

CODE OF ETHICS FOR GAMBLING TREATMENT COUNSELORS

INTRODUCTION

All counselors must subscribe to the IBSAC Code of Ethics upon application for certification. This Code of Ethics is adopted to aid in the delivery of the highest quality of professional care to persons seeking gambling treatment services. It is hoped that these standards will assist the counselor to determine the propriety of his or her conduct in relationships with clients, colleagues, members of allied professions, and the public.

The Board is committed to investigate and sanction those who breach this Code of Ethics. Gambling treatment counselors, therefore, are encouraged to thoroughly familiarize themselves with the Code of Ethics and to guide their behavior according to the principles set forth below.

Violation of the IBSAC Code of Ethics shall be deemed as grounds for discipline. Engaging in unethical conduct includes, in addition to violation of the Principles enumerated herein, any other violation that is harmful or detrimental to the profession or to the public.

SUBSCRIPTION TO CODE OF ETHICS

Persons applying for certification must subscribe to the Iowa Board of Substance Abuse Certification's Code of Ethics for Gambling Treatment Counselors and so indicate by signing Form 02. This subscription will be in effect until their certification is no longer valid. In the event the applicant did not successfully complete the certification process, the subscription shall be in effect until the application period expires. IBSAC can provide specific information regarding these time-frames.

SPECIFIC PRINCIPLES

PRINCIPLE I. Responsibility to clients. Gambling treatment counselors respect the rights of those persons seeking their assistance and make reasonable efforts to ensure that their services are used appropriately.

- A. Gambling treatment counselors do not discriminate against or refuse professional service to anyone on the basis of race, gender, religion, national origin or sexual orientation.
 - 1. Gambling treatment counselors avoid bringing personal or professional issues into the counseling relationship. Through an awareness of the impact of stereotyping and discrimination, the counselor guards the individual rights and personal dignity of clients.

2. Gambling treatment counselors are knowledgeable about disabling conditions, demonstrate empathy and personal emotional comfort in interactions with clients with disabilities, and make available physical, sensory, and cognitive accommodations that allow clients with disabilities to receive services.
- B. Gambling treatment counselors do not use their professional relationships with clients to further their own interests.
 - C. Gambling treatment counselors respect the right of clients to make decisions and help them to understand the consequences of these decisions.
 - D. Gambling treatment counselors continue therapeutic relationships only as long as it is reasonably clear that clients are benefiting from the relationship.
 - E. Gambling treatment counselors assist persons in obtaining other therapeutic services if the counselor is unable or unwilling to provide professional help.
 - F. Gambling treatment counselors do not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.
 - G. Gambling treatment counselors obtain written, informed consent from clients before videotaping, audio recording, or permitting third-party observation.
 - H. Gambling treatment counselors respect the integrity and protect the welfare of the client. The counselor, in the presence of professional conflict, is concerned primarily with the welfare of the client.
 - I. Gambling treatment counselors ensure the presence of an appropriate setting for clinical work to protect the client from harm and the counselor and professional from censure.
 - J. Gambling treatment counselors do not continue to practice while having a physical or mental disability which renders the counselor unable to practice the occupation or profession with reasonable skill or which may endanger the health and safety of the persons under the counselor's care.
 - K. Gambling treatment counselors do not engage in the conduct of one's practice while suffering from a contagious disease involving risk to the client's or public's health without taking adequate precautions including, but not limited to, informed consent, protective gear or cessation of practice.

PRINCIPLE II. Dual relationships.

- A. Gambling treatment counselors are aware of their influential position with respect to clients, and they avoid exploiting the trust and dependency of such persons. Counselors, therefore, make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of exploitation.

When a dual relationship cannot be avoided, counselors take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of such dual relationships include, but are not limited to, business or close personal relationships with clients.

1. Solicitation of sexual conduct, or solicitation of any other personal relationship, with clients is prohibited; this includes the one year following the termination of services.
 2. Sexual conduct with clients is prohibited; this includes the one year following the termination of services.
 3. Gambling treatment counselors do not accept as clients anyone with whom they have engaged in sexual conduct.
- B. Gambling treatment counselors are aware of their influential position with respect to students, employees, and supervisees, and they avoid exploiting the trust and dependency of such persons. Counselors, therefore, make every effort to avoid dual relationships that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, counselors take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of such dual relationships include, but are not limited to, business or close personal relationships with students, employees or supervisees.
1. Provision of therapy to students, employees, or supervisees is prohibited.
 2. Sexual conduct with students or supervisees is prohibited.

PRINCIPLE III. Confidentiality. Gambling treatment counselors embrace, as primary obligation, the duty of protecting the privacy of clients and do not disclose confidential information acquired in teaching, practice or investigation without appropriately executed consent.

- A. Gambling treatment counselors make appropriate provisions for the maintenance of confidentiality and the ultimate disposition of confidential records. Counselors ensure that data obtained, including any form of electronic communication, are secured by the available security methodology. Data shall be limited to information that is necessary to and appropriate to the services being provided and be accessible only to appropriate personnel.
- B. Gambling treatment counselors adhere to all federal, state, and local laws regarding confidentiality and the counselor's responsibility to report clinical information in specific circumstances to the appropriate authorities.
- C. Gambling treatment counselors discuss the information obtained in clinical,

consulting, or observational relationships only in the appropriate settings for professional purposes that are in the client's best interest. Written and oral reports present only data germane and pursuant to the purpose of evaluation, diagnosis, progress, and compliance. Every effort is made to avoid undue invasion of privacy.

- D. Gambling treatment counselors reveal information received in confidence only when there is a clear and imminent danger to the client or other persons, and then only to appropriate workers, public authorities, and threatened parties.

PRINCIPLE IV. Professional competence and integrity. Gambling treatment counselors maintain high standards of professional competence and integrity.

- A. Gambling treatment counselors seek appropriate professional assistance for their personal problems or conflicts that may impair work performance or clinical judgment.
- B. Gambling treatment counselors, as teachers, supervisors, and researchers, are dedicated to high standards of scholarship and present accurate information.
- C. Gambling treatment counselors do not engage in sexual or other harassment or exploitation of clients, students, trainees, supervisees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in investigations and ethical proceedings.
- D. Gambling treatment counselors do not diagnose, treat, or advise on problems outside the recognized boundaries of their competence.
- E. Gambling treatment counselors do not engage in conduct which does not meet the generally accepted standards of practice for the gambling treatment profession including, but not limited to, incompetence, negligence or malpractice.
 - 1. Falsifying, amending or making incorrect essential entries or failing to make essential entries of client record.
 - 2. A substantial lack of knowledge or ability to discharge professional obligations within the scope of the gambling treatment profession.
 - 3. A substantial deviation from the standards of skill ordinarily possessed and applied by professional peers in the state of Iowa acting in the same or similar circumstances.
 - 4. Acting in such a manner as to present a danger to public health or safety, or to any client including, but not limited to, impaired behavior, incompetence, negligence or malpractice.
 - 5. Failing to comply with a term, condition or limitation on a certification or license.

6. Failing to obtain an appropriate consultation or make an appropriate referral when the problem of the client is beyond the gambling treatment counselor's training, experience or competence.
7. Suspension, revocation, probation or other restrictions on any professional certification or licensure imposed by any state or jurisdiction, unless such action has been satisfied and/or reversed.
8. Administering to oneself any controlled substance, or aiding and abetting the use of any controlled substance by another person.
9. Using any drug or alcoholic beverage to the extent or in such manner as to be dangerous or injurious to self or others, or to the extent that such use impairs the ability of such person to safely provide professional services.
10. Using alcohol or any dangerous drug or controlled substance while providing professional services.
11. Refusing to seek evaluation and follow through with the recommended treatment for chemical dependency or a mental health problem which impairs professional performance.

PRINCIPLE V. Responsibility to students, employees, and supervisees. Gambling treatment counselors do not exploit the trust and dependency of students, employees, and supervisees.

- A. Gambling treatment counselors do not permit students, employees, or supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience and competence.
- B. Gambling treatment counselors who supervise others accept the obligation to facilitate further professional development of these individuals by providing accurate and current information, timely evaluations, and constructive consultation.

PRINCIPLE VI. Responsibility to the profession. Counselors respect the rights and responsibilities of professional colleagues.

- A. Counselors treat colleagues with respect, courtesy, and fairness and afford the same professional courtesy to other professionals.
 1. Gambling treatment counselors do not offer professional services to a client in counseling with another professional except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.
 2. Gambling treatment counselors cooperate with duly constituted professional

ethics committees and promptly supply necessary information unless constrained by the demands of confidentiality.

3. Gambling treatment counselors report the unethical conduct or practice of others in the profession to the appropriate certifying authority.
 4. Gambling treatment counselors do not knowingly file a false report against another professional concerning an ethics violation.
- B. As employees or members of organizations, gambling treatment counselors refuse to participate in an employer's practices which are inconsistent with the ethical standards enumerated in this Code.
- C. Gambling treatment counselors assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.
- D. Gambling treatment counselors who are the authors of books or other materials that are published or distributed cite persons to whom credit for original ideas is due.

PRINCIPLE VII. Financial arrangements. Gambling treatment counselors make financial arrangements for services with clients and third-party payers that are reasonably understandable and conform to accepted professional practices.

- A. Gambling treatment counselors do not offer, give or receive commissions, rebates or other forms of remuneration for the referral of clients.
- B. Gambling treatment counselors do not charge excessive fees for services.
- C. Gambling treatment counselors disclose their fees to clients at the beginning of services.
- D. Gambling treatment counselors do not enter into personal financial arrangements.
- E. Gambling treatment counselors represent facts truthfully to clients and third-party payers, regarding services rendered.
- F. Gambling treatment counselors do not accept a private fee or any other gift or gratuity for professional work.

PRINCIPLE VIII. Advertising. Gambling treatment counselors engage in appropriate informational activities, including those that enable lay persons to choose professional services on an informed basis.

- A. Gambling treatment counselors accurately represent their competence, education, training, and experience.

- B. Gambling treatment counselors do not use a firm name, letterhead, publication, term, title designation or document which states or implies an ability, relationship or qualification which the counselor does not have.
- C. Gambling treatment counselors do not use any professional identification (such as a business card, office sign, letterhead, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading, or deceptive. A statement is false, fraudulent, misleading, or deceptive if it:
 - 1. contains a material misrepresentation of fact;
 - 2. fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading; or
 - 3. is intended to or is likely to create an unjustified expectation.

PRINCIPLE IX. Legal and Moral Standards. Gambling treatment counselors uphold the law and have high morals in both professional and personal conduct.

Grounds for discipline under this principle include, but are not limited to, the following:

- 1. Conviction of any felony or misdemeanor, excluding minor traffic offenses, whether or not the case is pending an appeal. A plea or verdict of guilty or a conviction following an Alford Plea, or any other plea which is treated by the court as a plea of guilty and all the proceedings in which the sentence was deferred or suspended, or the conviction expunged shall be deemed a conviction within the meaning of this section.
- 2. Permitting, aiding, abetting, assisting, hiring or conspiring with an individual to violate or circumvent any of the laws relating to licensure or certification under any licensing or certification act.
- 3. Fraud-related conduct under this principle includes, but is not limited to, the following:
 - a. Publishing or causing to be published any advertisement that is false, fraudulent, deceptive or misleading.
 - b. Engaging in fraud, misrepresentation, deception or concealment of material fact in:
 - 1. Applying for or assisting in securing certification or certification renewal.
 - 2. Taking any examination provided for #1 above including fraudulently procured credentials.
 - c. Making misleading, deceptive, untrue or fraudulent representation in the practice or the conduct of the gambling treatment profession or practicing

- fraud or deceit, either alone or as a conspirator.
- d. Failing to cooperate with an investigation by interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representatives; by use of threats or harassment against, or inducement to any patient, client or witness to prevent them from providing evidence in a disciplinary proceeding or any person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted or completed. Failing to cooperate with a board investigation in any material respect.
 - e. Committing a fraudulent insurance act.
 - f. Signing or issuing, in the certified gambling treatment counselor's capacity, a document or statement that the counselor knows, or ought to know, contains a false or misleading statement.
 - g. Using a firm name, letterhead, publication, term, title designation or document which states or implies an ability, relationship or qualification which the counselor does not have.
 - h. Practicing the profession under a false name or name other than the name under which the certification is held.
 - i. Impersonating any certified professional or representing oneself as a certified professional for which one has no current certification.
 - j. Charging a client or a third party payer for a service not performed, or submitting an account or charge for services that is false or misleading. This does not apply to charging for an unkept appointment by a client.
 - k. Charging a fee that is excessive in relation to the service or product for which it is charged.
 - l. Offering, giving or promising anything of value or benefit to any federal, state, or local employee or official for the purpose of influencing that employee or official to circumvent federal, state, or local law, regulation or ordinance governing the certified counselor or the gambling treatment profession.
4. Engaging in sexual conduct, as defined in the Iowa Code, with a client during a period of time in which a professional relationship exists and for one year after that period of time.

INVESTIGATION

Complaint Procedure. Any individual may file a complaint against a certified professional by submitting a completed “Ethics Violation Allegation Worksheet” (available on IBSAC’s web site at www.ibsac.org or by requesting one from the IBSAC office).

1. The Ethics Violation Allegation Worksheet shall be submitted to:
Executive Director
Iowa Board of Substance Abuse Certification
3850 Merle Hay Road, Suite 303
Des Moines, Iowa 50310
2. A copy of the Worksheet is forwarded to the Ethics & Appeals Committee chairperson.
3. The Executive Director shall send a letter to the complainant to acknowledge receipt of the complaint and that it has been forwarded to the Ethics Committee.
4. The Ethics Committee, at their next monthly meeting, determines which principle(s) may have been violated.
5. If a potential violation has been determined, an investigator is assigned and the investigation is started.
6. If, in committee review, the allegation does not warrant assignment of an investigation, the complainant and the person who is alleged to have violated the principle will be notified of that decision. The allegation worksheet will be maintained in a committee file.
7. The Executive Director sends a certified letter to the respondent, notifying him/her that a complaint has been received, that an investigation has begun, and that he/she will be sent correspondence by the investigator. **Note: not cooperating with an investigation can result in a violation of Principle VI.**
8. The Executive Director shall send a certified letter to the complainant stating that the investigation has begun and that the investigator may be in contact with him/her.
9. When all investigation is completed, the investigator will report to the Ethics Committee. The committee shall review the information and make one of the following recommendations to the hearing panel:
 - a. Disciplinary hearing be held, or
 - b. Dismiss the complaint
10. Following the hearing, the respondent and complainant are notified in writing of the actions taken by the Board.

Should further violations be uncovered in the course of an investigation, these would comprise an additional complaint by the Committee on Ethics and Appeals.

If a complaint has been filed, the Ethics Committee may, at its discretion, proceed with an investigation even if the complainant subsequently requests that the complaint be withdrawn.

HEARING PROCEDURES

Order for Hearing. Upon recommendation of the Committee on Ethics and Appeals, the IBSAC Board shall approve the date, time and place for an ethics hearing and shall appoint a hearing panel for the proceedings. Within ten (10) days of Board action, a written notice will be sent to the complainant, the respondent and the hearing panel members.

- A. The hearing panel shall be comprised of three directors of the Board, excluding any member having a conflict of interest in the matter. At least one of the three members of the hearing panel shall be a certified professional.
- B. Both the respondent and complainant will be provided with a copy of the investigative summary and recommendations including the level of violation severity and the hearing procedures.
- C. The notice of the hearing shall state:
 - 1. The date, time, and location of the hearing; and
 - 2. The respondent may, at his or her expense, be represented by legal counsel at the hearing; and
 - 3. The rules by which the hearing shall be governed.

Conduct of Hearing. The hearing shall be conducted in compliance with the following rules:

- A. The hearing shall be conducted by the chairperson of the Quality Improvement Committee, an impartial administrative law judge, attorney, or other person designated by the chairperson of the Quality Improvement Committee.
- B. The chairperson of the Committee on Ethics and Appeals, or a representative designated by the Committee on Ethics and Appeals, shall present evidence in support of the Committee's recommendation before the hearing panel. The complainant and the respondent shall be allowed the opportunity to participate in the hearing. Witnesses will be called when appropriate, but shall only be present in the hearing during their testimony. The hearing shall be closed to the public.
- C. The hearing panel shall not be bound by common law or statutory rules of evidence, and may consider all evidence having probative value.
- D. No discovery shall be permitted and no access to Board files shall be allowed by the respondent except as specifically provided for herein. The Board shall keep all files in permanent form and confidential, unless otherwise provided or directed in writing by the President of the Board or the President's designee, for disciplinary purposes or by a specific rule of the IBSAC Board.
- E. After completion of the investigation and prior to the commencement of the hearing, members of the Board and hearing panel shall not discuss the case with either the complainant or the respondent in order to maintain neutrality and impartiality. The

Executive Director may act as a source of general information to all parties.

- F. Members of the hearing panel may inquire and/or conduct relevant fact-finding to obtain the information necessary to make an accurate determination of the facts of the case.
- G. Board members and committee members who are not serving in an official capacity during the hearing shall not be present unless all parties present agree to such circumstances.
- H. A member of the IBSAC staff shall be responsible for record keeping at the hearing.
- I. The hearing shall be audio taped.

Failure by Respondent to Appear. If a respondent, upon whom proper notice of hearing has been served, fails to appear either in person or represented by counsel at the hearing or otherwise respond to the complaint, the respondent shall be deemed to be at default and bound by the results of the hearing to the same extent as if the respondent had been present.

Right to Waive Hearing. At any time during the ethics investigation process, a respondent has the right to waive an ethics hearing by formal notification in written form with an original signature to IBSAC. In so doing, the respondent stipulates that the allegations of the ethics violation(s) are correct. As soon as practical, but no later than 90 days upon receipt of the waiver or scheduled hearing date, the Board shall determine any disciplinary sanctions. The decision of the Board shall be final.

Deliberation of the Hearing Panel. Once the chairperson of the Committee on Ethics and Appeals or a representative designee has presented the case information, the complainant and the respondent have had an opportunity to speak, and the hearing panel has asked any questions, the hearing panel will meet in closed session to discuss the facts. A member of the IBSAC staff is permitted to be present during the deliberation. All panel deliberations will be audio taped.

Decision of the Hearing Panel. The hearing panel shall make the determination regarding violation(s) and disciplinary sanctions.

Upon conclusion of the hearing, the hearing panel chair shall submit a written report to the IBSAC office which shall include:

1. A concise statement of the findings of fact;
2. A conclusion as to whether the specific Principles have been violated, and if so, which Principles; and
3. The sanctions imposed by the Panel.

At its next regularly scheduled Board meeting, the Board shall be notified of the hearing

panel's decision.

The hearing panel's decision and the official hearing panel report shall be sent by certified mail to both the respondent and the complainant and include information on how an appeal may be requested.

Discretion of the Hearing Panel. The following factors may be considered by the hearing panel in determining the nature and severity of the disciplinary sanction to be recommended:

1. The relative seriousness of the violation as it relates to assuring the citizens of this state a high standard of professional service and care;
2. The facts of the particular violation;
3. Any extenuating circumstances or other counter-vailing considerations;
4. The number of complaints;
5. Prior violations or complaints and/or sanctions;
6. Whether the violation was self-reported;
7. Whether remedial action has previously been taken;
8. The level of cooperation from the respondent; and
9. Other factors which may reflect upon the competency, ethical standards and professional conduct of the individual.

Method of Discipline. The hearing panel may impose the following disciplinary sanctions:

1. Temporary revocation or permanent revocation; or
2. Suspension of certification or application privileges; or
3. Denial of an application for certification;
4. Reprimand; or
5. Other sanctions which may be deemed appropriate, such as additional education, training, supervision, competency demonstration, assessment and completion of any recommendations resulting from the assessment and/or other additional requirements in conjunction with any of the above disciplinary sanctions.

Announcement of Decision. At its next scheduled regular meeting, the Board shall be notified of the hearing panel's decision. The decision and the official hearing panel report shall be sent by certified mail to both the respondent and the complainant and include information on how an appeal may be requested.

Confidentiality. At no time prior to the release of the decision by the hearing panel shall any portion or the whole thereof of any action be made public or be distributed to any persons other than the directors of the Board, its Committee on Ethics and Appeals, and its staff.

Publication of Decisions. The decision in any disciplinary proceeding shall be published in whatever manner deemed appropriate by the Board. The employer, if any, shall be notified by certified mail of the final decision of the Board if a violation was founded. IBSAC may report a disciplinary action against certified professionals to the

Iowa Department of Public Health.

PROCEDURES AND REINSTATEMENT FOLLOWING DISCIPLINARY SANCTION(S)

Repossession of Certificate. If a respondent's IBSAC credential has been suspended, denied, or revoked, the respondent must return his or her certificate to IBSAC no later than twenty-one (21) days after he or she receives notice of the suspension, denial, or revocation. The IBSAC certificate remains the property of IBSAC. Failure to return the certificate as required may result in additional sanctions.

Reinstatement Following a Suspension. Upon expiration of the suspension period, the Board shall authorize reinstatement of the professional's credential for the balance of his or her certification period, unless:

1. The respondent did not submit a letter of application for reinstatement or the letter did not present facts which, if established, would be sufficient to enable the Board to determine that the basis for sanction no longer exists;
2. Another suspension or revocation of the respondent's certification has occurred;
3. The respondent has committed another violation of the Code of Ethics;
4. The respondent has failed to remit the recertification fees or make an application for recertification in a timely manner; or
5. The respondent has failed to comply fully with the terms of his or her suspension.

Possible Consideration Following Revocation. It is recognized that there may be mitigating circumstances which could warrant granting permission to apply for certification following revocation. This does not apply to a permanent revocation sanction.

1. Permission to apply for certification following revocation may be considered only after two years have lapsed from the date of the Board's final decision.
2. The request for permission to apply for certification shall be initiated by the respondent. The request shall present facts which, if established, would be sufficient to enable the Board to determine that the basis for sanction no longer exists.
3. Permission to seek certification following revocation is granted solely within the discretion of the Board.

Permanent Revocation. Permanent revocation of certification or application privileges shall be construed as lasting a lifetime without the possibility for reinstatement.

APPEALS OF DECISIONS OF HEARING PANEL

Notice of Right to Appeal. The respondent has the right to appeal the hearing panel's decision. The IBSAC office shall provide notice to the respondent that he or she may file an appeal of the hearing panel's decision.

Filing of Appeal. Appeals must be postmarked or personally delivered to IBSAC within thirty (30) days of receiving the certified notice of the hearing panel's decision. Appeals shall be addressed to:

Executive Director
Iowa Board of Substance Abuse Certification
3850 Merle Hay Road, Suite 303
Des Moines, Iowa 50310

Administrative Fee for Appeals. A \$75.00 non-refundable administrative fee must be submitted to IBSAC with the party's written appeal.

Content of Appeal. The appeal shall contain the following information.

1. Name, address, and telephone number of appealing party;
2. A written statement of the reasons supporting the appealing party's dissatisfaction with the hearing panel's decision;
3. A statement of the relief desired by the appealing party;
4. Copies of all relevant documents;
5. Signature of the appealing party.

Review and Adjudication of Appeal. The Directors of the Board, excluding any member having a conflict of interest in the matter, will review the case within 75 days of receipt of the request for appeal. The original hearing panel members may participate in the review with at least one member representing the hearing panel's decision.

Review of the appeal shall include review of the written appeal, any relevant documents submitted for purposes of the appeal, and transcripts of the hearing panel proceedings.

The Board shall make the determination to do one of the following.

1. Uphold the decision of the hearing panel;
2. Overturn or otherwise alter the decision of the hearing panel; or
3. Recommend a new hearing.

Final Decision. If no request for an appeal is made within the required time frame stated above, the decision of the hearing panel shall be final. Once the appeal process is completed, the decision of the Board shall be final.

Respondents who waive their right to a hearing also waive their right to appeal the sanctions determined by the board.