

FILED FEB 17 1992

SENATE FILE 2153  
BY COMMITTEE ON STATE GOVERNMENT  
*Supplement (p. 376)*  
(SUCCESSOR TO SSB 2062)

Passed Senate, Date 2/24/92 (p. 154) Passed House, Date \_\_\_\_\_  
Vote: Ayes 48 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the establishment of a gamblers assistance  
2 program, creating an advisory committee, and specifying the  
3 powers and duties of the director of human services and the  
4 advisory committee.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SSB 2153

1 Section 1. NEW SECTION. 217.50 PURPOSES.

2 The purposes of sections 217.50 through 217.58 are to  
3 provide problem gamblers and persons suffering as a result of  
4 problem gambling with quality treatment and rehabilitation  
5 services, to ensure that the services are adequately  
6 administered by competent persons, and to encourage and  
7 coordinate education and other preventive efforts concerning  
8 problem gambling.

9 Sec. 2. NEW SECTION. 217.51 DEFINITIONS.

10 As used in sections 217.50 through 217.58, unless the  
11 context otherwise requires:

12 1. "Committee" means the advisory committee on problem  
13 gambling established in section 217.53.

14 2. "Department" means the department of human services.

15 3. "Director" means the director of human services.

16 4. "Participant" means a person receiving services  
17 provided through the gamblers assistance program established  
18 in section 217.52.

19 5. "Program" means the gamblers assistance program  
20 established in section 217.52.

21 Sec. 3. NEW SECTION. 217.52 GAMBLERS ASSISTANCE PROGRAM  
22 ESTABLISHED.

23 1. A gamblers assistance program is established within the  
24 department of human services with funding provided from moneys  
25 in the gamblers assistance fund specified in section 99E.10.  
26 The department shall develop, implement, and administer the  
27 program, with the assistance of the gamblers assistance  
28 advisory committee.

29 2. The program shall include the development and  
30 implementation of a comprehensive treatment program for  
31 problem gamblers and persons affected by problem gambling.  
32 The program may include, but is not limited to, the following:

33 a. Outpatient and follow-up treatment.

34 b. Rehabilitation programs.

35 c. Halfway house treatment.

- 1 d. Inpatient treatment.
- 2 e. Information and referral services.
- 3 f. Education and preventive services.

4 3. The director may enter into written agreements with  
5 public or private facilities to pay for services for problem  
6 gamblers and other affected persons. The director shall adopt  
7 rules specifying the criteria for payment to the facilities.  
8 The problem gambler or other affected person receiving  
9 services is responsible for payment for the costs of the  
10 services, either through direct payment to the facility or  
11 reimbursement to the department. If the person receiving  
12 services has a claim for reimbursement for services, through  
13 insurance or otherwise, the person shall assign the claim to  
14 the department.

15 4. The director shall develop and encourage the  
16 development of plans and programs for the prevention of  
17 gambling problems and the treatment of affected persons on a  
18 statewide basis and in cooperation with public and private  
19 agencies by providing technical assistance and other services.  
20 In cooperation with local treatment programs, the director  
21 shall organize and implement training programs for persons  
22 offering problem gambling services. In addition, the director  
23 shall prepare, publish, and disseminate educational material  
24 concerning problem gambling and its effects, develop and  
25 implement an educational program as an integral part of  
26 treatment programs for problem gamblers and other affected  
27 persons, and assist in the development of problem gambling  
28 educational and treatment programs for employees in both the  
29 public and private sectors. The director may contract for any  
30 of the services required in this subsection.

31 5. The director may conduct or contract for conducting  
32 research into the causes and nature of gambling problems and  
33 serve as a clearinghouse for information relating to problem  
34 gambling.

35 Sec. 4. NEW SECTION. 217.53 ADVISORY COMMITTEE

1 ESTABLISHED.

2 1. An advisory committee on problem gambling is  
3 established to advise the department on the administration of  
4 the program. The committee shall consist of eleven members  
5 appointed by the governor, subject to confirmation by the  
6 senate. Terms of office are three years. A member shall not  
7 be appointed to more than two consecutive terms. Terms of  
8 office shall be staggered, and shall commence on July 1 of the  
9 year of appointment.

10 2. For vacancies occurring after the appointment of the  
11 initial membership, the committee shall submit a list of two  
12 names to the governor for consideration for each vacancy on  
13 the committee. The governor, subject to confirmation by the  
14 senate, shall fill the vacancy from the names on the list for  
15 a term of three years or for the remainder of the unexpired  
16 term. The membership of the advisory committee shall be  
17 gender balanced as provided in section 69.16A.

18 3. In making appointments under subsection 2, the  
19 committee and the governor shall ensure that the committee  
20 represents a broad cross section of the state and consists of  
21 members from both urban and rural areas. A cross section from  
22 the following groups shall be selected for committee  
23 membership: the council on problem gambling, recovering  
24 gamblers, the state judicial department, the legal community,  
25 law enforcement officials, the religious community, employees  
26 of the lottery division of the department of revenue and  
27 finance, employees of the racing and gaming commission,  
28 employees of the inspections division of the department of  
29 inspections and appeals, education professionals, parole and  
30 probation officers, and representatives from employee  
31 assistance programs, business and industry, human service  
32 providers, gamblers assistance providers, and other interested  
33 citizens.

34 4. Annually, the director shall appoint one member of the  
35 committee to serve as chairperson of the committee. The

1 committee shall meet as frequently as the chairperson deems  
2 necessary, but not less than annually. Special meetings may  
3 be called by the department, the chairperson, or upon written  
4 request by three of the members of the committee.

5 5. Committee members who are applicants for or recipients  
6 of funds provided under section 217.50 through 217.58 are  
7 disqualified from voting on decisions relating to the  
8 disbursement of those funds.

9 6. Members of the committee shall be allowed their  
10 reasonable and necessary expenses incurred in the performance  
11 of their duties paid from funds provided for the program.  
12 Each member of the committee may also be eligible to receive  
13 compensation as provided in section 7E.6.

14 7. Subject to the approval of the director, the committee  
15 shall determine its own policies and procedures.

16 Sec. 5. NEW SECTION. 217.54 DUTIES OF DIRECTOR.

17 The director shall:

18 1. Be responsible for the administration of the gamblers  
19 assistance fund and program.

20 2. Employ personnel under chapter 19A for administration  
21 of the gamblers assistance fund and program and to assist the  
22 advisory committee on problem gambling.

23 3. Publish annually a list of facilities providing  
24 services to problem gamblers and persons affected by problem  
25 gambling.

26 4. Take all necessary and proper actions to carry out the  
27 purposes of sections 217.50 through 217.58.

28 Sec. 6. NEW SECTION. 217.55 POWERS AND DUTIES OF THE  
29 ADVISORY COMMITTEE.

30 The advisory committee on problem gambling shall:

31 1. Consult with and make recommendations to the department  
32 concerning the adoption of rules relating to the treatment of  
33 problem gamblers and carrying out the purposes of sections  
34 217.50 through 217.58.

35 2. Recommend services to be offered to treat problem

1 gamblers and persons impacted by the actions of problem  
2 gamblers.

3 3. Advise the department on budgeting, planning, and  
4 priorities for effective treatment of problem gamblers.

5 4. Make recommendations to the director concerning  
6 contract proposals.

7 5. Make recommendations to the governor concerning  
8 committee vacancies as provided in section 217.53.

9 6. Take all necessary and proper actions to carry out the  
10 purposes of sections 217.50 through 217.58.

11 Sec. 7. NEW SECTION. 217.56 AUDITS.

12 Each contractor providing services pursuant to sections  
13 217.50 through 217.58 shall be audited on an annual basis in  
14 accordance with the procedures established in section 11.36.

15 Sec. 8. NEW SECTION. 217.57 CONFIDENTIALITY OF RECORDS.

16 1. Records pertaining to participants in the gamblers  
17 assistance program are confidential pursuant to section 22.7.  
18 The records shall not be inspected and their contents shall  
19 not be disclosed except as otherwise provided in this section.

20 2. The director may examine participants' records in order  
21 to review or evaluate the program.

22 3. The director may provide information from participants'  
23 records to a person conducting bona fide research for research  
24 purposes under conditions the director deems appropriate, and  
25 may disclose or use information regarding the cost, purpose,  
26 number of persons served or assisted, results, and other  
27 general and statistical information if personal identifying  
28 data is not disclosed.

29 4. A participant's records may be disclosed to medical  
30 personnel in a medical emergency involving the participant.

31 5. Upon written application to and approval of the  
32 director, a participant's records shall be disclosed to public  
33 duties, audits, and other purposes directly related to the  
34 administration of the department.

35 6. A participant's records shall be disclosed to the

1 participant upon the participant's written request.

2 7. A person shall not solicit, disclose, receive, use,  
3 authorize, or knowingly permit, participate in, or acquiesce  
4 in the use of confidential information under this section for  
5 commercial or political purpose.

6 Sec. 9. NEW SECTION. 217.58 ADMINISTRATIVE RULES.

7 The rules adopted by the director for the implementation of  
8 sections 217.50 through 217.58 shall be adopted pursuant to  
9 chapter 17A.

10 Sec. 10. Section 22.7, Code 1991, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 29. Records of the department of human  
13 services pertaining to participants in the gamblers assistance  
14 program except as otherwise provided in section 217.57 or this  
15 chapter.

16 EXPLANATION

17 This bill provides for the establishment of a gamblers  
18 assistance program by the department of human services from  
19 funds received under section 99E.10. The bill creates an  
20 advisory committee of eleven members appointed by the  
21 governor, subject to confirmation by the senate. The advisory  
22 committee is to be composed of a broad cross section of  
23 professionals and other interested persons involved in  
24 providing, enforcing, adjudicating, rehabilitating, or  
25 administering gambling games, laws, gamblers, or persons  
26 affected by gambling. The bill also specifies the powers and  
27 duties of the director and the advisory committee and outlines  
28 the basic features of the gamblers assistance programs to be  
29 provided by the department.

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Buhr, Ch.  
MURPHY  
SORENSEN  
KRAMER  
VANDEHOEF

SSB 2062

STATE GOVERNMENT - NOW -

SENATE/HOUSE FILE 2/53  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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22 membership: the council on problem gambling, recovering  
23 gamblers, the state judicial department, the legal community,  
24 law enforcement officials, the religious community, employees  
25 of the lottery division of the department of revenue and  
26 finance, racing commission employees, employees of the racing  
27 and gaming division of the department of inspections and  
28 appeals, education professionals, parole and probation  
29 officers, and representatives from employee assistance  
30 programs, business and industry, human service providers,  
31 gamblers assistance providers, and other interest citizens.

32 4. Annually, the director shall appoint one member of the  
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16 217.54 DUTIES OF DIRECTOR.

17 The director shall:

18 1. Appoint members of the committee pursuant to section  
19 217.53.

20 2. Be responsible for the administration of the gamblers  
21 assistance fund and program.

22 3. Employ personnel under chapter 19A for administration  
23 of the gamblers assistance fund and program and to assist the  
24 advisory committee on problem gambling.

25 4. Publish annually a list of facilities providing  
26 services to problem gamblers and persons affected by problem  
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28 5. Take all necessary and proper actions to carry out the  
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3 gamblers and persons impacted by the actions of problem  
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5 3. Advise the department on budgeting, planning, and  
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8 contract proposals.

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10 committee vacancies as provided in section 217.53.

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23 to review or evaluate the program.

24 3. The director may provide information from participants'  
25 records to a person conducting bona fide research for research  
26 purposes under conditions the director deems appropriate, and  
27 may disclose or use information regarding the cost, purpose,  
28 number of persons served or assisted, results, and other  
29 general and statistical information if personal identifying  
30 data is not disclosed.

31 4. A participant's records may be disclosed to medical  
32 personnel in a medical emergency involving the participant.

33 5. Upon written application to and approval of the  
34 director, a participant's records shall be disclosed to public  
35 duties, audits, and other purposes directly related to the

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2 6. A participant's records shall be disclosed to the  
3 participant upon the participant's written request.

4 7. A person shall not solicit, disclose, receive, use,  
5 authorize, or knowingly permit, participate in, or acquiesce  
6 in the use of confidential information under this section for  
7 commercial or political purpose.

8 Sec. 9. NEW SECTION. 217.58 ADMINISTRATIVE RULES.

9 The rules adopted by the director for the implementation of  
10 sections 217.50 through 217.58 shall be adopted pursuant to  
11 chapter 17A.

12 Sec. 10. Section 22.7, Code 1991, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 29. Records of the department of human  
15 services pertaining to participants in the gamblers assistance  
16 program except as otherwise provided in section 217.57 or this  
17 chapter.

18 EXPLANATION

19 This bill provides for the establishment of a gamblers  
20 assistance program by the department of human services from  
21 funds received under section 99E.10. The bill creates an  
22 advisory committee of eleven members appointed by the director  
23 of human services. The advisory committee is to be composed  
24 of a broad cross section of professionals and other interested  
25 persons involved in providing, enforcing, adjudicating,  
26 rehabilitating, or administering gambling games, laws,  
27 gamblers, or persons affected by gambling. The bill also  
28 specifies the powers and duties of the director and the  
29 advisory committee and outlines the basic features of the  
30 gamblers assistance programs to be provided by the department.

31 BACKGROUND STATEMENT

32 SUBMITTED BY THE AGENCY

33 When the lottery legislation passed, it established a  
34 gamblers assistance fund that the department of human services  
35 was to administer. The fund was to be used to provide

1 assistance and counseling to individuals and families  
2 experiencing difficulty as a result of gambling losses and to  
3 promote awareness of "gamblers anonymous" and similar  
4 assistance programs. The department created a gamblers  
5 assistance program to carry out the intent of the two  
6 sentences in the legislation.

7 In addition, a citizens advisory committee was established  
8 by the department to offer advice and give direction in the  
9 development and operation of the gamblers assistance program.  
10 Some members of the committee have been more active than  
11 others. This smaller group has actively attended and worked  
12 for the program. Many times when the committee has been  
13 making decisions or recommendations on rules or other  
14 proposals, only the active members have been in attendance to  
15 give their opinion. Membership on the committee has been  
16 stagnant. Most of the members have come from central Iowa or  
17 are affluent citizens.

18 The department recommends the amendment of the Iowa Code by  
19 adding language specifying the establishment of a gamblers  
20 assistance program and to include the advisory committee on  
21 problem gambling.

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