

**STATE COMMITTEE ON
PROBLEM GAMBLING
November 21, 2008- 9:00 a.m. to 12:45 p.m.
Country Inn & Suites
5353 North 27th Street, Lincoln, NE**

Committee members present: John Bekins, Carmen Engelhardt, Sherrie Geier (late-Legislature in session), John Hill, Steve Jung, Kenneth Timmerman.

Committee Members Absent: Carol Berglund, Dennis Buckley, Teresa Fitzgerald, Janet French, Dennis McNeilly, Steve Sloup.

DHHS Staff: Scot Adams, Abigail Anderson, Willard Bouwens, Maya Chilese, Lori Dawes, Nancy Heller, Eric Hunsberger, Sam Kaplan.

Guests: Sheri Dawson, Deb Hammond, Dr. Juan Ramirez, Rhonda Spence, Wanda Swanson

I. Welcome and Introductions: Chairperson Steve Jung welcomed Committee members, staff, and guests and asked everyone to introduce themselves. Division of Behavioral Health Director Scot Adams also welcomed everyone.

II. Determination of a Quorum/Call to Order: Chairperson Steve Jung determined that a quorum was not present.

III. Approval of August 22, 2008 Minutes: The minutes from the August 22, 2008 meeting were not approved due to lack of a quorum.

IV. Approval of Agenda: The agenda for the current meeting was not approved due to lack of a quorum.

Unfinished Business

Chair (Quarterly Priorities) Legislative Events- Request for Additional Funds: (Attachments- Letter Sent to Governor/Legislators, Current Provider requests for additional funds)

Chairperson Steve Jung reviewed the letter to state senators from Scot Adams, the Director of the Division of Behavioral Health. The letter explained that a report was submitted to the governor on August 28, 2008, in compliance with LB1058. The report detailed activities with the Gamblers Assistance Program (GAP). The Division of Behavioral Health inadvertently neglected to send the report to members of the Legislature. The director asked that senators contact him directly if they had any questions.

Steve Jung then reviewed the letters from treatment providers Rob Walton and Richard Landrigan to the GAP requesting additional funding. Rob Walton has traditionally served the Norfolk area. He informed the GAP that he was planning to provide gambling treatment services in the Hastings/Grand Island area and asked what dollar amount would be available if he did so. Richard Landrigan of ReNew Counseling wrote a letter to Maya explaining that his current funding from the GAP is not adequate, and he requests additional funding.

John Bekins asked if anyone knew what federal grant Rob Walton had indicated in his letter that he was applying for. No one knew.

Maya Chilese stated that Rob Walton implied he had a partnership with Horizons, a former agency provider in Hastings. Rebecca Green, however, is the contracted provider with the GAP for the Hastings/Grand Island area. The Division of Behavioral Health wrote a letter of support for Rebecca Green. If there is a compelling reason why Rebecca Green cannot provide all of the gambling treatment services in that area, then the GAP will have to review the situation.

Steve asked that the Division of Behavioral Health contact Rebecca Green and ask her if she will be able to provide these services. He stated he was aware that Rebecca Green sent a letter of resignation to the Division and then later told the Division she would continue to provide services. At this point the Committee does not know if she is providing services or not, and Steve would like to find out. Maya indicated that she spoke with Ms. Green, she does still intend to provide services. However, GAP will contact her again and inquire about her potential capacity for the remainder of the fiscal year.

Scot Adams stated that the GAP Strategic Plan 2006-2011, Goal A is to increase available resources. Action Step 6 is to increase the number of qualified providers in rural areas by educating the population regarding the need and by identifying current service providers in other behavioral health areas for training opportunities. The Committee could keep this in mind when discussing available services in the Hastings/Grand Island area with regard to Rebecca Green and Rob Walton.

Steve stated that this topic leads into the question of whether the GAP will continue to fund gambling counselors who aren't certified. The time allowed for counselors to provide services and to receive funding from the GAP without obtaining certification as a gambling counselor needs to be established.

Scot Adams stated that Medicaid made a decision not to continue funding individuals with a provisional LMPH, if the individual was working outside of the service system, or if he/she was working without adequate supervision outside of an agency. The supervision may be questionable if the individual is working independently. Scot stated that this is just additional information from a related field.

Steve stated that he agreed, but that the gambling counseling field is not as large as the licensed mental health provider field. Therefore, he believes in the rural areas especially,

there should be some flexibility. The providers in Chadron (CrossRoads) have a supervisory agreement with a provider in Lincoln, and it seems to work. Mike Sullivan is the supervisor for Rob Walton, whose practice is located close to Sullivan. Nebraska is a large state, and there is a lack of services. As long as these counselors are providing gambling treatment services, they should be funded. But, certification deadlines need to be established.

Steve asked Maya to consult with the Gambling Counselors Certification Board concerning the time that should be allowed for a counselor to provide gambling treatment services without certification. Maya Chilese indicated that GAP and the Certification Board are currently reviewing these criteria and will make a recommendation to the Committee at next meeting.

John Hill asked how much time is allowed for individuals to obtain their licenses as drug and alcohol counselors. Maya answered that an individual pursuing a license in drug and alcohol counseling is given five years to complete their classes and obtain their license. John stated that he thought the shortage of licensed drug and alcohol counselors is a similar situation to the shortage of certified gambling counselors in Nebraska. John also asked if Rob Walton was moving his residency in Norfolk to Hastings or just his practice. Maya replied that Rob Walton was only moving his practice to Hastings.

Scot stated that the point was made that something is better than nothing. That may be true, and it may not be true. It's good until something bad happens.

Steve and Maya agreed that Maya will take the timeframe issue to the Certification Board. Maya stated that at that time the GAP would like the Committee to discuss the certification process, timelines, and what is expected of counselors seeking to obtain certification in gambling counseling.

Deb Hammond asked to be able to speak and Steve said that was fine. Deb stated that Richard Landrigan and Cari Brunner will apply for certification this spring. Neither of them had enough clients or hours to do so before, but now they do. She pointed out that Landrigan and Brunner already both have masters degrees.

Carmen Engelhardt asked why and when Rebecca Green said she was resigning. Steve and Maya explained that she informed the Division she was going to resign at the beginning of this fiscal year because she thought there was a conflict with Rob Walton also providing gambling treatment services in the same geographical area. Carmen agreed with Steve that it would be best if the Division would call Rebecca Green and ask if she will be able to provide services in the area or not. If she is not able to, then the Division and the Committee need to find out if someone else will be able to provide services. In addition, counselors should submit billings to the Division within ninety days of the date of service in order to be reimbursed.

Maya stated that the Division has been in contact with Rebecca Green. The reason Green's billing has been so low may be that the community was confused about who was

providing counseling services. Ron Felton is not providing those services anymore and Green's contract just started. This is why a support letter was written by the Division for Rebecca Green. Maya will contact Green and ask how much service capacity Green can provide and how much money she will need to do so, in case Green is not planning on using the total amount for which she is contracted. Steve agreed this is a good idea, because the money could be shifted to another provider if Green is not planning on using the total amount. Maya agreed to email Steve and let him know what she found out.

Deb Hammond asked Carmen if she thought a student in the Hastings/Grand Island area might be interested in becoming a certified gambling counselor. Carmen said that she was wondering the same thing. It was hard for her family as consumers, when Ron Felton stopped providing counseling. Gambling patients may need treatment for a year or more. It is hard for a patient to switch to a new counselor. Deb stated that she knew a doctor in Hastings, who may be interested in offering gambling treatment services out of his/her office. This person, or someone from that office, may be interested in getting certified.

Rhonda Spence asked if Rebecca Green had an office or traveled to the clients' homes. Maya and Eric explained that Green traveled to the clients' homes. Deb Hammond stated that a provider's willingness to provide in-home services would be important to know. The new owners of Horizons said they could provide an office for Rob Walton. Maya reiterated that she would contact Rebecca Green.

Steve then asked the Committee to review the draft Request for Additional Funds Form (Form). Previously there was no Form. This standardized Form will ensure that the counselor making the request includes information that the Division and Committee need, in order to make informed decisions about funding. The Form will also ensure that everyone knows and understands the reasons for the requests and whether the request was approved or denied. Steve then asked the providers present what they thought of the Form. Everyone said they liked it.

Wanda Swanson, a visiting GAP treatment provider, stated that she liked the Form. She also said she had a hard time knowing when Committee meetings are held. Maya replied that the Division could send a reminder. Everyone present agreed that a reminder email, with an RSVP at the bottom, would be helpful for Committee members and providers.

Deb stated that a note should be added to the draft Request for Additional Funds Form, referenced above, to indicate that response time by the GAP will correlate with the Committee's quarterly meeting dates. Maya asked if the Committee wants to utilize this Form for now until the Committee can vote on it and everyone agreed to do so. Another note could be added to the Form that states that a notification letter will be mailed to the provider, who requests additional funds, after the Committee reviews and votes on the request. The Form could be included in the Provider Manual. A few minor changes to the Form were suggested by the Committee.

Vice-Chair (Budget) Program Fiscal Status, Review of Bylaws- Sherrie Geier & Willard Bouwens:

(Attachments- “Fiscal Year 2008-2009 Expenditures and Revenues as of Oct. 31, 2008”, LB 480, “Language Proposed by the Dept. of Revenue to Replace the Current ‘Hold Harmless’ Statutory Provision,” 71-816 Legislative Findings, By-Laws of the State Committee on Problem Gambling)

Steve stated that the Committee cannot vote on the Bylaws because Sherrie Geier is not present to discuss proposed changes, the proposed changes were not mail to members 30 days before the meeting and the required 2/3 majority of Committee members is not present. Dr. McNeilly is not present either to give the Secretary’s Report on Committee membership. Therefore, Steve asked Willard to speak about the budget.

Willard Bouwens, financial services administrator, from the Department of Health and Human Services, introduced DHHS Budget Analyst Lori Dawes, who is new to the Department and is working in Operations/Financial Services. She assists the Division of Behavioral Health with financial questions. Willard then distributed a handout that reported the GAP’s income and expenses for Fiscal Year 2008-2009.

(Attachment: Fiscal Year 2008-2009 Expenditures and Revenues as of October 31, 2008.)

Willard assured the Committee that the GAP budget was fine. He stated the title on the handout should be updated from 2007-2008 to 2008-2009. The percent of time that has elapsed for this fiscal year is 34.62%. The percent that has been spent as of October 31, 2008 is 29.12%. This means the GAP’s budget is in good shape. The GAP does not use state General Funds. The GAP is funded by the Nebraska State Lottery Charitable Gaming Operations Fund. It receives \$500,000 + 1% of at least 25% of the Lottery’s annual revenue, appx. 5% of the annual marketing budget for the Nebraska State Lottery and an annual appropriation from the Nebraska Healthcare Cash Fund. Revenue from these sources is deposited into the Compulsive Gamblers Assistance Fund. DHHS cannot accept donations directly so these go to the providers. Willard then stated that his Division tracks the GAP budget by expenditures. At this time there is approximately \$1, 060,000 in the bank, and up to \$855,939 has been appropriated. The GAP has enough funds to run the program, according to what the Committee decided, at the beginning of the fiscal year. The GAP could move some money out of Aid, if needed.

Steve stated that he understood that increased spending authority was requested for 2010-11. Willard replied that his Division asked for an increased spending authority of \$225,000 for the GAP in 2010-11. The Healthcare Cash Fund appropriation is received on an annual basis. The governor includes it in his budget in January, and the Legislature then, hopefully, includes it its budget.

Steve stated that he understood that the Nebraska State Lottery intends to propose a rewriting of the Lottery Prize Fund associated with Hold Harmless. Willard replied that it is possible that the GAP will receive more funds if proceeds go up.

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

Sherrie Geier asked Carmen Engelhardt to speak to the Committee about the Legislative Breakfast she is planning. Carmen said that Andrea McAllister has agreed to tell her story, and Jerry Bauerkemper will present information about problem gambling in Nebraska. Maya will create a "Save the Date" template. Sherrie will send a list of senators to Carmen.

Sherrie then discussed the handouts she brought for the Committee to review. First she discussed LB480. She then discussed the language proposed by the Department of Revenue to replace the current "Hold Harmless" statutory provision. If this language is adopted, it could mean more revenue could be available for the GAP. The language was introduced this year in the Legislature and is a bill the Committee will watch. The dollar amount transferred to the funds in fiscal year 2002-03 was \$745,986.

The next handout Sherrie discussed was Nebraska Rev. Statutes Secs.71-816-71-817. Senator Dave Pankonin will introduce a bill to make technical changes to language that was overlooked, when LB 1058 was passed last year. Sherrie highlighted the words she thinks need to be changed. She asked the Committee to discuss the word 'expertise' as it relates to problem gambling in the handout. Maya stated that the word 'services' may not accurately describe all of the things the GAP provides funding for. John Hill stated that the word 'shall' excludes people from this Committee and he liked "relating to" better. The Committee agreed on suggested changes, and Sherrie stated she had documented the changes and felt comfortable taking them to the bill drafters.

Sherrie stated that the legislative committee formed as a result of LR 338 has been meeting and so far there are no recommendations. This committee consists of three members each of the Legislature's Health and Human Services and Appropriations Committees. The Committee is using LR338 to conduct research and develop recommendations relating to the implementation of the Nebraska Behavioral Health Services Act.

Sherrie then reviewed the handout concerning the changes she is suggesting to the By-Laws for the State Committee on Problem Gambling. The language that is struck on the handout is language that could be removed. The language in bold is language that could replace the existing language. There needs to be a 2/3 majority of the Committee present to vote on changes to the By-Laws. The changes must be sent out at least 30 days before the next meeting in order for members to review them before the meeting. The Committee should review the language concerning how the Executive Committee will be constituted. This language is found in Article V, Section 4 of the By-Laws.

Magellan Update- Sheri Dawson:

Sheri introduced herself and stated that she has been working for the Division of Behavioral Health for two and a half years. In July she was promoted to Managed Care and Quality Improvement Manager for the Division. One of her duties is to manage the contract with Magellan. Magellan has a contract with the Division of Behavioral Health, the Division of Medicaid and Long Term Care, and the Division of Children and Family

Services as the Administrative Service Organization. Sheri stated that deliverables of the contract need to start occurring. There have been information/technology problems and questions and getting the database up and running has not been as smooth as everyone would have liked. Sheri is trying to address training needs and streamlining contact with providers.

Maya asked Sheri to describe MQIT. Sheri explained that originally it was a quality improvement group to help solve timeliness issues. Originally the GAP was not invited to join this group, because the GAP had a separate contract with Magellan and the group would not address issues the GAP had with Magellan. The GAP will now be included in this group, as there will be an amendment to include the GAP in the existing contract between Magellan and the Division of Behavioral Health. Currently the quality improvement group is working on a cheat sheet that will address problems and questions for providers using the Magellan database. Sheri is aware that there have been data entry timeline problems since the Magellan database has been down. There are sample reports out. The group is also trying to identify processes and procedures for addressing issues. Sheri does not know when people will be caught up on the backlog of data entry. Rhonda Spence would like to see an additional screening tool added to the Magellan database that is a sub-form for a concerned person of a consumer. Sheri suggested that perhaps it could be added through the GAP amendment to the Division contract with Magellan.

Maya stated that it will have to be determined whether or not the current contract can do that. An internal GAP providers meeting could be arranged to address how the database and process could be built for next year. The deadline for data entry was set for the end of the year, but the GAP is not going to be picky. If the data from providers is not in Magellan, then that means that Juan at the University of Nebraska- Public Policy Center will not have the data for the annual report. Maya stated that the Division understands Rhonda Spence's concerns and would like to work with the providers on resolving the data entry issue.

Dr. Juan Ramirez stated that some of the language used for the database is out-dated and is not accurate. Also, the database can only be accessed through Internet Explorer, not Firefox, which was inconvenient for him and may be a problem for providers, if they use Firefox.

Sheri Dawson stated that she acknowledges the frustration that providers and others are feeling about Magellan. She will take concerns to the quality improvement team and is committed to working with everyone. She would like to create flexibility for new providers and give fair accommodation, as some have not been able to use the system.

GAP Program Report/Certification Update- Maya Chilese:
(Attachment- CCGC List)

Maya told the Committee they may take their Committee notebooks home with them. The Division can bring in extras if people ever forget theirs.

Maya asked the Committee to review the CCGC List handout. There is no standard process for an inactive status for certified gambling counselors. There are four counselors, who are considered to have provisional status, and there is one with a pending application for certification. There is not an actual provisional status defined in the Division's regulations. Rob Walton has submitted an application for CCGC status. His application was incomplete, so the Certification Board delayed approval until it is complete. A counselor is considered to be 'pursuing certification' if that person is taking classes and/or working on their hours.

Sherrie Geier stated she would like to see a column added for each counselor to reflect any disciplinary actions taken by the Division. Rhonda Spence has two more provisional counselors she would like added to the list. These counselors are both pursuing certification as gambling counselors. Their names are Mark Miller, L.I.M.S.W., L.M.H.P.; and Megan Dryer, P.L.M.H.P.

Maya stated that the Division will contact Rebecca Green concerning her capacity to serve clients in the Hastings/Grand Island area. John Hill asked if the Committee has control over where Rob Walton provides services. Sherrie Geier told him that technically the Committee does not have that control. However, when contracts are awarded the Committee is aware of each providers' current service area of the state. Maya stated that there needs to be communication by the Division to the Hastings/Grand Island area that there are two providers. The situation of one provider taking the other's clients should be avoided. It will be beneficial if the two providers would work together so both could provide services in that area.

Action: The Division agreed to contact Rebecca Green and to send letters to Rob Walton and Richard Landrigan indicating the Committee was unable to vote due to lack of quorum.

Licensing Application Updates- Nancy Heller:

The Technical Review Committee (TRC) is reviewing the application for licensure for gambling counselors. There was little opposition at the TRC October 29, 2008 meeting. The TRC would like to revise the required number of education and practicum hours. The next meeting is on December 12, 2008. The process will then move through the Board of Health and to the Director of Public Health Dr. Joan Shaffer.

Nancy is working on three key items. These are the licensing process for the GAP; the issue of the term "provisional status" that is being used by providers, what it means and how it needs to be revised; and the rules and regulations for the GAP that are being revised. The CCGC requirements need to be updated and may be increased. Currently 72 hours of education and 200 hours of practicum hours are required. LADACs are required to have more education and thousands more provisional hours. The Technical Review Committee can recommend that current CCGCs be grandfathered into the licensure process. LADACs were historically grandfathered in.

Nancy thanked Wanda Swanson for her time in revising the Magellan intake form and sending it to the GAP. Maya, Nancy and Wanda met to discuss it.

Sherrie Geier reviewed the PPC Scope of work and indicated she had some questions. She stated that the GAP is now required to produce an annual report. Therefore, the scope of work in the PPC's contract should also be changed. Some discussion was had about the difference between the annual report and the previously prepared biennial report. Eric stated that the treatment life cycle is two years, matching the timeline for a biennial report. The Legislature now requires an annual report about the GAP's activities. The Committee discussed producing an Executive Summary report one year and then the next year producing a more detailed report.

Maya asked the Committee whether or not they wanted to extend the due date of the annual report to the Governor to January. The rationale for this is to allow for data entry by the GAP providers to be completed to ensure that a quality report can be produced by the UNL-PPC researchers.

Action: The Committee agreed to delay the report so it is more accurate.

Sherrie also inquired about the PPC performing some evaluation of the prevention programs and was uncertain about their role in that. Maya stated that Lancaster County had an evaluator of prevention programs and produced a report. GLW has prevention strategies and uses a community public health approach. There was also the Odds Are Program which had pre and post tests. Maya stated that the UNL-Public Policy Program will evaluate the two reports from GLW and Lancaster County, also using the NE BRFS and available state data.

The Committee questioned the geographical area of GLW, and why the GAP chose GLW. Maya stated that the RFP process that was in place affected choices and also not many organizations applied. The Committee discussed the issue of available funding for prevention programs for children and if and how that could change.

Sheri Dawson informed the Committee that there will be no Nebraska Risk and Protective Factors Student Survey in 2009. She then summarized some of the problems she was working on with Magellan. There are some duplication of client records, there is no codebook for the data entry, and there are eleven redundant questions.

The Committee paused to set the following tentative dates for the next meetings as several Committee members had to leave the meeting:

February 13, 2009

May 15, 2009

August 21, 2009

November 13, 2009

Steve asked that Committee members bring their calendars and RSVP about these dates.

Provider Report- Dr. Juan Ramirez:

Dr. Ramirez presented a PowerPoint presentation on the program evaluation of the GAP, which he and other researchers at the UNL-Public Policy Center conducted.

One of the reasons to conduct this report is to provide information to policy makers. The University of Nebraska-Public Policy Center is committed to working with policy makers. Why should people care about gambling data? They should care because 10% of the American population gamble. In Nebraska 17,741 people are affected by gambling. The GAP is lucky because there is a lot of data available. There is historical data, and there is data from providers. There are 313 new clients entering the Magellan database system each year. In February of 2008 Magellan crashed. The average age of gamblers is 42 years old (41.9 exactly). A few comments Dr. Ramirez noted outside of his slides are:

- The racial/ethnic background breakdown of clients entered into the Magellan database reflects the national census figures.
- Clients' debts are on average 2.3 times higher than their income.
- The GAP clients' average household income of \$41,000 is lower than the national average household income of \$49,000.
- The percentage of female clients is higher than male clients (55.2% vs. 47.4%), and on average women spend 34 more days in treatment than men (255 vs. 221 days, respectively). Maya pointed out that the data could be misinterpreted because this presentation did not distinguished between female gamblers or female significant others

Sherrie Geier asked what administrative responsibilities Dr. Ramirez has been given since Eric's deployment. Maya responded that the UNL-Public Policy Center has assumed some reporting responsibilities for Eric while he is deployed. These additions were some administrative responsibilities the Division would have done, but is unable to complete in Eric's absence, hence the decision to add them to the PPC contract.

Public Comment

Wanda Swanson thanked everyone for their effort, support, and hard work.

Agenda Items for Next Meeting:

Approve the August 22, 2008 Committee Minutes

Legislative Breakfast Update from Carmen Engelhardt (postcard to Senators & Providers)

Division/Certification Board Update: timeframe for prospective counselors and licensing update

Division: Update on Rebecca Green's capacity to provide gambling counseling

Discussion on Additional Funding Requests from Landrigan and Walton

Bylaws Review (Decide to keep Officers and Executive Committee the same or not)

RFP Process- Chair Steve Jung will email Committee to organize an RFP Ad Hoc

Committee which will meet on December 9, 2008 in Room 1202 at the Capitol

Discussion on Performance-Based Contracting

The meeting was adjourned at 3:20pm by Chair Steve Jung.