

4/24/96 *Sumner Res.*  
4/26/96 Amend / *De Paul W/55852*  
FILED APR 24 1996  
H-5/1/96 State Gov.

SENATE FILE **2469**  
BY HORN and RIFE

Passed Senate, Date <sup>(P.1561)</sup> 5/1/96 Passed House, Date \_\_\_\_\_  
Vote: Ayes 49 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of a problem gambling  
2 treatment program and applying a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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S.F. 2469

1 Section 1. NEW SECTION. 135.108 LEGISLATIVE INTENT.

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

8 Sec. 2. NEW SECTION. 135.109 DEFINITIONS.

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

11 1. "Department" means the Iowa department of public  
12 health.

13 2. "Director" means the director of public health.

14 3. "Participant" means a resident of this state receiving  
15 services provided through the gambling treatment program  
16 established in section 135.110.

17 4. "Program" means the gambling treatment program  
18 established in section 135.110.

19 Sec. 3. NEW SECTION. 135.110 GAMBLING TREATMENT PROGRAM  
20 ESTABLISHED.

21 1. A gambling treatment program is established within the  
22 department. The department shall develop, implement, and  
23 administer the program.

24 2. The program shall include the development and  
25 implementation of a treatment program for problem gamblers and  
26 persons affected by gambling. The program may include the  
27 following:

28 a. Outpatient and follow-up treatment.

29 b. Information and referral services.

30 c. Education and preventive services.

31 3. The director may enter into written agreements with  
32 public or private agencies to pay for services for problem  
33 gamblers and other persons affected by problem gambling. The  
34 department shall adopt rules, pursuant to chapter 17A,  
35 specifying the criteria for payment to the facilities. The

1 problem gambler or other affected person receiving services is  
2 responsible for payment for the costs of the services, either  
3 through direct payment to the facility or reimbursement to the  
4 department. If the person receiving services has a claim for  
5 reimbursement for services, through insurance or otherwise,  
6 the person shall assign the claim to the department.

7 4. The director shall announce through public notice the  
8 opening of an application period for all contracts that are  
9 not for outpatient services. Agencies may submit detailed  
10 contract proposals for consideration by the director.  
11 Selection criteria include the demonstrated need in the  
12 service areas, community support and relationships to existing  
13 agencies, general program structure, and plans for using the  
14 funds. Contracts for other than outpatient services shall be  
15 awarded for a duration not to exceed one year.

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

33 Sec. 4. NEW SECTION. 135.111 RESTRICTION OF SERVICES.

34 Services provided pursuant to the gambling treatment  
35 program shall be confined to residents of this state. The

1 definition of resident, for purposes of this division, and the  
2 development of procedures for making this determination, shall  
3 be established by the department by rule.

4 Sec. 5. NEW SECTION. 135.112 POWERS AND DUTIES OF THE  
5 DIRECTOR.

6 The director shall:

7 1. Be responsible for the administration of the gamblers  
8 assistance fund and the gambling treatment program.

9 2. Employ personnel under chapter 19A for administration  
10 of the gamblers assistance fund and the gambling treatment  
11 program.

12 3. Publish annually a list of facilities providing  
13 services to gamblers and persons affected by problem gambling.

14 4. Take all necessary and proper actions to administer  
15 this division.

16 5. Propose necessary rules, required to administer this  
17 division, for adoption by the department pursuant to chapter  
18 17A.

19 Sec. 6. NEW SECTION. 135.113 AUDITS.

20 A contractor providing services pursuant to this division  
21 shall be audited on an annual basis in accordance with the  
22 procedures established in section 11.36.

23 Sec. 7. NEW SECTION. 135.114 CONFIDENTIALITY OF RECORDS.

24 1. Records pertaining to participants in the gambling  
25 treatment program are confidential pursuant to section 22.7.  
26 The records shall not be inspected and their contents shall  
27 not be disclosed except as otherwise provided in this section.

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

30 3. The director may provide information from participants'  
31 records to a person conducting bona fide research for research  
32 purposes under conditions the director deems appropriate, and  
33 may disclose or use information regarding the cost, purpose,  
34 number of persons served or assisted, results, and other  
35 general and statistical information if personal identifying

1 data is not disclosed.

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

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

8 6. A participant's records shall be disclosed to the  
9 participant upon the participant's written request.

10 7. A person shall not solicit, disclose, receive, use,  
11 authorize, or knowingly permit, participate in, or acquiesce  
12 in the use of confidential information under this section for  
13 commercial or political purposes.

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

16 NEW SUBSECTION. 33. Records of the Iowa department of  
17 public health pertaining to participants in the gambling  
18 treatment program except as otherwise provided in section  
19 135.114 or this chapter.

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

22 21. To cooperate with the ~~gamblers-assistance~~ gambling  
23 treatment program administered by the Iowa department of ~~human~~  
24 ~~services~~ public health to incorporate information regarding  
25 the ~~gamblers-assistance~~ gambling treatment program and its  
26 toll-free telephone number in printed materials distributed by  
27 the commission. The commission may require licensees to have  
28 the information available in a conspicuous place as a  
29 condition of licensure.

30 Sec. 10. Section 99E.9, subsection 8, Code Supplement  
31 1995, is amended to read as follows:

32 8. The Iowa lottery board shall cooperate with the  
33 ~~gamblers-assistance~~ gambling treatment program administered by  
34 the Iowa department of ~~human-services~~ public health to  
35 incorporate information regarding the ~~gamblers-assistance~~

1 gambling treatment program and its toll-free telephone number  
2 in printed materials distributed by the board.

3 EXPLANATION

4 This bill provides for the establishment of a gambling  
5 treatment program for Iowa residents by the Iowa department of  
6 public health from funds received under section 99E.10 from  
7 the gambler's assistance fund. The bill specifies the powers  
8 and duties of the director with respect to the gambling  
9 treatment program and outlines the basic features of the  
10 program to be provided by the department.

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

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**SENATE FILE 2469  
FISCAL NOTE**

A fiscal note for Senate File 2469 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2469 establishes the Gambling Treatment Program by the Department of Public Health funded by the Gambler's Assistance Fund. The Bill specifies the Gambling Treatment Program powers and duties of the Department Director and outlines the basic features of the Program, provides for the confidentiality of records, and provides a penalty.

**ASSUMPTIONS**

1. Administrative and support expenses are to be paid from the Gamblers Assistance Fund. There is no specific percentage of the fund dedicated to administration. Contract services expenditures include administrative support, contracted employment as necessary, and audit costs.
2. Revenues deposited into the Gambler's Assistance Fund are estimated to be \$2.2 million in FY 1996 and \$2.3 million in FY 1997. The Code of Iowa specifies that three-tenths of one percent of gross lottery revenue and adjusted gross gaming receipts are deposited into the Gambler's Assistance Fund.
3. There will be no change in gambling behavior as a result of this legislation.
4. The \$600,000 estimated ending balance of the Gambler's Assistance Fund in Fiscal Year 1996 is allocated to the Community Grant Fund (\$200,000) and Substance Abuse Program Grants (\$400,000) per SF 2448 (Health and Human Rights Appropriations Bill). These funds are not included in the revenue estimate provided below.

**FISCAL IMPACT**

The estimated fiscal impact of SF 2469 is as follows:

**Gambling Treatment Program  
(dollars in thousands)**

|                     | Fiscal Year 1997 |              | Fiscal Year 1998 |              |
|---------------------|------------------|--------------|------------------|--------------|
|                     | Current Law      | Proposed Law | Current Law      | Proposed Law |
| <b>REVENUE</b>      |                  |              |                  |              |
| Gamblers Asst Fd    | \$ 2,200         | \$ 2,200     | \$ 2,300         | \$ 2,300     |
| <b>EXPENDITURES</b> |                  |              |                  |              |
| Salaries (FTE's)    | \$ 60 (1.0)      | \$ 60 (1.0)  | \$ 63 (1.0)      | \$ 63 (1.0)  |
| Support             | 30               | 30           | 30               | 30           |
| Treatment           | 850              | 850          | 1,130            | 1,130        |
| Media               | 1,070            | 1,070        | 887              | 887          |

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|                   |                 |                 |                 |                 |
|-------------------|-----------------|-----------------|-----------------|-----------------|
| Quality Assurance | 20              | 20              | 20              | 20              |
| Contract Services | 170             | 170             | 170             | 170             |
| Total             | <u>\$ 2,200</u> | <u>\$ 2,200</u> | <u>\$ 2,300</u> | <u>\$ 2,300</u> |
| NET EFFECT        | <u>\$ 0</u>     | <u>\$ 0</u>     | <u>\$ 0</u>     | <u>\$ 0</u>     |

SOURCES

Department of Public Health

(LSB 4461SS, MMB)

FILED APRIL 25, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR



## SENATE FILE 2469

S-5852

1 Amend Senate File 2469 as follows:  
2 1. Page 1, by inserting after line 10 the  
3 following:  
4 "\_\_\_\_\_. "Committee" means the gambling treatment  
5 advisory committee established in section 135.111A."  
6 2. Page 1, line 23, by striking the word  
7 "program." and inserting the following: "program,  
8 with the assistance of the gambling treatment advisory  
9 committee."  
10 3. Page 2, line 32, by inserting after the word  
11 "subsection." the following: "The director shall  
12 additionally oversee the collection of information on  
13 the impact of compulsive gambling on families."  
14 4. Page 3, by inserting after line 3 the  
15 following:  
16 "Sec. \_\_\_\_\_. NEW SECTION. 135.111A GAMBLING  
17 TREATMENT ADVISORY COMMITTEE ESTABLISHED.  
18 1. A gambling treatment advisory committee is  
19 established to advise the department on the  
20 administration of the program. The committee shall  
21 consist of eleven members appointed by the director  
22 for terms of office of three years and two senators  
23 and two state representatives appointed by the  
24 majority and minority leaders of the senate and the  
25 speaker and the minority leader of the house of  
26 representatives, respectively, for two-year terms.  
27 The legislative members shall be nonvoting members. A  
28 nonlegislative member shall not be appointed to more  
29 than two consecutive three-year terms. Terms of  
30 office shall be staggered, and shall commence on July  
31 1 of the year of appointment. The membership of the  
32 advisory committee shall be gender-balanced as  
33 provided in section 69.16A.  
34 2. For a vacancy occurring after the appointment  
35 of the initial membership, the committee shall submit  
36 a list of at least two names to the director for  
37 consideration in filling the vacancy on the committee.  
38 The director shall fill the vacancy from the list of  
39 names for a term of three years or for the remainder  
40 of the unexpired term.  
41 3. The committee and the director shall ensure  
42 that the committee consists of members from both urban  
43 and rural areas and represents a broad cross section  
44 of the state, selected from the following groups:  
45 recovering gamblers, the judicial department, the  
46 legal community, law enforcement officials, the  
47 religious community, employees of the lottery division  
48 of the department of revenue and finance, employees of  
49 the state racing and gaming commission, education  
50 professionals, parole and probation officers,

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Page 2

1 psychiatrists licensed under chapter 148 or 150A, and  
2 representatives from employee assistance programs,  
3 consumer credit counseling and financial management  
4 agencies, business and industry, human service  
5 providers, gambling treatment providers, and other  
6 interested citizens.

7 4. Annually, the chairperson of the committee  
8 shall be elected by the committee from among its  
9 membership. The committee shall meet as frequently as  
10 the chairperson deems necessary, but not less than  
11 annually. Special meetings may be called by the  
12 department, the chairperson, or upon written request  
13 by three or more of the members of the committee.

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

19 6. Members of the committee shall be allowed their  
20 reasonable and necessary expenses incurred in the  
21 performance of their duties paid from funds  
22 appropriated for the program. Members of the  
23 committee may also be eligible to receive compensation  
24 as provided in section 7E.6."

25 5. Page 3, by inserting after line 18 the  
26 following:

27 "Sec. . . . NEW SECTION. 135.112A POWERS AND  
28 DUTIES OF THE GAMBLING TREATMENT ADVISORY COMMITTEE.

29 The committee shall:

30 1. Consult with and make recommendations to the  
31 department concerning the adoption of rules relating  
32 to the treatment of problem gamblers and carrying out  
33 the purposes of this division.

34 2. Recommend services to be offered to treat  
35 problem gamblers and persons affected by the actions  
36 of problem gamblers.

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

39 4. Make recommendations to the director concerning  
40 contract proposals.

41 5. Make recommendations to the director concerning  
42 committee vacancies as provided in section 135.111A.

43 6. Take all necessary and proper actions to carry  
44 out the purposes of this division."

45 6. Title page, line 2, by striking the word  
46 "program" and inserting the following: "program,  
47 creating an advisory committee,".

48 7. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5852 FILED APRIL 26, 1996

*adopted 5/1/96 (p. 156)*

S-5855

- 1 Amend the amendment, S-5852, to Senate File 2469 as
- 2 follows:
- 3 1. Page 2, line 1, by inserting after the figure
- 4 "150A," the following: "psychologists licensed under
- 5 chapter 154B,".

By ELAINE SZYMONIAK

S-5855 FILED APRIL 29, 1996

*adopted 5/19/96 (P. 1561)*

SENATE FILE 2469

S-5856

- 1 Amend the amendment, S-5852, to Senate File 2469 as
- 2 follows:
- 3 1. Page 1, line 33, by inserting after the figure
- 4 "69.16A." the following: "The director shall appoint
- 5 two of the eleven nonlegislative members from the
- 6 gambling industry, one representing a pari-mutuel
- 7 racetrack enclosure licensed pursuant to chapter 99F
- 8 and one representing an excursion gambling boat
- 9 licensed pursuant to chapter 99F."

By TONY BISIGNANO

S-5856 FILED APRIL 29, 1996

*adopted*  
*5/19/96 (P. 1561)*

SENATE FILE 2469

S-5876

1 Amend Senate File 2469 as follows:

2 1. Page 5, by inserting after line 2 the  
3 following:

4 "Sec. \_\_\_\_ . CORRECTIONAL SERVICES PILOT PROJECTS.

5 1. The general assembly recognizes that problem  
6 gamblers and persons affected by gambling who do not  
7 receive some treatment for their gambling problems are  
8 at risk to commit crimes and the gambling treatment  
9 program established in section 135.110 as enacted in  
10 this Act is designed to eliminate or reduce this risk.  
11 Therefore it is the intent of the general assembly  
12 that pilot projects be established for problem  
13 gamblers and to target other criminal offenders who  
14 are at high risk to commit a first offense or  
15 recidivate and to evaluate the progress of  
16 participants. The district court and the department  
17 of corrections shall cooperate with the first and  
18 second judicial district departments of correctional  
19 services in carrying out the pilot projects and shall  
20 assist in obtaining grants and private resources to  
21 supplement the appropriation made in subsection 2.  
22 Each judicial district department of correctional  
23 services shall file a report with the legislative  
24 fiscal bureau by January 15, 1998, on the results of  
25 the pilot project in the judicial district.

26 2. There is appropriated from the general fund of  
27 the state to the department of corrections for the  
28 fiscal year beginning July 1, 1996, and ending June  
29 30, 1997, the following amount, or so much thereof as  
30 is necessary, to be used for the purpose designated:

31 For distribution to the first and second judicial  
32 district departments of correctional services to be  
33 used in accordance with the provisions of this  
34 section:

35 ..... \$ 100,000

36 The first and second judicial district departments  
37 of correctional services shall utilize moneys  
38 appropriated in this section to establish a pilot  
39 project in each judicial district department of  
40 correctional services to provide targeted services to  
41 offenders convicted of a serious or aggravated  
42 misdemeanor. The moneys appropriated in this section  
43 shall be evenly divided between the first and second  
44 judicial district departments of correctional  
45 services."

By MERLIN E. BARTZ

S-5876 FILED MAY 1, 1996  
RULED OUT OF ORDER

P.156'



1 Section 1. NEW SECTION. 135.108 LEGISLATIVE INTENT.

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

8 Sec. 2. NEW SECTION. 135.109 DEFINITIONS.

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

11 1. "Committee" means the gambling treatment advisory  
12 committee established in section 135.111A.

13 2. "Department" means the Iowa department of public  
14 health.

15 3. "Director" means the director of public health.

16 4. "Participant" means a resident of this state receiving  
17 services provided through the gambling treatment program  
18 established in section 135.110.

19 5. "Program" means the gambling treatment program  
20 established in section 135.110.

21 Sec. 3. NEW SECTION. 135.110 GAMBLING TREATMENT PROGRAM  
22 ESTABLISHED.

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

27 2. The program shall include the development and  
28 implementation of a treatment program for problem gamblers and  
29 persons affected by gambling. The program may include the  
30 following:

31 a. Outpatient and follow-up treatment.

32 b. Information and referral services.

33 c. Education and preventive services.

34 3. The director may enter into written agreements with  
35 public or private agencies to pay for services for problem

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

10 4. The director shall announce through public notice the  
11 opening of an application period for all contracts that are  
12 not for outpatient services. Agencies may submit detailed  
13 contract proposals for consideration by the director.  
14 Selection criteria include the demonstrated need in the  
15 service areas, community support and relationships to existing  
16 agencies, general program structure, and plans for using the  
17 funds. Contracts for other than outpatient services shall be  
18 awarded for a duration not to exceed one year.

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

1 collection of information on the impact of compulsive gambling  
2 on families.

3 Sec. 4. NEW SECTION. 135.111 RESTRICTION OF SERVICES.

4 Services provided pursuant to the gambling treatment  
5 program shall be confined to residents of this state. The  
6 definition of resident, for purposes of this division, and the  
7 development of procedures for making this determination, shall  
8 be established by the department by rule.

9 Sec. 5. NEW SECTION. 135.111A GAMBLING TREATMENT  
10 ADVISORY COMMITTEE ESTABLISHED.

11 1. A gambling treatment advisory committee is established  
12 to advise the department on the administration of the program.  
13 The committee shall consist of eleven members appointed by the  
14 director for terms of office of three years and two senators  
15 and two state representatives appointed by the majority and  
16 minority leaders of the senate and the speaker and the  
17 minority leader of the house of representatives, respectively,  
18 for two-year terms. The legislative members shall be  
19 nonvoting members. A nonlegislative member shall not be  
20 appointed to more than two consecutive three-year terms.  
21 Terms of office shall be staggered, and shall commence on July  
22 1 of the year of appointment. The membership of the advisory  
23 committee shall be gender-balanced as provided in section  
24 69.16A. The director shall appoint two of the eleven  
25 nonlegislative members from the gambling industry, one  
26 representing a pari-mutuel racetrack enclosure licensed  
27 pursuant to chapter 99F and one representing an excursion  
28 gambling boat licensed pursuant to chapter 99F.

29 2. For a vacancy occurring after the appointment of the  
30 initial membership, the committee shall submit a list of at  
31 least two names to the director for consideration in filling  
32 the vacancy on the committee. The director shall fill the  
33 vacancy from the list of names for a term of three years or  
34 for the remainder of the unexpired term.

35 3. The committee and the director shall ensure that the



1 committee consists of members from both urban and rural areas  
2 and represents a broad cross section of the state, selected  
3 from the following groups: recovering gamblers, the judicial  
4 department, the legal community, law enforcement officials,  
5 the religious community, employees of the lottery division of  
6 the department of revenue and finance, employees of the state  
7 racing and gaming commission, education professionals, parole  
8 and probation officers, psychiatrists licensed under chapter  
9 148 or 150A, psychologists licensed under chapter 154B, and  
10 representatives from employee assistance programs, consumer  
11 credit counseling and financial management agencies, business  
12 and industry, human service providers, gambling treatment  
13 providers, and other interested citizens.

14 4. Annually, the chairperson of the committee shall be  
15 elected by the committee from among its membership. The  
16 committee shall meet as frequently as the chairperson deems  
17 necessary, but not less than annually. Special meetings may  
18 be called by the department, the chairperson, or upon written  
19 request by three or more of the members of the committee.

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

24 6. Members of the committee shall be allowed their  
25 reasonable and necessary expenses incurred in the performance  
26 of their duties paid from funds appropriated for the program.  
27 Members of the committee may also be eligible to receive  
28 compensation as provided in section 7E.6.

29 Sec. 6. NEW SECTION. 135.112 POWERS AND DUTIES OF THE  
30 DIRECTOR.

31 The director shall:

32 1. Be responsible for the administration of the gamblers  
33 assistance fund and the gambling treatment program.

34 2. Employ personnel under chapter 19A for administration  
35 of the gamblers assistance fund and the gambling treatment

1 program.

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

4 4. Take all necessary and proper actions to administer  
5 this division.

6 5. Propose necessary rules, required to administer this  
7 division, for adoption by the department pursuant to chapter  
8 17A.

9 Sec. 7. NEW SECTION. 135.112A POWERS AND DUTIES OF THE  
10 GAMBLING TREATMENT ADVISORY COMMITTEE.

11 The committee shall:

12 1. Consult with and make recommendations to the department  
13 concerning the adoption of rules relating to the treatment of  
14 problem gamblers and carrying out the purposes of this  
15 division.

16 2. Recommend services to be offered to treat problem  
17 gamblers and persons affected by the actions of problem  
18 gamblers.

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

21 4. Make recommendations to the director concerning  
22 contract proposals.

23 5. Make recommendations to the director concerning  
24 committee vacancies as provided in section 135.111A.

25 6. Take all necessary and proper actions to carry out the  
26 purposes of this division.

27 Sec. 8. NEW SECTION. 135.113 AUDITS.

28 A contractor providing services pursuant to this division  
29 shall be audited on an annual basis in accordance with the  
30 procedures established in section 11.36.

31 Sec. 9. NEW SECTION. 135.114 CONFIDENTIALITY OF RECORDS.

32 1. Records pertaining to participants in the gambling  
33 treatment program are confidential pursuant to section 22.7.

34 The records shall not be inspected and their contents shall  
35 not be disclosed except as otherwise provided in this section.

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

3 3. The director may provide information from participants'  
4 records to a person conducting bona fide research for research  
5 purposes under conditions the director deems appropriate, and  
6 may disclose or use information regarding the cost, purpose,  
7 number of persons served or assisted, results, and other  
8 general and statistical information if personal identifying  
9 data is not disclosed.

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

12 5. Upon written application to and approval of the  
13 director, a participant's records shall be disclosed for  
14 public duties, audits, and other purposes directly related to  
15 the administration of the department.

16 6. A participant's records shall be disclosed to the  
17 participant upon the participant's written request.

18 7. A person shall not solicit, disclose, receive, use,  
19 authorize, or knowingly permit, participate in, or acquiesce  
20 in the use of confidential information under this section for  
21 commercial or political purposes.

22 Sec. 10. Section 22.7, Code Supplement 1995, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 33. Records of the Iowa department of  
25 public health pertaining to participants in the gambling  
26 treatment program except as otherwise provided in section  
27 135.114 or this chapter.

28 Sec. 11. Section 99D.7, subsection 21, Code Supplement  
29 1995, is amended to read as follows:

30 21. To cooperate with the ~~gamblers-assistance~~ gambling  
31 treatment program administered by the Iowa department of human  
32 services public health to incorporate information regarding  
33 the ~~gamblers-assistance~~ gambling treatment program and its  
34 toll-free telephone number in printed materials distributed by  
35 the commission. The commission may require licensees to have

1 the information available in a conspicuous place as a  
2 condition of licensure.

3 Sec. 12. Section 99E.9, subsection 8, Code Supplement  
4 1995, is amended to read as follows:

5 8. The Iowa lottery board shall cooperate with the  
6 ~~gamblers-assistance~~ gambling treatment program administered by  
7 the Iowa department of ~~human-services~~ public health to  
8 incorporate information regarding the ~~gamblers-assistance~~  
9 gambling treatment program and its toll-free telephone number  
10 in printed materials distributed by the board.

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