

SB BILL NO. 208

INTRODUCED BY

Stada *Abner Thomas* *BENEDICT* *Ab*
Richard *McPherson* *Eck* *James* *Lyons* *John*
Carlson *Salvin* *HARP* *Chris* *Smith* *Walt* *Mark*

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PROBLEM AND PATHOLOGICAL GAMBLING
TREATMENT AND PROBLEM GAMBLING PREVENTION PROGRAM; REQUIRING THE DEPARTMENT OF
PUBLIC HEALTH AND HUMAN SERVICES TO DEVELOP, IMPLEMENT, AND ADMINISTER THE PROGRAM;
PROVIDING FOR SERVICES TO BE PROVIDED BY THE PROGRAM; PROVIDING RULEMAKING AUTHORITY;
AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 2] authorizes the department of public health and human services to adopt rules necessary to design, implement, and administer a problem and pathological gambling treatment and problem gambling prevention program. It is intended that the rules address reimbursement procedures and criteria, evaluation criteria, treatment eligibility criteria, and credentials for persons providing treatment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], unless the context requires otherwise, the following definitions apply:

(1) "Certified problem gambling counselor" means a person certified as a gambling counselor by a nationally recognized certification council or board that is recognized by the department.

(2) "Department" means the department of public health and human services provided for in 2-15-2201.

(3) "Pathological gambling" means an impulse control disorder that meets the diagnostic criteria set forth in the Diagnostic and Statistical Manual of Mental Disorders:DSM-IV of the American psychiatric association.

(4) "Problem gambling" means a pattern of gambling-related behavior that compromises, disrupts, or damages personal, family, and vocational pursuits. The term includes pathological gambling.

(5) "Problem gambling counselor" means a person with the education, training, and experience

1 required by the department or with national certification to provide treatment services to pathological
2 gamblers. This term includes certified problem gambling counselors.

3 (6) "Problem gambling prevention" means services designed to reduce the prevalence of problem
4 and pathological gambling among Montana residents, such as educational services for the general public
5 and early intervention services for persons who may be experiencing gambling-related problems.

6

7 **NEW SECTION. Section 2. Department duties -- development and implementation of program. (1)**

8 The department shall develop a problem and pathological gambling treatment and problem gambling
9 prevention program. The purpose of the program is to provide for the prevention and treatment of problem
10 and pathological gambling in Montana.

11 (2) The program must include:

12 (a) a statewide plan to address problem and pathological gambling;

13 (b) priorities for funding services;

14 (c) criteria for distributing program funds; and

15 (d) required qualifications for problem gambling counselors to provide services for the program.

16 (3) The department shall administer the program and shall:

17 (a) provide for the services in [section 3];

18 (b) monitor expenditure of funds by agencies and organizations receiving program funding;

19 (c) evaluate the effectiveness of services provided through the program;

20 (d) provide a biennial report to the gaming advisory council, provided for in 2-15-2021, and to the
21 legislature in the manner specified in 5-11-210.

22 (4) The department shall adopt rules necessary for the development, implementation, and
23 administration of the program, including:

24 (a) procedures for reimbursing public or community-based agencies and private organizations for
25 providing treatment services to pathological gamblers and intervention services to persons adversely
26 affected by gambling;

27 (b) criteria for selecting problem gambling counselors, agencies, or organizations to be eligible for
28 reimbursement for providing treatment services;

29 (c) requirements for records to be maintained by problem gambling counselors, agencies, and
30 organizations receiving reimbursement;

1 (d) criteria for evaluating services provided by problem gambling counselors, agencies, and
2 organizations receiving reimbursement;

3 (e) criteria for determining eligibility for treatment and rehabilitation for pathological gambling,
4 including an independent evaluation required for inpatient admissions and the provision of treatment and
5 rehabilitation services based upon an ability to pay;

6 (f) the credentials, education, training, and requirements of problem gambling counselors who are
7 providing program treatment and rehabilitation services for persons suffering from pathological gambling,
8 including recognition of qualified, nationally recognized certification councils or boards; and

9 (g) criteria by which to evaluate the effectiveness of the services provided.

10
11 **NEW SECTION. Section 3. Problem and pathological gambling treatment and problem gambling**
12 **prevention program services.** (1) The department shall provide:

13 (a) a range of treatment services to pathological gamblers and their immediate families, including
14 but not limited to outpatient services, intensive outpatient services, aftercare services, and inpatient
15 services to those persons who require specialized care;

16 (b) problem gambling prevention and educational services to the general public; and

17 (c) a toll-free telephone service for crisis intervention and referral of problem or pathological
18 gamblers to problem gambling counselors who are participating in the program.

19 (2) The department may contract with problem gambling counselors, public or community-based
20 agencies, and private organizations to provide the services in this section.

21
22 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be
23 codified as an integral part of Title 53, and the provisions of Title 53 apply to [sections 1 through 3].

24
25 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 1997.

26 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0208, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill creating a problem and pathological gambling treatment and problem gambling prevention program, and requiring the Department of Public Health and Human Services to develop, implement, and administer the program.

ASSUMPTIONS:

1. To develop the treatment and prevention program, a grade 15 program officer (\$33,200 entry level) would be necessary. An October 1, 1997 start date would make the position a .75 FTE in FY98 at a cost of \$24,900.
4. It is estimated that 70 individuals in FY98 will seek treatment at an approximate cost of \$1,200 per person. It is assumed that only 60% will complete treatment, and the remaining 40% will complete one-half of the required treatment program, or 56 persons completing the program $((70 \times .60) + (70 \times .4 \times .5)) = 56$. Thus the treatment would cost approximately \$67,200 $(56 \times \$1,200)$.
5. In FY99, it is estimated that 160 individuals will seek treatment. Using the 60% completion, and 40% completing one-half, it is estimated that 128 persons will complete the program at a cost of \$153,600 $(128 \times \$1,200)$.
6. Additional operating expenses of \$7,900 in FY98 and \$13,200 in FY99 will be needed to pay for possible in-patient stabilization treatment at \$150/day; develop program standards and treatment qualifications; develop educational and telephone hotline components; and coordinate and implement provider service contracts.
6. Funding is expected to be 50% general fund and 50% state special. The state special source is expected to be gambling license fee revenue.
7. Clients will be billed on a sliding fee schedule based on their ability to pay. Insufficient information exists to allow an accurate revenue estimate. Monies collected will be deposited into the general fund.
8. The Governor's Executive Budget includes the Problem Gambling Treatment program as a new proposal; the amounts are repeated below for information purposes.

FISCAL IMPACT:

	<u>FY98</u> <u>Difference</u>	<u>FY99</u> <u>Difference</u>
[As shown in the Executive Budget]		
<u>Expenditures:</u>		
FTE	.75	1.00
Personal Services	\$ 24,900	\$ 33,200
Operating	<u>75,100</u>	<u>166,800</u>
Total	\$100,000	\$200,000
<u>Funding:</u>		
General Fund (01)	\$ 50,000	\$100,000
Gambling License (02)	<u>50,000</u>	<u>100,000</u>
Total	\$100,000	\$200,000

Dave Lewis 1-29-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Sharon Estrada 1/30/97

SHARON ESTRADA, PRIMARY SPONSOR DATE

Fiscal Note for SB0208, as introduced

SB 208

1 SENATE BILL NO. 208

2 INTRODUCED BY ESTRADA, AHNER, THOMAS, BENEDICT, CHRISTIAENS, DEPRATU, HARP, ECK,
3 JENKINS, LYNCH, SHEA, QUILICI, PAVLOVICH, KOTTEL, WATERMAN, COCCHIARELLA, MAHLUM,
4 GALVIN, OHS

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10 AUTHORITY; ~~AND PROVIDING AN EFFECTIVE DATE.~~"

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