

14 NYCRR Part 853 is REPEALED and REPLACED with a new Part 853 to read as follows:

Credentialing of Addictions Professionals

[Statutory Authority: Mental Hygiene Law § 19.07(a), 19.07(d), 19.20, 19.20-a, 32.01 and 32.02;
Executive Law §554, 495; The Protection of People with Special Needs Act,
Chapter 501 of the Laws of 2012]

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§853.1 Legal base.

- (a) Section 19.07(a) of the Mental Hygiene Law provides that the Office of Alcoholism and Substance Abuse Services (OASAS or “Office”) is charged with the responsibility for assuring the development of comprehensive plans, programs and services in the areas of research, prevention, care,

treatment, rehabilitation, education and training of persons who abuse or are dependent on alcohol and/or substances and their families.

(b) Section 19.07(d) of the Mental Hygiene Law directs the Office to foster programs for the training and development of persons capable of providing alcoholism and/or substance abuse services, including the issuance of credentials to persons who meet minimum qualifications set by the Office; to establish minimum qualifications for credentialed alcoholism and substance abuse counselors; to issue credentials to persons who meet such qualifications; and to suspend or revoke such credentials for good cause.

(c) Section 19.20 of the MHL authorizes the Office to receive and review criminal history information from the Justice Center related to employees or volunteers of treatment facilities certified, licensed, funded or operated by the Office.

(d) Section 19.20-a of the MHL authorizes the Office to receive and review criminal history information from the Justice Center related to persons seeking to be credentialed by the Office or applicants for an operating certificate issued by the Office.

(e) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(f) Section 32.02 of the Mental Hygiene Law states the Commissioner of the Office of Alcoholism and Substance Abuse Services may adopt regulations necessary to ensure quality services to those suffering from compulsive gambling.

(g) Section 554 of the Executive Law (Chapter 501 of the Laws of 2012), requires the Justice Center to adopt, and amend as appropriate, codes of conduct for all custodians, as defined in Part 836 of this Title and requires the adherence to such code by all custodians in facilities certified, licensed, funded or operated by the Office.

(h) The Protection of People with Special Needs Act (Chapter 501 of the Laws of 2012) establishes the Justice Center and requires criminal history information reviews be conducted for any applicant for any credential issued by the Office pursuant to this Part.

(i) Section 495 of the Executive Law (Chapter 501 of the Laws of 2012) establishes the “Register of Substantiated Category One Cases of Abuse and Neglect” maintained by the Justice Center

§853.2 Applicability and limitations.

(a) Applicability. This Part shall apply to any person who initiates, on or after June 30, 2013, an application for a new credential or to reinstate or renew an existing credential, as a credentialed alcoholism and substance abuse counselor (CASAC), credentialed alcoholism and substance abuse

counselor trainee (CASAC trainees), credentialed prevention professional (CPP), credentialed prevention specialist (CPS) and/or credentialed problem gambling counselor (CPGC). Persons who are credentialed prior to June 30, 2013 shall not be required to comply with the provisions of Part 805 of this Title except upon application for a position or a new position with a different provider of services.

(b) **Limitations.**

(1) An individual who is credentialed or issued a trainee certificate pursuant to this Part is not authorized to substitute for other professionals in chemical dependence and/or compulsive gambling services, but shall function as a member of a multi-disciplinary team that includes, but is not limited to, other qualified health professionals, offering such services in approved work settings.

(2) A counselor who is issued a trainee certificate pursuant to this Part may not be considered a qualified health professional for any purpose other than satisfying the qualified health professional clinical staff ratio requirement under Part 817, 819 and 822 of this Title.

(3) No person may use any of the foregoing titles or acronyms unless otherwise authorized pursuant to this Part.

(4) No person may use any of the foregoing titles or acronyms to engage in private practice unless otherwise authorized by law.

§853.3 Definitions.

(a) “Approved alcoholism and substance abuse work setting” means an alcoholism and substance abuse program that meets one or more of the following conditions:

(1) it is operated by the Office;

(2) it holds a valid Operating Certificate or Certificate of Approval to provide substance abuse or alcoholism services from the Office issued pursuant to Articles 19 or 32 of the Mental Hygiene Law, or a similar license or approval from any other state's chemical dependence or compulsive gambling authority for the other state in which the agency, facility or program is located;

(3) It is a program that includes alcoholism and/or substance abuse treatment consistent with OASAS’ standards and is licensed and/or operated by another New York State agency;

(4) it is organized and operated by the Federal Government, to include the Indian Health Service and the United States Department of Veterans Affairs, as a program providing chemical dependence or compulsive gambling services that is consistent with Office standards; or

(5) it is a non-certified setting that involves the legal provision of chemical dependence services and that affords:

(i) the opportunity to establish proficiency in one or more of the professional competencies associated with a credential administered by the Office; and

(ii) on-site supervision by a qualified health professional meeting the supervisory standards established by the Office.

(b) “Approved compulsive gambling work setting” means a compulsive gambling program that meets one of the following:

(1) it is operated by the Office;

(2) it holds a valid Operating Certificate or Certificate of Approval to provide alcoholism or substance abuse services from the Office issued pursuant to Articles 19 or 32 of the Mental Hygiene Law, or a similar license or approval from any other state’s chemical dependence or compulsive gambling authority for the other state in which the agency, facility or program is located;

(3) it is a program of chemical dependence or compulsive gambling treatment services consistent with OASAS’ standards and is licensed and/or operated by another New York State agency;

(4) it is organized and operated by the Federal Government to include the Indian Health Service and The United States Department of Veterans Affairs as a program of chemical dependence or compulsive gambling treatment services which is consistent with the Office’s standards; or

(5) it is a non-certified setting that involves the legal provision of alcoholism and substance abuse treatment and/or compulsive gambling treatment services and that affords:

(i) the opportunity to establish proficiency in one or more of the professional competencies associated with a credential administered by the Office; and

(ii) ~~on-site~~ supervision by a qualified problem gambling professional meeting the supervisory standards established by the Office.

(c) "Qualified Problem gambling Professional" means: (1) a licensed professional identified as a “qualified health professional” pursuant to Part 800 of this Title;

(2) a Credentialed Problem Gambling Counselor who has a current valid credential issued by the Office, or a comparable credential, certificate or license from another recognized certifying body as determined by the Office;

(3) a National Certified Gambling Counselor (Level I and II) and/or a Board Approved Clinical Consultant who is currently registered as such by the National Council on Problem Gambling;

(4) a Pastoral Counselor who is certified by the American Association of Pastoral Counselors or is a Fellow of the American Association of Pastoral Counselors.

(d) "Alcoholism and substance abuse prevention professional credential" means a document issued by the Office to a person attesting that such person has met the prevention professional requirements of this Part.

(e) "Alcoholism and substance abuse prevention specialist credential" means a document issued by the Office to a person attesting that such person has met the prevention specialist requirements of this Part.

(f) "Approved prevention work setting" means an alcoholism and substance abuse prevention program that meets one or more of the following conditions:

(1) it is operated by the Office;

(2) it holds a valid Operating Certificate or Certificate of Approval issued by the Office, or a similar license or other approval from any other state's alcoholism and/or substance abuse authority for the other state in which the agency, facility or program is located that authorizes the provision of alcoholism and substance abuse prevention services;

(3) it is a program that includes alcoholism and/or substance abuse prevention services consistent with OASAS' standards for prevention programs and is licensed and/or operated by another New York State agency;

(4) it is organized and/or funded by the federal government, to include the Indian Health Service, as a program for the prevention of alcoholism and/or substance abuse which is consistent with OASAS' standards;

(5) it is a non-certified setting that involves the legal provision of alcoholism and substance abuse prevention and/or compulsive gambling services and affords:

(i) the opportunity to establish proficiency in one or more of the professional competencies associated with a credential administered by the Office; and

(ii) ~~on-site~~ supervision by a qualified prevention supervisor meeting the supervisory standards established by the Office.

(g) "Credentialed alcoholism and substance abuse prevention specialist" or "CPS" means a person who has met the prevention specialist requirements of this Part.

(h) "Credentialed alcoholism and substance abuse prevention professional" or "CPP" means a person who has met the prevention professional requirements of this Part.

(i) "Credentialed Professional" or "Trainee" shall mean, a CASAC, CPP, CPS, CPGC or CASAC trainee, or any other professional credentialed by OASAS.

(j) "Commissioner" means the Commissioner of the New York State Office of Alcoholism and Substance Abuse Services or the Commissioner's designee.

(k) "Criminal history information", "criminal background", or "criminal history record" means a record of pending criminal charges, criminal convictions which are not vacated or reversed, and certificates filed pursuant to subdivision (2) of Section 705 of the Correction Law, and which the New York State Division of Criminal Justice Services is authorized to maintain pursuant to subdivision (6) of Section 837 of the Executive Law. For purposes of this Part, "criminal history information," "criminal background," or "criminal history record" shall also include information from the federal bureau of investigation as a result of a national criminal history information review.

(l) "Office" means the New York State Office of Alcoholism and Substance Abuse Services (NYSOASAS) or its designee.

(m) "Prevention" means a proactive, evidence-based process that focuses on increasing protective factors and decreasing risk factors that are associated with alcohol, substance abuse, and compulsive gambling behavior in individuals, families, and communities.

(n) "Prevention services" means an organized effort utilizing multiple evidence-based prevention strategies designed to keep individuals, families, groups, and communities healthy and free from the problems related to alcohol, substance abuse, and compulsive gambling. These services may be provided in any community, school, workplace, or other organizational setting approved by the Office.

(o) "Prevention supervision" means the on-the-job oversight, training, guidance, and review of the prevention services activities of the prevention service workers, including monitoring the worker's continued development of and use of prevention knowledge and skills relevant to the professional practice of prevention services.

(p) "Qualified prevention supervisor" means a person who:

(1) is a credentialed prevention professional (CPP); or

(2) Prior to July 1, 2010, is a CASAC or a non-credentialed person who otherwise meets the educational and work experience requirements established for the credentialed prevention professional;

(3) On and after July 1, 2010, is licensed, certified or credentialed in a related discipline, has two years of qualifying prevention work experience and has completed 60 hours of prevention specific education and training. For purposes of this subdivision related disciplines shall include: CASAC, Credentialed Problem Gambling Counselor, Certified Teacher, Health Educator, Guidance Counselor, Rehabilitation Counselor, Social Worker, Licensed Mental Health Practitioner, Family Therapist, Registered Nurse, Physician, and National Board Certified Counselor.

(q) "Clinical supervision" means structured, regularly scheduled and delivered supervision focused on clinical skill development and application of evidence-based practices with the intent of improving practice performance and outcomes with patients.

(r) "Custodian" means a director, operator, employee or volunteer of a facility or provider agency; or a consultant or an employee or volunteer of a corporation, partnership, organization or governmental entity which provides goods or services to a facility or provider agency pursuant to contract or other arrangement that permits such person to have regular and substantial contact with individuals who are cared for by the facility or provider agency.

(s) "Register of Substantiated Category One Cases of Abuse and Neglect" means the statewide register established pursuant to Section 495 of the Executive Law maintained by the Justice Center for the Protection of People with Special Needs.

(t) "Justice Center" means the Justice Center for the Protection of People with Special Needs established by Chapter 501 of the Laws of 2012.

(u) "Intimate relationship" means a relationship between persons who are not related by consanguinity or affinity regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship.

§853.4 Credentials board.

(a) Membership composition.

(1) The commissioner shall appoint 19 members to serve on the credentials board.

(2) At least five members must be credentialed alcoholism and substance abuse counselors, at least five members must be credentialed prevention practitioners and at least five members must be credentialed problem gambling counselors or hold a specialty designation in problem gambling treatment or prevention.

(3) The members must be representative of the diverse field of chemical dependence and compulsive gambling services and alcoholism and substance abuse prevention and must include credentialed alcoholism and substance abuse counselors; credentialed prevention practitioners; credentialed problem gambling counselors; or credentialed alcoholism and substance abuse counselors who hold a specialty designation in problem gambling treatment; administrators of chemical dependence and/or problem gambling services, health and mental health professionals; and members of the general public.

(4) No member shall be an employee of the Office or of a research or educational entity affiliated with the Office.

(5) At least one member must be a qualified health professional other than, or in addition to being, a CASAC, CPP/CPS and/or CPGC.

(6) At least three members must be consumers or members of the general public.

(7) Membership must also be representative of any new credentials that are established subsequent to the promulgation of this Part.

(b) Membership terms. Credentials board members shall serve terms of three years each, except that nine of the members initially appointed must be appointed for two years.

(c) Designation of chairperson. The chairperson of the credentials board must be designated by the members of the board in accordance with the applicable bylaws.

(d) Reappointments.

(1) Reappointments may be made at the discretion of the commissioner except that no person shall serve more than two consecutive terms.

(2) Former members of the credentials board may be reappointed after an absence of at least three years.

(e) Limitations. No board member shall also serve as an officer or board member of any professional association representing regional or statewide alcoholism and/or substance abuse counselors, prevention practitioners or problem gambling counselors while serving as a member of the credentials board.

(f) Functions.

(1) The credentials board shall serve in an advisory capacity to the commissioner concerning the credentialing process;

(2) The credentials board must establish written bylaws.

(g) Removal of board members. Members of the credentials board may be removed by the commissioner for professional misconduct or failure to attend meetings or without cause.

§853.5 Qualifications to become a credentialed alcoholism and substance abuse counselor.

(a) A credentialed alcoholism and substance abuse counselor must have the knowledge, skills and attitudes in the competency areas identified by Addiction Counselor Competencies: The Knowledge, Skills and Attitudes of Professional Practice. (Center for Substance Abuse Treatment. Addiction Counseling Competencies: The Knowledge, Skills and Attitudes of Professional Practice. Technical Assistance Publication (TAP) Series 21. DHHS Publication No. (SMA) 07-4171. Rockville, MD: Substance Abuse and Mental Health Services Administration, et seq. These competencies encompass knowledge, skill and attitudes that assure:

(1) A systematic approach to screening and assessment;

(2) A collaborative process resulting in a written document that identifies treatment goals and describes measurable, action steps toward achieving those goals;

(3) A process of facilitating the use of available support systems and community resources;

(4) The patient, treatment services, community agencies, and other resources are brought together to focus on issues and needs identified in the treatment plan;

(5) A collaborative process that facilitates progress toward mutually determined treatment goals and objectives;

(6) A process of providing patients, families, significant others, and community groups with information on risks as well as available prevention, treatment, and recovery resources;

(7) The recording of the screening and intake process, assessment, treatment plan, clinical reports, clinical progress notes and discharge summaries; and

(8) Adherence to accepted ethical and behavioral standards of conduct and continuing professional development, including the credential code of ethics and the code of conduct established by the Justice Center for all custodians in service providers.

(b) A credentialed alcoholism and substance abuse counselor must be proficient in English, including the ability to speak, write, comprehend aurally and read at a minimum level necessary to perform as a credentialed alcoholism and substance abuse counselor.

(c) Professional expertise required. A credentialed alcoholism and substance abuse counselor must demonstrate knowledge of, and ability to engage in, a wide range of professional techniques and activities that assure a level of safe practice. These shall include:

(1) screening;

(2) intake;

(3) orientation;

(4) assessment, evaluation and intervention;

(5) referral;

(6) treatment planning;

(7) counseling;

(8) crisis intervention;

(9) patient education;

(10) case management;

(11) reporting and record keeping; and

(12) consultation with other professionals.

(d) Age. An applicant must be at least 18 years of age.

(e) Educational level. An applicant must have earned at least a high school diploma or a general equivalency diploma.

(f) Residency. An applicant must reside or work in New York State at least 51 percent of the time to be issued a credential.

(g) Character and competence.

(1) An applicant must demonstrate that he or she is of such character and competence as to give reasonable assurance of his or her ability to function as a credentialed alcoholism and substance abuse counselor in accordance with accepted standards of professional conduct including the Canon of Ethical Principles for the profession noted in Section 853.28(a) and the Code of Conduct for custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012. Nothing in this Section shall exclude, by itself, any person who is a recovering person or former alcohol and/or substance abuser, or other person who has received chemical dependence services, or who may have had a conflict with the legal system, provided that such person can furnish evidence of his or her rehabilitation for a period satisfactory to the Office.

(2) The applicant must comply with the provisions of Part 805 of this Title in relation to provision of fingerprints and required criminal history information review by the Office of any prior felony and certain misdemeanor convictions.

(3) The applicant must notify the Office of any disciplinary action taken against the applicant as holder of any other license or certification issued by New York state or any other federal or state authority.

(h) Work experience.

(1) An applicant must have completed a minimum of 6,000 hours (approximately three years) of supervised, full-time equivalent experience in an approved work setting. Such experience must include provision of direct patient services or provision of documented supervision of direct patient services. At least 2,000 hours of the work experience claimed must have been gained during the five years prior to the applicant's submission to the Office of the required work experience documentation. Such experience may not include any experience gained during the course of or as part of, or required under, the applicant's participation as a patient in a formal alcoholism and/or substance abuse treatment/aftercare program and/or plan. At least 50 percent of work experience claimed must be obtained in a setting certified by OASAS or any other recognized state or Federal authority.

(2) An applicant having an associate's degree in an approved human services field, as defined by the Office, from an accredited college or institution, may substitute this for a maximum of 1,000 hours of work experience.

(3) An applicant having a bachelor's degree in an approved human services field, as defined by the Office, from an accredited college or institution, may substitute this for a maximum of 2,000 hours of work experience.

(4) An applicant having a master's degree or higher in an approved human services field, as defined by the Office, from an accredited college or institution, may substitute this for a maximum of 4,000 hours of work experience,

(5) Any applicant who has earned more than one college degree and is seeking to substitute a degree for work experience may only substitute the highest level degree earned.

(6) The work experience requirements of paragraph (1) of this subdivision must include a minimum of 300 hours of supervised practical training in the professional expertise, knowledge and skills, specified in subdivision (c) of this Section, while working with patients in an approved work setting. Each of the 12 areas of professional expertise must be performed for a minimum of 10 hours under the direct supervision of a qualified health professional. Supervised practical training completed through a formal internship or formal field placement may be claimed as work experience based on the number of hours worked or as education and training clock hours, based on the academic credit associated with completion, not the number of hours served in the field.

(7) Work experience must satisfy all of the following minimum requirements to be approved by the Office:

(i) it must have included practice in diagnostic assessment, evaluation, intervention, referral and alcoholism and/or substance abuse counseling in both individual and group settings;

(ii) it must have included at a minimum, weekly, on-site, and documented clinical supervision by a qualified health professional;

(iii) it must have been integrated with the alcoholism and/or substance abuse services delivery system for consultation and referrals; and

(iv) it must have included practice in alcoholism and/or substance abuse counseling to establish and maintain recovery and prevent relapse.

(i) Education and Training. An applicant must have successfully completed education and training consisting of a minimum of 350 clock hours that address the full range of knowledge, skills and professional techniques specified in this Section. Specific hourly subject matter requirements within each of the following four areas, consistent with the minimum clock hour requirements specified in this paragraph, may be established by the Office.

(1) A minimum of 85 of the required 350 clock hours must be specific to the knowledge of alcoholism and substance abuse including: coursework in areas such as physical and pharmacological

effects, diversity of intervention and treatment approaches, and knowledge of self-help groups; and documented completion of a minimum of four hours of training related to tobacco use and nicotine dependence.

(2) A minimum of 150 of the required 350 clock hours must be related to alcoholism and substance abuse counseling and include a minimum of 15 clock hours of training specific to cultural competence.

(3) A minimum of 70 of the required 350 clock hours must be related to assessment, clinical evaluation, treatment planning, case management and patient, family and community education.

(4) A minimum of 45 of the required 350 clock hours must be related to professional and ethical responsibilities and include documentation of completion of a minimum of two clock hours of Child Abuse and Maltreatment Mandated Reporter training approved by the Office, and a minimum of 15 clock hours of training specific to ethics for addictions professionals.

(5) Education and training will be considered if it is obtained through an OASAS certified education and training provider, an accredited college or university; a governmental agency; or other entities as approved by the Office. Participation in conferences sponsored by professional organizations will be accepted to meet a maximum of 30 hours of the education and training requirements of this Part.

§853.6 Qualifications to become a credentialed alcoholism and substance abuse counselor trainee.

(a) The Office shall issue an alcoholism and substance abuse counselor trainee certificate to any applicant who has met all of the qualifications as outlined in Section 853.5 of this Part; or

(b) has met the English proficiency, age and educational level qualifications as outlined in 853.5 (b), (d) and (e); and has completed a minimum of 350 clock hours of education and training as outlined in Section 853.5(i) of this Part; and has complied with the provisions of subdivision (g) of Section 853.5 ;

or

(c) has met the English proficiency, age and educational level qualifications as outlined in 853.5 (b), (d) and (e); and a minimum of 4,000 hours of the required 6,000 hours of work experience as outlined in Section 853.5(h) of this Part; and a minimum of 85 clock hours of education and training as outlined in Section 853.5(i) (1) of this Part; and has complied with the provisions of subdivision (g) of Section 853.5.

(d) Credentialed alcoholism and substance abuse counselor trainee certificates shall be valid from the date that one set of the eligibility requirements as outlined in subdivisions (a), (b) or (c) of this Section are satisfied until the end of the active period of the CASAC application as defined by the

Office. A credentialed alcoholism and substance abuse counselor trainee who has satisfied all of the requirements as outlined in Section 853.5 of this Part or has completed a minimum of 350 clock hours of education and training as outlined in Section 853.5(i) of this part may submit a written request to extend the trainee certificate within three years from the date of expiration of the certificate. In no case shall the extension be granted until the applicant has completed a criminal history information review pursuant to subdivision (g) of Section 853.5, and in no case shall the extension exceed three years from the date of expiration of the certificate.

(e) No applicant shall be considered for credentialed alcoholism and substance abuse counselor trainee certification a second time.

§853.7 Qualifications to become a credentialed prevention professional.

(a) Knowledge and skills. A credentialed prevention professional must demonstrate:

- (1) Knowledge of the history and development of the prevention field, inclusive of prevention science and evidence-based practices;
- (2) Knowledge of the variety of models and theories of alcohol and/or substance use, abuse and dependence-related problems;
- (3) An understanding of the value of a comprehensive systems approach to prevention, including federally-supported models of prevention;
- (4) Knowledge of the social, political, economic and cultural context within which alcohol and/or substance use, abuse and/or dependence exists;
- (5) Knowledge of the importance of family, social networks and community systems in the prevention, treatment and recovery process;
- (6) Knowledge of the behavioral, psychological, physical health and social effects of alcohol and/or substance use, abuse or dependence on individuals, families and communities;
- (7) Fundamental knowledge of the OASAS prevention framework, including the Institute of Medicine of the National Academies categories of prevention services;
- (8) Fundamental knowledge of the potential for alcohol and/or substance use, abuse or dependence to mimic a variety of medical and psychological disorders and the potential for medical and psychological disorders to co-exist with alcohol and/or substance use, abuse or dependence;
- (9) The ability to incorporate the special needs of diverse racial and ethnic cultures and special populations in prevention practice, including their distinct patterns of communication;
- (10) Knowledge of the obligation to adhere to generally accepted ethical and behavioral standards of professional conduct in the professional relationship and the Code of Conduct for

Custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012;

(11) Knowledge of the established diagnostic criteria for alcohol and/or substance use, abuse, and dependence, and the philosophies, practices, policies and outcomes of the most generally accepted models of treatment, recovery, relapse prevention and continuing care for alcohol and/or substance use, abuse or dependence-related problems;

(12) An understanding of the variety of prevention services, treatment options, and placement criteria, and recovery services within the continuum of care;

(13) The various counseling strategies for alcohol and/or substance use, abuse and dependence.

(b) A credentialed prevention professional must be proficient in English, including the ability to speak, write, comprehend aurally and read at a minimum level necessary to perform as a credentialed prevention professional.

(c) Professional expertise required. A credentialed prevention professional must demonstrate knowledge of, and ability to engage in, a wide range of professional techniques and activities that ensure a level of safe practice which shall be consistent with the performance domains standardized by the International Certification & Reciprocity Consortium (IC&RC). These requirements are posted on the OASAS Credentialing webpage and are included in the credentialing application.

(d) Age. An applicant must be at least 18 years of age.

(e) Educational level. An applicant must have earned at least a bachelor's degree.

(f) Residency. An applicant must reside or work in New York State at least 51 percent of the time to be issued a credential.

(g) Character and competence.

(1) An applicant must demonstrate that he or she is of such character and competence as to give reasonable assurance of his or her ability to function as a credentialed prevention professional (or a credentialed prevention specialist) in accordance with accepted standards of professional conduct including the Canon of Ethical Principles for the profession noted in Section 853.28(c) of this Part and the Code of Conduct for Custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012. Nothing in this Section shall exclude, by itself, any person who is a recovering person or former alcohol and/or substance abuser, or other person who has received chemical dependence services, or who may have had a conflict with the legal system, provided that such person can furnish evidence of his/her rehabilitation for a period satisfactory to the Office.

(2) The applicant must comply with the provisions of Part 805 of this Title in relation to provision of fingerprints and required criminal history information review by the Office.

(h) Work experience.

(1) An applicant must have completed a minimum of 4,000 hours of supervised experience in an approved work setting as a provider or supervisor of prevention services. At least 1,000 hours of the work experience must have been gained within the five years prior to the applicant's submission to the Office of the required work experience documentation and may not include any experience gained during the course of or as part of, or required under, the applicant's participation as a patient in a formal alcoholism and/or substance abuse treatment/aftercare program and/or plan. At least 50 percent of work experience claimed must be obtained in a setting certified by OASAS or any other recognized state or Federal authority.

(2) An applicant having a master's degree or higher in an approved human services field, as defined by the Office, from an accredited college or institution, may substitute this for a maximum of 2,000 hours of work experience.

(3) The work experience requirements of paragraph (1) of this subdivision must include a minimum of 120 hours of supervised practical training in the performance domains standardized by the International Certification & Reciprocity Consortium (IC&RC). These requirements are posted on the OASAS Credentialing webpage and are included in the credentialing application. Of the 120 hours, a minimum of 12 must have been face-to-face with a qualified prevention supervisor. Supervised practical training completed through a formal internship or formal field placement may be claimed as work experience based on the number of hours worked or as education and training clock hours, based on the academic credit associated with completion, not the number of hours served in the field.

(4) To be approved by the Office, work experience must be based on a comprehensive, multi-dimensional prevention services approach which includes the performance domains standardized by the International Certification & Reciprocity Consortium (IC&RC). These requirements are posted on the OASAS Credentialing webpage and are included in the credentialing application.

(i) Education and Training. An applicant must have successfully completed education and training consisting of a minimum of 250 clock hours that address the full range of knowledge, skills and professional techniques specified in this Section. Specific hourly subject matter requirements within each of the following four areas, consistent with the minimum clock hour requirements specified in this paragraph, may be established by the Office.

(1) A minimum of 85 of the required 250 clock hours must be related to knowledge of alcohol and substance abuse at all age levels and among people of diverse backgrounds and cultures and include

documentation of completion of a minimum of four clock hours of training related to tobacco use and nicotine dependence and include a minimum of 15 clock hours of training specific to cultural competence;

(2) A minimum of 60 of the required 250 clock hours must be prevention specific and related to the performance domains standardized by the International Certification & Reciprocity Consortium (IC&RC). These requirements are posted on the OASAS Credentialing webpage and are included in the credentialing application;

(3) A minimum of 45 of the required 250 clock hours must be related to professional development and ethical responsibilities and include documentation of completion of a minimum of two clock hours of Mandated Reporter training approved by the Office and a minimum of 15 clock hours specific to ethics for prevention professionals;

(4) A minimum of 60 of the required 250 clock hours must be related to prevention principles and practices and the services continuum;

(5) Education and training will be considered if it is obtained through an OASAS certified education and training provider, an accredited college or university; a governmental agency; or other entities as approved by the Office. Participation in conferences sponsored by professional organizations will be accepted to meet a maximum of 30 hours of the education and training requirements of this Part.

§853.8 Qualifications to become a credentialed prevention specialist.

(a) The professional expertise, age, residency, proficiency in English, character and competence and supervised practical training qualifications to become a credentialed prevention specialist are consistent with the qualifications to become a credentialed prevention professional as outlined in Section 853.7 of this Part, including compliance with the provisions of Part 805 of this Title regarding criminal history information reviews.

(b) Knowledge and skills required. Credentialed prevention specialists must demonstrate knowledge and skills as outlined in subdivision (a) of Section 853.7 of this Part.

(c) Educational level. An applicant must have earned at least a high school diploma or a general equivalency diploma.

(d) Work experience.

(1) An applicant must have completed a minimum of 2,000 hours of supervised experience in an approved work setting as a provider or supervisor of prevention services. At least 1,000 hours of the work experience must have been gained within the five years prior to the applicant's submission to the Office of the required work experience documentation and may not include any experience gained

during the course of or as part of, or required under, the applicant's participation as a patient in a formal alcoholism and/or substance abuse treatment/aftercare program and/or plan.

(e) Education and Training. An applicant must have successfully completed education and training consisting of a minimum of 120 clock hours which address the full range of knowledge, skills and professional techniques specified in subdivisions (a) and (c) of Section 853.7 of this Part. Specific hourly subject matter requirements within each of the following three areas, consistent with the minimum clock hour requirements specified in this paragraph, may be established by the Office.

(1) A minimum of 50 of the required 120 clock hours must be related to knowledge of alcohol and substance abuse at all age levels and among people of diverse backgrounds and cultures and include documentation of completion of a minimum of four clock hours of training related to tobacco use and nicotine dependence and a minimum of 15 clock hours of training specific to cultural competence.

(2) A minimum of 48 of the required 120 clock hours must be prevention specific and related to the performance domains standardized by the International Certification & Reciprocity Consortium (IC&RC). These requirements are posted on the OASAS Credentialing webpage and are included in the credentialing application.

(3) A minimum of 22 of the required 120 clock hours must be specific to ethics for prevention professionals and a minimum of two clock hours of Child Abuse and Maltreatment Mandated Reporter training approved by the Office.

(4) Education and training will be considered if it is obtained through an OASAS certified education and training provider, an accredited college or university; a governmental agency; or other entities as approved by the Office. Participation in conferences sponsored by professional organizations will be accepted to meet a maximum of 30 hours of the education and training requirements of this Part.

(f) Option to acquire Credentialed Prevention Professional (CPP) credential. Persons holding a valid CPS credential may acquire a CPP credential for a full three-year period for a \$50.00 application fee if the requirements specified in section 853.7 of this Part are completed within the person's first credential renewal period, or for an application fee of \$100.00 at any time thereafter.

§853.9 Qualifications to become a credentialed problem gambling counselor (CPGC).

(a) Knowledge and skills. A credentialed problem gambling counselor must demonstrate

(1) Knowledge of the variety of models and theories of addiction and compulsive gambling related issues;

(2) Knowledge of the social, political, economic and cultural context within which compulsive gambling exists;

(3) Knowledge of the behavioral, psychological, physical health and social effects of compulsive gambling on the patient and significant others;

(4) Skill in recognizing the potential for compulsive gambling to mimic a variety of medical and psychological disorders and the potential for medical and psychological disorders to coexist with compulsive gambling;

(5) Knowledge of the philosophies, practices, policies and outcomes of the most generally accepted models of treatment, recovery, relapse prevention and continuing care for compulsive gambling related issues;

(6) Knowledge of the importance of family, social networks and community systems in the treatment and recovery process;

(7) An understanding of the value of an interdisciplinary approach to compulsive gambling treatment;

(8) Skill in using the established diagnostic criteria for compulsive gambling and understanding of the variety of treatment options and placement criteria;

(9) The ability to utilize various counseling strategies and develop treatment plans based on the patient's stage of compulsive gambling or recovery;

(10) Knowledge of the medical and pharmaceutical resources in the treatment of compulsive gambling;

(11) The ability to incorporate the special needs of diverse racial and ethnic cultures and special populations into clinical practice, including their distinct patterns of communication;

(12) An understanding of the obligation of the credentialed problem gambling counselor to engage in prevention as well as treatment techniques;

(13) Knowledge of the obligations of a credentialed problem gambling counselor to adhere to generally accepted ethical and behavioral standards of conduct in the counseling relationship and the Code of Conduct for Custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012; and

(14) Proficiency in English, including the ability to speak, write, comprehend aurally and read at a minimum level necessary to perform as a credentialed problem gambling counselor.

(b) Professional expertise required. A credentialed problem gambling counselor must demonstrate knowledge of, and ability to engage in, a wide range of professional techniques and activities that assure a level of safe practice. These shall include:

(1) intake and assessment;

(2) treatment planning;

- (3) facilitate logistics of treatment;
- (4) individual, family and group counseling;
- (5) continuous patient evaluation;
- (6) referral;
- (7) crisis intervention;
- (8) case management;
- (9) patient follow-up contact;
- (10) work with families and significant others;
- (11) seek and use collateral support;
- (12) record keeping and reports;
- (13) outreach;
- (14) identification and coordination of community resources; and
- (15) financial assessments, planning and/or referral.

(c) Supervised Training.

(1) In addition to the education requirements detailed in subdivision (i) of this Section and the work experience requirements of subdivision (h) of this Section, the applicant must have had a minimum of 300 hours of supervised training in the professional expertise, knowledge and skills, specified in subdivision (b) of this section, while working with patients in an approved work setting. A minimum of 30 hours in each of the following areas of professional expertise must be performed:

- (i) Individual, Family and Group Counseling;
- (ii) Crisis Intervention; and
- (iii) Financial Assessments, Planning and/or Referral.

(2) The balance of the 300 hours of supervised training may be distributed among the remaining 12 professional expertise areas. Each of the 12 areas of professional expertise must be performed for a minimum of 10 hours under the direct supervision of a qualified problem gambling professional. Supervised training completed through a formal internship or formal field placement may be claimed as work experience based on the number of hours worked or as education and training clock hours, based on the academic credit associated with completion, not the number of hours served in the field.

(d) Age. An applicant must be at least 18 years of age.

(e) Educational level. An applicant must have earned at least a Bachelors Degree.

(f) Residency. An applicant must reside or work in New York State at least 51 percent of the time to be issued a credential.

(g) Character and competence.

(1) An applicant for a problem gambling counselor credential must demonstrate that he or she is of such character and competence as to give reasonable assurance of his or her ability to function as a credentialed problem gambling counselor in accordance with accepted standards of professional conduct including the Professional Code and Ethical Standards for the profession in Section 853.28(b) and the Code of Conduct for Custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012.

(2) Nothing in this Section shall exclude, by itself, any person who is a recovering person or former alcohol and/or substance abuser, or other person who has received chemical dependence services, or who may have had a conflict with the legal system, provided that such person can furnish evidence of his or her rehabilitation for a period satisfactory to the Office.

(3) The applicant must comply with the provisions of Part 805 of this Title in relation to provision of fingerprints and required criminal history information review by the Office.

(h) Work experience.

(1) An applicant must have completed a minimum of 4,000 hours (approximately two years) of supervised, full-time equivalent experience in an approved work setting.

(i) Such experience must include provision of direct patient services or provision of documented supervision of direct patient services. At least 1,000 hours of the work experience claimed must have been gained during the five years prior to the applicant's submission to the Office of the required work experience documentation. Such experience may not include any experience gained during the course of or as part of, or required under, the applicant's participation as a patient in a formal compulsive gambling or alcoholism and/or substance abuse treatment/aftercare program and/or plan that included compulsive gambling treatment services.

(ii) An applicant having a Masters Degree or higher in an approved human services field, as defined by the Office, from an accredited college or institution, may substitute this for a maximum of 2,000 hours of work experience.

(2) Work experience must satisfy all of the following minimum requirements to be approved by the Office:

(i) it must have included practice in diagnostic assessment, evaluation, intervention, referral and problem gambling counseling in both individual and group settings;

(ii) it must have included at a minimum, weekly documented clinical supervision by a qualified problem gambling professional;

(iii) it must have been integrated with the compulsive gambling services delivery system for consultation and referrals; and

(iv) it must have included practice in problem gambling counseling to establish and maintain recovery and prevent relapse.

(3) Work Experience must have been supervised by an individual who is:

(i) a credentialed problem gambling counselor and who has had one year of experience as a supervisor; or

(ii) a credentialed alcoholism and substance abuse counselor credential with a problem gambling specialty designation and who has worked for a minimum of three years as a provider of alcoholism and substance abuse treatment or mental health services that included problem gambling assessment and diagnosis; incorporating specific compulsive gambling goals into treatment plans; financial education and planning and relapse prevention; and discharge planning which addresses compulsive gambling issues; and has had one year of experience as a supervisor; or

(iii) a qualified Problem Gambling Professional as defined in Section 853.3(c), who has worked for a minimum of three years as a provider of alcoholism and substance abuse treatment or mental health services that included gambling assessment and diagnosis, incorporating specific compulsive gambling goals into treatment plans, financial education and planning and relapse prevention and discharge planning that addresses compulsive gambling issues; and who has completed 15 clock hours of problem gambling training that addressed screening, assessment, diagnosis and diagnostic tools, and specialized treatment indicators for compulsive gambling; and who has had one year of experience as a supervisor .

(i) Education and Training. An applicant must have successfully completed education and training consisting of a minimum of 240 clock hours that address the full range of knowledge, skills and professional techniques specified in this Section. Specific hourly subject matter requirements within each of the following four areas, consistent with the minimum clock hour requirements specified in this paragraph, may be established by the Office.

(1) A minimum of 60 of the required 240 clock hours must be a core curriculum focused on knowledge of gambling and compulsive gambling, as approved by the Office.

(2) A minimum of 150 of the required 240 clock hours must be related to compulsive gambling addiction including: counseling, clinical skills; patient, family and community education; and include documented completion of a minimum of four clock hours of training related to tobacco use and nicotine dependence and a minimum of 15 clock hours of training specific to cultural competence.

(3) A minimum of 30 of the required 240 clock hours must be related to professional and ethical responsibilities and must include documentation of completion of a minimum of two clock hours of Child Abuse and Maltreatment Mandated Reporter training approved by the Office and 15 clock hours of training specific to ethics for addictions professionals.

(4) Education and training will be considered if it is obtained through an OASAS certified education and training provider, an accredited college or university; a governmental agency; or other entities as approved by the Office. Participation in conferences sponsored by professional organizations will be accepted to meet a maximum of 30 hours of the education and training requirements of this Part.

§853.10 Credentialing applications.

(a) Forms. Applications to become a credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist and/or credentialed problem gambling counselor must be made on forms provided by the Office.

(b) Signed by applicant. Each application, which includes an affidavit that states the applicant agrees to abide by the applicable Canon of Ethical Principles or Professional Code and Ethical Standards for the profession, and the Code of Conduct for Custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012, must be signed by the applicant.

(c) Evaluations.

Each application must include three evaluations completed by persons with a minimum of six months of direct knowledge of the applicant's performance as a supervised alcoholism and substance abuse counselor, prevention practitioner, and/or problem gambling counselor. Such evaluations, which shall be based upon an applicant's work experience as defined in Sections 853.5(h), 853.7(h) and 853.8(d) and 853.9(h) of this Part and on forms provided by the Office, may not be completed by family members or subordinates of the applicant.

(1) Of the individuals completing evaluations on behalf of a credentialed alcoholism and substance abuse counselor applicant, one must be the applicant's current clinical supervisor. In the absence of a current clinical supervisor, the evaluator may be the applicant's most recent supervisor. One evaluator must be a current credentialed alcoholism and substance abuse counselor or hold a comparable credential, certificate or license from another recognized certifying body as determined by the Office. In addition to the credentialed alcoholism and substance abuse counselor evaluator, one evaluator must be a qualified health professional as defined in Section 853.3 of this Part.

(2) Of the individuals completing evaluations on behalf of a credentialed prevention professional or credentialed prevention specialist applicant, one must be the applicant's current qualified prevention supervisor. In the absence of a current qualified prevention supervisor, the evaluator may be the applicant's most recent supervisor. The remaining two evaluations must be completed by individuals

who are familiar with the applicant's work in providing alcohol and substance abuse prevention services.

(3) Of the individuals completing evaluations on behalf of a credentialed problem gambling counselor applicant, one must be the applicant's current clinical supervisor. In the absence of a current clinical supervisor, the evaluator may be the applicant's most recent clinical supervisor. One evaluator must be a current credentialed problem gambling counselor; hold a current credentialed alcoholism and substance abuse counselor certificate with a specialty designation in problem gambling treatment, or be a qualified problem gambling professional. The remaining evaluation must be completed by an individual who is familiar with the applicant's work in providing compulsive gambling treatment services.

(4) Evaluations submitted pursuant to this Section will be kept confidential.

(d) Work experience and education and training documentation. All requirements outlined in Sections 853.5, 853.6, 853.7, 853.8 and 853.9 of this Part must be documented as directed by the Office and shall be subject to verification and approval by the Office .

(e) Fees. Each application submitted must include the requisite fee for the specific credential as determined by the Office. All fees are non-refundable. A candidate who does not notify OASAS that they will not participate in a scheduled examination will forfeit the Examination fee. Late fees will be assessed at the rate of \$25 for each 6 month period, or any part thereof, beyond the expiration date up to a maximum of \$50. Reinstatement fee is for each one year period, or any part thereof, beyond the expiration date, up to a maximum of \$200 in addition to the Application Fee.

(i) CASAC: Initial Application \$100
Trainee Certificate Extension \$100
Examination
Computer-Based \$245
Renewal Application \$150
Late Renewal \$25
Reinstatement Fee \$100

(ii) CPP/CPS: Initial Application \$100
Examination
Computer-Based \$170
CPP Upgrade Fee \$50
CPS Upgrade Fee \$50 / \$100

Renewal Application \$150

Late Renewal \$25

Reinstatement Fee \$100

(iii) Problem gambling Credential:

Initial Application \$100

Renewal Application \$150

Late Renewal \$25

Reinstatement Fee \$100

§853.11 Credentialed alcoholism and substance abuse counselor application eligibility review.

Applications for a credential issued by the Office shall be reviewed to determine an applicant's level of eligibility.

(a) Applicants who meet the qualifications as outlined in Section 853.6 of this Part will be notified, in writing, of their eligibility for admission to the Credentialed Alcoholism and Substance Abuse Counselor examination and for certification as a credentialed alcoholism and substance abuse counselor trainee.

(b) Applicants who are not eligible for certification as a credentialed alcoholism and substance abuse trainee pursuant to Section 853.6(e) of this Part, but who meet the qualifications outlined in Section 853.14(a) of this Part, will be notified, in writing, of their eligibility for admission to the examination.

(c) Applicants who do not meet the qualifications as outlined in Section 853.5 or 853.6 of this Part will be notified, in writing, as to the information required for eligibility.

853.12 Credentialed prevention professional and credentialed prevention specialist application review.

(a) Applicants who meet the qualifications as outlined in Section 853.7 or 853.8 of this Part will be notified, in writing, of their eligibility for admission to the examination.

(b) Applicants who do not meet the qualifications as outlined in Section 853.7 or 853.8 of this Part will be notified, in writing, as to the information required for eligibility.

§853.13 Credentialed problem gambling counselor application review.

(a) Applicants who meet the qualifications as outlined in Section 853.9 of this Part will be notified, in writing, of their eligibility to be issued a credentialed problem gambling counselor certificate.

(b) Applicants who do not meet the qualifications as outlined in Section 853.9 of this Part will be notified, in writing, as to the information required for eligibility.

§853.14 Examinations.

(a) In order to successfully complete the credentialed alcoholism and substance abuse counselor credentialing process, an applicant must pass the Credentialed Alcoholism and Substance Abuse Counselor examination administered under the direction of the Office. The examination may be administered to an applicant who has completed the 350 hours of education and training as outlined in section 853.5(i) or has satisfied all of the eligibility requirements outlined in this Part.

(b) In order to successfully complete the credentialed prevention professional or credentialed prevention specialist process, an applicant shall be required to pass the Credentialed Prevention Specialist examination administered under the direction of the Office. The examination may be administered to an applicant who has completed the 100 hours of education and training as outlined in section 853.8(e). Applicants who are currently credentialed by the Office as credentialed prevention specialists and who wish to apply to become credentialed prevention professionals, are not required to sit for an additional examination. Such applicants must demonstrate eligibility by satisfying all other requirements outlined in Section 853.7 of this Part.

(c) No examination shall be required to successfully complete the credentialed problem gambling counselor credentialing process.

(d) Format of the examination. Examinations shall consist of multiple choice questions to test factual knowledge and its application relating to requisite competency areas, professional activities and ethical principles and shall meet all generally accepted psychometric and testing standards applicable to professional certification.

(e) Frequency and scheduling of examinations.

(1) Examinations shall be administered at least once per year, as determined by the Office.

(2) The schedule of dates for examinations will be established at least 120 days prior to the examinations.

(3) Applicants who are determined to be eligible for an examination and who submit the requisite fees, as determined by the Office and noted in Section 853.10(e), will be notified, in writing, of the date, time and location of their scheduled examination.

§853.15 Examination notification.

(a) Notification of determination on examination.

(1) Each credentialed alcoholism and substance abuse counselor applicant will be notified, in writing, of the results of the examination. Only those applicants who have received a passing score on the examination and have satisfied the requirements as outlined in Section 853.5 of this part will be issued a credential.

(2) Each credentialed prevention professional and credentialed prevention specialist applicant will be notified, in writing, of the results of the examination. Only those applicants who have received a passing score on the examination and have satisfied the requirements as outlined in Section 853.7 and/or 853.8 of this part will be issued a credential.

(3) Each credentialed alcoholism and substance abuse counselor, credentialed prevention professional and credentialed prevention specialist applicant who does not pass the required examination will be notified, in writing, of his or her eligibility to be reexamined.

§853.16 Issuance of credentials.

(a) Issuance of credential. Each credential issued to an alcoholism and substance abuse counselor, prevention practitioner or problem gambling counselor shall include, in the manner deemed appropriate by the Office, the effective date and expiration date of the credential.

(b) Expiration of credential. Each CASAC, CPGC, CPP, and CPS credential, and any renewal thereafter shall be valid for a period of three years, and shall expire on the last day of the three year period, unless revoked or annulled by the Office prior to the expiration date.

§853.17 Registration of credentials.

(a) Registry. The Office shall maintain a current registry of all credentialed alcoholism and substance abuse counselors, credentialed alcoholism and substance abuse counselor trainees, credentialed prevention professionals, credentialed prevention specialists and credentialed problem gambling counselors issued a credential or certificate under this Part. Counselor and prevention practitioner names, credential/certificate numbers and cities and states of residence from this registry may be made public by the Office.

(b) Change of address. Every credentialed alcoholism and substance abuse counselor, credentialed alcoholism and substance abuse counselor trainee, credentialed prevention professional, credentialed prevention specialist and credentialed problem gambling counselor must notify the Office within 10 business days whenever there is a change of address so that he or she will receive timely notice of credential renewal requirements, examination information, or any action taken by the Office. Failure to comply with this requirement may result in the expiration of the credential or trainee certificate or

imposition of penalties or other remedial actions as provided in this Part. The renewal or reinstatement of expired credentials shall be governed by Section 853.18 of this Part.

(c) Updated Criminal History Information Review. Every credentialed alcoholism and substance abuse counselor, credentialed alcoholism and substance abuse counselor trainee, credentialed prevention professional, credentialed prevention specialist and credentialed problem gambling counselor must provide updated fingerprints on a schedule as required by state or federal law or regulation.

§853.18 Credential renewal and reinstatement.

(a) Procedure for renewal or reinstatement of credentials. Credentials shall be renewed or reinstated in accordance with the following procedure:

(1) Application. Renewal applications or reinstatement applications shall be made on forms provided by the Office. Each application must be signed by the applicant. Each application submitted must include the requisite fee as determined by the Office and noted in Section 853.10(e). The applicant must comply with the provisions of Part 805 of this Title in relation to provision of fingerprints and required criminal history information review by the Office.

(2) Notification. At least 90 days prior to the expiration of a credential, the Office will notify the credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor of such expiration date. Such notice shall include instructions on the renewal application process.

(3) The completed application for credential renewal must be received by the Office at least 45 days prior to the expiration of a credential. All required supporting documentation and the requisite fee must be received prior to the expiration date of the credential.

(4) The application for renewal shall be reviewed by the Office within 30 days of receipt and a determination will be made as to whether the applicant has satisfied the requirements as outlined in subdivision (c) of this Section. All information submitted in the application shall be subject to verification and approval by the Office. Any reprimands or other penalties assessed during the course of the credential will be taken into consideration in evaluating the application.

(5) Applicants who have satisfied the requirements as outlined in subdivision (c) of this Section will be issued a renewed credential by the Office.

(6) Applicants who have not satisfied the requirements as outlined in subdivision (c) of this Section will be notified, in writing, as to the information required for renewal application or a reinstatement application.

(b) Applications that cannot be approved.

(1) In cases where the Office determines that the renewal or reinstatement application cannot be approved due to concerns about the applicant's competency and/or ethical practice, the Office shall notify the applicant of the Office's determination by certified mail, return receipt requested, and first class mail to the most recent address on file with the Office. Such notice shall be deemed received 3 days after mailing if sent to the address on file with the Office. Such notice shall contain a statement detailing the reasons for the determination and advising the applicant that he or she has 10 days from receipt thereof to make a written request to the Office for a hearing in accordance with Sections 853.23(d) and 853.26.

(2) If an applicant for reinstatement has an open complaint against his/her credential, the applicant must comply with any investigation and subsequent process to close the complaint before reinstatement will be considered by the Office.

(c) Credential renewal requirements.

(1) Credentialed alcoholism and substance abuse counselor applicants issued a credential pursuant to this Section must provide satisfactory and appropriate documentation of:

(i) completion of a minimum of 60 clock hours of education and training related to alcoholism and substance abuse counseling or other relevant education as determined by the Office. Such education and training must have been completed during the renewal applicant's current credentialed period. Such education and training must include documentation of completion of the following training by December 31, 2011, or upon your next renewal: (a) a minimum of two clock hours of Child Abuse and Maltreatment Mandated Reporter training approved by the Office, and (b) a minimum of four hours of training related to tobacco use and nicotine dependence.

(ii) an evaluation from his/her current or most recent supervisor and/or program director certifying continued competence as a credentialed alcoholism and substance abuse counselor and adherence to the principles of professional practice. At the discretion of the Office, an alternate individual who is a qualified health professional, as defined in Section 853.3 of this Part, may be identified to serve as the renewal applicant's evaluator.

(2) Credentialed prevention professional and credentialed prevention specialist applicants issued a credential pursuant to this Section must provide satisfactory and appropriate documentation of:

(i) completion of a minimum of 60 clock hours of education and training related to alcohol and substance abuse prevention services or other relevant education as determined by the Office. Such education and training must have been completed during the renewal applicant's current credentialed period. Such education and training must include documentation of completion of the following training by December 31, 2011, or upon your next renewal: (a) a minimum of two clock hours of Child Abuse

and Maltreatment Mandated Reporter training approved by the Office, and (b) a minimum of four hours of training related to tobacco use and nicotine dependence.

(ii) an evaluation from his or her current or most recent supervisor and/or program director certifying continued competence as a credentialed prevention professional or credentialed prevention specialist and adherence to the principles of professional practice. At the discretion of the Office, an alternate individual who is a qualified prevention supervisor may be identified to serve as the renewal applicant's evaluator.

(3) Credentialed problem gambling counselor applicants issued a credential pursuant to this Section must provide satisfactory and appropriate documentation of:

(i) completion of a minimum of 60 clock hours of education and training related to problem gambling counseling or other relevant education as determined by the Office. Such education and training must have been completed during the renewal applicant's current credentialed period. Such education and training must include documentation of completion of the following training by December 31, 2011, or upon your next renewal: (a) a minimum of two clock hours of Child Abuse and Maltreatment Mandated Reporter training approved by the Office, and (b) a minimum of four hours of training related to tobacco use and nicotine dependence.

(ii) an evaluation from his or her current or most recent supervisor and/or program director certifying continued competence as a credentialed problem gambling counselor and adherence to the principles of professional practice. At the discretion of the Office, an alternate individual who is a qualified problem gambling professional may be identified to serve as the renewal applicant's evaluator.

(d) Failure to apply for renewal. If a credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor fails to apply or to furnish sufficient documentation to make a determination for credential renewal prior to the expiration date of the credential, the credential will be invalid upon the date of expiration.

(e) Permission to reapply. If less than one year has elapsed since the expiration of the credential, the previously credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor may reapply for the credential in accordance with the renewal provisions of this section, and is subject to all other fees as determined by the Office and noted in Section 853.10(e).

(f) Application for reinstatement of an expired credential.

(1) Persons formerly credentialed as alcoholism and substance abuse counselors, prevention practitioners or problem gambling counselors may request to reinstate their expired credential if more than one year has elapsed since the expiration of the credential.

(2) All persons applying for reinstatement of an expired credential pursuant to this paragraph shall:

(i) complete a minimum of 60 clock hours of education and training as specified by the Office, completed during the three years prior to submission of the reinstatement application. Such education and training must include documentation of completion of the following training: (a) a minimum of two clock hours of Child Abuse and Maltreatment Mandated Reporter training approved by the Office, and (b) a minimum of four hours of training related to tobacco use and nicotine dependence.

(ii) submit two evaluations of competency and ethical conduct completed by qualified health professionals (for credentialed alcoholism and substance abuse counselors); or qualified prevention supervisors (for credentialed prevention professionals and credentialed prevention specialists); or qualified problem gambling professionals with specific experience in compulsive gambling treatment as defined by the Office (for credentialed problem gambling counselors); and

(iii) be subject to the Reinstatement Fee, as well as all other fees as determined by the Office and noted in 853.10(e); and

(iv) comply with the provisions of Part 805 of this Title.

(3) All requirements outlined in this subdivision must be documented as directed by the Office and shall be subject to verification and approval by the Office.

(4) All applications for reinstatement shall be reviewed by the Office pursuant to subdivision (b) of this section.

(g) Conditional renewal in cases of active military service.

(1) The Office, at its discretion, may issue a conditional renewed credential to a credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor whose credential has expired during active duty in the military and who has failed to meet the education and training requirements because of such active duty but who requests a conditional renewal within one year of discharge from active duty. In granting such conditional credential, the Office shall require evidence demonstrating that active duty orders prevented the credentialed alcoholism and substance abuse counselor, prevention practitioner or problem gambling counselor from pursuing reasonable and timely renewal and/or impeded the ability to complete necessary education and training requirements as set forth in this Section.

(2) A credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor applying for conditional renewal of his or her credential must agree to make up any deficiencies and take any additional education and training to satisfy the conditions set forth in this Section.

(3) The fee for such conditional renewal shall be the same as the fee for renewal.

(4) The duration of the conditional renewal shall be determined by the Office, but in no event shall be longer than one year.

(5) Applicants for conditional renewal shall comply with the provisions of Part 805 of this Title.

§853.19 Credentialed based on reciprocity.

(a) The Office, without requiring an examination, as applicable, shall issue a credential to any applicant who is determined to be eligible for reciprocity based on the following:

(1) the applicant holds a current, valid certificate, credential or license eligible for reciprocity from a certifying body recognized by the Office;

(2) the Office receives written verification from the certifying body documenting that the applicant is duly certified, credentialed or licensed, in good standing, and entitled to reciprocity in New York State; and

(3) the Office receives written documentation from the certifying body on the nature and favorable status of any disciplinary actions taken against the applicant's certificate, credential or license; and

(4) the applicant shall comply with the provisions of Part 805 of this Title.

(b) Qualified persons shall be issued the alcoholism and substance abuse counselor or prevention specialist credential upon:

(1) receipt of a reciprocity application by the Office and a determination of eligibility based on documentation from a certifying body recognized by the Office;

(2) approval by the Office of the reciprocity application; and

(3) receipt of a signed affidavit of ethical principles and completion of the criminal history information review pursuant to Part 805 of this Title:

(i) each applicant must sign an affidavit stating that the applicant agrees to abide by the applicable Canon of Ethical Principles or Professional Code and Ethical Standards for the profession governing the applicant's professional activities as a credentialed alcoholism and substance abuse counselor, or a credentialed prevention specialist, or a Credentialed Prevention Professional and the Code of Conduct for Custodians as established by the Justice Center for the Protection of People with

Special Needs. (Reciprocity applies only to the CASAC, CPS, and the CPP, not the CPGC or CASAC Trainee.) Willful failure to sign such affidavit may be grounds for denial of issuance of the credential.

(ii) The applicant must comply with the provisions of Part 805 of this Title in relation to provision of fingerprints and required criminal history information review by the Office.

(4) All persons issued a credential based on reciprocity must submit documentation of completion of the following training upon the first renewal of the credential:

(i) a minimum of two clock hours of Child Abuse and Maltreatment: Mandated Reporter training approved by the Office, and;

(ii) a minimum of four hours of training related to tobacco use and nicotine dependence. .

§853.20 Misconduct.

(a) Credentialed alcoholism and substance abuse counselors/trainees, credentialed prevention professionals, credentialed prevention specialists and credentialed problem gambling counselors must uphold ethical and professional standards, and abide by the Code of Conduct for Custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012.

(b) Any person who is in the process of applying for a credential, or who has a valid credential, or who is eligible for credential renewal and who engages in misconduct or other prohibited acts as described in this Part is considered to be in violation of the applicable Canon of Ethical Principles or Professional Code and Ethical Standards for the profession or the Code of Conduct for Custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012 and may be subject to the penalties prescribed in this Part.

(c) The following shall constitute misconduct:

(1) obtaining the credential fraudulently;

(2) practicing or providing services fraudulently, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion, or otherwise acting contrary to the interests of a patient or service recipient;

(3) practicing or providing services while under the influence of alcohol and/or other substances;

(4) violating any term or condition or limitation imposed on the certified/credentialed professional by the Office;

(5) refusing to provide services to a person, individual, organization or community because of race, creed, color, gender, age, disability, national origin, sexual orientation, or socioeconomic status;

(6) being convicted of or committing an act constituting a crime under New York State law, Federal law, or the law of another jurisdiction which, if committed within this State, would constitute a crime under New York State law, and not promptly reporting such conviction to the Office;

(7) promoting the inappropriate sale of services, goods, property or drugs in such manner as to exploit the patient or service recipient for the financial gain of the certified/credentialed professional or of a third party;

(8) directly or indirectly offering, giving, soliciting or receiving, or agreeing to receive, any fee, or other consideration to or from a third party for the referral of a patient or service recipient in connection with the performance of chemical dependence counseling services or alcohol and substance use, abuse and dependence prevention services; and/or compulsive gambling services; and

(9) entering into an exploitative, sexual or other intimate relationship with patients/former patients/service recipients or their significant others that is outside the boundaries of professional conduct; and

(10) engaging in any conduct which would constitute a “reportable incident” as such terms are defined in Part 836 of this Title.

(11) failure to notify the Office of any disciplinary action taken against you as the holder of any other license or certification issued by New York state or any other federal or state authority.

§853.21 Other prohibited acts.

(a) Unlawful use of the title credentialed alcoholism and substance abuse counselor, credentialed alcoholism and substance abuse counselor trainee, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor. No person shall use the title credentialed alcoholism and substance abuse counselor, (CASAC), credentialed alcoholism and substance abuse counselor trainee, (CASAC trainee), credentialed prevention professional, (CPP), credentialed prevention specialist, (CPS), or credentialed problem gambling counselor, (CPGC), unless authorized pursuant to this Part.

(b) Private practice prohibited. No person shall use the title credentialed alcoholism and substance abuse counselor, (CASAC), credentialed alcoholism and substance abuse counselor trainee, (CASAC trainee), credentialed prevention professional, (CPP), credentialed prevention specialist, (CPS), or credentialed problem gambling counselor, (CPGC), to engage in private practice unless otherwise authorized by law.

§853.22 Penalties.

(a) Commission of misconduct while impaired by use of alcohol and/or other substances and willingness to address such impairment shall be considered before assessment of penalties. Any person holding a credential identified in Section 853.20 (a) of this Part who engages in any acts prohibited by the applicable Canon of Ethical Principles or Professional Code and Ethical Standards for the profession, or the Code of Conduct for Custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012, or Sections 853.20 or 853.21 of this Part shall be subject to one or more of the following penalties or as otherwise authorized by law:

(1) Administrative reprimand. Written notice from the commissioner citing an initial instance of misconduct or misconduct of a minor or technical nature. Such notice may include instructions to obtain remedial education and training, supervision and/or payment of any fine pursuant to subdivision (c) of this section.

(2) Suspension, denial of renewal/ reinstatement, or revocation.

(i) Suspension.

(A) A credential or trainee certificate may be suspended for a stated period of time by the commissioner.

(B) Conditions for reinstatement may include, but not be limited to, completion of prescribed remedial education and training and/or supervised work experience, successful completion of a course of therapy or treatment developed and approved by a qualified professional with expertise in the identified area of impairment and/or payment of any fines as determined pursuant to subdivision (c) of this Section.

(C) A credentialed alcoholism and substance abuse counselor/trainee, credentialed prevention professional, credentialed prevention specialist, or credentialed problem gambling counselor whose credential or trainee certificate has been suspended pursuant to this Section shall not use the title.

(ii) Denial of renewal or denial of reinstatement.

(A) Renewal or reinstatement of a credential may be denied for a stated period of time by the commissioner.

(B) Conditions for renewal or reinstatement may include, but not be limited to, completion of prescribed remedial education and training and/or supervised work experience, successful completion of a course of therapy or treatment developed and approved by a qualified professional with expertise in the identified area of impairment, adjudication of an open complaint, and/or payment of any fines as determined pursuant to subdivision (c) of this Section.

(C) A credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist, or credentialed problem gambling counselor whose credential renewal or reinstatement has been denied pursuant to this Section shall not use the title.

(iii) Revocation.

(A) A credential or trainee certificate may be revoked by the Commissioner.

(B) A credentialed alcoholism and substance abuse counselor/trainee, credentialed prevention professional, credentialed prevention specialist, or credentialed problem gambling counselor whose credential or trainee certificate has been revoked pursuant to this Section shall not engage in alcoholism and substance abuse and/or problem gambling counseling or the provision of prevention services following the date of revocation.

(b) Nature of suspension, denial of renewal or reinstatement, and revocation. Determinations to suspend, deny renewal or reinstatement, or to revoke a credential, or suspend or revoke a trainee certificate, shall be consistent with the severity of the violations and in consideration of at least the following:

- (1) actual or potential patient harm;
- (2) severity of actual or potential harm;
- (3) presence or absence of a pattern of misconduct;
- (4) previous instance(s) of misconduct;
- (5) intent;
- (6) impairment and willingness to address such impairment;
- (7) level of continued risk to patients and profession as a whole;
- (8) actions taken by the counselor and/or other parties to mitigate actual or potential harm;
- (9) extenuating circumstances or contributing factors; and
- (10) ability to provide or continue to provide a level of alcoholism and/or substance abuse

counseling, prevention services or compulsive gambling in accordance with this Part.

(c) Fines. Fines may be imposed in an amount determined by the Office.

(d) Register of Substantiated Category One Cases of Abuse and Neglect. Persons whose conduct is found to constitute abuse and neglect may be listed in the Register and may be prohibited from future employment in any New York state agency subject to the jurisdiction of the Justice Center.

§853.23 Complaints.

(a) Nature of complaints reviewed. A complaint may be made by any person to the Justice Center or the Office or by the Office concerning misconduct as defined in Section 853.20(c) of this Part, other prohibited acts as outlined in section 853.21 of this Part or any alleged violation of the applicable Canon of Ethical Principles or Professional Code and Ethical Standards for the profession, or the Code of Conduct for custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012.

(b) Investigation. Complaints must be submitted on forms provided by the Office. Upon receipt of a signed complaint submitted in accordance with this Part, the Office shall investigate the matter.

(1) The Office may use administrative discretion in:

(i) applying an administrative reprimand for complaints that are determined by the Office to be minor or technical in nature;

(ii) dismissing any complaint that does not demonstrate misconduct, other prohibited acts, or violation of the applicable Canon of Ethical Principles or Professional Code and Ethical Standards for the profession, or the Code of Conduct for custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012, or fails to supply verifiable facts;

(iii) settling complaints upon grounds satisfactory to the Commissioner;

(iv) determining appropriate penalties including fines, suspensions and revocations for routine matters following completion of an investigation and the rebuttal statement, if any, submitted by the counselor/trainee or prevention practitioner;

(v) referring complaints to the credentials board for comment.

(2) Subsequent to the completion of an investigation, the counselor/trainee or prevention practitioner will be notified, in writing, by the Office by certified mail, return receipt requested and first class mail to the most recent address on file with the Office that a complaint has been filed. Such notice shall be deemed received three days after mailing if sent to the address on file with the Office. The counselor/trainee or prevention practitioner will be advised of the complaint and that he or she has 15 days from receipt thereof to submit a rebuttal statement detailing objection(s), including any documentation or additional materials he/she wishes to be considered in support of the objection(s).

(3) The results of the investigation, including any rebuttal statement submitted by the counselor/trainee or prevention practitioner, may be referred to the credentials board.

(4) The results of any Office investigation may be provided to the Justice Center upon request; results of any Justice Center investigation regarding the subject of the complaint may be provided to the Office pursuant to Justice Center regulations.

(5) A notice of determination from the Office will be sent to the counselor/trainee or prevention practitioner by certified mail, return receipt requested and first class mail to the most recent address on file with the Office. Such notice shall be deemed received 3 days after mailing if sent to the address on file with the Office.

(c) Right to hearing. Whenever a final determination has been made to impose a fine, suspend, deny renewal or reinstatement, or to revoke a credential, or suspend or revoke a trainee certificate, the counselor/trainee may request a hearing in accordance with Section 853.26.

(d) Role of Office staff. The Office shall notify the counselor/trainee or prevention practitioner of the final determination, and basis therefore, by certified mail, return receipt requested and first class mail to the most recent address on file with the Office. Such notice shall be deemed received 3 days after mailing if sent to the address on file with the Office. In cases where it is determined that a fine should be imposed, the credential should be suspended, denied renewal or reinstatement, or revoked, or the trainee certificate should be suspended or revoked, the counselor/trainee will be advised that he or she has 10 days from receipt thereof to make a written request to the Office for a hearing in accordance with Section 853.26.

(e) Role of commissioner. The commissioner or commissioner's designee(s) shall review all credentials board recommendations and/or hearing officer recommendations and make a final determination.

(f) Notice of decision. Notice of final determination shall be sent by the commissioner to the counselor/trainee within 30 days of issuance by certified mail, return receipt requested and first class mail to the most recent address on file with the Office. Such notice shall be deemed received 3 days after mailing if sent to the address on file with the Office.

§853.24 Other remedial actions.

The commissioner may take the following remedial actions when deemed appropriate:

(a) Dismissal with Guidance. Written notice of dismissal of a complaint not deemed misconduct, but sufficiently suspect to warrant a notice of caution and/or counseling.

(b) Annulment. Action of the commissioner, or commissioner's designee(s) that annuls a credential or trainee certificate determined to have been issued or renewed on the basis of mistake of fact or clerical error. Written notice of annulment shall be sent to the counselor/trainee or prevention practitioner by certified mail, return receipt requested. Such notice shall include a statement detailing the basis of the annulment.

§853.25 Summary action.

- (a) Basis for action. Whenever the commissioner has reasonable grounds to believe that a counselor/trainee or prevention practitioner is providing services in a manner that imminently threatens the health, welfare or safety of the public or of any person receiving services, the commissioner may immediately suspend a credential or trainee certificate for a maximum period of 120 days, effective upon receipt of notice of suspension by the counselor/trainee or prevention practitioner.
- (b) Notice of suspension and right to a hearing. A written notice of suspension shall be sent to the counselor/trainee or prevention practitioner by certified mail, return receipt requested. Such notification shall include a statement detailing the basis for the action and advising the counselor/trainee or prevention practitioner of his/her right to a hearing in accordance with Section 853.26.
- (c) Prohibition on alcoholism and substance abuse counseling and/or prevention services during period of suspension. In recognition of the imminent threat to the health, welfare or safety of the public or of other persons receiving services, a counselor/trainee or prevention practitioner whose credential or trainee certificate has been suspended pursuant to this Section shall not use the title credentialed alcoholism and substance abuse counselor, (CASAC), credentialed alcoholism and substance abuse counselor trainee, (CASAC trainee), credentialed prevention professional, (CPP), credentialed prevention specialist, (CPS), or credentialed problem gambling counselor, (CPGC).

§853.26 Hearings.

Conduct of hearings requested pursuant to this Section shall be in accordance with the provisions of 14 NYCRR Part 831.

§853.27 Reinstatement of credentials/trainee certificates.

- (a) Reinstatement of credentials following suspension. A written request for reinstatement of credentials or trainee certificates is not necessary as such reinstatement is specified in the terms of the suspension to automatically occur on an express date or occurrence.
- (b) Permission to apply following revocation.
 - (1) A counselor or prevention practitioner who has had his or her credential certificate revoked may submit a written request for permission to apply to become a credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor. If such permission is granted, the counselor shall be allowed to apply for the credential in accordance with Sections 853.5, 853.7 or 853.8 or 853.9 of this Part.

(2) Such request may not be submitted until five years or more after the effective date of the revocation.

(3) Such request must include a statement detailing the reasons why permission to apply should be granted.

(4) The commissioner or the commissioner's designee(s) shall review the request and the submitted basis therefore, and shall grant or deny permission to apply to become a credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor based on the following:

(i) the presence or absence of demonstrated evidence that clearly shows the misconduct that formed the basis of the revocation has been actively addressed;

(ii) the seriousness and nature of the misconduct that formed the basis of the revocation, particularly as related to patient/service recipient safety and welfare;

(iii) if appropriate and requested by the commissioner, an evaluation submitted by a qualified health professional or when appropriate, a qualified problem gambling professional with expertise in the identified area of impairment; and

(iv) the likelihood that patient safety and quality of care would not be jeopardized in any way by issuing a credential or trainee certificate to the counselor or prevention practitioner.

(7) The counselor or prevention practitioner will be notified of such decision by certified mail, return receipt requested and first class mail to the most recent address on file with the Office. Such notice of decision shall be deemed received 3 days after mailing if sent to the address on file with the Office. If permission to apply to become a credentialed alcoholism and substance abuse counselor, credentialed prevention professional, credentialed prevention specialist or credentialed problem gambling counselor has been granted, the notice of decision will include information detailing the procedures that must be followed by the applicant in order to apply for the credential, as well as any additional education or training that may be required by the commissioner.

§853.28 Affidavit of ethical principles.

(a) The Credentialed Alcoholism and Substance Abuse Counselor Canon of Ethical Principles.

(1) Must practice objectivity and integrity; maintain the highest standards in the services offered; respect the values, attitudes and opinions of others; and provide services only in an appropriate professional relationship.

(2) Must not discriminate in work-related activities based on race, religion, age, gender, disabilities, ethnicity, national origins, sexual orientation, economic condition or any other basis proscribed by law.

(3) Must respect the integrity and protect the welfare of the person or group with whom the counselor is working.

(4) Must embrace, as a primary obligation, the duty of protecting the privacy of patients and must not disclose confidential information or records under his/her control in strict accordance with federal, state and local laws.

(5) Must not engage in relationships with patients, former patients or their significant others in which there is a risk of exploitation or potential harm to the patient.

(6) Must not engage in any intimate relationship or sexual activity with current or former patients or their significant others that is outside the boundaries of professional conduct.

(7) Must not knowingly engage in behavior that is harassing or demeaning, including, but not limited to, sexual harassment.

(8) Must not exploit patients or others over whom they have a position of authority.

(9) Must treat colleagues and other professionals with respect, courtesy and fairness and cooperate in order to serve the best interests of their patients.

(10) Must notify appropriate authorities, including employers and OASAS, when they have direct knowledge of a colleague's impairment or misconduct which interferes with treatment effectiveness and potentially places patients and others at risk.

(11) Is expected to recognize the effects of their own impairment on professional performance and must not provide services that create conflict of interest or impair work performance and clinical judgment.

(12) Must cooperate with investigations, proceedings, and requirements of OASAS or other authorities that have jurisdiction over those charged with a violation.

(13) Must not participate in the filing of ethics complaints that are frivolous or have a purpose other than to protect the public.

(14) Must assure that financial practices are in accord with professional standards that safeguard the best interests of the patient, the counselor and the profession.

(15) Must take reasonable steps to ensure that documentation in records is accurate, sufficient and timely thereby ensuring appropriateness and continuity of services provided to patients.

(16) Must uphold the legal and accepted moral codes which pertain to professional conduct.

(17) Must recognize the need for ongoing education to maintain current competence, and to improve expertise and skills.

(18) Must acknowledge the limits of present knowledge in public statements concerning alcoholism and substance abuse. The Credentialed Alcoholism and Substance Abuse Counselor must report fairly and accurately the appropriate information, and must acknowledge and document materials and techniques used.

(19) Must assign credit to all who have contributed to the published material and for the work upon which publication is based.

(20) Must strive to inform the public, of the effects of alcoholism and substance abuse. The Credentialed Alcoholism and Substance Abuse Counselor must adopt a personal and professional stance which promotes the well-being of the recovery community.

(b) Credentialed Problem gambling Counselor Professional Code and Ethical Standards (Adapted from the National Council on Problem gambling Professional Code and Ethical Standards, A.2)

The CPGC must:

(1) Recognize that the profession is founded on national standards of competence that promote the best interest of society, of the patient, of the counselor and of the profession as a whole.

(2) Espouse objectivity and integrity; maintain the highest standards in the services offered; respect the values, attitudes and opinions of others; and provide services only in an appropriate professional relationship.

(3) Not discriminate in work-related activities based on race, religion, age, gender, disabilities, ethnicity, national origins, sexual orientation, economic condition or any other basis proscribed by law.

(4) Recognize the need for ongoing education to maintain current competence and to improve expertise and skills.

(5) Uphold the legal and accepted moral codes pertaining to professional conduct.

(6) Respect the integrity and protect the welfare of the person or group with whom the counselor is working.

(7) Embrace, as a primary obligation, the duty of protecting the privacy of patients and must not disclose confidential information acquired in teaching, practice, research or investigation and maintain the confidentiality of records they control.

(8) Inform the prospective patient of the important aspects of the nature of services to be provided and the client/counselor relationship.

(9) Not engage in any intimate relationship or sexual activity with patients or former patients or their significant others that is outside the boundaries of professional conduct.

(10) Treat colleagues and other professionals with respect, courtesy and fairness and cooperate in order to serve the best interests of their patients.

(11) Not knowingly engage in behavior that is harassing or demeaning, including, but not limited to, sexual harassment.

(12) Not exploit patients or others over whom they have a position of authority.

(13) Acknowledge the limits of present knowledge in public statements concerning compulsive gambling, as well as report fairly and accurately the appropriate information and acknowledge and document materials and techniques used.

(14) Not participate in the filing of ethics complaints that are frivolous or have a purpose other than to protect the public.

(15) Is expected to recognize the effects of their own impairment on professional performance and must not provide services that create conflict of interest or impair work performance and clinical judgment.

(16) Assure that financial practices are in accord with professional standards that safeguard the best interests of the patient, the counselor and the profession.

(17) Strive to inform the public, through civic and professional participation in community affairs, of the effects of compulsive gambling and adopt a personal and professional stance which promotes the well-being of all human beings.

(18) Assign credit to all who have contributed to the published material and for the work upon which publication is based.

(19) Support all efforts toward a primary goal of recovery for patients and families.

(c) New York State Office of Alcoholism and Substance Abuse Services Credentialed Prevention Professional (CPP)/Credentialed Prevention Specialists (CPS) Canon of Ethical Principles

The CPP and CPS must:

(1) Recognize that the profession is founded on national standards of competence that promote the best interest of society, the service recipient, the professional and the profession as a whole.

(2) Do no harm to service recipients. Practices must be respectful and non-exploitative. Services must protect the recipients from harm and the professional and the profession from censure.

(3) Maintain an objective, non-possessive relationship with those they serve and must not exploit them sexually, financially or emotionally.

(4) Not promote personal gain or profit.

(5) Not discriminate against service recipients or colleagues based on race, religion, national origin, sex, age, sexual orientation, economic condition or physical or mental disability. The CPP and

CPS must broaden his/her understanding and acceptance of cultural and individual differences and, in so doing, render services and provide information sensitive to those differences.

(6) Observe the profession's technical and ethical standards; strive continually to improve personal competence and quality of service delivery and discharge professional responsibility to the best of his/her ability.

(7) Be diligent in discharging responsibilities by rendering services carefully and promptly by being thorough and by observing applicable technical and ethical standards.

(8) Adequately plan and supervise any professional activity for which he/she is responsible.

(9) Recognize limitations and boundaries of competencies and not use techniques or offer services outside of his/her own competencies. The CPP and CPS is responsible for assessing the adequacy of his/her own competence for the responsibility to be assumed.

(10) Report to the appropriate authorities any unethical conduct or practice on the part of any agency or individual providing prevention services when aware of such conduct or practice. The CPP and CPS must not participate in the filing of ethics complaints that are frivolous or have a purpose other than to protect the public.

(11) Perform all professional responsibilities with the highest sense of integrity in order to maintain and broaden public confidence. Integrity can accommodate the inadvertent error and the honest difference of opinion. It cannot accommodate the deceit or subordination of principle.

(12) Not subordinate services and the public trust for personal gain and advantage. Services, including referrals, must be based in the best interest of the recipient(s). All information must be presented fairly and accurately. The CPP and CPS must document and assign credit to all contributing sources used in published material or public statements.

(13) Not misrepresent, either directly or by implication, professional qualifications or affiliations.

(14) Not be associated, directly or indirectly, with any services or products in any way that are misleading or incorrect.

(15) Report any suspected child abuse to the appropriate agency and follow up to ensure that appropriate action has been taken.

(16) Be supportive of assistance and treatment where there is evidence of impairment in a colleague or service recipient.

(17) Recognize the effect of impairment on professional performance and be willing to seek appropriate treatment for him/herself.

(18) Protect service recipient rights and ensure confidentiality by adhering to all applicable state and federal laws and regulations. The CPP and CPS must not participate in, or condone, any illegal

activity, including the use of illegal chemicals or the possession, sale or distribution of illegal chemicals. The CPP and CPS must not participate in, condone, or be an accessory to, dishonesty, fraud, deceit or misrepresentation.

(19) Take the initiative to support, promote and improve the delivery of high-quality services throughout the continuum of care of prevention, treatment and recovery.

(20) Advocate for changes in public policy and legislation to afford opportunities and choices for all persons whose lives are impaired or impacted by the disease of alcoholism, tobacco use and other drug abuse and addictions and to promote the health and well-being of all human beings.

(21) Actively participate in the public awareness of the effects of alcohol, tobacco and other drug effects, including alcoholism and other addictions and act to assure that all persons, especially the disadvantaged, have access to necessary resources and services.

(d) Persons holding any of the credentials issued by the Office must comply with the Code of Conduct for custodians as established by the Justice Center for the Protection of People with Special Needs pursuant to Chapter 501 of the Laws of 2012.

§853.29 Severability.

If any provision of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provision or applications of this Part which can be given effect without the invalid provision or applications, and to this end the provisions of the Part are declared to be severable.