

CHAPTER 9585
DEPARTMENT OF HUMAN SERVICES
GAMBLING ASSESSMENTS

9585.0010 DEFINITIONS.

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9585.0010 DEFINITIONS.

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

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

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

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

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

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

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

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

Subp. 9. **Offender.** "Offender" means a person convicted of an offense listed in Minnesota Statutes, section 609.115, subdivision 9, paragraph (a).

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

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

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

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

Statutory Authority: *MS s 245.98*

History: *17 SR 2779*

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9585.0020 PROBATION OFFICER RESPONSIBILITIES.

Subpart 1. **Screening of certain offenders for compulsive gambling; appointment for gambling assessment based on score.** When a person is convicted of a felony listed in Minnesota Statutes, section 609.115, subdivision 9, paragraph (a), the probation officer shall administer the South Oaks Gambling Screen to the offender to determine whether compulsive gambling may have contributed to the commission of the offense. If the offender scores five or more on the South Oaks Gambling Screen, the probation officer shall make an appointment for the offender to receive a gambling assessment. Except as provided in subpart 2, if the offender scores less than five on the South Oaks Gambling Screen, no appointment shall be made for a compulsive gambling assessment.

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

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

Subp. 4. **Appointment with gambling assessor from department list; preference given to independent gambling assessors.** An appointment for a gambling assessment under subpart 1 or 2 must be made with a gambling assessor from a list prepared by the department. When there are independent gambling assessors available within 50 miles of the home of an offender who is released pending sentencing, or within 50 miles of the correctional facility in which the offender is held pending sentencing, and the independent gambling assessors can complete the gambling assessment within 21 calendar days, the appointment must be made with an independent gambling assessor. If there are no independent gambling assessors available within 50 miles of the home of an offender who is released pending sentencing, or within 50 miles of the correctional facility in which the offender is held pending sentencing, or the independent gambling assessors cannot complete the gambling assessment within 21 calendar days, the probation officer may schedule an appointment with a gambling assessor who has a direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider.

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

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

Statutory Authority: *MS s 245.98*

History: *17 SR 2779*

9585.0030 [Repealed, L 2007 c 147 art 8 s 38]

9585.0040 GAMBLING ASSESSORS; QUALIFICATIONS AND RESPONSIBILITIES.

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

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

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

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

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

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

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

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

(5) treatment skills and competency training in:

(a) screening, assessment, and diagnosis;

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

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

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

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

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

D. documentation that the individual is qualified as a:

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

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

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

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

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

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

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

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

(1) family relationships;

(2) social relationships;

(3) employment;

(4) educational pursuits, if appropriate;

(5) level of indebtedness; and

(6) ability to recognize and resolve problems;

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C. the use of drugs or alcohol; and

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

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

Subp. 4. **Compulsive gambling determination; incorporation by reference.** The determination of compulsive gambling must meet the conditions of pathological gambling under code 312.31 in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, DSM-III-R which is incorporated by reference. The standard appears in the "Diagnostic and Statistical Manual of Mental Disorders, Third Edition, Revised, (DSM-III-R)," published by the American Psychiatric Association (Washington, D.C., 1987). The standard is not subject to frequent change. The book is available from the Department of Human Services library through the Minitex interlibrary loan system.

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

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

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

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

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

Subp. 7. **Written report; distribution.** The gambling assessor must prepare a written report that includes the information required under subpart 2 and shall indicate whether or not the offender is a compulsive gambler. If the offender is a compulsive gambler and the gambling assessor concludes that the offender is in need of treatment, the report must also include the recommended treatment and, if appropriate, the information required under subpart 6. A copy of the written report must be sent to the probation officer who made the appointment with the gambling assessor.

Statutory Authority: *MS s 245.98*

History: *17 SR 2779*