

Nebraska Opioid Settlement Remediation Advisory Committee Meeting
September 12, 2022
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE
10:00 a.m. – 1:00 p.m.
Meeting Minutes

1. Open Meetings Act Statements:

Chairperson Todd Stull called the meeting to order at 10:00 a.m. and welcomed all attendees to the meeting. Chair Stull informed attendees that the meeting follows the **Open Meetings Act**, which was posted at the front sign-in table and can be found at <https://ago.nebraska.gov/open-meetings>.

2. Establishment of a Quorum/Member Roll Call:

Roll call was conducted, and a quorum was determined to exist, with 19 voting members present. There are 23 voting members, therefore, quorum would be 13 members present.

Voting Members

Members in Attendance: Ann Anderson-Berry, Susanna Batterman, Kevin Borchert, Mary Ann Borgeson, Yohance Christie, Sara Howard, Brandon Kelliher, Jerome Kramer, Christopher Kratochvil, Paul Lambert, Dana Miller, Neil Miller, Amy Reynoldson, Cory Schmidt, Deb Schorr, Jason Scott, Kevin Spencer, Todd Stull, Bill Tielke.

Members Absent: Charity Menefee, Marcia Muetting, Brandon Pete, Helen Stockman.

Non-Voting Attendees

Members in Attendance: Christy Abraham, Sheri Dawson, Suzanne Gage, Jeri Keller-Heuke, L. Lynn Rex, Joshua Shasserre.

3. Opening Remarks/Announcements:

Chair Stull stated that any public attendees would be able to make comments during the allotted period at 12:30 p.m. Public attendees were reminded to sign in at the front if they wished to make comments, or if attending virtually, to let the moderator know via the virtual chat box.

Documents pertaining to these meetings, including agendas, past meeting minutes and virtual attendance links, can be found on the DHHS Division of Behavioral Health (DBH) website at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>. Upcoming meeting information can also be found on the Nebraska Public Meeting Calendar at <https://www.nebraska.gov/calendar/index.cgi>.

Chair Stull reiterated the roles of all stakeholders within this committee. The Attorney General's office provides relevant information and legal interpretations as needed but does not make any recommendations. The Department of Health and Human Services disburses the funds but does not make any decisions regarding disbursements. This committee is responsible for making relevant decisions and recommendations for these funds. To this end, Chair Stull wants to ensure that all committee members are receiving relevant and accurate information to guide in these decisions.

4. Approval of August meeting minutes:

Chair Stull presented the August 1, 2022 meeting minutes for review and confirmed that voting members had reviewed these. Chair Stull asked if there were any corrections or comments. Hearing none, Chair Stull asked for

a motion to accept the August 1, 2022 meeting minutes. Motion was made and seconded to accept the August 1, 2022 minutes. Motion was approved by roll call vote, with 17 ayes and 2 abstains.

5. Conflicts of Interest Disclosures:

Co-Chair Brandon Kelliher reminded any committee members who have not yet completed a *Conflict of Interest Disclosure* form to do so and return to Jeri Keller-Heuke at DHHS Division of Behavioral Health. There are paper copies available at today's meeting.

6. Review of the Opioid Litigations Settlements and Update Q & A

Joshua Shasserre, Nebraska Attorney General Chief of Staff, presented examples and illustrations to help clarify how funds are being disbursed to Nebraska from the settlement. Discussion focused on acceptable fund use and allocation percentages.

Karen Harker, DBH Deputy Director of Finance, provided a *Nebraska Opioid Recovery Fund* spreadsheet template that can be updated and provided to the committee, either to the Disbursement Criteria Subcommittee or during future meetings. This spreadsheet gives the current status of how much has been received from each settlement, and the remaining balances to be received in the future.

These presentations are attached to the end of these minutes.

7. Subcommittee Updates/Reports:

- Data/Needs Assessment Subcommittee—Dr. Ann Anderson-Berry reported that the Data/Needs Assessment Subcommittee has not held a recent meeting. Members of this subcommittee are Ann Anderson-Berry, Amy Reynoldson and Susanna Batterman.
- Disbursement Criteria Subcommittee—Mary Ann Borgeson reported that the Disbursement Criteria Subcommittee has not held a recent meeting. Members of this subcommittee are Mary Ann Borgeson, Brandon Kelliher, Deb Schorr and Chris Kratochvil.
- Outcomes Measurements Subcommittee—Sara Howard reported that the Outcomes Measurements Subcommittee has not held a recent meeting. Members of this subcommittee are Sara Howard, Amy Reynoldson, Kevin Borchert, Chris Kratochvil and Ann Anderson-Berry.

8. Committee Discussion and Recommendations

Committee members discussed what types of additional information and data would be needed before making any firm decisions regarding Needs Assessment and Disbursement Criteria.

The question was posed as to how law enforcement would be able to apply and use these funds. Feedback received from some law enforcement indicates that there is not a high need for more training regarding opioids.

Some committee members shared that they have received inquiries as to whether these funds could be used for capital expenditures. Even though capital expenditures are not explicitly listed in *Exhibit E: List of Opioid Remediation Uses of the Distributor Settlement Agreement*, these could be an acceptable use of funds, as part of an overall program addressing opioid use.

Public Comment Period

Philip Lukens, Alliance Chief of Police, highlighted some of the resources and programs that Alliance is already utilizing, and noted that there is a high use of volunteers for these programs. Chief Lukens shared the concern as to whether the funds allocation will be applied to the most appropriate venues or programs. The question was

posed as to how individual municipalities and counties can determine if there will be funds allocated directly to them. Fuller details of Chief Lukens' comments are attached to the end of these minutes.

There was no additional public comment.

9. New Business

There was no new business identified for today's meeting.

10. Next Steps/Action Items

The question was posed as to whether the next scheduled meeting on October 3rd would be too soon after today's meeting, given that this meeting was postponed one week due to Labor Day. It was decided that the next meeting would remain on the first Monday of October, as committee members have most likely earmarked the day.

The meeting location was also discussed. Given the amount of discussion that may need to occur for the Needs Assessment, it was suggested that the location be moved to a venue closer to the middle of the state, so that more committee members can attend in person. Due to the short amount of time until the October meeting, it was decided to remain at the current location for this meeting.

11. Next Meeting

The next meeting of the Nebraska Opioid Settlement Remediation Advisory Committee is scheduled for Monday, October 3, 2022 at 10:00 a.m., at the Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE. This meeting is being extended from two hours to three hours, due to the anticipated amount of discussion regarding Needs Assessment.

October agenda items to include:

Needs Assessment Discussion

If there are additional suggestion for agenda items, please inform Chair Stull at least ten (10) days prior to the next meeting.

Adjourn

The meeting agenda having been completed, the committee voted by acclamation to adjourn. Chair Stull declared the meeting adjourned at 12:53 p.m.

National Settlement Amount

X Nebraska's Allocable Share (approximately 0.43% for each settlement)

= State of Nebraska's Opioid Recovery Fund **AND** the Direct Share for 93 Counties and 16 Cities.



National Settlement Administrator, **Brown Greer**, wires Nebraska's Allocable Share of each settlement to DHHS-DBH for the Opioid Recovery Fund and each City or County that has elected to receive their Direct Share.



Brown Greer wires 85% of Nebraska's allocable share to

The Nebraska Opioid Recovery Fund, As Required by the Opioid Prevention and Treatment Act.

C "Local"

Brown Greer wires 15% of Nebraska's allocable share as direct share to cities and counties. Direct share is split according to "Exhibit G". Counties and Cities have the option to "reallocate" their direct share.



A "Regional"

50% of Opioid Recovery Fund goes to the Regional Behavioral Health Authority in each of the 6 regions.

B "State"

Advisory Committee establishes criteria for up to 50% of Opioid Recovery Fund. The advisory committee may direct all or some of the money to the Regional Behavioral Health Authority in each of the 6 regions.

Reallocated direct shares are directed to the Opioid Recovery Fund and must be added to the allocation received by each BHR.

Note: DHHS-DBH must send at least half of the Opioid Recovery Fund to the 6 behavioral health regions. Allocation percentages to each region is sum of percentage allocation to cities and counties in each region from Exhibit G. Advisory Committee may recommend any additional money from Opioid Recovery Fund to be distributed to any or all BHR.

Hypothetical examples - for discussion only

Settlement Funds

Anticipated "Opioid Recovery Fund" as of 12/31/22 12,000,000

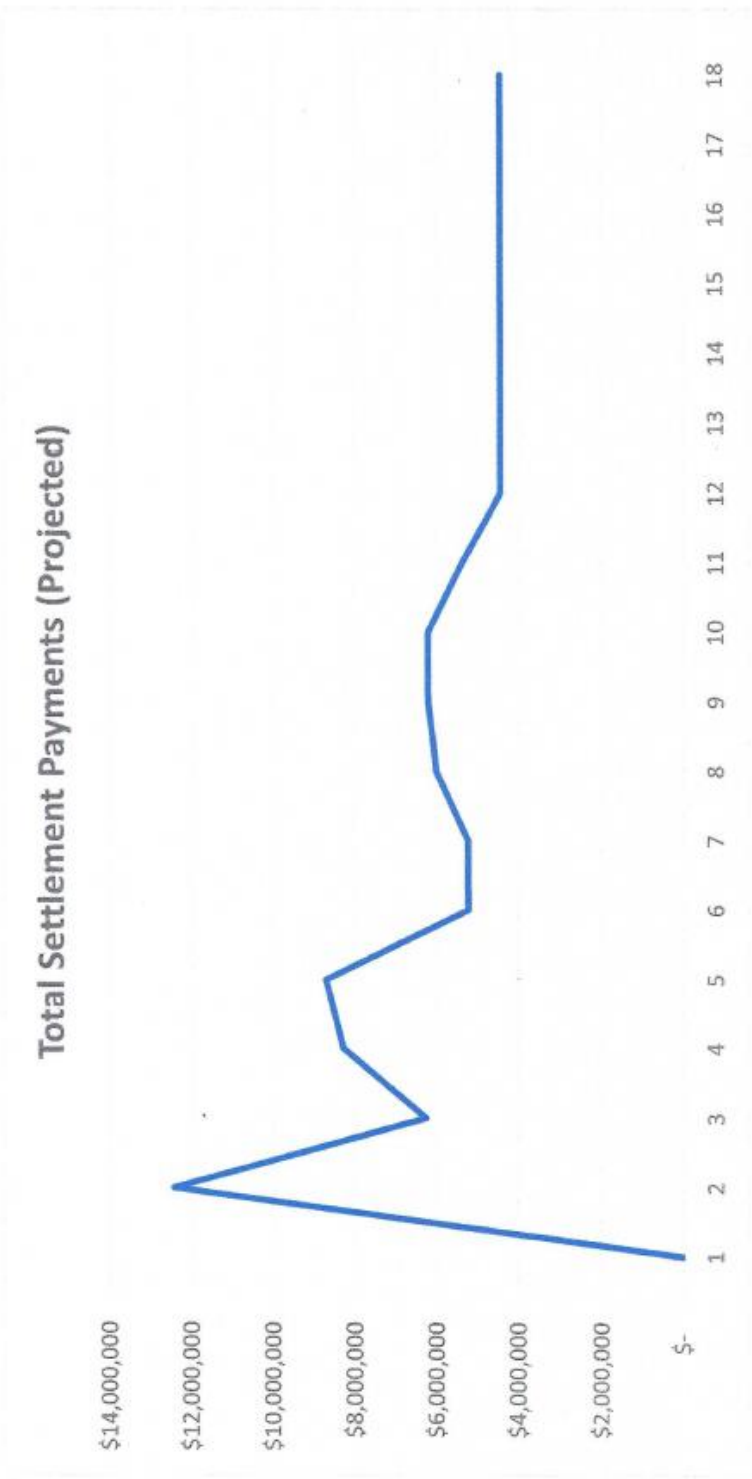
Example of Possible allocation to Regions

		A 50%	B 50%	*	Total
Region 1	5.4767%	328,602	328,602		657,204
Region 2	5.1120%	306,720	306,720		613,440
Region 3	10.8982%	653,892	653,892		1,307,784
Region 4	8.5833%	514,998	514,998		1,029,996
Region 5	25.7421%	1,544,526	1,544,526		3,089,052
Region 6	44.1869%	2,651,262	2,651,262		5,302,524
Total	100.00%	6,000,000	6,000,000		<u>12,000,000</u>
Remainder					<u>-</u>

Example of Possible allocation to Regions

		A 50%	B 40%	*	Total
Region 1	5.4767%	328,602	262,882		591,484
Region 2	5.1120%	306,720	245,376		552,096
Region 3	10.8982%	653,892	523,114		1,177,006
Region 4	8.5833%	514,998	411,998		926,996
Region 5	25.7421%	1,544,526	1,235,621		2,780,147
Region 6	44.1869%	2,651,214	2,120,971		4,772,185
Total	100.00%	5,999,952	4,799,962		<u>10,799,914</u>
Remainder					<u>1,200,086</u>

* Determined by Advisory Committee



Johnson & Johnson (“Janssen”) Settlement

Settlement Payment Term: 11 years

Nebraska’s total allocable share of the National Settlement: 0.4313919963%

National Administrator: Brown Greer

Nebraska State Administrator: DHHS - Division of Behavioral Health

Nebraska Consent Order (Lancaster Co. District Court) Filing Date: April 12, 2022

Settlement Payment Schedule (Exhibit M)

Janssen “Year 1” Payment Amount:	\$1,308,528.83	Payment Date:2022
Janssen “Year 2” Payment Amount:	\$2,839,942.44	Payment Date:2022
Projected Distributors “Year 4” Payment Amount:	\$2,579,940.67	
Projected Distributors “Year 5” Payment Amount	\$3,694,315.13	
Projected Distributors “Year 6” Payment Amount	\$4,125,313.60	
Projected Distributors “Year 7” Payment Amount	\$ 746,076.29	
Projected Distributors “Year 8” Payment Amount.	\$ 746,076.29	
Projected Distributors “Year 9” Payment Amount	\$ 746,076.29	
Projected Distributors “Year 10” Payment Amount	\$ 934,682.66	
Projected Distributors “Year 11” Payment Amount	\$ 934,682.66	

*Payment Amounts are Total state payment, i.e. Opioid Recovery Fund and Cities and Counties Direct Share.

**Subsequent year payments from the Janssen settlement will occur annually on or after July 15th. *Projected annual payments have not been confirmed by Brown Greer.*

McKinsey Settlement

Settlement Payment Term: 5 Years

Nebraska State Administrator: DHHS - Division of Behavioral Health

Nebraska Consent Order (Lancaster Co. District Court) Filing Date: February 4, 2021

Settlement Payment Schedule (Consent Order)

McKinsey “Year 1” Payment Amount: \$2,147,213.96	Payment Date: April 4, 2021
McKinsey “Year 2” Payment Amount: \$110,836.91	Payment Date: April 1, 2022
McKinsey “Year 3” Payment Amount: \$110,836.91	Payment Date: April 1, 2023
McKinsey “Year 4” Payment Amount: \$110,836.91	Payment Date: April 1, 2024
McKinsey “Year 5” Payment Amount: \$110,836.91	Payment Date: April 1, 2025

*The McKinsey Settlement is a state-only settlement. All McKinsey settlement payments are deposited in the Nebraska Opioid Recovery Fund

Distributors Settlement [McKesson, AmerisourceBergen, and Cardinal Health]

Settlement Payment Term: 18 years

Nebraska's total allocable share of the National Settlement: 0.4291907949%

National Administrator: Brown Greer

Nebraska State Administrator: DHHS - Division of Behavioral Health

Nebraska Consent Order (Lancaster Co. District Court) Filing Date: April 14, 2022

Settlement Payment Schedule (Exhibit M)

Distributors "Year 1" Payment Amount:	\$3,420,401.26	Payment Date: 8/15/22
Distributors "Year 2" Payment Amount:	\$4,394,557.64	Payment Date: 2022

Projected Distributors "Year 3" Payment Amount:	\$ 4,336,028.42
Projected Distributors "Year 4" Payment Amount:	\$ 4,474,804.76
Projected Distributors "Year 5" Payment Amount:	\$ 4,474,804.76
Projected Distributors "Year 6" Payment Amount:	\$ 4,474,804.76
Projected Distributors "Year 7" Payment Amount:	\$ 4,474,804.76
Projected Distributors "Year 8" Payment Amount:	\$ 5,262,909.53
Projected Distributors "Year 9" Payment Amount:	\$ 5,262,909.53
Projected Distributors "Year 10" Payment Amount:	\$ 5,262,909.53
Projected Distributors "Year 11" Payment Amount:	\$ 4,424,006.60
Projected Distributors "Year 12" Payment Amount:	\$ 4,424,006.60
Projected Distributors "Year 13" Payment Amount:	\$ 4,424,006.60
Projected Distributors "Year 14" Payment Amount:	\$ 4,424,006.60
Projected Distributors "Year 15" Payment Amount:	\$ 4,424,006.60
Projected Distributors "Year 16" Payment Amount:	\$ 4,424,006.60
Projected Distributors "Year 17" Payment Amount:	\$ 4,424,006.60
Projected Distributors "Year 18" Payment Amount:	\$ 4,424,006.60

*Payment Amounts are Total state payment, i.e. Opioid Recovery Fund and Cities and Counties Direct Share.

**Subsequent year payments from the Distributors settlement will occur annually on or after July 15th. *Projected annual payments have not been confirmed by Brown Greer.*

Nebraska Opioid Recovery Fund

Prepared for the Opioid Settlement Remediation Advisory Committee

Source	Settlement	Amount Received	Balance To Be Received	Notes
McKinsey	\$2,590,561	\$2,258,050	\$332,511	5 annual payments
Distributors	\$81,680,642	\$3,335,997	\$78,344,645	18 annual payments
Johnson & Johnson	\$19,961,175		\$19,961,175	9 annual payments
			\$0	
			\$0	
Totals	\$104,232,378	\$5,594,046	\$98,638,331	

Nebraska Estimated Amount to be received by December 2022

Source	A State (15% + 50% of B)	B Regional (50% of total)	C Local (15%)**	
McKinsey (Yr 1 & 2)	\$2,258,050.87	\$0.00	\$0.00	\$2,258,050.87
Distributors Yr 1	\$1,935,027.62	\$1,354,519.33	\$558,237.13	\$4,428,292.39
Distributors Yr 2	\$2,197,278.82	\$1,538,095.17	\$659,183.65	\$4,394,557.64
Johnson & Johnson Yr 1				
& 2	\$2,074,235.64	\$1,451,964.94	\$622,270.69	\$4,148,471.27

Balance to be received by 12/2022

	\$8,464,592.95	\$4,344,579.45	\$1,839,691.47	\$15,229,372.17
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Green indicates payments have been sent by Sett

*** Some County payments are directed to State Opioid Fund*

Source	Amount Received	Amount Disbursed	Balance to be Disbursed	Notes
McKinsey	\$2,258,050		\$2,258,050	
Distributors	\$3,335,997		\$3,335,997	
Johnson & Johnson			\$0	
			\$0	
			\$0	
Totals	\$5,594,046	\$0	\$5,594,046	

Recipient Amount Disbursed

From: Philip Lukens
Sent: Tuesday, September 6, 2022 5:56 PM
To: DHHS.BehavioralHealthDivision@nebraska.gov
Subject: Nebraska Opioid Settlement Remediation Advisory Committee Meeting

Greetings,

I would like to reach out and discuss distribution of opioids funds. I would like to attend the Opioid Settlement Remediation Advisory Committee and have an opportunity for public comment, but I would also like to discuss the programs we have in Alliance. Specifically <https://paariusa.org/recoverycorps/national-program/> Related article in May of 2021 <https://ruralradio.com/kneb-am/news/alliance-police-joining-initiative-to-cut-drug-demand-by-providing-help-to-addicts/>

Distributor Settlement Agreement, Exhibit E, Sch. B, Sec. D, Paragraph 1.1 Reads:

" D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
*1. Self-referral strategies such as the Angel Programs or the **Police Assisted Addiction Recovery Initiative ("PAARI");"***

We are the only agency in Nebraska <https://paariusa.org/our-partners/> to have joined this program since 2021.

We partnered with PAARI and AmeriCorps VISTA to get a volunteer in our community <https://my.americorps.gov/mp/listing/viewListing.do?fromSearch=true&id=113361>. We are just about to fill this position.

Overdoses in our city occur routinely. We have made an automated system from our RMS to ODMAP for reporting purposes.

We also partnered with the DEA and pioneered the first ever Lacrosse Clinic for youth education <https://www.dea.gov/press-releases/2022/05/16/dea-educational-foundation-celebrates-success-first-ever-lacrosse-clinic>

We are already leading the charge in this state and I believe our programs address core strategies for funding to include the following:

Naloxone reversals
Warm Hand Off Programs and Recovery Services
Prevention Programs
Syringe Service Programs

Evidence Based Collection and Research.

I can certainly speak to funding of the following approved uses:

- Treat Opioid Use Disorder
- Support People in Treatment and Recovery
- Connect People who Need Help
- Address the Needs of Criminal Justice Involved Persons
- Prevent Over Prescribing
- Prevent Misuse
- Prevent overdose deaths

We have already had some people turn in drugs and paraphernalia. Some of this has been slow but we are gaining traction.

We have partnered with Sandhills Center for Hope as well as built our own VIP program to include outreaches. Our VIP program just earned us an award from the IACP <https://alliancetimes.com/apd-wins-2022-iacp-leadership-in-victim-services-award/> attesting to our focus on victim centered policing.

All of our staff have become CIT certified and we were recently recognized for completing the IACP One Mind pledge <https://alliancetimes.com/apd-completes-one-mind-pledge/>

I would certainly appreciate the opportunity to weigh in on this process and the success/failures of our programs as well as funding allocation suggestions.

PHILIP LUKENS, CHIEF OF POLICE

Alliance Police Department
512 Niobrara Ave
Alliance, NE 69301
Station: 308-762-4955

