

Nebraska Opioid Settlement Remediation Advisory Committee Meeting
December 6, 2023
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE
10:00 a.m. – 12:00 p.m.
Meeting Minutes

1. Call Meeting to Order:

- a. Chairperson Todd Stull called the meeting to order at 10:02 a.m. and welcomed all attendees to the meeting. Chairperson Stull thanked NACO, the Attorney General's Office and Department of Health and Human Services for their continued support. Chairperson Stull reminded Committee members that for virtual meetings, Committee members may attend virtually or be physically present at the meeting site to be counted for quorum, and to vote. Per the Open Meetings Act, no more than 50% of meetings within a calendar year can be virtual.
- b. Roll call was conducted, and a quorum was determined to exist, with 16 voting members present.

Voting Members

Members in Attendance: Ann Anderson-Berry, Susanna Batterman, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Rick Hickstein, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Todd Stull, Christa Yoakum.

Members Absent: Yohance Christie, Jerome Kramer, Paul Lambert, John Lawson, John Massey, Kevin Spencer, Bill Tielke, Paul Vrbka.

Others in Attendance: Leslie Donley, Tony Green, Karen Harker, Jeri Keller-Heuke, Lynn Rex, Joshua Shasserre.

- c. Chairperson Stull stated that on November 27, 2023, a notice of this meeting with the agenda and other materials were provided to the public and all members of the Committee. Notice of this meeting with the agenda and other materials were available for public inspection at the Nebraska Department of Health and Human Services (DHHS), Division of Behavioral Health (DBH), 301 Centennial Mall South, 4th Floor in Lincoln, Nebraska. An electronic copy of the agenda, all documents being considered at the meeting, and a link to the current version of the Open Meetings Act were posted on the DHHS website at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>.
- d. Chairperson Stull informed attendees about the location of the Open Meetings Act, which is accessible to members of the public in the meeting room, and at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>, along with a copy of all reproducible written materials to be discussed at this meeting.
- e. Public comment: Pursuant to the Open Meetings Act, the Chair of the Committee reserves the right to limit comments on agenda items. Chairperson Stull stated that agenda items 3, 4, 5 and 6 will be open for public comments. Chairperson Stull stated that each commenter will have five minutes to speak.

Chairperson Stull informed attendees that the order of the agenda items would be changed, due to the nature of the topics. After approval of the October 19, 2023 minutes, agenda items #3 and #4 would be switched.

2. Consider a Motion to Approve the Minutes from October 19, 2023:

Chairperson Stull opened the floor for a motion to approve the minutes from the October 19, 2023, meeting.

Motion was made by Mary Ann Borgeson and seconded by Sara Howard to approve the minutes as written. Chairperson Stull opened the floor for discussion. Hearing none, roll call vote was conducted. The motion passed with the following results:

Yay=16: Ann Anderson-Berry, Susanna Batterman, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Rick Hickstein, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Todd Stull, Christa Yoakum.

Nay=0

Abstain=0

Absent=8: Yohance Christie, Jerome Kramer, Paul Lambert, John Lawson, John Massey, Kevin Spencer, Bill Tielke, Paul Vrbka.

4. Discussion regarding TriWest contract, RFP related to disbursement and the internal operating processes and objectives within the State:

Tony Green, DHHS Director of Developmental Disabilities and Interim Director of DBH and Children and Family Services, informed the Committee that the issuance of contracts as a result of Requests for Proposals must follow state statute by working with DHHS Procurement. Generating contracts must be done by DHHS, as this advisory Committee does not have statutory authority to enter into contracts. The current selection of TriWest as the Needs Assessment vendor needs to be put on hold, as DBH believes there is already sufficient information available to determine how funds should be used. Amy Reynoldson, Sara Howard, Ann Anderson-Berry, and Mary Ann Borgeson expressed their frustration that DHHS previously indicated to the Committee that the state's procurement process did not need to be followed; representatives of the AG's Office and DHHS attended meetings of the NOSRAC and were aware of how the Committee was proceeding based on the information Committee members were provided. Additionally, the group expressed concern that the current data to inform work is not representative of the scope of the opioid impact among the multiple sectors that have been impacted.

On a positive note, it was discovered that some of these funds are eligible for federal matching, e.g., Medicaid funds directed towards behavioral health items. DHHS will present its recommendations to the Committee regarding current sources of needs assessments; this should occur at the next scheduled meeting.

Public Comment: Joe LeDuc, member of the public, conveyed that there is urgency for this Committee to move forward with its work of disbursing funds so that more Nebraskans can be helped.

3. Subcommittee Reports:

a. Needs Assessment Subcommittee—Amy Reynoldson and Ann Anderson-Berry stated that the Committee should communicate directly with TriWest, the selected Needs Assessment vendor, regarding the recent events surrounding contract issuance with the State.

b. Disbursement Subcommittee—Mary Ann Borgeson stated that there were 37 submissions for the Request for Proposals for Opioid Prevention and Treatment. She stated the subcommittee had spent a considerable amount of time reviewing submissions and preparing a recommendation for the award but will halt the process until the procurement process is rectified.

Motion was made by Mary Ann Borgeson and seconded by Sara Howard to request the State to review the current Request for Proposals posted on the DHHS website to determine the appropriateness for awarding settlement funds for prevention. Chairperson Stull opened the floor for discussion. Hearing no further discussion, roll call vote was conducted. The motion passed with the following results:

Yay=13: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Todd Stull, Christa Yoakum.

Nay=0

Abstain=0

Absent=11: Susanna Batterman, Yohance Christie, Rick Hickstein, Jerome Kramer, Paul Lambert, John Lawson, John Massey, Charity Menefee, Kevin Spencer, Bill Tielke, Paul Vrbka.

Motion was made by Sara Howard and seconded by Amy Holman to request that DBH issue a Request for Proposals to use settlement funds for prevention measures pending the outcome of the first review of the original Request for Proposals if the outcome of this review is negative. Chairperson Stull opened the floor for discussion. Hearing no further discussion, roll call vote was conducted. The motion passed with the following results:

Yay=13: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Todd Stull, Christa Yoakum.

Nay=0

Abstain=0

Absent=11: Susanna Batterman, Yohance Christie, Rick Hickstein, Jerome Kramer, Paul Lambert, John Lawson, John Massey, Charity Menefee, Kevin Spencer, Bill Tielke, Paul Vrbka.

Public Comment: Patti Jurjevich, Behavioral Health Region 6 Administrator, suggested that DBH and this Committee work with the behavioral health regions to gauge needs and gather feedback on Committee recommendations.

c. Outcomes Subcommittee—Sara Howard stated that the subcommittee met on November 17, 2023. The subcommittee reviewed progress reports from the DHHS Fatality Review Team, State Fire Marshal, and the six Regional Behavioral Health Regions. The comprehensive report was presented during the meeting and will be submitted to DHHS.

At 12:30 p.m., the quorum was lost due to members leaving for competing commitments. Therefore, Chairperson Stull informed the attendees that the meeting was ending at 12:34 p.m.