

Problem Gambling Treatment and Support Advisory Committee (PGTSAC)

Tuesday, July 18, 2023 10:00 AM – 12:00 PM ET

VCU, 900 E. Leigh St., Richmond, VA with ZOOM Option

Member	Representing	Present In-Person	Present ZOOM
Anne Rogers (Chair)	Dept. Behavioral Health Development Services	x	
Dr. Carolyn Hawley (Vice-Chair)	Va. Council on Problem Gambling	x	
Jim Bebeau	Community Service Boards	x	
Colleen Carracio	Casinos	x	
Kelly Gee	Virginia Lottery	x	
Julie Hynes	Sports betting		x
David Lermond	Virginia Racing Commission	x	
Michael Menefee	Dept. of Agriculture and Consumer Services, Office of Charitable and Regulatory Programs	x	
Jamie Sanko	Historical Horse Racing	x	
To Be Determined	Charitable Gaming Permit Holder		

General Assembly Representatives Present:

Paul Krizek, Virginia House of Delegates, 44th District

Maria Salgado, Chief of Staff, Office of Delegate Paul Krizek

I. Legislators Welcome and Vision

Comment from Senator Bryce Reeves read by Delegate Krizek thanking everyone for serving on the committee (see 06:45 of recording for full text).

Delegate Paul Krizek (see 07:25 of recording for full text) provided the context and purpose of this committee. Where he laid out 6 issues the GA would like to see this group work on:

1. Equal and aggressive promotion of the problem gambling helpline.
2. Proactive approach to issues as they come up and to educating the public on problem gambling and its treatment.
3. Advocacy on advertising guidelines to ensure that marketing is targeted only to those who are of legal age to gamble, that marketing follows standards not to offer content, themes, and promotions that have special appeal to those consumers most at risk for gambling problems, and to ensure there are programs that audit and monitor the content of third-party marketing affiliates. Be especially aware of ways to limit sports betting advertisements at institutions of higher learning.
4. Enforce programs that enable customers to discontinue their play temporarily or permanently through exclusion programs from gaming activities statewide with multiple term lengths.
5. Coordinate gambling exclusion lists across platforms to prevent people with gambling problems and others on exclusion lists from problematic play in all types of gambling statewide.
6. Look at challenges that new forms of gambling could bring such as poker, on-line casino games, VGTs, etc...

7. Advocate for a steady stream of funding for all this work you are doing. Lets make sure contributing to the fund is shared by all forms of legal gambling. They all need to have skin in the game.
8. Research whether increased penalties for allowing underage gambling would be helpful.
9. Determine how to prevent children from accessing skill machines.

II. General Business

- a. Voting Procedure – the Committee elected to vote by quorum. Currently there are 9 members of the committee, so quorum is 5. Once we have a representative charitable gambling licensee we will have 10 members of the committee. So quorum will be 6. If there is a tie, then the measure fails.
- b. Co-Chair Nomination – Kelly Gee nominated Dr. Carolyn Hawley for Vice-Chair. No one else volunteered or was nominated. Michael Menefee seconded Dr. Hawley’s nomination. All members voted in favor. Dr. Hawley accepted.
- c. Frequency of Meetings – Quarterly was proposed by David Lermond. It was a sense of the committee to accept meeting quarterly. Anne will send out a poll to gage if a particular day of every third month will work for committee members, and then schedule those dates.
- d. Future Meet Locations – Discussed future in-person meeting may be in other locations around the state to allow members farther away the opportunity to not have to drive so far. It was suggested that maybe once casinos are all opened we could try meeting at a casino and get a site visit at the same time. Colleen Carracio of Rivers Casino said they could probably host a meeting once a year. David Lermond said they could probably host one, but not during race season due to the busy schedule.
- e. Addition of DBHDS Recovery representative – Discussion ensued around inclusion of a specialist in Problem Gambling Recovery as a voting member so that this committee has coverage across the continuum of services. Members agreed this would be important to add to the committee. Ms. Gee stated a person from Recovery Services can attend as a member of the public for the rest of this year then the delegate can put in an amendment to the legislation to include a member from Recovery services for the person to become a voting member. Delegate Krizek said he can submit an amendment.

III. Brief Overview of Current Responsible Gambling from Industry Representatives, and Work from Agencies.

- a. Mr. Lermond and Mr. Sanko – provided information on what they do in horse racing and historical horse racing. Reports on prior years work are located here https://www.vrc.virginia.gov/resp_gaming_reports.shtml. They have people on an exclusion list that is in addition to what the Lottery provides. Through HHX people can choose to self-exclude from HHX only if they want or can exclude from everything by self-excluding through the Lottery
- b. Ms. Gee – provided information on self-exclusion program, the amount of funds going to Problem Gambling Treatment and Support from Casinos and Sports betting. Ms. Gee offered to provide this type of information at each meeting as a standing agenda item.
- c. Ms. Rogers stated that offices in DBHDS plus conversations with VaCPG determined how the money was spent. And we used a variety of data to make data driven decisions in how to spend the funds. Then shared information on some of the work that CSB’s have done. And then funding for treatment and recovery has gone out to VCU.

- d. Ms. Carracio shared information about how their Casino self-exclusion program works. They have persons that self-exclude just from their casino as well as the Lottery's self-exclusion list that they screen for. Discussion ensued around why there are separate exclusion lists.
- e. Dr. Hawley shared it would be good to connect the helpline with the self-exclusion programs to be able to do a warm handoff to the helpline for people self-excluding.
- f. Mr. Bebeau brought up discussion on self-exclusion lists that cover all properties in a state and what is considered a best practice.
- g. Mr. Menefee shared information about how self-exclusion programs are much harder to utilize for charitable gaming. Most are run by volunteers and there is a high level of turnover so the lists are not provided to charitable organizations. In the poker regulations there is nothing currently around self-exclusion program.
- h. Dr. Hawley shared information on the work and increases in the number of calls to the helpline over the past 3 years. And shared information on the work done by the Problem Gambling Partnership which is made up of persons from Virginia Commonwealth University, Virginia Council on Problem Gambling, DBHDS, and the Virginia Lottery. It is a grant from DBHDS to VCU to build the treatment and recovery systems in Virginia, training providers and peer recovery specialists working with the helpline and reimbursing for treatment services.
- i. Draft Policy "The PGTSAC Policy for All-Virtual Public Meetings" was reviewed and discussed. Since it conforms to FOIA the committee voted to approve this policy. Ms. Gee moved to accept the policy, Mr. Lermond seconded, all voted to approve. (policy attached at end)
- j. Draft policy "The PGTSAC for the Remote Participation of Members" was reviewed and discussed. Mr. Bebeau moved to adopt, Ms. Gee seconded, all voted to approve. (policy attached at end)
- k. Standing Agenda Items for Future meetings –
 - i. Ms. Gee will provide updates on funds to PGTS, data on the exclusion list and lottery outreach business in prior quarter.
 - ii. Dr. Hawley will provide data on the helpline, treatment and recovery systems.
 - iii. Mr. Bebeau will provide information from the CSB's on the work being done.
 - iv. Mr. Lermond will provide data on parimutuel historical horse racing.
 - v. Ms. Carracio will talk to the other Casinos to see if there are any trends to report out on.
 - vi. Ms. Rogers will provide information on the prevention activities.
 - vii. Del. Krizek recommended members bring copies of their brochures, reports, etc. to share with others.
 - viii. Legislative update in the winter and summer meetings.
- IV. Other Discussion – Del. Krizek asked if this group could submit in the fall a report out to the GA on work this committee has done over the prior year. Such as a bulleted list of the work. May be good to have someone in recovery come to a meeting to talk about what they have gone through.
- V. Mapping to Coordinate PG Services and Programs – Discussed doing mapping of where there are gambling treatment, recovery, prevention and responsible gambling services occurring in the state. Where there are needs, gaps, etc. Members seem to be interested in this.

Adjourned.

The Problem Gambling Treatment and Support Advisory Committee Policy for All-Virtual Public Meetings

1. AUTHORITY AND SCOPE

- a. This policy is adopted pursuant to the authorization of Va. Code § 2.2- 3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.
- b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

2. DEFINITIONS

- a. “**BOARD**” means the Problem Gambling Treatment and Support Advisory Committee or any committee, subcommittee, or other entity of the Problem Gambling Treatment and Support Advisory Committee.
- b. “**Member**” means any member of the Problem Gambling Treatment and Support Advisory Committee.
- c. “**All-virtual public meeting**”, means a public meeting conducted by the Problem Gambling Treatment and Support Advisory Committee using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means as defined by Va. Code § 2.2-3701.
- d. “**Meeting**” means a meeting as defined by Va. Code § 2.2-3701.
- e. “**Notify**” or “**notifies**,” for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

3. WHEN AN ALL-VIRTUAL PUBLIC MEETING MAY BE AUTHORIZED

An all-virtual public meeting may be held under the following circumstances:

- a. It is impracticable or unsafe to assemble a quorum of the Problem Gambling Treatment and Support Advisory Committee in a single location, but a state of emergency has not been declared by the Governor or Board of Supervisors; or
- b. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and

- c. The Problem Gambling Treatment and Support Advisory Committee has not had more than two all-virtual public meetings, or more than 25 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and
- d. The Problem Gambling Treatment and Support Advisory Committee's last meeting was not an all-virtual public meeting.

4. PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING

- a. The Problem Gambling Treatment and Support Advisory Committee may schedule its all-virtual public meetings at the same time and using the same procedures used by the Problem Gambling Treatment and Support Advisory Committee to set its meetings calendar for the calendar year; or
- b. If the Problem Gambling Treatment and Support Advisory Committee wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the Problem Gambling Treatment and Support Advisory Committee Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

5. ALL VIRTUAL PUBLIC MEETING REQUIREMENTS

The following applies to any all-virtual public meeting of the Problem Gambling Treatment and Support Advisory Committee that is scheduled in conformance with this Policy:

- a. The meeting notice indicates that the public meeting will be all-virtual and the Problem Gambling Treatment and Support Advisory Committee will not change the method by which the Problem Gambling Treatment and Support Advisory Committee chooses to meet without providing a new meeting notice that comports with VFOIA;
- b. Public access is provided by electronic communication means that allows the public to hear all participating members of the Problem Gambling Treatment and Support Advisory Committee;
- c. Audio-visual technology, if available, is used to allow the public to see the members of the Problem Gambling Treatment and Support Advisory Committee;
- d. A phone number, email address, or other live contact information is provided to the public to alert the Problem Gambling Treatment and Support Advisory Committee if electronic transmission of the meeting fails for the public, and if such transmission fails, the Problem Gambling Treatment and Support Advisory Committee takes a recess until public access is restored;

- e. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the Problem Gambling Treatment and Support Advisory Committee;
- f. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and
- g. There are no more than two members of the Problem Gambling Treatment and Support Advisory Committee together in one physical location.

6. RECORDING IN MINUTES

Minutes are taken as required by VFOIA and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means used.

7. CLOSED SESSION

If the Problem Gambling Treatment and Support Advisory Committee goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.

8. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.

The Problem Gambling Treatment and Support Advisory Committee Policy for the Remote Participation of Members

1. AUTHORITY AND SCOPE

- a. This policy is adopted pursuant to the authorization of Va. Code § 2.2- 3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.
- b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

2. DEFINITIONS

- a. “**BOARD**” means the Problem Gambling Treatment and Support Advisory Committee or any committee, subcommittee, or other entity of the Problem Gambling Treatment and Support Advisory Committee.
- b. “**Member**” means any member of the Problem Gambling Treatment and Support Advisory Committee.
- c. “**Remote participation**” means participation by an individual member of the Problem Gambling Treatment and Support Advisory Committee by electronic communication means in a public meeting where a quorum of the Problem Gambling Treatment and Support Advisory Committee is physically assembled, as defined by Va. Code § 2.2-3701.
- d. “**Meeting**” means a meeting as defined by Va. Code § 2.2-3701.
- e. “**Notify**” or “**notifies,**” for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

3. MANDATORY REQUIREMENTS

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

- a. A quorum of the Problem Gambling Treatment and Support Advisory Committee must be physically assembled at the primary or central meeting location; and

- b. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall work to correct this in order to continue to participate in the meeting.

4. PROCESS TO REQUEST REMOTE PARTICIPATION

- a. If a member of the Board is the designee for an organization located greater than 60 miles from the designated meeting location, the member resides more than 60 miles from the designated meeting location, or the member lives outside of the Commonwealth of Virginia, the member must notify the Problem Gambling Treatment and Support Advisory Committee Chair (or the Vice-Chair if the requesting member is the Chair) of this fact immediately. Any member meeting these criteria will be permitted to participate in any future meetings remotely.
- b. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Problem Gambling Treatment and Support Advisory Committee Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.
- c. The requesting member shall also notify the Problem Gambling Treatment and Support Advisory Committee chair or staff liaison of their request, but their failure to do so shall not affect their ability to remotely participate.
- d. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) through (iii) above.
- e. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.
- f. The Chair (or the Vice-Chair if the requesting member is the Chair) shall

promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

5. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the Problem Gambling Treatment and Support Advisory Committee has assembled for the meeting, the Problem Gambling Treatment and Support Advisory Committee shall vote to determine whether:

- a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
- b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

6. RECORDING IN MINUTES

- a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Problem Gambling Treatment and Support Advisory Committee shall record in its minutes (1) the Problem Gambling Treatment and Support Advisory Committee's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.
- b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.
- c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

7. CLOSED SESSION

If the Problem Gambling Treatment and Support Advisory Committee goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

8. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire

membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The Chair (or Vice-Chair) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.

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