

REPRINTED

MAR 5 1996

Place On Calendar

HOUSE FILE 2435  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 699)

Passed House, Date 3/20/96 (P. 851) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 98 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of a problem gambling  
2 treatment program, creating an advisory committee, providing  
3 for other properly related matters, and applying a penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2435

1 Section 1. NEW SECTION. 225D.1 LEGISLATIVE INTENT.

2 The intent of this chapter is to provide quality treatment  
3 and rehabilitation services to persons experiencing  
4 difficulties as a result of problem gambling, to ensure that  
5 the services are adequately administered by competent persons,  
6 and to encourage and coordinate education and other preventive  
7 efforts concerning problem gambling.

8 Sec. 2. NEW SECTION. 225D.2 DEFINITIONS.

9 As used in this chapter, unless the context otherwise  
10 requires:

11 1. "Committee" means the gambling treatment advisory  
12 committee established in section 225D.4.

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

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

15 4. "Participant" means a person receiving services  
16 provided through the gambling treatment program established in  
17 section 225D.3.

18 5. "Program" means the gambling treatment program  
19 established in section 225D.3.

20 Sec. 3. NEW SECTION. 225D.3 GAMBLING TREATMENT PROGRAM  
21 ESTABLISHED.

22 1. A gambling treatment program is established within the  
23 department of human services. The department shall develop,  
24 implement, and administer the program, with the assistance of  
25 the gambling treatment advisory committee.

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

30 a. Outpatient and follow-up treatment.

31 b. Rehabilitation programs.

32 c. Residential treatment.

33 d. Inpatient treatment.

34 e. Information and referral services.

35 f. Education and preventive services.

1 g. Consumer credit counseling and financial management  
2 services.

3 3. The director may enter into written agreements with  
4 public or private agencies to pay for services for problem  
5 gamblers and other persons affected by problem gambling. The  
6 director shall adopt rules, pursuant to chapter 17A,  
7 specifying the criteria for payment to the facilities. The  
8 problem gambler or other affected person receiving services is  
9 responsible for payment for the costs of the services, either  
10 through direct payment to the facility or reimbursement to the  
11 department. If the person receiving services has a claim for  
12 reimbursement for services, through insurance or otherwise,  
13 the person shall assign the claim to the department.

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

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

35 Sec. 4. NEW SECTION. 225D.4 GAMBLING TREATMENT ADVISORY

1 COMMITTEE ESTABLISHED.

2 1. A gambling treatment advisory committee is established  
3 to advise the department on the administration of the program.  
4 The committee shall consist of eleven members appointed by the  
5 director for terms of office of three years and two senators  
6 and two state representatives appointed by the majority and  
7 minority leaders of the senate and the speaker and the  
8 minority leader of the house of representatives, respectively,  
9 for two-year terms. The legislative members shall be  
10 nonvoting members. A member shall not be appointed to more  
11 than two consecutive three-year terms. Terms of office shall  
12 be staggered, and shall commence on July 1 of the year of  
13 appointment. The membership of the advisory committee shall  
14 be gender-balanced as provided in section 69.16A.

15 2. For a vacancy occurring after the appointment of the  
16 initial membership, the committee shall submit a list of at  
17 least two names to the director for consideration in filling  
18 the vacancy on the committee. The director shall fill the  
19 vacancy from the list of names for a term of three years or  
20 for the remainder of the unexpired term.

21 3. The committee and the director shall ensure that the  
22 committee consists of members from both urban and rural areas  
23 and represents a broad cross section of the state, selected  
24 from the following groups: recovering gamblers, the judicial  
25 department, the legal community, law enforcement officials,  
26 the religious community, employees of the lottery division of  
27 the department of revenue and finance, employees of the state  
28 racing and gaming commission, education professionals, parole  
29 and probation officers, and representatives from employee  
30 assistance programs, business and industry, human service  
31 providers, gambling treatment providers, and other interested  
32 citizens.

33 4. Annually, the chairperson of the committee shall be  
34 elected by the committee from among its membership. The com-  
35 mittee shall meet as frequently as the chairperson deems

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

4 5. Committee members who are applicants for or recipients  
5 of funds provided under this program are disqualified from  
6 voting on decisions relating to the disbursement of those  
7 funds for services in which the member has an interest.

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

13 Sec. 5. NEW SECTION. 225D.5 POWERS AND DUTIES OF THE  
14 DIRECTOR.

15 The director shall:

16 1. Appoint members of the committee pursuant to section  
17 225D.4.

18 2. Be responsible for the administration of the gamblers  
19 assistance fund and the gambling treatment program.

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

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

26 5. Take all necessary and proper actions to carry out this  
27 chapter.

28 6. Adopt the necessary rules required to administer this  
29 chapter pursuant to chapter 17A.

30 Sec. 6. NEW SECTION. 225D.6 POWERS AND DUTIES OF THE  
31 GAMBLING TREATMENT ADVISORY COMMITTEE.

32 The committee shall:

33 1. Consult with and make recommendations to the department  
34 concerning the adoption of rules relating to the treatment of  
35 problem gamblers and carrying out the purposes of this

1 chapter.

2 2. Recommend services to be offered to treat problem  
3 gamblers and persons affected by the actions of problem  
4 gamblers.

5 3. Advise the department on budgeting, planning, and pri-  
6 orities for effective treatment of gamblers.

7 4. Make recommendations to the director concerning  
8 contract proposals.

9 5. Make recommendations to the director concerning  
10 committee vacancies as provided in section 225D.4.

11 6. Take all necessary and proper actions to carry out the  
12 purposes of this chapter.

13 Sec. 7. NEW SECTION. 225D.7 AUDITS.

14 A contractor providing services pursuant to this chapter  
15 shall be audited on an annual basis in accordance with the  
16 procedures established in section 11.36.

17 Sec. 8. NEW SECTION. 225D.8 CONFIDENTIALITY OF RECORDS.

18 1. Records pertaining to participants in the gambling  
19 treatment program are confidential pursuant to section 22.7.  
20 The records shall not be inspected and their contents shall  
21 not be disclosed except as otherwise provided in this section.

22 2. The director may examine participants' records in order  
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 patient.

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

1 the administration of the department.

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 purposes.

8 Sec. 9. Section 22.7, Code Supplement 1995, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 33. Records of the department of human  
11 services pertaining to participants in the gambling treatment  
12 program except as otherwise provided in section 225D.8 or this  
13 chapter.

14 Sec. 10. Section 99D.7, subsection 21, Code Supplement  
15 1995, is amended to read as follows:

16 21. To cooperate with the ~~gamblers-assistance~~ gambling  
17 treatment program administered by the department of human  
18 services to incorporate information regarding the ~~gamblers~~  
19 assistance gambling treatment program and its toll-free  
20 telephone number in printed materials distributed by the  
21 commission. The commission may require licensees to have the  
22 information available in a conspicuous place as a condition of  
23 licensure.

24 Sec. 11. Section 99E.9, subsection 8, Code Supplement  
25 1995, is amended to read as follows:

26 8. The Iowa lottery board shall cooperate with the  
27 ~~gamblers-assistance~~ gambling treatment program administered by  
28 the department of human services to incorporate information  
29 regarding the ~~gamblers-assistance~~ gambling treatment program  
30 and its toll-free telephone number in printed materials  
31 distributed by the board.

32

#### EXPLANATION

33 This bill provides for the establishment of a gambling  
34 treatment program by the department of human services from  
35 funds received under section 99E.10 from the gambler's

1 assistance fund. The bill creates a gambling treatment  
2 advisory committee of 11 members appointed by the director of  
3 human services and four legislative members. The committee is  
4 to be composed of a broad cross section of professionals and  
5 other interested persons involved in providing, enforcing,  
6 adjudicating, rehabilitating, or administering gambling games,  
7 laws, gamblers, or persons affected by gambling. The bill  
8 also specifies the powers and duties of the director and the  
9 committee and outlines the basic features of the gambling  
10 treatment program to be provided by the department.

11 The bill also provides for the confidentiality of records  
12 relating to participants in the gambling treatment program.  
13 Violators are guilty of a simple misdemeanor pursuant to  
14 section 22.6.

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HOUSE FILE 2435

H-5218

- 1 Amend House File 2435 as follows:  
2 1. Page 6, by inserting after line 23 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 99D.9, subsection 6, Code 1995,  
5 is amended to read as follows:  
6 6. A licensee ~~may~~ shall not loan to any person  
7 money or any other thing of value or provide space or  
8 accommodation for any party to provide credit in  
9 person or through any mechanical or electronic device  
10 for the purpose of permitting that person to wager on  
11 any race."  
12 2. Page 6, by inserting after line 31 the  
13 following:  
14 "Sec. \_\_\_\_ . Section 99F.9, subsection 6, Code 1995,  
15 is amended to read as follows:  
16 6. A licensee shall not accept a credit card as  
17 defined in section 537.1301, subsection 16, or provide  
18 space or accommodation for any other party to provide  
19 credit in person or through a mechanical or electronic  
20 device to purchase coins, tokens, or other forms of  
21 credit to be wagered on gambling games."  
22 3. By renumbering as necessary.

By FALLON of Polk  
SUKUP of Franklin

H-5218 FILED MARCH 6, 1996

WITHDRAWN  
3/20/96 (A850)

HOUSE FILE 2435

H-5217

- 1 Amend House File 2435 as follows:  
2 1. Page 6, by inserting after line 23 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 99D.11, Code 1995, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 8. A licensee shall not permit  
7 the operation of a satellite terminal as defined in  
8 section 527.2 to dispense cash or credit for gambling  
9 purposes within a pari-mutuel racetrack enclosure or  
10 at other facilities and parking areas controlled by  
11 the licensee."  
12 2. Page 6, by inserting after line 31 the  
13 following:  
14 "Sec. \_\_\_\_ . Section 99F.9, Code 1995, is amended by  
15 adding the following new subsection:  
16 NEW SUBSECTION. 7. A licensee shall not permit  
17 the operation of a satellite terminal as defined in  
18 section 527.2 to dispense cash or credit for gambling  
19 purposes on an excursion gambling boat or at other  
20 facilities and parking areas controlled by the  
21 licensee."  
22 3. By renumbering as necessary.

By FALLON of Polk  
SUKUP of Franklin

H-5217 FILED MARCH 6, 1996

WITHDRAWN  
3/20/96 (P. 250)

HOUSE FILE 2435

H-5466

1 Amend House File 2435 as follows:

~~A~~ 2

1. Page 2, by striking lines 1 and 2.

3 2. Page 3, line 10, by inserting after the word  
4 "A" the following: "nonlegislative".

5 3. Page 3, line 29, by inserting after the word  
6 "officers," the following: "psychiatrists licensed

B

7 under chapter 147 or 150A,".

8 4. Page 3, line 30, by inserting after the word  
9 "programs," the following: "consumer credit  
10 counseling and financial management agencies,".

By HARRISON of Scott

H-5466 FILED MARCH 19, 1996

*A adopted 3-20-96 (851)*

*B adopted 3-20-96 (850)*

HOUSE FILE 2435  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 699)

(As Amended and Passed by the House, March 20, 1996)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the establishment of a problem gambling  
2 treatment program, creating an advisory committee, providing  
3 for other properly related matters, and applying a penalty.

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

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House Amendments \_\_\_\_\_

Deleted Language \*

1 Section 1. NEW SECTION. 225D.1 LEGISLATIVE INTENT.

2 The intent of this chapter is to provide quality treatment  
3 and rehabilitation services to persons experiencing  
4 difficulties as a result of problem gambling, to ensure that  
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6 and to encourage and coordinate education and other preventive  
7 efforts concerning problem gambling.

8 Sec. 2. NEW SECTION. 225D.2 DEFINITIONS.

9 As used in this chapter, unless the context otherwise  
10 requires:

11 1. "Committee" means the gambling treatment advisory  
12 committee established in section 225D.4.

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

15 4. "Participant" means a person receiving services  
16 provided through the gambling treatment program established in  
17 section 225D.3.

18 5. "Program" means the gambling treatment program  
19 established in section 225D.3.

20 Sec. 3. NEW SECTION. 225D.3 GAMBLING TREATMENT PROGRAM  
21 ESTABLISHED.

22 1. A gambling treatment program is established within the  
23 department of human services. The department shall develop,  
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25 the gambling treatment advisory committee.

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

30 a. Outpatient and follow-up treatment.

31 b. Rehabilitation programs.

32 c. Residential treatment.

33 d. Inpatient treatment.

34 e. Information and referral services.

35 f. Education and preventive services.

\*1 3. The director may enter into written agreements with  
2 public or private agencies to pay for services for problem  
3 gamblers and other persons affected by problem gambling. The  
4 director shall adopt rules, pursuant to chapter 17A,  
5 specifying the criteria for payment to the facilities. The  
6 problem gambler or other affected person receiving services is  
7 responsible for payment for the costs of the services, either  
8 through direct payment to the facility or reimbursement to the  
9 department. If the person receiving services has a claim for  
10 reimbursement for services, through insurance or otherwise,  
11 the person shall assign the claim to the department.

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

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

33 Sec. 4. NEW SECTION. 225D.4 GAMBLING TREATMENT ADVISORY  
34 COMMITTEE ESTABLISHED.

35 1. A gambling treatment advisory committee is established

1 to advise the department on the administration of the program.  
2 The committee shall consist of eleven members appointed by the  
3 director for terms of office of three years and two senators  
4 and two state representatives appointed by the majority and  
5 minority leaders of the senate and the speaker and the  
6 minority leader of the house of representatives, respectively,  
7 for two-year terms. The legislative members shall be  
8 nonvoting members. A nonlegislative member shall not be  
9 appointed to more than two consecutive three-year terms.  
10 Terms of office shall be staggered, and shall commence on July  
11 1 of the year of appointment. The membership of the advisory  
12 committee shall be gender-balanced as provided in section  
13 69.16A.

14 2. For a vacancy occurring after the appointment of the  
15 initial membership, the committee shall submit a list of at  
16 least two names to the director for consideration in filling  
17 the vacancy on the committee. The director shall fill the  
18 vacancy from the list of names for a term of three years or  
19 for the remainder of the unexpired term.

20 3. The committee and the director shall ensure that the  
21 committee consists of members from both urban and rural areas  
22 and represents a broad cross section of the state, selected  
23 from the following groups: recovering gamblers, the judicial  
24 department, the legal community, law enforcement officials,  
25 the religious community, employees of the lottery division of  
26 the department of revenue and finance, employees of the state  
27 racing and gaming commission, education professionals, parole  
28 and probation officers, psychiatrists licensed under chapter  
29 147 or 150A, and representatives from employee assistance  
30 programs, consumer credit counseling and financial management  
31 agencies, business and industry, human service providers,  
32 gambling treatment providers, and other interested citizens.

33 4. Annually, the chairperson of the committee shall be  
34 elected by the committee from among its membership. The com-  
35 mittee shall meet as frequently as the chairperson deems

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

4 5. Committee members who are applicants for or recipients  
5 of funds provided under this program are disqualified from  
6 voting on decisions relating to the disbursement of those  
7 funds for services in which the member has an interest.

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

13 Sec. 5. NEW SECTION. 225D.5 POWERS AND DUTIES OF THE  
14 DIRECTOR.

15 The director shall:

16 1. Appoint members of the committee pursuant to section  
17 225D.4.

18 2. Be responsible for the administration of the gamblers  
19 assistance fund and the gambling treatment program.

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

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

26 5. Take all necessary and proper actions to carry out this  
27 chapter.

28 6. Adopt the necessary rules required to administer this  
29 chapter pursuant to chapter 17A.

30 Sec. 6. NEW SECTION. 225D.6 POWERS AND DUTIES OF THE  
31 GAMBLING TREATMENT ADVISORY COMMITTEE.

32 The committee shall:

33 1. Consult with and make recommendations to the department  
34 concerning the adoption of rules relating to the treatment of  
35 problem gamblers and carrying out the purposes of this

1 chapter.

2 2. Recommend services to be offered to treat problem  
3 gamblers and persons affected by the actions of problem  
4 gamblers.

5 3. Advise the department on budgeting, planning, and pri-  
6 orities for effective treatment of gamblers.

7 4. Make recommendations to the director concerning  
8 contract proposals.

9 5. Make recommendations to the director concerning  
10 committee vacancies as provided in section 225D.4.

11 6. Take all necessary and proper actions to carry out the  
12 purposes of this chapter.

13 Sec. 7. NEW SECTION. 225D.7 AUDITS.

14 A contractor providing services pursuant to this chapter  
15 shall be audited on an annual basis in accordance with the  
16 procedures established in section 11.36.

17 Sec. 8. NEW SECTION. 225D.8 CONFIDENTIALITY OF RECORDS.

18 1. Records pertaining to participants in the gambling  
19 treatment program are confidential pursuant to section 22.7.  
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25 records to a person conducting bona fide research for research  
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27 may disclose or use information regarding the cost, purpose,  
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29 general and statistical information if personal identifying  
30 data is not disclosed.

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32 personnel in a medical emergency involving the patient.

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34 director, a participant's records shall be disclosed for  
35 public duties, audits, and other purposes directly related to



1 the administration of the department.

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,  
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8 Sec. 9. Section 22.7, Code Supplement 1995, is amended by  
9 adding the following new subsection:

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11 services pertaining to participants in the gambling treatment  
12 program except as otherwise provided in section 225D.8 or this  
13 chapter.

14 Sec. 10. Section 99D.7, subsection 21, Code Supplement  
15 1995, is amended to read as follows:

16 21. To cooperate with the ~~gamblers-assistance~~ gambling  
17 treatment program administered by the department of human  
18 services to incorporate information regarding the ~~gamblers~~  
19 ~~assistance~~ gambling treatment program and its toll-free  
20 telephone number in printed materials distributed by the  
21 commission. The commission may require licensees to have the  
22 information available in a conspicuous place as a condition of  
23 licensure.

24 Sec. 11. Section 99E.9, subsection 8, Code Supplement  
25 1995, is amended to read as follows:

26 8. The Iowa lottery board shall cooperate with the  
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29 regarding the ~~gamblers-assistance~~ gambling treatment program  
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31 distributed by the board.

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HARRISON, CH  
VEENSTRA  
WITT

HSB 699  
HUMAN RESOURCES

Succeeded By  
SF / HF

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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35 f. Education and preventive services.

1 3. The director may enter into written agreements with  
2 public or private agencies to pay for services for problem  
3 gamblers and other persons affected by problem gambling. The  
4 director shall adopt rules, pursuant to chapter 17A,  
5 specifying the criteria for payment to the facilities. The  
6 problem gambler or other affected person receiving services is  
7 responsible for payment for the costs of the services, either  
8 through direct payment to the facility or reimbursement to the  
9 department. If the person receiving services has a claim for  
10 reimbursement for services, through insurance or otherwise,  
11 the person shall assign the claim to the department.

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

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

33 Sec. 4. NEW SECTION. 225D.4 GAMBLING TREATMENT ADVISORY  
34 COMMITTEE ESTABLISHED.

35 1. A gambling treatment advisory committee is established

1 to advise the department on the administration of the program.  
2 The committee shall consist of eleven members appointed by the  
3 director for terms of office of three years. A member shall  
4 not be appointed to more than two consecutive three-year  
5 terms. Terms of office shall be staggered, and shall commence  
6 on July 1 of the year of appointment. The membership of the  
7 advisory committee shall be gender-balanced as provided in  
8 section 69.16A.

9 2. For a vacancy occurring after the appointment of the  
10 initial membership, the committee shall submit a list of at  
11 least two names to the director for consideration in filling  
12 the vacancy on the committee. The director shall fill the  
13 vacancy from the list of names for a term of three years or  
14 for the remainder of the unexpired term.

15 3. The committee and the director shall ensure that the  
16 committee consists of members from both urban and rural areas  
17 and represents a broad cross section of the state, selected  
18 from the following groups: recovering gamblers, the judicial  
19 department, the legal community, law enforcement officials,  
20 the religious community, employees of the lottery division of  
21 the department of revenue and finance, employees of the state  
22 racing and gaming commission, education professionals, parole  
23 and probation officers, and representatives from employee  
24 assistance programs, business and industry, human service  
25 providers, gambling treatment providers, and other interested  
26 citizens.

27 4. Annually, the director shall appoint one member of the  
28 committee to serve as chairperson of the committee. The com-  
29 mittee shall meet as frequently as the chairperson deems  
30 necessary, but not less than annually. Special meetings may  
31 be called by the department, the chairperson, or upon written  
32 request by three or more of the members of the committee.

33 5. Committee members who are applicants for or recipients  
34 of funds provided under this program are disqualified from  
35 voting on decisions relating to the disbursement of those

1 funds for services in which the member has an interest.

2 6. Members of the committee shall be allowed their rea-  
3 sonable and necessary expenses incurred in the performance of  
4 their duties paid from funds appropriated for the program.  
5 Members of the committee may also be eligible to receive  
6 compensation as provided in section 7E.6.

7 Sec. 5. NEW SECTION. 225D.5 POWERS AND DUTIES OF THE  
8 DIRECTOR.

9 The director shall:

10 1. Appoint members of the committee pursuant to section  
11 225D.4.

12 2. Be responsible for the administration of the gamblers  
13 assistance fund and the gambling treatment program.

14 3. Employ personnel under chapter 19A for administration  
15 of the gamblers assistance fund and the gambling treatment  
16 program and to assist the gambling treatment advisory  
17 committee.

18 4. Publish annually a list of facilities providing  
19 services to gamblers and persons affected by problem gambling.

20 5. Take all necessary and proper actions to carry out this  
21 chapter.

22 6. Adopt the necessary rules required to administer this  
23 chapter pursuant to chapter 17A.

24 Sec. 6. NEW SECTION. 225D.6 POWERS AND DUTIES OF THE  
25 GAMBLING TREATMENT ADVISORY COMMITTEE.

26 The committee shall:

27 1. Consult with and make recommendations to the department  
28 concerning the adoption of rules relating to the treatment of  
29 problem gamblers and carrying out the purposes of this  
30 chapter.

31 2. Recommend services to be offered to treat problem  
32 gamblers and persons affected by the actions of problem  
33 gamblers.

34 3. Advise the department on budgeting, planning, and pri-  
35 orities for effective treatment of gamblers.

1 4. Make recommendations to the director concerning  
2 contract proposals.

3 5. Make recommendations to the director concerning  
4 committee vacancies as provided in section 225D.4.

5 6. Take all necessary and proper actions to carry out the  
6 purposes of this chapter.

7 Sec. 7. NEW SECTION. 225D.7 AUDITS.

8 A contractor providing services pursuant to this chapter  
9 shall be audited on an annual basis in accordance with the  
10 procedures established in section 11.36.

11 Sec. 8. NEW SECTION. 225D.8 CONFIDENTIALITY OF RECORDS.

12 1. Records pertaining to participants in the gambling  
13 treatment program are confidential pursuant to section 22.7.  
14 The records shall not be inspected and their contents shall  
15 not be disclosed except as otherwise provided in this section.

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

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

25 4. A participant's records may be disclosed to medical  
26 personnel in a medical emergency involving the patient.

27 5. Upon written application to and approval of the  
28 director, a participant's records shall be disclosed for  
29 public duties, audits, and other purposes directly related to  
30 the administration of the department.

31 6. A participant's records shall be disclosed to the  
32 participant upon the participant's written request.

33 7. A person shall not solicit, disclose, receive, use,  
34 authorize, or knowingly permit, participate in, or acquiesce  
35 in the use of confidential information under this section for

1 commercial or political purposes.

2 Sec. 9. Section 22.7, Code Supplement 1995, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 33. Records of the department of human  
5 services pertaining to participants in the gambling treatment  
6 program except as otherwise provided in section 225D.8 or this  
7 chapter.

8 Sec. 10. Section 99D.7, subsection 21, Code Supplement  
9 1995, is amended to read as follows:

10 21. To cooperate with the gamblers-assistance gambling  
11 treatment program administered by the department of human  
12 services to incorporate information regarding the gamblers  
13 assistance gambling treatment program and its toll-free  
14 telephone number in printed materials distributed by the  
15 commission. The commission may require licensees to have the  
16 information available in a conspicuous place as a condition of  
17 licensure.

18 Sec. 11. Section 99E.9, subsection 8, Code Supplement  
19 1995, is amended to read as follows:

20 8. The Iowa lottery board shall cooperate with the  
21 gamblers-assistance gambling treatment program administered by  
22 the department of human services to incorporate information  
23 regarding the gamblers-assistance gambling treatment program  
24 and its toll-free telephone number in printed materials  
25 distributed by the board.

26 EXPLANATION

27 This bill provides for the establishment of a gambling  
28 treatment program by the department of human services from  
29 funds received under section 99E.10 from the gambler's  
30 assistance fund. The bill creates a gambling treatment  
31 advisory committee of 11 members appointed by the director of  
32 human services. The committee is to be composed of a broad  
33 cross section of professionals and other interested persons  
34 involved in providing, enforcing, adjudicating,  
35 rehabilitating, or administering gambling games, laws,



1 gamblers, or persons affected by gambling. The bill also  
2 specifies the powers and duties of the director and the  
3 committee and outlines the basic features of the gambling  
4 treatment program to be provided by the department.

5 The bill also provides for the confidentiality of records  
6 relating to participants in the gambling treatment program.  
7 Violators are guilty of a simple misdemeanor pursuant to  
8 section 22.6.

9 BACKGROUND STATEMENT

10 SUBMITTED BY THE AGENCY

11 When the lottery legislation passed, it established a  
12 gamblers assistance fund. The director of human services is  
13 to administer the fund and provide programs for persons  
14 affected by gambling, education programs, and preventive  
15 services. The department manages the gambling treatment  
16 program to carry out the intent of the two sentences in the  
17 legislation. The term "gamblers assistance program" confuses  
18 some people into thinking the program helps educate people on  
19 how to gamble. The name change to "gambling treatment  
20 program" serves to clarify the purpose of treatment for those  
21 experiencing difficulty as a result of problem gambling.

22 In addition, an advisory committee was established by the  
23 department to offer advice and give direction in the  
24 development and operation of a gambling treatment program.  
25 Some members of the committee have been more active than  
26 others. Over the years, attendance has dwindled. Many times  
27 when the committee had been making decisions or  
28 recommendations on rules or other proposals, only the active  
29 members were in attendance to give their opinion. There is  
30 now no active advisory committee.

31 The department recommends the amendment of the Iowa Code by  
32 adding language specifying the establishment of a gambling  
33 treatment program and to include the gambling treatment  
34 advisory committee.

35