioral health professional in a valid active or inactive status.

7-022.01A A Division representative serves as chairperson, and will only cast the deciding vote in cases of a deadlock vote of the Board.

7-022.02 Terms of Appointments

7-022.02A Appointments are for three-year terms.

7-022.02B Individuals may be appointed to no more than three consecutive terms unless otherwise re-appointed by Division Director.

7-022.02C The Division Director must appoint individuals to fill vacancies that may occur due to unexpired terms.

7-022.03 Meetings: The Board must meet a minimum of two times per year.

7-022.04 Authority: The Board exists in an advisory capacity and has the responsibility of reviewing all qualified applications submitted to the Division, and providing the Division a recommendation based on their thorough review and vote by quorum status.

7-022.04 Reimbursement: Board members must be reimbursed by the Division for actual and necessary expenses as allowed under state law.

7-023 SCHEDULE OF FEES

7-023.01 A fee schedule must be adopted by the Division on an annual basis after review by the Nebraska Compulsive Gambling Counselor Certification Advisory Board.

7-023.02 Fees must be based on actual system costs to the extent possible.

7-023.03 Fees must be charged for, but not limited to, the following:

1. Provisional certification;
2. Certification;
3. Certificate renewal;
4. Inactive status;
5. Duplicate original certificate;
6. Copies of materials in a certificate holder's application file and supporting documentation;
7. Administrative fee portion of initial certification fee, if certification is denied after portfolio review, or if application is withdrawn before portfolio review;

8. Late charge, in addition to the renewal fees, for reinstatement of a certificate that has been expired for less than one year;
9. Application fee; and
10. Re-examination fee for examination.