

## HOUSE BILL NO. 358

INTRODUCED BY C. JUNEAU

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CERTIFICATION OF PROBLEM GAMBLING COUNSELORS BY THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO DEVELOP A PATHOLOGICAL GAMBLING AND PROBLEM GAMBLING PREVENTION PROGRAM AND A STATEWIDE PLAN; AND AMENDING SECTION 37-1-401, MCA."

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

**NEW SECTION. Section 1. Definitions.** As used in [sections 1 through 3], unless the context requires otherwise, the following definitions apply:

(1) "Certified problem gambling counselor" means a person with the education, training, and experience required by the department of labor and industry to provide treatment services for pathological gambling and problem gambling and who is certified as a problem gambling counselor by the department of labor and industry provided for in 2-15-1701.

(2) "Pathological gambling" means an impulse control disorder that meets the diagnostic criteria set forth in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) of the American psychiatric association.

(3) "Problem gambling" means a pattern of gambling-related behavior that compromises, disrupts, or damages personal, family, and vocational pursuits. The term includes pathological gambling.

**NEW SECTION. Section 2. Certification of problem gambling counselors -- rulemaking authority -- fees.** (1) The department of labor and industry shall provide for the certification of problem gambling counselors. The department may adopt rules regarding the educational and experience requirements and qualifications for certified problem gambling counselors to provide services to pathological and problem gamblers. The department may recognize the qualifications and standards adopted by a nationally recognized certification council or board specific to problem gambling.

(2) (a) In accordance with this subsection (2), the department may adopt rules to provide for separate

1 educational or training requirements dependent on education, experience, and current professional status.

2 (b) The department shall coordinate the certification of problem gambling counselors with the licensure  
3 or certification of licensed addictions counselors or mental health professionals listed in 53-21-102. A licensed  
4 addictions counselor or mental health professional listed in 53-21-102 is required to have 60 hours of  
5 gambling-specific education and training.

6 (c) A person who is not listed in subsection (2)(b) is required to complete 300 hours of gambling-related  
7 education or training and 60 hours of gambling-specific education or training.

8 (3) The applicant shall submit an application fee in an amount established by the department by rule.

9 (4) A person who has been certified by the department as provided in this section may use the title  
10 "certified problem gambling counselor".

11 (5) The provisions of chapter 1, part 4, of this title apply to [sections 1 and 2].  
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13 **NEW SECTION. Section 3. Department duties -- development and implementation of program.**

14 (1) The department of public health and human services shall develop a pathological and problem gambling  
15 prevention program and a statewide plan. The purpose of the program is to provide for the prevention of  
16 pathological gambling and problem gambling in Montana as a part of the prevention and treatment continuum  
17 of addictive and mental disorders as administered through chapters 21 and 24 of this title.

18 (2) The term "pathological and problem gambling prevention", as used in this section, means prevention  
19 and educational services designed to reduce the prevalence of pathological gambling and problem gambling  
20 among Montana residents, such as educational services for the general public and early intervention services  
21 for persons who may be experiencing gambling-related problems.

22 (3) The department may contract with problem gambling counselors, public or community-based  
23 agencies, and private organizations to provide the services described in this section.

24 (4) The statewide plan must:

25 (a) address pathological gambling and problem gambling and include the consideration of the  
26 development of a range of treatment services to pathological gamblers and their immediate families, including  
27 but not limited to outpatient services, intensive outpatient services, aftercare services, and inpatient services to  
28 those persons who require specialized care or care in conjunction with other health or addiction services;

29 (b) identify sources and priorities for funding prevention and treatment services; and

30 (c) develop proposals to allow for reimbursement from public and private sources for pathological

1 gambling or problem gambling treatment.

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3 **Section 4.** Section 37-1-401, MCA, is amended to read:

4 **"37-1-401. Uniform regulation for licensing programs without boards -- definitions.** As used in this  
5 part, the following definitions apply:

6 (1) "Complaint" means a written allegation filed with the department that, if true, warrants an injunction,  
7 disciplinary action against a licensee, or denial of an application submitted by a license applicant.

8 (2) "Department" means the department of labor and industry provided for in 2-15-1701.

9 (3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department,  
10 with respect to a complaint or other information before the department, that is carried out for the purpose of  
11 determining:

12 (a) whether a person has violated a provision of law justifying discipline against the person;

13 (b) the status of compliance with a stipulation or order of the department;

14 (c) whether a license should be granted, denied, or conditionally issued; or

15 (d) whether the department should seek an injunction.

16 (4) "License" means permission in the form of a license, permit, endorsement, certificate, recognition,  
17 or registration granted by the state of Montana to engage in a business activity or practice at a specific level in  
18 a profession or occupation governed by:

19 (a) Title 37, chapter 35, 72, or 76 or [sections 1 and 2]; or

20 (b) Title 50, chapter 39, 74, or 76.

21 (5) "Profession" or "occupation" means a profession or occupation regulated by the department under  
22 the provisions of:

23 (a) Title 37, chapter 35, 72, or 76 or [sections 1 and 2]; or

24 (b) Title 50, chapter 39, 74, or 76."

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26 **NEW SECTION. Section 5. Codification instruction.** (1) [Sections 1 and 2] are intended to be  
27 codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 1 and 2].

28 (2) [Section 3] is intended to be codified as an integral part of Title 53, and the provisions of Title 53  
29 apply to [section 3].

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