

**STATE COMMITTEE ON
PROBLEM GAMBLING**

August 22, 2008- 9:00 a.m. to 12:45 p.m.
Country Inn & Suites
5353 North 27th St., Lincoln, NE

Committee members present: John Bekins, Carol Berglund, Dennis Buckley, Carmen Engelhardt, Teresa Fitzgerald, Janet French, Sherrie Geier, John Hill, Steve Jung, Dennis McNeilly, Steve Sloup, and Kenneth Timmerman

Committee Member Absent: none

DHHS Staff Present: Scot Adams, Eric Hunsberger, Nancy Heller, Maya Chilese, Sam Kaplan, Abigail Anderson, Daniela Myers

Guests: Steve Kroll, Jolene John, Toni Arntzen, Deb Hammond, Wanda Swanson, Cari Brunner

I. Introductions/Welcome:

Scot Adams welcomed the new Committee members and stated how he looks forward to working with this Committee as an important part of the Division of Behavioral Health. The Division also works with the State Advisory Committee on Mental Health Services and the State Advisory Committee on Substance Abuse Services. Scot introduced Nancy Heller, Maya Chilese and Vicki Maca as those supporting the GAP while Eric Hunsberger is deployed for the coming year.

Steve Jung welcomed all members and guests and noted there are now five consumer members on the Committee, which exceeds the state requirement of at least three consumers as members of the Committee.

New Orientation Meeting – Steve Jung: Steve reviewed the meeting binder materials.

Brief Overview- Nebraska Public Meeting Law, Committee’s Bylaws & Robert’s Rules – Sherrie Geier: (*Attachment, State Committee on PG, 2009 Legislative Needs*)

Sherrie Geier reviewed *Robert’s Rules of Orders* with the Committee. She explained how the Committee may change its agenda up to twenty-four hours before the meeting, and/or if there was a meeting emergency. She outlined the public meeting law stipulations that are to be followed if the Committee decided to meet by teleconference. She further reviewed basic procedural practices and the importance of a timed agenda. Finally, she asked the Committee to review the Bylaws, in order to be familiar with how quorums are established. In order to conduct general business, the Committee needs to have a simple majority of members present at the beginning of a meeting. Once established the quorum is maintained throughout the meeting. A two-thirds majority is needed to approve funding decisions or changes to the Bylaws.

II. Attendance- Determination of a Quorum/Call To Order:

Chairperson Steve Jung determined a quorum was present.

III. Approval of May 16, 2008 Minutes:

The minutes from the May 16, 2008 meeting were amended and approved by general consent.

IV. Approval of Agenda:

The agenda for the current meeting was amended and approved by general consent.

Unfinished Business

I. Officer Reports.

Chair (Quarterly priorities) Implementation Plan, Report to the Governor and the Legislature - Steve Jung:

(Attachment, LB1058 response draft letter)

Steve explained to the Committee that LB 1058 requires that an annual report be submitted to the governor and the Legislature. Because the report for 2008 is only required to cover the time period between the passage of the bill in April and the end of August, the report will be composed of the GAP's 2006-07 Biennial Report and a letter from the Committee and the Division of Behavioral Health. The letter has been drafted, but Scot and Vicki still need to review it. The report is due by September 1, 2008.

Sherrie Geier reviewed the history of the Implementation Plan (Plan) for LB1058. Initially, the Division drafted the Plan. A subcommittee of Steve, Ken, Janet and Sherrie recommended revisions to the Plan, which was forwarded to the Division. Sherrie suggested the Committee review the original and revised versions of the Implementation Plan. She also explained that the Committee was only being asked at this meeting to approve the letter that serves as part of the required annual report to the governor and the Legislature.

Dennis McNeilly asked if the Committee is being asked to send the letter/report to the governor and the Legislature by September 1, 2008, in order to comply with the law. Sherrie replied that the GAP Biennial Report for FY2006-07 will be used as the report to the Governor. Dennis McNeilly reiterated that he wanted to ensure that the Committee was not saying more in the letter than it is prepared to do at this time. Steve stated that this draft of the Implementation Plan is the same document reviewed by the subcommittee, and that following the Committee's approval today, Eric will request additional feedback from Vicki and Scot.

John Hill asked if the Implementation Plan is required by statute. Sherrie Geier explained that the Plan is not required by law, but Senator McDonald asked the Committee and the GAP to prepare it as an administrative function. Dennis motioned that the Committee approve this letter in its current draft, with the stipulation that both parties agreed to a final document before it is signed by the Division and the Committee's chair. John Hill seconded the motion. A roll-call vote was taken and the motion passed unanimously. Eric Hunsberger informed the Committee that Scot Adams will receive a copy of the letter for his review later today, and the letter will then be delivered to Steve Jung for his signature. The letter will then be delivered to the governor and the Legislature.

The Committee decided to hear the secretary's report before the vice chair's report because Willard Bouwens, who is scheduled to report to the Committee, was not yet present.

Secretary's Report (Committee Membership Update) – Dennis McNeilly:

Dennis welcomed the new Committee members and asked GAP staff to update the Committee roster to reflect all of the new Committee members.

The Committee took a ten minute break, while Eric attempted to contact Willard Bouwens to determine his ability to attend today's meeting.

ViceChair's Budget Report, Program Fiscal Status & Legislative Needs – Sherrie Geier/Willard Bouwens: *(Attachment, State Committee on Problem Gambling 2009 Legislative Needs)*

Eric informed the Committee that Willard Bouwens would be unable to attend today's meeting. Sherrie Geier reported that the state senators, who have worked closely with the GAP, are scheduled to leave the Legislature.

Janet French asked Eric if the GAP has statistics demonstrating an increasing number of problem gamblers in the state, thus suggesting an increased need for additional state funding for gambling treatment. Eric stated that yes, there are an increased number of problem gamblers and an increased need for more money. However, right now, the GAP does not have the statistical information to present that information to the governor. Dennis McNeilly explained that what Eric was describing was the number of people who are seeking treatment for gambling, which is a different statistic than a prevalence rate of pathological gamblers in the state of Nebraska. A prevalence rate would document how many pathological gamblers there are in the state. Dennis further explained the importance for the GAP to document the total number of people seeking treatment this year versus the last fiscal year. He further suggested that a compelling argument for additional GAP funding to legislators and/or the governor would include:

1. Statistics demonstrating that state pathological gambling prevalence rates have increased
2. Statistics demonstrating that more Nebraskans are seeking gambling treatment
3. Statistics demonstrating how the state GAP budget has decreased.

Sherrie Geier spoke about the need to introduce legislation next year to reauthorize what is known as the “hold harmless” provision in the Nebraska Lottery Act. This special provision was created in 2003 through legislation sponsored by Senator Ray Janssen. It guarantees a minimum level of Lottery funding for the GAP to receive during each quarter of the fiscal year. Sherrie reminded the Committee that this basement guarantee expires in June 2009. Legislation will need to be introduced next year to continue this much needed safety net for the GAP. Sherrie explained that legislative bills without an emergency clause take three months to take effect after being signed by the governor. If an emergency clause is added to a bill, additional votes are needed to pass the bill. A strategy about the use of an emergency clause on a bill to reauthorize the “hold harmless” provision will have to be determined.

In addition to the need to deal with a renewal of the “hold harmless” provision, some technical changes will need to be made to the language that is contained in LB 1058 that was passed in April of this year.

Finally, Sherrie reminded the Committee that the Health Care Cash Fund appropriation of \$225,000 for services and \$25,000 for administration must be requested every two years, when the Legislature creates a new biennial budget. The new budget cycle will be started with the passage of a new budget in 2009. Two years ago the Department of Health and Human Services included this appropriation in its departmental request to the Appropriations Committee. It is hoped, but the Committee must verify, that the same strategy will be used again next year.

Sherrie suggested the need to review the Bylaws to make sure that they are still consistent with and reflective of the Committee’s structure and responsibilities after the passage of LB 1058. Sherrie informed the Committee that Interim Study LR 338, introduced by Senator Joel Johnson, will study and make recommendations about 4-5 aspects of the Division of Behavioral Health, Department of Health and Human Services. Three members each from the Legislature’s Health & Human Services and Appropriations Committees will use LR 338 to conduct research and develop recommendations relating to the implementation of the Nebraska Behavioral Health Services Act. Sherrie stated she will have more information about LR 338 by the next committee meeting in November, because Senator Pankonin is one of the Health & Human Services Committee members chosen to work on LR 338. Finally, Sherrie Geier reminded the committee that last year, twenty-two new senators attended a legislative breakfast hosted by the GAP and urged the Committee to host a similar event in 2009.

GAP Program Report/FY2009 Contracts/NCPG Annual Conference June 2008 – Eric Hunsberger

Eric Hunsberger reported he had three priorities to discuss today. First, Eric informed the Committee that GAP staff is finalizing all provider contracts. The University of Nebraska- Lincoln’s Public Policy Center contract and the Magellan contracts are both being finalized. Second, Eric told the Committee that the Magellan database is currently being updated. As a result, he has asked GAP providers to not enter additional data, while the Magellan database is being updated. Finally, Eric reported his third priority was to discuss changes in the GAP office during the next ten months. Nancy Heller will be working more with the State Committee on Problem Gambling, and Maya Chilese will be working more on the LB1058 Implementation Plan.

Eric then introduced and asked Maya Chilese to address the Committee. Maya reported she had two points of information to relay to the Committee. First, she stated that the Division of Behavioral Health has decided to utilize one data system for the ASO (Administrative Services Organization), which is currently administered by Magellan. She stated her belief that the Division should be doing a better job at collaborating with data, and that is the reason why a new manager, Sheri Dawson, has been appointed to manage the ASO Magellan contract. Maya also informed the Committee that a Division committee has been formed to address concerns with regard to the ASO. Further, the Division decided not to invite members of the State Committee on Problem Gambling because the GAP is under a different contract with Magellan than their contract with the rest of the Division. Maya further explained how this Division committee was formed to address those other concerns, and how the Division felt it would be a burden for this Committee and GAP providers to serve on the other Division committee, because it was not designed to address concerns that are relevant to the GAP.

Maya's then told the Committee that Administrator of the Office of Consumer Affairs Joel McCleary has resigned to pursue work more directly related to the field of counseling, with the Department of Corrections. As a result of Mr. McCleary's resignation, the Division will be searching for a new Administrator for the Office of Consumer Affairs.

In response to Maya's report, Sherrie Geier asked if an organizational chart of the Division of Behavioral Health could be provided to this Committee. Dennis McNeilly further added that it would be particularly helpful if that organizational chart described how Magellan fits into the organizational chart. Eric responded that he would provide the Committee an organizational chart, and he added that he knew the providers also needed an updated Provider Manual. Eric agreed to send an updated PowerPoint presentation of the Committee's responsibilities, and a copy of the GAP Biennial Report FY2006-07.

The Committee took a brief break and proceeded to work during lunch.

New Business

Clinical Report and Licensing Application Updates – Nancy Heller:

Nancy Heller requested that any providers present for today's Committee meeting be introduced. The following providers were present: Steve Kroll, Toni Arntzen, and Jolene John from First Step Recovery Center, Deb Hammond and Wanda Swanson from Choices Treatment Center, and Cari Brunner from CrossRoads Resources.

Next, Nancy Heller explained how she processes gambling certification applications and renewals of certification of gambling counselors in Nebraska. She also explained how she facilitates the Gambling Certification Board. The Board oversees the certification of gambling counselors in Nebraska. A current issue before that Board is the definition of crisis intervention. She explained that the Board recently increased the number of crisis hours in GAP provider contracts.

Nancy reported that the Certification Board has been working to move the CCGC toward a state licensure status. She stated that Mike Sullivan wrote the application for licensure. The primary reasons given for the need to change certification to licensure for gambling counselors were:

1. To diminish harm to the public,
2. To provide protection to providers, and
3. To increase types of funding.

Nancy further explained that the definition of pathological gambling is under review as a part of the upcoming publication of the DSM-V (Diagnostic and Statistical Manual of Mental Disorders). Dennis McNeilly clarified that the publication of new DSM-V diagnostic categorization is not expected until May 2011.

Nancy stated that Mike Sullivan has submitted the licensure application to the Technical Review Committee. This committee is a part of what is also known as the 407 Process. The committee appointed to review the gambling licensure application consists of a family practice physician, a LADC, an attorney, a county clerk, Dr. Rick McNeese and a retired construction contractor. Nancy reported that there are three entities that review licensure applications in the following order: the Technical Review Committee, the state Board of Health, and the director of the Division of Public Health. Any program approved for licensure must also go through the required legislative process in order to become law. Approval of the review bodies is generally advised, but it is not required by law. A program could become licensed even if one or all of the review bodies did not support its application, but the Legislature must approve licensure for the program.

Next, Nancy informed the Committee that Mike Sullivan has requested the help of any interested Committee members and/or providers. Nancy suggested that it may be possible for the licensure application to be approved during the next legislative session. The meeting dates for the 407 Review are September 11, from 12-3PM; and October 2nd, and 23rd from 12-3PM., in the Nebraska State Office Building, 301 Centennial Mall South. Dennis McNeilly asked about the customary time frame for approval of a licensure application. Sherrie Geier replied that most licensure application go through the Legislature within one year, although sometimes an application is introduced and action is not undertaken until the following year. She further explained that the farther along a licensure application proceeds through the 407 Process, the more likely it is that the authorizing legislation will pass.

Nancy further stated how important it is for Committee members and providers to contact their state senator to advise them of the GAP's licensure application. Sherrie informed Committee members that if they don't know who their representative is, she would be willing to help them identify him/her. She reminded Committee members how important it is for them to inform their senators of the GAP, the Committee's work, and what GAP and the Committee would like to do in the future. Sherrie explained the 407 Process and recommended that information about the move to licensure be placed on the GAP's website.

Dennis told Nancy that it would be important for the licensure application to include a description of how licensed gambling counselors would be monitored and regulated in regard to common ethical and professional issues. He suggested that other occupations that are licensed by the state have state boards that self-regulate their particular licensed group. Nancy stated that she will contact Mike Sullivan to ask how he would like interested parties to help with the licensure process.

Provider Report: Nebraska Council on Compulsive Gambling (NCCG) – Jerry Bauerkemper
(Attachments, NCCG Training Schedule, Gambling Activity and Problems charts associated with Gambling, map of calls received, Helpline call record, NOMs information)

Jerry Bauerkemper introduced himself and the NCCG's website: www.nebraskacouncil.com. There it states the mission of the NCCG as: “. . . to increase public awareness of problem and pathological gambling, to increase the availability of treatment services for problem and pathological gamblers and their families, and to encourage programs for education and prevention.” The NCCG operates a Helpline twenty-four hours a day through the efforts of many volunteers, who range in Helpline experience from eight to thirty years. Jerry also distributed a document outlining the planned NCCG training opportunities for 2008-2009.

Jerry went on to describe the history of the NCCG, which has been in existence since 1994. He explained how the NCCG hosts advanced problem gambling training and a scholarship process to help providers unable to afford long-distance travel to attend training classes. The NCCG also provides ongoing ethics classes to providers in the state.

Jerry explained what happens when an individual calls the NCCG Helpline and what statistical information is available from the Helpline. For example, when an individual calls the Helpline, demographics are gathered from the caller. NCCG tracks the types of callers, whether the caller is in crisis and if the caller is

only seeking information. Jerry noted how many callers report their inability to afford problem gambling counseling and how NCCG arranges for the payment of up to six sessions with a gambling counselor. Finally, Jerry noted the most frequent occurrence of calls to the Helpline. Calls most often occur between 8:00AM and 5:00PM, with a few calls between 1-2AM.

Steve Sloup asked Jerry how many calls the NCCG typically receives. Jerry reported that of 150 calls received, 25 come from active gamblers. A lot of callers are seeking information on Gamblers Anonymous meetings, while some callers seek information right now, and the remainder of the calls are wrong numbers or random calls. NCCG does not offer therapy, but refers callers to therapy.

Jerry further explained that the NCCG is an affiliate member of the National Council on Problem Gambling, the national advocate for problem gamblers and their families (www.ncpgambling.org). He said that he currently serves on the NCPG's Federal Affairs Legislative Committee, which seeks to educate the policy makers about problem gambling and proposes legislation as a fiduciary responsibility of problem gambling in the United States.

Jerry explained that the NCCG has been working on the creation of National Outcome Measures (NOMS) for problem gambling at the local level. The NCCG has been reviewing the National Outcome Measures used for AIDS and Substance Abuse research to create parallel outcome measures for problem gambling research. Jerry discussed the National Outcome Measures below.

Reduced Morbidity:

- Decrease in the of abuse of gambling.
- Increase in the understanding of risk behaviors for problem gambling, and
- Decrease in the symptomology of problem gambling.

Jerry explained how important it is to understand the problem gambling audience. For example, when he presents to a group of men, who are most likely to gamble, it is important to discuss how to gamble responsibly so that their behaviors don't turn into problem or pathological gambling.

Employment/Education:

- Increase or stability in employment or education among pathological gamblers,
- Work place policies and procedures regarding gambling,
- School policies and procedures regarding gambling, and
- Increased employee education on symptomology of problem /pathological gambling.

Jerry described problem gambling in Nebraska's middle schools. Gambling does exist in the schools of Nebraska and the problem will not be eliminated simply by school administrators outlawing card games. This fact was emphasized for Jerry again, when during a presentation at a middle school in Alliance NE, he asked how many children had cards - even though the school had outlawed them. A number of children reported they had playing cards at school.

Crime:

- Decrease in incarcerations and gambling related crimes,
- Decrease in criminal activity among pathological gamblers in recovery, and
- Increase in educational programs targeting the criminal justice system.

22% of callers to the NCCG Helpline who self-reported a gambling problem were on probation.

Stability in Housing:

- Increase in stability in housing for recovering pathological gamblers,
- Better family communication about gambling, and
- Increase in social support and social connectedness in the area of problem gambling.

Access/Capacity:

- Increased access to services,
- Increased service capacity, and
- Increased public awareness to access points.

20% of callers to the NCCG Helpline were in treatment.

Retention:

- Increased retention in treatment programs,
- Increased positive outcomes of the treatment experience,
- Access to prevention messages, and
- Reduced utilization of ancillary human services.

Jerry explained how treatment providers, not the NCCG, often deal with retention. The NCCG can later ask Helpline callers if the Helpline gave them the proper resources. However, the primary barrier to seeking gambling treatment, Jerry reminded the Committee, is shame. As a result, a caller often is not willing to give their phone number.

Perception of Care:

- Client's positive treatment experience,
- Decreased negatives consequences of problem/pathological gambling, and
- Increased seamless utilization of services.

Cost Effectiveness:

- Affordable services for clients,
- Appropriate levels of care provided, and
- Effective use of resources.

Use of Evidence-Based Practices:

- Quality of care givers,
- Evidence based counseling techniques,
- Evidence based levels of care, and
- Quality training of care givers.

Jerry concluded his presentation to the Committee by outlining the training NCCG provides in other states. He explained that the NCCG uses an evidence-based approach, which has been accessed in trainings Jerry has provided in Nebraska, Arizona, Oklahoma, and Kansas.

Dennis McNeilly added that the Committee ought to appreciate the fact that of the 35 affiliate councils of the National Council on Problem Gambling, the NCCG under Jerry's leadership, clearly is a national leader. Dennis stated that the Nebraska Council is significantly ahead of the other councils across the nation in its direction, leadership and understanding of how to both educate and treat problem gamblers, and inform and train gambling counselors in the state.

Jerry responded that part of the reason why NCCG leads other councils in the country is that he was first a state administrator and a state commissioner, before he assumed his current position as executive director of the NCCG. He explained that as a result of his past experiences and positions with the state, he understands the systems and how they function. He also expressed the need to be grateful as a community for the money problem gambling does receive. Jerry anticipates a number of legislative cuts this year and suggested to Committee members that this might not be a good year to ask for more money. Further, he recommended the next year or two might better be spent gathering additional data, for presentation at a time when the climate to seek additional funding might be more favorable.

Steve Sloup asked Jerry how many live Helplines there are nation-wide. Jerry said there are currently twenty Helplines. Clearly, many states don't have a Helpline. For example Jerry explained that Kansas has a Helpline, but does not yet offer treatment services.

GAP Program Report/FY09 Program Objectives – Eric Hunsberger
(Attachments, Agency, Individual, and Other Contracts fiscal handouts)

Eric informed the Committee that Ron Felton is no longer providing problem gambling services in Hastings, NE. As a result, Eric announced that the \$15,000 originally awarded to Ron Felton for gambling services in Hastings from the Health Care Cash Fund would be redistributed.

Sherrie Geier asked Eric who will be providing services in Hastings. Eric replied that Robert Walton will be providing problem gambling services there. Walton informed Eric that he will now be providing his services in Hastings and for that reason is requesting additional funding. Eric further explained how Rob Walton's total request for additional funding is \$5,000, while Richard Landrigan's request for additional funding is \$6,000. Sherrie Geier asked Eric if Rob Walton is moving from Norfolk to Hastings or commuting from Norfolk to Hastings. Eric replied that Rob Walton will be moving his practice to Hastings.

John Hill suggested that if the GAP provider contract doesn't currently specify the location where services will be provided, then he didn't see why that funding doesn't follow the provider to his/her new locale. John also asked for documentation or an account of the funds under discussion, prior to any vote by the Committee. Eric responded that he would inform Rob to pull funds from his current contract, and that the Committee needs a better understanding of his service plans for Hastings.

Steve Jung asked Eric if the Public Policy Contract has been changed to \$70,000 Eric replied that the contract has been increased, since the Public Policy Center has assumed some of the GAP administrative work while Eric is deployed this year. Steve asked Eric to provide more detail as to what the additional amount budgeted in administrative costs (+\$15,000) would be going toward in his absence. Sherrie Geier also asked Eric if the Committee can be provided a report of what the Public Policy Center is doing for the GAP. Eric replied that he will provide the Public Policy Center's Scope of Services to the Committee at the next meeting. Eric said one example of what the Public Policy Center has already done was to attend the recent Midwest Gambling Conference in St. Louis. Eric reported that Dr. Ramirez from the Public Policy Center had analyzed a number of gambling questions and presented them at the Midwest Conference. Steve Jung suggested to Eric that the Committee should be provided with a written request for money, the next time a similar request is received.

Sherrie requested and stated how important it is for Committee members to have the documentation and background on GAP finances present at the Committee meeting, whether Willard Bouwens is here or not. John Bekins further stated that it would help to obtain these documents with the next meeting agenda. Janet French asked about the budget sheet that did not list any amount for Lutheran Services. Daniela Myers responded to Janet's question and reported that Lutheran Services have not yet turned in an invoice for this fiscal year, as reported on the budget sheet.

Confirm Agenda Items

Confirm Agenda Items for Next Meeting – Steve Jung
Provider reports- Public Policy Center and Magellan. The Committee would like to hear what the PPC has been doing for GAP.
Legislative Breakfast or Briefing
Status Report of Implementation Plan
Review of Bylaws

Adjournment

The meeting was adjourned at 1:45 pm by general consent.

Public Comment

Steve Kroll from First Step Recovery Center introduced himself and welcomed the new Committee members. He stated how good it was to see a full Committee . He also appreciated how this meeting was shorter and adhered more to its agenda times.

Wanda Swanson introduced herself as a recovering gambler and welcomed the new Committee members, especially those who are also recovering gamblers. She appreciates their willingness to share their experiences as recovering gamblers.

Jolene John from First Step Recovery Center introduced herself and welcomed the new Committee members.

Cari Brunner introduced herself and asked for an updated organizational chart of the Division of Behavioral Health. She also requested a copy of the 407 application, so that she could advocate for it, once she has had an opportunity to read it. Eric replied he would provide copies to those who had requested them.

Deb Hammond introduced herself and stated how nice it was to see more join as Committee members and how they understand problem gambling from their personal experience. She noted how as a probation officer, John Hill sees problem gambling all the time, She also noted how in his work as a banker, Steve Sloup also sees the problems related to gambling after a family loses their mortgage. Deb also stated she was surprised that Cari asked to see a copy of the 407 application as she thought Cari, Joan and Mike had written it together. She assured Cari that Mike Sullivan would be willing to provide her a copy. Finally, she also stated the importance of holding a legislative breakfast.