

**STATE ADVISORY COMMITTEE ON
PROBLEM GAMBLING &
ADDICTION SERVICES**

February 8, 2005, 9:00 a.m. to 12:00 p.m.
Country Inn & Suites
Executive Conference Room
5353 North 27th St., Lincoln, NE

Commission Members Present: John Atherton, Janet French, Sherrie Geier, Theo Hudson, Steven Jung, Tom Nutt, Kate Speck, Brenda Wagner

Commission Members Absent: Wayne Choat, Lisa Jones, Lynda Lakin, Dick Stalker

HHS Staff Present: Tim Christensen, Linda Jensen, Gordon Tush

Guests: Jerry Bauerkemper-Executive Director, Nebraska Council on Problem Gambling
Deb Hammond-Choices

CALL TO ORDER

Sherrie Geier called the regular meeting to order at 9:00 a.m. and welcomed all members and guests.

Linda Jensen called the roll of members and determined that a quorum was present.

I. INTRODUCTIONS/WELCOME

All members and guests present introduced themselves

Sherrie Geier deferred approval of the November 9, 2004 State Advisory Committee on Problem Gambling and Addiction Services meeting minutes to the next meeting on May 10, 2005. Copies for the November 9, 2004 and today's meeting minutes will be made available to all members so they may be reviewed for approval.

PUBLIC COMMENT

There were no public comments at this time.

II. UPDATE ON BYLAWS

Tim Christensen explained issues with the Committee's bylaws.

- The Division of Behavioral Health (DBH) administrator stated he wants the three committees to approve similar bylaws because the committees are similar and the same statutes cover them.
- Three issues concerning the Committee's bylaws raised in the November 9, 2004 meeting were:
 1. Inclusion of specific language about "conflicts of interest."
 2. Identification of executive committee duties.
 3. Inclusion of procedures for making funding decisions.
- Tim Christensen reported the following decisions by DBH administration and HHS attorneys:
 - There will be no change to the "conflict of interest" section of the bylaws. It is the opinion of DBH administration that the current article is sufficient as written.
 - Executive committee duties and powers do not have to be stated in the bylaws.
 - Funding decisions are to be made by a simple majority vote.
- For the record, Sherrie Geier said these decisions are contrary to the bylaws and policies of most other state commissions.

Tim Christensen distributed two information pages about public service announcements (PSAs) (Compulsive Gamblers PSAs 2005 attached) and general information about the Nebraska Gamblers Assistance Program (GAP) (attached).

- Tim obtained the PSA 2005 chart from the Nebraska Lottery. The chart shows the state-wide television airing for the current fiscal year. The Nebraska Lottery has arranged for the placement of

the spots as part of its annual media efforts. The messages will highlight the Helpline phone number.

A general information page about the Nebraska Gamblers Assistance Program was developed as a briefing document for the Health & Human Services Policy Cabinet.

Question-Kate Speck

Were PSAs developed for radio?

Answer-Tim Christensen

Tim will check on radio announcements. Scripts are available to send to radio stations.

III. PROGRAM REPORT

Gordon Tush explained the Program Reports (attached).

- He explained that provider pool funding decreased as agency funding increased. In FY05 three of the newly funded agencies were formerly private providers.
- Gordon said more money was budgeted for FY05. The excess funds from FY04 were also spent.
- The Division of Behavioral Health has a single contract with Magellan that includes the Problem Gamblers Assistance Program, so a separate Magellan contract is no longer paid from the GAP's budget.
- Sherrie Geier asked Gordon to explain the terminology change from FY03 and FY04, to FY05 for the Helpline and training. These services now appear as H/T/PA on the reports.
 - Gordon said that in FY03 and FY04 there were two separate contracts; one for the Helpline contract and one for the training contract. In FY05 Helpline and training were combined into one contract.
- Tim said two things are really impacting the FY05 budget:
 1. All the awareness generated last year, especially in the Legislature, has increased the demand for services.
 2. As reflected private providers and agencies are drawing down their funding differently in the first and second halves of the fiscal year. Some providers draw down their available funds equally every month throughout the year, while others exceed a monthly amount and draw down as the services are needed. They then need to budget carefully for the remaining months of the year to stay within their available funds.

Tim said there are advantages and disadvantages for both methods of managing funds. Tim said both scenarios show that needs consistently exceed funding.

- Sherrie Geier asked Gordon to explain the FY03 funding for Magellan and the absence of funds in FY04. Gordon explained that Magellan had an YF03 contract with the GAP, but the Division of Behavioral Health now has one single Magellan contract that covers the GAP, too. The GAP no longer needs to budget funds for a separate Magellan contract.
- Gordon anticipates shifting funds from the private provider pool to the agency pool before the end of the fiscal year, because there will probably be a surplus of funds available in the private provider pool.

Discussion

- Tim said the Scottsbluff area continues to be a struggle for the Gamblers Assistance Program. Limited resources and lack of workforce development continue to be barriers to adequate service delivery in western Nebraska.

Question-Kate Speck

Are you seeing an increase in the use of mental health and substance abuse assessments with integrated problem gambling questions?

Answer-Tim Christensen

The vast majority of mental health and substance abuse providers are not addressing problem gambling. Lack of training and resources results in a general failure to use what little information is collected to refer problem gamblers to treatment. Tim said it is very important for the program to work to maintain access to services statewide, even though it is very difficult to do so.

BREAK

- Sherrie Geier reconvened the meeting. The agenda was modified by reversing the discussion order for the 2004 Annual Report Review and the Legislative Review.

IV. LEGISLATION REVIEW

Tim provided reference handouts about legislative bills of interest to the Committee (attached).

- Information on the legislative bills may be accessed on the legislative website at www.unicam.state.ne.us.
- Tim reminded members to pay particular attention to amendments, as they can significantly alter the intent and outcome of a legislative bill.

LB177 - This bill does not directly affect the Problem Gamblers Assistance Program. It changes the provisions related to the supervision of licensed alcohol and drug counselors. The problem gambling certification process was modeled after the old substance abuse certification process. The substance abuse certification was moved under the jurisdiction of the HHS Department of Regulation and Licensure. Right now the problem gambling counselors are the only health professionals, who are not licensed. They also don't fall under the jurisdiction of the Department of Regulation and Licensure.

- The advantage of keeping certification in the Division of Behavioral Health Services is that the Division can maintain control of the process.
- The disadvantage of keeping the certification process in the Division is that certification is sometimes considered to be less "professional" and can be viewed in a negative manner.

LB376 - This bill requires behavioral health providers to report revenues and expenditures to the Legislature. The Legislature would gather all information on substance abuse, mental health and problem gambling, and allocate funds every year based on that information.

LB551 - This bill directly impacts the Gamblers Assistance Program. It addresses the membership of the advisory committees (State Advisory Committee on Substance Abuse, State Advisory Committee on Mental Health and State Advisory Committee on Problem Gambling and Addiction Services), as well as the Behavioral Health Council. It requires that three members of each committee be consumers, and that two of the ten members appointed to the Behavioral Health Council be consumers, as well.

Discussion:

- If this bill is enacted it would make changes in the membership of this committee. One member would have to be removed and replaced by a consumer.
- This committee currently has no consumer member appointed to the Behavioral Health Council.
- Tim encouraged members to contact their senators with concerns about this bill.
- Kate Speck said she has an issue with the need for an appointee to risk his/her anonymity.
- Tim said he feels it is important that consumers are members of this committee for accountability purposes, but he does not agree with publicly identifying specifically who the consumers are to prove the intent of this legislation.
- Steve Jung said input from consumers can be carried to the Behavioral Health Council, without the need for the consumers to serve on the Council.
- Janet French said visitors who attend the State Advisory Committee on Problem Gambling and Addiction Services meetings have a voice through this committee. The Committee could easily include consumer views without infringing on their right to maintain anonymity.
- Tom Nutt mentioned that this legislation is too restrictive.

- Sherrie Geier said that the precedent has already been set with the Behavioral Health Reform Bill. For instance, it has been mandated that a certain number of consumers must serve on the Oversight Commission.
- The general consensus of the members of this Committee is that it is important to hear from and consider the concerns and opinions of consumers. However mandated inclusion of consumers as members of the Committee and the Council is not advisable.

The MOTION was made by John Atherton that the State Advisory Committee on Problem Gambling and Addiction Services believes that considering consumer input in decision making is very important and the Committee has a policy of doing so. But the Committee believes mandatory appointments, especially a specified number of mandatory appointees, is not in the best interest of either the consumers or committee.

The MOTION was amended by John Atherton to include carrying this recommendation to the Behavioral Health Council. A ROLL CALL VOTE was taken. The MOTION carried.

- John Atherton will report this Committee's recommendations to the Behavioral Health Council this afternoon.
- Sherrie Geier asked for volunteers for an adhoc committee to draft a letter to senators on the Health and Human Services Committee to communicate the Committee's position on LB 551.
 - Janet French, Kate Speck and Theo Hudson volunteered to be on the adhoc committee.
 - Gordon Tush will schedule a conference call to work out the language of the letter.

LB332- This bill would allocate up to \$2.5 million per year to the Gamblers Assistance Program. The funds would come from the unclaimed prize money, which is managed by the Nebraska State Lottery. This bill would allocate an additional \$1.75 million from the Lottery yearly.

Discussion

- If LB 332 passes, a formal Office of Problem Gambling, within the Division of Behavioral Health Services, would be established.
- Tim explained LB 332 and distributed the supporting handouts, including a one-page information sheet requested by the senators.
- The handouts included a draft letter from Sherrie Geier to Nancy Montanez, Director of Health & Human Services, requesting HHSS support of LB332.
- Another letter from Senator McDonald to Director Montanez was included. The letter requested that Tim Christensen and Gordon Tush attend the public hearing on LB 332 on February 11, 2005.
- The Health & Human Services Policy Cabinet instructed Tim and Gordon not to attend the public hearing. They delegated Behavioral Health Administrator Richard DeLiberty to testify in opposition to LB 332. The Division of Behavioral Health opposes the creation of the Office of Problem Gambling.
- Sherrie Geier encouraged the Committee members to contact the Legislature's Health and Human Services Committee members to express support for LB 332. Calling, and sending letters and emails to them is the most critical thing to do at this point. If the bill gets out of committee, contacting your own senator is important.
- There is a list of Health and Human Services Committee members in the handouts.

A MOTION was made by Tom Nutt that the State Advisory Committee on Problem Gambling and Addiction Services recommend to the Behavioral Health Council that the Council support LB 332. A ROLL CALL VOTE was taken. The MOTION carried. John Atherton will also report the Committee's recommendation to the Council.

V. 2004 ANNUAL REPORT REVIEW

Committee members received copies of the annual report. No concerns about the report were noted by committee members.

VI. NATIONAL PROBLEM GAMBLING AWARENESS WEEK

Jerry Bauerkemper, executive director of the Nebraska Council on Compulsive Gambling, presented information on National Problem Gamblers Awareness Week activities for the week of March 7-11, 2005, and the 3rd Annual Nebraska Spring Conference on Problem Gambling on March 7 & 8.

- Next week the governor will sign a Problem Gambling Awareness Week proclamation. Numerous mayors will also sign proclamations.
- There will be a lot of media attention, mass mailings and press releases during the awareness week.
- The Nebraska Spring Conference on Problem Gambling will focus on the public health approach for problem gambling services.
- Jerry Bauerkemper and Deb Hammond (Choices) encouraged Committee members to testify at the February 11, 2005 public hearing on LB 332.
 - Tom Nutt and Theo Hudson will attend the public hearing.
 - Jerry Bauerkemper asked members to fax him a copy of any letters they write, so he can include it in an information packet for senators.

VII. RECOMMENDATION REVIEW FOR BEHAVIORAL HEALTH COUNCIL AND HHS DIRECTOR

- With regard to LB 551: State Advisory Committee on Problem Gambling and Addiction Services believes that considering consumer input in decision making is very important, and the Committee has a policy of doing so. But the committee does not believe mandatory appointments, especially a specified number of mandatory appointees, is in the interest of either the consumers or the Committee.
- With regard to LB 332: State Advisory Committee on Problem Gambling and Addiction Services encourages the Behavioral Health Council to formally support passage of this bill.

VIII. OTHER

John Atherton reported that he attended a National Center for Responsible Gaming meeting in Las Vegas in December. He said researchers indicated that problem gambling may not be a behavioral problem, and that it may be a chemical problem in the brain.

IX. ADJOURN

Sherrie Geier asked if there was additional business for the Committee. Being none, the meeting was ADJORNED by general consent at 12:00 p.m.

Approved by _____

Tim Christensen
Gamblers Assistance Program Manager
Division of Behavioral Health Services

Date _____