

1 Department of Human Services

2

3 Adopted Permanent Rules Governing Compulsive Gambling

4 Assessments For Certain Offenders

5

6 Rules as Adopted

7

COMPULSIVE GAMBLING ASSESSMENTS

8 9585.0010 DEFINITIONS.

9 Subpart 1. **Scope.** As used in parts 9585.0010 to
10 9585.0040, the following terms have the meanings given them.

11 Subp. 2. **Collateral contact.** "Collateral contact" means
12 an oral or written communication initiated by a gambling
13 assessor to an individual, other than the offender, for the
14 purpose of gathering additional information related to the
15 offender's gambling behavior.

16 Subp. 3. **Commissioner.** "Commissioner" means the
17 commissioner of the Department of Human Services or the
18 commissioner's designated representative.

19 Subp. 4. **Compulsive gambling.** "Compulsive gambling" has
20 the meaning given "pathological gambling" in subpart 10.

21 Subp. 5. **Department.** "Department" means the Department of
22 Human Services.

23 Subp. 6. **Gambling assessment.** "Gambling assessment" means
24 the evaluation conducted under part 9585.0040, subpart 2, that
25 identifies the nature and extent of an offender's gambling
26 behavior and the consequences gambling has had on personal,
27 family, and vocational pursuits.

28 Subp. 7. **Gambling assessor.** "Gambling assessor" means an
29 individual identified on a department list and qualified under
30 part 9585.0040, subpart 1, to perform a gambling assessment.

31 Subp. 8. **Independent gambling assessor.** "Independent
32 gambling assessor" means a gambling assessor who does not have a
33 direct or shared financial interest or referral relationship
34 resulting in shared financial gain with a treatment provider.

35 Subp. 9. **Offender.** "Offender" means a person convicted of

1 an offense listed in Minnesota Statutes, section 609.115,
2 subdivision 9, paragraph (a).

3 Subp. 10. **Pathological gambling.** "Pathological gambling"
4 means maladaptive gambling behavior listed in code range 312.31
5 in the American Psychiatric Association's Diagnostic and
6 Statistical Manual of Mental Disorders, Third edition, Revised
7 (DSM-III-R), incorporated by reference in part 9585.0040,
8 subpart 4.

9 Subp. 11. **Presentence report.** "Presentence report" means
10 the report required under Minnesota Statutes, section 609.115,
11 subdivision 1.

12 Subp. 12. **Probation officer.** "Probation officer" means an
13 individual appointed to perform a presentence investigation
14 under Minnesota Statutes, section 609.115.

15 Subp. 13. **South Oaks Gambling Screen.** "South Oaks
16 Gambling Screen" means the gambling screen developed by Dr.
17 Henry Lesieur and Dr. Sheila Blume and published in the American
18 Journal of Psychiatry September 1987, volume 144, number 9,
19 pages 1184 to 1188, which is incorporated by reference. The
20 standard is not subject to frequent change. The American
21 Journal of Psychiatry is published by the American Psychiatric
22 Association (Washington, D.C., 1987). The September 1987 issue
23 of the American Journal of Psychiatry is available from the
24 Department of Human Services library through the Minitex
25 interlibrary loan system.

26 9585.0020 PROBATION OFFICER RESPONSIBILITIES.

27 Subpart 1. **Screening of certain offenders for compulsive**
28 **gambling; appointment for gambling assessment based on score.**
29 When a person is convicted of a felony listed in Minnesota
30 Statutes, section 609.115, subdivision 9, paragraph (a), the
31 probation officer shall administer the South Oaks Gambling
32 Screen to the offender to determine whether compulsive gambling
33 may have contributed to the commission of the offense. If the
34 offender scores five or more on the South Oaks Gambling Screen,
35 the probation officer shall make an appointment for the offender

1 to receive a gambling assessment. Except as provided in subpart
2 2, if the offender scores less than five on the South Oaks
3 Gambling Screen, no appointment shall be made for a compulsive
4 gambling assessment.

5 Subp. 2. Information indicating offender may be a
6 compulsive gambler; appointment for gambling assessment
7 required. If, in the course of preparing the presentence
8 investigation report, the probation officer obtains information
9 that indicates the offender may be a compulsive gambler, the
10 probation officer shall make an appointment for the offender to
11 receive a gambling assessment regardless of the score received
12 on the South Oaks Gambling Screen.

13 Subp. 3. Report when an appointment is not made. When no
14 appointment is made for a gambling assessment under subpart 1 or
15 2, the probation officer shall indicate in the presentence
16 report that there is no evidence that compulsive gambling
17 contributed to the commission of the offense.

18 Subp. 4. Appointment with gambling assessor from
19 department list; preference given to independent gambling
20 assessors. An appointment for a gambling assessment under
21 subpart 1 or 2 must be made with a gambling assessor from a list
22 prepared by the department. When there are independent gambling
23 assessors available within 50 miles of the home of an offender
24 who is released pending sentencing, or within 50 miles of the
25 correctional facility in which the offender is held pending
26 sentencing, and the independent gambling assessors can complete
27 the gambling assessment within 21 calendar days, the appointment
28 must be made with an independent gambling assessor. If there
29 are no independent gambling assessors available within 50 miles
30 of the home of an offender who is released pending sentencing,
31 or within 50 miles of the correctional facility in which the
32 offender is held pending sentencing, or the independent gambling
33 assessors cannot complete the gambling assessment within 21
34 calendar days, the probation officer may schedule an appointment
35 with a gambling assessor who has a direct or shared financial
36 interest or referral relationship resulting in shared financial

1 gain with a treatment provider.

2 Subp. 5. **Gambling assessment report; recommended level of**
3 **treatment.** When an appointment is made for a gambling
4 assessment under subpart 1 or 2, the presentence report must
5 contain the results of the compulsive gambling assessment and,
6 if treatment is recommended, the recommended level of treatment.

7 Subp. 6. **South Oaks Gambling Screen training.** Before a
8 probation officer may administer the South Oaks Gambling Screen
9 to an offender, the probation officer must be trained in its use
10 by the department or the Department of Corrections.

11 9585.0030 DEPARTMENT RESPONSIBILITIES; REIMBURSEMENT.

12 Subpart 1. **Department list of qualified gambling**
13 **assessors.** On a semiannual basis, the department shall provide
14 the Department of Corrections and community corrections counties
15 established under Minnesota Statutes, chapter 401, a list of
16 gambling assessors who meet the requirements in part 9585.0040,
17 subpart 1. The department's list shall separately identify
18 independent gambling assessors and gambling assessors who have a
19 direct or shared financial interest or referral relationship
20 resulting in shared or financial gain with a treatment provider.

21 Subp. 2. **Maximum reimbursement to county for assessments.**
22 The commissioner shall reimburse the county for the cost of each
23 gambling assessment, or \$100, whichever is less.

24 9585.0040 GAMBLING ASSESSORS; QUALIFICATIONS AND
25 RESPONSIBILITIES.

26 Subpart 1. **Gambling assessors; identified on department**
27 **list.** Before an individual's name is placed on the department's
28 list of qualified gambling assessors, the individual must
29 provide the department the following information:

30 A. the individual's name, mailing address, telephone
31 number, and geographic area the individual serves;

32 B. a statement indicating whether the individual has
33 a direct or shared financial interest or referral relationship
34 resulting in shared financial gain with a treatment provider
35 and, if so, the name of the treatment provider;

1 C. documentation that the individual has successfully
2 completed 60 hours of gambling specific training in the
3 following areas:

4 (1) the history and social impact of gambling in
5 Minnesota and the United States, including the effects of
6 compulsive gambling on the individual, families, interpersonal
7 relationships, and legal, vocational, financial ramifications of
8 compulsive gambling;

9 (2) current research on problem and compulsive
10 gambling conducted in Minnesota, nationally and internationally;

11 (3) theories about the psychosocial dynamics of
12 addictions and the currently accepted treatment approaches;

13 (4) the role of self-help groups, including
14 Gamblers Anonymous and GamAnon, in supporting the recovery
15 process; and

16 (5) treatment skills and competency training in:

17 (a) screening, assessment, and diagnosis;

18 (b) development of written treatment plans,
19 including referrals for psychological testing, financial
20 counseling, family counseling, legal counseling, and medical
21 attention;

22 (c) implementation of treatment plans that
23 incorporate psychological, family, physical, vocational,
24 financial, and spiritual needs;

25 (d) development of written plans for
26 aftercare services; and

27 (e) monitoring and evaluating the
28 effectiveness of treatment plans and aftercare services.

29 Documentation that an individual has successfully completed a
30 60-hour training program provided by or under contract with the
31 department or recognized by the National Gambling Counselor
32 Certification Board meets the requirements under this item; and

33 D. documentation that the individual is qualified as
34 a:

35 (1) mental health professional under Minnesota
36 Statutes, section 245.462, subdivision 18;

1 (2) mental health practitioner under Minnesota
2 Statutes, section 245.462, subdivision 17;

3 (3) chemical dependency counselor under part
4 9530.4270, subpart 5;

5 (4) chemical use assessor under part 9530.6615,
6 subpart 2; or

7 (5) gambling counselor certified by the National
8 Gambling Counselor Certification Board.

9 Subp. 2. **Compulsive gambling assessment.** The gambling
10 assessor shall evaluate the offender's gambling behavior and the
11 consequences that gambling has had on personal, family, and
12 vocational pursuits. Areas that must be addressed in the
13 gambling assessment are:

14 A. the nature and history of the offender's gambling
15 behavior;

16 B. the impact that gambling has had on the offender's:

17 (1) family relationships;

18 (2) social relationships;

19 (3) employment;

20 (4) educational pursuits, if appropriate;

21 (5) level of indebtedness; and

22 (6) ability to recognize and resolve problems;

23 C. the use of drugs or alcohol; and

24 D. the offender's emotional state relative to
25 depression, suicide ideation, and suicide attempts.

26 Subp. 3. **Method of assessment.** The method of assessment
27 must include a personal interview with the offender to evaluate
28 the offender's gambling behavior. It must also include
29 collateral contacts consistent with confidentiality and data
30 privacy provisions in Minnesota Statutes, chapter 13. If a
31 gambling assessor is unable to make collateral contacts, the
32 gambling assessor must include an explanation of why collateral
33 contacts were not made.

34 Subp. 4. **Compulsive gambling determination; incorporation**
35 **by reference.** The determination of compulsive gambling must
36 meet the conditions of pathological gambling under code 312.31

1 in the American Psychiatric Association's Diagnostic and
2 Statistical Manual of Mental Disorders, DSM-III-R which is
3 incorporated by reference. The standard appears in the
4 "Diagnostic and Statistical Manual of Mental Disorders, Third
5 Edition, Revised, (DSM-III-R)," published by the American
6 Psychiatric Association (Washington, D.C., 1987). The standard
7 is not subject to frequent change. The book is available from
8 the Department of Human Services library through the Minitex
9 interlibrary loan system.

10 Subp. 5. **Treatment recommendation.** If compulsive gambling
11 contributed to the commission of the offense and the gambling
12 assessor concludes that the offender is in need of treatment,
13 the report required under subpart 7 must include the recommended
14 treatment for the offender.

15 Subp. 6. **Additional requirements when treatment**
16 **recommendation involves direct or shared financial gain.** If the
17 gambling assessor has a direct or shared financial interest or
18 referral relationship resulting in shared financial gain with
19 the treatment provider or program recommended, the gambling
20 assessor must:

21 A. indicate in the recommendation that the gambling
22 assessor has a direct or shared financial interest resulting in
23 a shared financial gain with the treatment provider or program;

24 B. document why the recommended treatment is the
25 preferred treatment option; and

26 C. identify a treatment provider or program that
27 provides treatment services similar to those recommended by the
28 gambling assessor in which the gambling assessor does not have a
29 direct or shared financial interest.

30 Subp. 7. **Written report; distribution.** The gambling
31 assessor must prepare a written report that includes the
32 information required under subpart 2 and shall indicate whether
33 or not the offender is a compulsive gambler. If the offender is
34 a compulsive gambler and the gambling assessor concludes that
35 the offender is in need of treatment, the report must also
36 include the recommended treatment and, if appropriate, the

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1 information required under subpart 6. A copy of the written
2 report must be sent to the probation officer who made the
3 appointment with the gambling assessor.

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5 EFFECTIVE DATE. Minnesota Rules, parts 9585.0010 to
6 9585.0040, are effective July 1, 1993.