

Nebraska Opioid Settlement Remediation Advisory Committee Meeting
June 23, 2023
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE
10:00 a.m. – 12:00 p.m.
Meeting Minutes DRAFT

1. Call Meeting to Order:

- a. Chairperson Todd Stull called the meeting to order at 10:00 a.m. and welcomed all attendees to the meeting. Chairperson Stull also expressed thanks to the Nebraska Association of County Officials (NACO) for its continued support of this Committee by allowing the use of its conference room for meetings.
- b. Roll call was conducted, and a quorum was determined to exist, with 13 voting members present.
Voting Members
Members in Attendance: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Sara Howard, Brandon Kelliher, Paul Lambert, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Christa Yoakum.
Members Absent: Susanna Batterman, Yohance Christie (late arrival), Jerome Kramer (late arrival), Christopher Kratochvil, Charity Menefee (late arrival), Bill Tielke.
Others in Attendance: Leslie Donley, Tony Green, Karen Harker, Jeri Keller-Heuke, Joshua Shasserre.
- c. Chairperson Stull stated that on June 13, 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, Division of Behavioral Health, 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 website of the Nebraska Department of Health and Human Services 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: There was no public comment from members of the public.

2. Consider a Motion to Approve the Minutes from May 15, 2023, with the Following Four Changes:

Chairperson Stull opened the floor for a motion to approve the minutes from the May 15, 2023, meeting, with the following four changes:

- a. Strike the reference in 1.b. on page 1 to the “Non-Voting Attendees” and “Members in Attendance” and insert “Others in Attendance”;
- b. Strike “changes” on page 2, Agenda Item 3 in the second sentence and insert the word “changed”;

- c. Insert on page 3, Agenda Item 5 after the first sentence: Motion was made by Sara Howard and seconded by Yohance Christie to approve the bylaws; this motion was withdrawn.; and
- d. Insert the following statement on page 4 after Agenda Item 11: During a public comment period, John Greenwood, Chief Operating Officer at Goldfinch Health in Iowa City, IA, distributed a kit and information regarding services pertaining to opioid-related issues.

Motion was made by Amy Reynoldson and seconded by Ann Anderson-Berry to approve these changes as noted. Chairperson Stull opened the floor for discussion. Hearing none, roll call vote was conducted. The motion passed with the following results:

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

Nay=0

Abstain=0

Absent=6

3. Consider a Motion to Acknowledge the Following Committee Members Recently Appointed to Fill Vacancies:

Chairperson Stull opened the floor for a motion to acknowledge the following Committee members recently appointed to fill vacancies:

- a. John Lawson, Treatment Recovery/Consumer, appointed by Nebraska Attorney General Mike Hilgers to fill the vacancy created by Brandon Peet;
- b. John Massey, MD (subject matter expert), appointed by Nebraska Attorney General Mike Hilgers to fill the vacancy created by Helen Stockman;
- c. Amy Holman, Project Coordinator, Nebraska Pharmacy Association, appointed by Nebraska Attorney General Mike Hilgers to fill the vacancy created by Marcia Muetting, PharmD;
- d. York County Sheriff Paul Vrbka, York, appointed by Jon Cannon, Executive Director, Nebraska Association of County Officials, to fill the vacancy created by Buffalo County Sheriff Neil Miller; and
- e. Chadron Police Chief Rick Hickstein, appointed by L. Lynn Rex, Executive Director, League of Nebraska Municipalities, to fill the vacancy created by Valentine Police Chief Dana Miller.

Motion was made by Mary Ann Borgeson and seconded by Sara Howard to approve these five new Committee members. Chairperson Stull opened the floor for discussion. Hearing none, roll call vote was conducted. The motion passed with the following results.

Yay=15: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Sara Howard, Brandon Kelliher, Jerome Kramer, Paul Lambert, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Christa Yoakum.

Nay=0

Abstain=0

Absent=4

A request was made to distribute an updated membership list to all members, adding subcommittee memberships to this list as well.

4. Consider a Motion to Approve the Proposed Revised Bylaws:

Chairperson Stull opened the floor for a motion to approve the proposed revised bylaws. Motion was made by Ann Anderson-Berry and seconded by Mary Ann Borgeson to approve the Bylaws with the changes noted. A word of thanks was expressed to those individuals who worked on reviewing the Bylaws and offering suggestions. It was noted that DHHS has also reviewed the suggested Bylaws and is in support of them. The motion passed with the following results.

Yay=21: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Yohance Christie, Amy Holman, Rick Hickstein, Sara Howard, Brandon Kelliher, Jerome Kramer, Paul Lambert, John Lawson, John Massey, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka, Christa Yoakum.

Nay=0

Abstain=0

Absent=3

5. Discussion and Update of Recent Press Release Dated June 9, 2023, by Attorney General Hilgers Regarding Opioid Agreements with Drugmakers Teva and Allergan, and Pharmacies CVS and Walgreens:

Chairperson Stull reviewed the recent press release from the Attorney General's Office regarding the final approval of \$17.3 billion in opioid agreements with drugmakers Teva and Allergan and pharmacies CVS and Walgreens. Nebraska will receive approximately \$65,666,663.41 over the next 15 years. Per the terms of the agreement, 85% of these funds will go to the Nebraska Opioid Recovery Fund and 15% will be given directly to cities and counties.

6. Update and Review of the Amount and Status of Nebraska Opioid Recovery Funds:

Karen Harker, Division of Behavioral Health Deputy Director of Finance, presented an overview of the Nebraska Opioid Recovery Fund as of June 13, 2023. Another deposit was received two days prior to this meeting and is not reflected in this report. Chairperson Stull opened the floor for a motion to approve the Nebraska Opioid Recovery Fund report, and to acknowledge that the Legislature has the authority to disburse funds to the State Fire Marshal as part of legislation passed during the 2023 session, i.e., LB 814, and the Overdose Fatality Review Teams Act (LB 227). Motion was made by Sara Howard and seconded by Ann Anderson-Berry to approve this report and acknowledge the upcoming disbursements by the Legislature. Chairperson Stull opened the floor for discussion. The question was raised as to how this Committee will provide oversight on disbursements from the fund. Payouts must be traceable to an original intent and would be required to be reported to the Committee by the entities who requested the funds. After discussion, roll call vote was conducted, and the motion passed with the following results.

Yay=19: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Yohance Christie, Amy Holman, Sara Howard, Brandon Kelliher, Jerome Kramer, Paul Lambert, John Massey, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka, Christa Yoakum.

Nay=0

Abstain=2: Rick Hickstein, John Lawson.

Absent=3

7. Data/Needs Assessment Subcommittee Report/Request:

Amy Reynoldson and Ann Anderson-Berry presented the proposed Request for Proposals (RFP) to select a vendor to conduct a needs assessment specific to opioid disorder-related treatment and prevention priorities in Nebraska. It was noted that this project would not be starting from scratch, as there are existing assessments that can be drawn from. Initial timelines have been set for item IV.

Timeline for Project of the RFP as follows:

- RFP Released to Public-July 15, 2023
- Proposals Due by 5:00 PM CST-August 15, 2023
- Application Selection by Advisory Committee-September 2023
- Announcement of Selected Vendor (tentatively)-September 2023
- Vendor Commences Work-October 1, 2023
- Vendor Completes Final Report-December 1, 2023
- Vendor Presents Final Report to Advisory Committee-December 6, 2023

(If any of these dates fall on a weekend, the item will move to the following Monday.) The subcommittee also presented the possibility of creating an RFP Review Subcommittee for the main purpose of reviewing incoming RFPs. It was noted that, according to Bylaws, the formation of a separate subcommittee would need to be approved by a majority vote. Upon further discussion of this potential subcommittee's purpose, it was decided that RFP reviews could be done under the umbrella of the Data/Needs Assessment Subcommittee. The subcommittee requested approval from the Committee to allocate \$500,000 to cover the costs of the needs assessment project. Chairperson Stull opened the floor for a motion to approve the allocation of \$500,000 for the purposes of the needs assessment project. Motion was made by Mary Ann Borgeson and seconded by Sara Howard. Chairperson Stull opened the floor for discussion. Comment was made that the request for \$500,000 is higher than the \$300,000 stated in item VI. Pricing and Payment Terms in the RFP. Subcommittee members stated that this increase would be needed to cover negotiations, potential unknown items, and overrides. The motion was amended to change the allocation from \$300,000 to \$500,000. Roll call vote was conducted, and the motion passed with the following results:

Yay=20: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Yohance Christie, Amy Holman, Sara Howard, Brandon Kelliher, Jerome Kramer, Paul Lambert, John Lawson, John Massey, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka, Christa Yoakum.

Nay=0

Abstain=1: Rick Hickstein.

Absent=3

8. FYI-Possible Outcomes Subcommittee Meeting in November 2023:

Sara Howard, Outcomes Subcommittee Chairperson, reported that this subcommittee has not met recently but is planning on meeting in November. These subcommittee meetings will begin to include regional representatives in order to receive updated reports on the regions' activities and outcomes. This subcommittee welcomes any Committee member who is interested in joining.

9. Discussion of Possible Next Steps and Actions to Be Considered at Future Meetings:

Agenda items to be discussed at the next scheduled meetings include:

- Volunteers needed for the Needs Assessment Subcommittee and to perform RFP reviews.
- Selected RFP vendors to present at the December meeting.
- Committee vacancies.

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

10. Discussion of Possible Date(s) for the Next Meeting:

Discussion of possible upcoming meeting dates in 2023 was held. It was decided to have an in-person meeting on Wednesday, September 20, in Kearney, with the location to be determined. The following meeting will be virtual and will be held on Wednesday, December 6, with the physical location to be determined.

11. Consider a Motion to Adjourn:

The meeting agenda having been completed, Chairperson Stull asked for a motion to adjourn the meeting. Motion was made by Ann Anderson-Berry and seconded by Sarah Howard. Roll call vote was conducted. The motion passed with the following results.

Yay=21: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Yohance Christie, Amy Holman, Rick Hickstein, Sara Howard, Brandon Kelliher, Jerome Kramer, Paul Lambert, John Lawson, John Massey, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka, Christa Yoakum.

Nay=0

Abstain=0

Absent=3

The meeting adjourned at 11:53 a.m.