

**Nebraska Commission on Problem Gambling  
November 19, 2021  
700 South 16<sup>th</sup> Street  
Lincoln Nebraska**

**MEETING MINUTES**

**The meeting was called to order at 9:34 a.m.**

**Roll Call:** Present in person: Patterson, Moore, Lambert, Canada, Zohner, Arch and Leckband. Chairperson Lutz and Commissioner Volnek were absent excused.

**Announcements:**

Vice-Chairperson Arch presided and made the following announcements: The notice of this meeting was posted publicly on November 5, 2021, on the state events calendar and on the program's website. The notice of meeting with the agenda has been available continuously here in the office of the Gamblers Assistance Program in the Ferguson House, 700 South 16<sup>th</sup> street, Lincoln, Nebraska.

This meeting of the Commission on Problem Gambling is conducted according to the requirements of the Nebraska Open Meetings Act. A copy of the Open Meetings Act is available on the table in the lobby.

Copies of other printed materials that may be considered by the Commission during the meeting are also available to the public on the table in the lobby. Public comments on issues presented during this meeting will be allowed by the chair from time to time during the meeting and may also be requested by any member of the commission at any time.

Let us now pause for a moment of reflection before we move on to the next item on the agenda.

**Approval of minutes of previous meeting:** The chair called for amendments or corrections to the minutes of the meeting of August 20, 2021, and hearing none, Commissioner Leckband moved approval, seconded by Commissioner Canada. The motion was adopted by unanimous vote.

**The written Director's narrative report was distributed and is attached to these minutes.**

**Legislation:** The director reported on the development of rules and regulations to govern licensing new horserace tracks and casinos, and operations of a casino regulatory agency. The proposed rules for casino staff training about gambling disorder were distributed and discussed. The director affirmed that Racing and Gaming Commission staff have expressed a desire to collaborate with the Commission on Problem Gambling as casino operations develop.

**Finance:** Several financial reports from the Department of Administrative Services Accounting Division were distributed and reviewed with the Commission. These are referred to in the written report.

**Operations Spread Sheets:** The Commission reviewed spread sheets that itemize contractor performance and overall cost of services.

### **Affirm Executive Committee Actions**

The Commission reviewed minutes of the Executive Committee actions taken in the interim since the last meeting:

1. Minutes dated September 27, 2021, explain the decision to increase the counseling contract issued to Jamie Heng from \$3,000 to \$10,000, and extend the duration of her contract to June 30, 2022, because she wishes to continue counseling a former client. Commissioner Canada moved affirmation of the Executive Committee decision. Commissioner Patterson seconded the motion which was approved by unanimous vote.

2. Minutes dated October 5, 2021, explain the decision to approve a contract with Justin Antons to operate the program helpline service beginning November 1, 2021, for payment of \$2,083.33 per month until June 30, 2022. The contract would replace the current contract with Louisiana Association on Problem Gambling. Commissioner Canada moved affirmation of the Executive Committee decision. Commissioner Leckband seconded the motion which was approved by unanimous vote.

3. Minutes dated October 19, 2021, explain the decision to award a counseling contract to Megan Leikam of Associates in Counseling and Treatment, in the amount of \$10,000, on the standard terms in use this fiscal year. Commissioner Canada moved affirmation of the Executive Committee. Commissioner Patterson seconded the motion which was approved by unanimous vote.

**Extend Louisiana Association helpline contract until March 31, 2022, at \$1,600 per month.**

The Director explained that transfer of the Program toll-free helpline phone number from the Louisiana based telephone company to the Nebraska company that operates the state toll-free services has taken longer than anticipated. To avoid any break in helpline service the Louisiana program has agreed to continue answering calls until the transfer to the Nebraska carrier can be completed. The Director recommended extending the contract with the Louisiana call center up to March 31, 2022, at the rate of \$1,600 per month, to be terminated when the number transfer is effective. The contract with Justin Antons will remain in effect but will not be active until the transfer to the Nebraska carrier is completed. After discussion, Commissioner Moore moved approval of the proposed contract extension. Commissioner Leckband seconded the motion which was adopted by unanimous vote.

**Increase and extend Nebraska Council contract for training through Bellevue University**

The director reviewed the history of the Program’s training offered online by Bellevue University. The current contract expires on December 31, 2021. The director recommended extending the contract to June 30, 2022 to put it on the same fiscal year cycle as other contracts and increasing the contract amount by \$7,000 to cover tuition subsidies for new students. The director also recommended an increase in the payment for curriculum content updates. The current contract term authorizes one time per year payment of \$1,000 and would be increased to payment up to \$500 per month, for a total up to \$3,000 for the period January 1-June 30, 2022. Commissioner Canada moved approval of the contract amendments. Commissioner Moore seconded the motion which was approved by unanimous vote.

**Agent Brand contract update and new contract proposal**

Representatives of Agent Brand and MediaSpark presented a review of results of the multimedia prevention and treatment information campaign and progress on development of new media including a revision of the Program website. The director requested a resolution affirming development of a new contract with Agent Brand to provide for search engine optimization, editing video recordings of client and counselor interviews to be posted on the Program website and implementation of a system to track the origins of contacts to the Program

website. The details of these contracts including cost and timing are not resolved but will be before the next Commission meeting. After discussion, Commissioner Canada moved adoption of a resolution of consensus of the Commission that the contracts should be negotiated with Agent Brand and presented to the Executive Committee for approval. Commissioner Moore seconded the motion which was adopted by unanimous vote.

#### **Contract with ARCK Interactive**

The director proposed a new contract with ARCK Interactive for completion of the new Program website for a one time payment in the amount of \$18,720, and website hosting at the rate of \$600 per year until June 30, 2023. After discussion Commissioner Canada moved approval of the new contract. Commissioner Arch seconded the motion which was adopted by unanimous vote.

#### **Contract with Three Pillars Media**

The director proposed a contract for an amount not to exceed \$4,500 for video recording of interviews with clients and counselors about their experiences with addiction to gambling and the Program. The contract would become effective immediately and end before the end of the current fiscal year. After discussion Commissioner Canada moved approval of the contract. Commissioner Zohner seconded the motion which was adopted by unanimous vote.

#### **Budget for Professional Webinar Series**

The director proposed adoption of a budget in the amount of \$3,500 to cover speaker fees and technical costs for presentation of webinars by Loreen Rugle, PhD, Jon Grant, M.D., Timothy Fong, M.D., and Cam Adair, on gambling related topics of interest to counselors in mental and behavioral health practices. The webinars will be presented monthly beginning early in 2022. After discussion Commissioner Canada moved approval of the budget for the webinars. Commissioner Patterson seconded the motion which was adopted by unanimous vote.

#### **Approved certificates for Kerry Ropte and Martinique Peters**

1. The Commission reviewed the application by Kerry Ropte to be certified. Kerry completed training and supervised practice at First Step and Pine Lake Behavioral Health. Kerry will need to pass the Program test which will be available on the Bellevue University website. Commissioner Leckband moved approval of her

certificate. Commissioner Lambert seconded the motion which was adopted by unanimous vote.

2. The Commission reviewed the application by Martinique Peters to be certified. She has completed the Bellevue University training program but has not practiced as a provisional problem gambling counselor. She is a Licensed Independent Mental Health Practitioner. If approved Martinique will need to pass the Program test and then practice as a provisional disordered gambling counselor under the current certification standards applicable to licensed professionals. After discussion Commissioner Canada moved approval of issuance of a provisional certificate. Commissioner Leckband seconded the motion which was adopted by unanimous vote.

### **New contract with Heartland Counseling of South Sioux City**

The director recommended issuance of a new contract in the amount of \$10,000 to Heartland Counseling Services if counselor Peters passes the Program test and receives her provisional certificate. The contract when issued will have the standard terms in effect for counselor contracts. After discussion Commissioner Patterson moved approval of the proposed contract. Commissioner Lambert seconded the motion which was adopted by unanimous vote.

### **Increase contract awards**

The director recommended an increase to counselor contract awards by \$10,000 for Mike Sullivan and \$5,000 for Pine Lake Behavioral Health to assure payment for their counseling services until the next Commission meeting. Commissioner Canada moved approval of the request. Commissioner Leckband seconded the motion which was adopted by unanimous vote.

### **Increase counselor hourly rates**

The director recommended an increase in the hourly rates paid to counselors for urgent care, individual outpatient counseling, family outpatient counseling and group counseling to \$120 per hour effective January 1, 2022. The director reviewed data showing the impact on the Program budget as outlined in the written report attached to these minutes. After discussion Commissioner Canada moved approval of the rate increase. Commissioner Moore seconded the motion which was adopted by unanimous vote.

**Increase Zoom contract up to 15 more licenses**

The director recommended increasing the number of Zoom teleconference licenses up to a total of 30 in order to prepare for new counselor usage. After discussion Commissioner Canada moved approval of the proposal. Commissioner Lambert seconded the motion which was adopted by unanimous vote.

**Revised Certification Standards**

The Commission reviewed changes to the program’s training and certification manual that correct errors and omissions from earlier versions. After discussion, Commissioner Canada moved for adoption of the revised standards. Commissioner Moore seconded the motion, which was adopted by unanimous vote.

**Next meeting date**

The next meeting of the Commission will be held at Ferguson House on February 11, 2022, beginning at 9:30 a.m.

**Copies of all printed materials distributed to the Commissioners are retained in the records of the program at the program office.**

**The meeting was adjourned at 1:09 p.m.**

**Attest:**

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**Todd Zohner, Secretary of the Commission**

**NEBRASKA COMMISSION ON PROBLEM GAMBLING**  
**NOVEMBER 19, 2021**  
**DIRECTOR'S NARRATIVE REPORT**

**PROGRAM BUDGET ISSUES AT TODAY'S MEETING**

Today's agenda has 10 action items that will affect program spending during the rest of this fiscal year. A detailed outline of the budget including prospective impact of Commission decisions is attached to this report. This outline shows:

1. Budget status as of October 31;
2. Projected budget status through next June 30 if none of today's action items are approved;
3. Budget impact of each spending item on the agenda; and
4. Projected budget status if all of them are approved.

These outlines are based on projected revenue and counseling expenditures. Each new spending item will be discussed as the meeting moves through the agenda.

The single biggest spending proposal is an increase in the hourly rate paid for counseling services, from 110 to 120. Our rate paid to counselors today is well below rates paid by Medicaid and private health insurance. The low payment rate is an obstacle to recruitment of new counselors and agencies.

**LEGISLATION**

**Casinos in Nebraska.** The laws passed by initiative vote need to be supplemented by agency regulations before any casinos will be licensed. The Racing and Gaming Commission has issued their first version of rules which will be discussed at a public hearing on December 17. After the Commission finishes any revisions, the proposed rules will be reviewed by the Attorney General and Governor before filing with the Secretary of State. There is no statutory limit on the length of time allowed for these reviews, so the date for issuance of the first casino licenses is unknown.

**Biennial Budget for 2021-2023.** The Legislature's biennial budget for Gamblers Assistance Program includes \$ 184,875 from predicted casino tax this year. It is unlikely that any casino tax revenue will be paid before next summer.

**ADMINISTRATIVE SERVICES BUDGET AND FINANCIAL REPORTS: TAB 3**

The Department of Administrative Services Accounting and Budget Division reports behind tab 5 dated **October 31, 2021**, show you the financial condition of the program from three different perspectives:

The **Program Summary** itemizes revenue and spending for the period July 1, 2021-Oct. 31, 2021. Totals so far this year are on the second page of the report: **revenue \$1,061,403, and spending \$590,322**. Program revenue is about 4.5% more than the same month last year, while overall spending is up by about 7.5%.

The **Fund Summary by Fund** shows you the status of the Gamblers Assistance Fund, which is the main vehicle for the Program's revenue and spending. On the first page, far right column, on the line **Fund Equity Undesignated** shows cash on hand as of July 1, 2021 was **\$930,364**. Cash on hand on October 31 is shown on the top line, page 1, second column from the right under the heading **Account Balance Debit: \$1,201,142, subject to liabilities of \$101,988**. This is a 46% increase in the program's net cash position compared to the same month a year ago. The

July 1 fund balance was 61% more than a year ago, which was the result of higher revenue than projected combined with pandemic-induced spending reductions.

The **Budget Status** Report shows you that 34% of the fiscal year had elapsed as of October 31, and our program had spent just over 27% of our approved budget. We have stayed under budget every year.

#### **INTERNAL OPERATIONS SPREAD SHEETS: TAB 4**

The Excel spreadsheets **Gamblers Assistance Contracts Performance** shows you the itemized results by contractor since July for the major categories of service. Near the bottom of the third page is a set of boxes with monthly overall totals. Here is a comparison to prior years:

- So far this year, for the period July through October, there have been 65 new clients admitted into our counseling services. Last year in the same period, there were 73 new client admissions; the year before, 59.
- So far this year, for the period July through October, an average of 176 admitted clients (not including short-term urgent care) have attended counseling each month. Last year the average was 190, and the year before it was 192.
- So far this year, again for the period July through October, counselors have been paid \$304,504 for counseling services. Last year the amount was \$334,787. The year before, it was \$383,199.

A second spreadsheet – **Itemized Cost of Counseling Service** - shows quantities and cost of the different items of counseling services at current rates of pay. In the first four months of this year our counselors have been paid for 2,603 hours of individual counseling; a year ago, the total was 3,162 hours.

Dated November 19, 2021.

David Geier, Program Director



**GAMBLERS ASSISTANCE PROGRAM  
FOUR MONTHS FINANCIAL SUMMARY 07/01/2021-10/31/2021**

|   |
|---|
| <b>Gamblers Assistance Fund: Balances, Income and Expense</b> |
|---|

|   |                  |
|---|------------------|
| General cash beginning balance 07/01/2021     | 930,364          |
| Revenue during the period                     | + <u>811,403</u> |
| Sub-total                                     | 1,741,767        |
| Expenditures during the period                | - <u>590,321</u> |
| Net general cash end of the period 10/31/2021 | <u>1,151,446</u> |

*The program also has an appropriation of \$250,000 from the health care cash fund. This will be used to pay for counseling services after Oct. 31 but it is not added into the gamblers assistance fund accounting.*

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| <b>Gamblers Assistance Program: Four Months Budget</b> |
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|  |                |                   |
|--|----------------|-------------------|
| Itemized revenue                       |                |                   |
| Share of state lottery profits         | 615,038        |                   |
| 5% of state lottery ad budget          | 92,725         |                   |
| Allocation of charitable gaming tax    | 100,000        |                   |
| Earnings on investment of fund balance | <u>3,640</u>   |                   |
| TOTAL                                  | <u>811,403</u> |                   |
|  |                |                   |
| Itemized expenditures                  |                | <i>% of total</i> |
| Staff payroll and benefits             | 52,204         | 8.7%              |
| General overhead                       | 22,197         | 3.8%              |
| Data analyst                           | 16,462         | 2.8%              |
| Bellevue University training program   | 4,265          | .7%               |
| Agent Brand                            | 172,500        | 29%               |
| Client counseling                      | <u>322,693</u> | 55%               |
| TOTAL                                  | <u>590,321</u> | 100%              |

**GAMBLERS ASSISTANCE PROGRAM  
FULL YEAR FINANCIAL PROJECTIONS FYE 06/30/2022**

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|---|
| <b>Gamblers Assistance Fund: Full Year Projected Balances, Income and Expense</b> |
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|  |                    |
|--|--------------------|
| General cash beginning balance 07/01/2021  | 930,364            |
| Projected fiscal year total fund revenue   | + <u>1,687,000</u> |
| Sub-total  | 2,617,364          |
| Projected fiscal year total expenditures   | - <u>1,500,675</u> |
| Net general cash end of fiscal year  | <u>1,116,689</u>   |
| <i>The health care cash fund appropriation pays for \$250,000 of program counseling expenditures. This is a separate fund source that is not a component of the revenue or expenditures allocated to the gamblers assistance fund.</i> |                    |

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| <b>Gamblers Assistance Program: Full Year Projected Budget</b> |
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|   |                  |                   |
|---|------------------|-------------------|
| Projected program revenue   |                  |                   |
| Share of state lottery profits  | 950,000          |                   |
| 5% of state lottery ad budget   | 325,000          |                   |
| Appropriation of charitable gaming tax                                  | 400,000          |                   |
| Earnings on investment of fund balance                                  | 12,000           |                   |
| Health care cash fund appropriation                                     | <u>250,000</u>   |                   |
| TOTAL   | <u>1,937,000</u> |                   |
| Projected program expenditures (based on year-to-date & Aug. 20 budget) |                  | <i>% of total</i> |
| Staff payroll and benefits  | 166,615          | 9.4%              |
| General overhead  | 24,560           | 1.4%              |
| Data analyst  | 49,500           | 2.7%              |
| Bellevue University training program                                    | 10,000           | .5%               |
| Agent Brand   | 400,000          | 23%               |
| Client counseling (estimated 10,000 hours @ 110)                        | <u>1,100,000</u> | 63%               |
| TOTAL   | <u>1,750,675</u> | 100%              |

**THESE PROJECTIONS BASED ON CURRENT SPENDING LEVELS YIELD A SURPLUS OF \$186,325**

**GAMBLERS ASSISTANCE PROGRAM  
IMPACT OF NOV. 19 MEETING PROPOSALS ON FYE 06/30/2022 BUDGET**

**Agenda Item 6:** Award helpline contract to Justin Antons: **No budget impact** – replaces Louisiana call center.

**Agenda Item 6:** Award counseling contracts to Jamie Heng, Megan Leikam, Heartland Counseling: **No budget impact – included in counseling budget.**

**Agenda Item 7:** Extend Louisiana call center helpline contract: **No budget impact – replaced by Justin Antons contract.**

**Agenda Item 8:** Increase Nebraska Council/Bellevue University training contract + **10,000**

**Agenda Item 10:** New website installation and hosting: increase messaging + **19,620**

**Agenda Item 11:** Consumer videos by 3 Pillars: increase messaging + **4,500**

**Agenda Item 12:** Expert webinars: fees and expenses, increase general overhead + **3,500**

**Agenda Item 15:** Increase two counselor contract awards: **No budget impact – included in counseling budget.**

**Agenda Item 16:** Increase hourly rates to \$120 for urgent and long-term: + **170,000 (estimated increase in annual total hours, rate increase for half the year)**

**Agenda Item 17:** Increase Zoom contract: increase general overhead + **3,600 (300/mo., 6 mos.)**

**TOTAL INCREASED PROGRAM SPENDING IF ALL PROPOSALS ARE APPROVED (INCLUDING PROJECTED INCREASE IN COUNSELING DEMAND): \$ 211,220**

| <b>FULL YEAR PROJECTED PROGRAM REVENUE</b> |                         |
|--|-------------------------|
| Share of state lottery profits             | 950,000                 |
| 5% of state lottery ad budget              | 325,000                 |
| Appropriation of charitable gaming tax     | 400,000                 |
| Earnings on investment of fund balance     | 12,000                  |
| Health care cash fund appropriation        | <u>250,000</u>          |
| <b>TOTAL</b>                               | <b><u>1,937,000</u></b> |

| <b>FULL YEAR PROJECTED PROGRAM EXPENDITURE IF ALL PROPOSALS ARE APPROVED</b> |                         |                   |
|--|-------------------------|-------------------|
|  |                         | <i>% of total</i> |
| Staff payroll and benefits   | 166,615                 | 8.5%              |
| General overhead   | 31,660                  | 1.7%              |
| Data analyst   | 49,500                  | 2.5%              |
| Bellevue University training   | 20,000                  | 1%                |
| Agent Brand  | 400,000                 | 20.4%             |
| Arck Interactive (messaging)   | 19,620                  | 1%                |
| Three Pillars (messaging)  | 4,500                   | .2%               |
| Client counseling  | <u>1,270,000</u>        | <u>64.7%</u>      |
| <b>TOTAL</b>   | <b><u>1,961,895</u></b> | <b>100%</b>       |

**NOTE THAT THESE PROJECTIONS SHOW SPENDING EXCEEDING REVENUE BY 24,895**

| <b>PROJECTED GAMBLERS ASSISTANCE FUND BALANCE IF ALL PROPOSALS ARE APPROVED</b> |                    |
|---|--------------------|
| General cash beginning balance 07/01/2021                                       | 930,364            |
| Projected fiscal year total fund revenue  | + <u>1,687,000</u> |
| Sub-total   | 2,617,364          |
| Projected fiscal year total expenditures  | - <u>1,711,895</u> |
| Net general cash end of fiscal year   | <u>905,469</u>     |

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|---|
| <b>BUDGET PROJECTIONS COMPARED TO LEGISLATIVE APPROPRIATION</b> |
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|   |                           |
|---|---------------------------|
| <b>Fiscal year total appropriation:</b>                           | <b>2,132,507</b>          |
| <b>Projected program expenditures:</b>                            | <b>- <u>1,961,895</u></b> |
| <b>Net under appropriation:</b>                                   | <b>170,612</b>            |
| <br>  |                           |
| <b>Legislative earmarks:</b>                                      |                           |
| <b>Counseling (this is a minimum – we can exceed this amount)</b> | <b>1,150,000</b>          |
| <b>Projected counseling expenditure</b>                           | <b>1,270,000</b>          |
| <br>  |                           |
| <b>Problem gambling messages (another minimum)</b>                | <b>325,000</b>            |
| <b>Projected expenditure</b>                                      | <b>423,220</b>            |
| <br>  |                           |
| <b>PSL (Staff salaries – this is a maximum, cannot exceed)</b>    | <b>124,586</b>            |
| <b>Projected expenditure</b>                                      | <b>123,889</b>            |