NOTICE

Meeting of the Nebraska Opioid Settlement Remediation Advisory Committee (NOSRAC)

Monday, May 15, 2023, at 10 a.m. CDT/9 a.m. MDT
Nebraska Association of County Officials Offices, 1335 H Street, Lincoln

PLEASE TAKE NOTICE that on **Monday, May 15, 2023, at 10 a.m. CDT/9 a.m. MDT,** the Nebraska Opioid Settlement Remediation Advisory Committee will hold a meeting at the Nebraska Association of County Officials Offices, 1335 H Street, Lincoln, Nebraska.

You may join the in-person meeting by Zoom via Computer, Smart Device or Telephone https://us06web.zoom.us/j/84193745810?pwd=Z290L2FMR2laQmFsVU4QlpReW40Zz09. The Meeting ID is 841 9374 5810 and the Passcode is 251468.

An agenda of subjects known at this time is included with this notice, but the agenda shall be kept continually current and readily available for public inspection at 301 Centennial Mall South in Lincoln, Nebraska during normal business hours. A notice of this meeting with the agenda and other materials are available at this location with a copy of the Open Meetings Act posted.

On May 5, 2023, notice of this meeting with the agenda and other materials were sent to all Committee members. Notice of this meeting with the agenda and other materials are available for public inspection at 301 Centennial Mall South in Lincoln, Nebraska and posted with the following links kept continually current: an electronic copy of the agenda, all documents being considered at the meeting, with a link to the current version of the Open Meetings Act are on the website of the Nebraska Department of Health and Human Services – https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx.

AGENDA

Meeting of the Nebraska Opioid Settlement Remediation Advisory Committee (NOSRAC)

Monday, May 15, 2023, at 10 a.m. CDT/9 a.m. MDT
Nebraska Association of County Officials Offices, 1335 H Street, Lincoln

In accordance with the Open Meetings Act, Chapter 84, Article 14 of the Reissue Revised Statutes of the State of Nebraska 1943, as amended, one copy of all reproducible written materials to be discussed is available to the public at the meeting and at the link below for examination and copying.

Join the in-person meeting by Zoom via Computer, Smart Device or Telephone https://us06web.zoom.us/j/84193745810?pwd=Z290L2FMR2laQmFsVU4QlpReW40Zz09.
The Meeting ID is 841 9374 5810 and the Passcode is 251468.

Pursuant to the Open Meetings Act, since this is an "in-person" meeting, members of the Nebraska Opioid Settlement Remediation Advisory Committee (Committee) listening by Zoom are not allowed to vote and cannot be counted for purposes of determining a quorum.

1. Call meeting to order:

- **a.** 10 a.m. CT/9 a.m. MT – Dr. Todd Stull, Chair of the Nebraska Opioid Settlement Remediation Advisory Committee, will call the meeting to order.
- **b.** Roll call.
- **c.** Indicate that on May 3, 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 301 Centennial Mall South in Lincoln, Nebraska, and also posted with the following link kept continually current: an electronic copy of the agenda and all documents being considered at the meeting, with a link to the current version of the Open Meetings Act are on the website of the Nebraska Department of Health and Human Services – https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx.
- **d.** Inform the public 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 on any agenda item(s): Pursuant to the Open Meetings Act, the Chair of the Committee reserves the right to limit comments on agenda items. In accordance with the Open Meetings Act, there is no time limit on comments made by members of the Committee. Members of the Committee and members of the public may comment on agenda items or listen to the Committee Meeting; however, if the Committee votes to hold a closed session pursuant to the Open Meetings Act, members of the public may not comment or listen during that time. *Public comment also may be submitted in writing to the Committee at the Nebraska Department of Health and Human Services. The Committee will receive public comment first from those present at the meeting location and then from those attending via virtual conferencing. The committee requires any*

member of the public desiring to address the body to identify their name, including an address and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412.

2. **Consider a motion to acknowledge the following Committee members recently appointed to fill vacancies:**

   a. Christa Yoakum, Lancaster County Board Chair, appointed by NACO to fill the vacancy of Deb Schorr, former Lancaster County Board Chair; and

   b. Paul Price, PharmD, BCPP, Senior Associate Dean, Creighton University, appointed by Nebraska Attorney General Mike Hilgers to fill the vacancy of Dr. Sam Augustine, Professor of Pharmacy, Creighton University.

   See page 5 for a list of current NOSRAC.

3. **Update of legislation relating to the Open Meetings Act.**
   L. Lynn Rex, Executive Director, League of Nebraska Municipalities

4. **Consider a motion to ratify the previous actions of the Committee regarding a. and b.:**

   a. Election of:
   - i. Chair – Dr. Todd Stull
   - ii. Vice-Chair – Brandon Kelliher, Mayor of North Platte
   - iii. Subcommittee Chairs and Members
     1. Needs Assessment Subcommittee – Ann Anderson-Berry and Amy Reynoldson
     2. Disbursement Subcommittee – Mary Ann Borgeson
     3. Outcomes Subcommittee – Sara Howard

   See page 6 for a list of Subcommittee Members.

   b. Agendas and minutes of the following meetings.
   - i. April 4, 2022
   - ii. May 2, 2022
   - iii. June 6, 2022
   - iv. July 11, 2022
   - v. August 1, 2022
   - vi. September 12, 2022
   - vii. October 3, 2022

   See pages 7-42 for the agendas and minutes.

5. **Consider a motion to approve the proposed revised Bylaws.**
   See pages 43-49 for the current Bylaws approved April 4, 2023.
   See pages 50-56 for the proposed amendments (incorporated in red) in the current Bylaws.
   See pages 57-62 for the proposed amendments incorporated in the current Bylaws.

6. **Consider a motion to approve the proposed Conflict of Interest Disclosure form.**
   See pages 63-64 for the proposed Conflict of Interest Disclosure form.

7. **Discussion and update of recent opioid litigation settlements.**
   Joshua Shasserre, Chief of Staff, Nebraska Attorney General

8. **Update and review of the amount and status of Nebraska Opioid Recovery Funds.**
   Karen Harker, DBH Deputy Director of Finance
   See page 65.

9. **Consider a motion to approve the following Subcommittee reports:**

   a. **Needs Assessment Subcommittee – No report/action items**

   b. **Disbursement Subcommittee Report on disbursement of current funds**
      See page 66.

   c. **Outcomes Subcommittee – No report/action items**

10. **Report by Tony Green, Interim Director of the Nebraska Department of Health and Human Services, Division of Behavioral Health, on the name(s) of his designee(s) to serve as Secretary of the Committee as provided in Article III, Section 3 of the Bylaws.**

11. **Discussion of possible next steps and actions to be considered at future meetings.**

12. **Discussion of possible date(s) for the next meeting.**

13. **Consider a motion to adjourn.**

Nebraska Opioid Settlement Remediation Advisory Committee Members

	Agency or Entity	Salutation	Name_first	Name_Last	Title	email	Phone
State (Non-Voting Ex Officio)	Attorney General	Attorney General	Mike	Hilgers	Attorney General of Nebraska	laurie.kocarnik@nebraska.gov	402-471-3811
State	Nebraska State Patrol	Captain	Jason	Scott	Captain, State Patrol Special Operations Division	jason.scott@nebraska.gov	402-331-8372
State	UNMC	Dr.	Ann	Anderson-Berry	Division Chief of Neonatology, Dept. of Pediatrics, UNMC College of Medicine	alanders@unmc.edu	402-559-6750
State	UNMC	Dr.	Chris	Kratochvil	Associate Vice Chancellor of Clinical Research UNMC and VP for Research, Nebraska Medicine	ckratoch@unmc.edu	402-552-6002
State	Creighton University	VACANT					
State (Non-Voting Ex Officio)	NE DHHS - Div. Behavioral Health	Interim Director	Tony	Green	Director, Division of Behavioral Health, Nebraska Department of Health and Human Services	tony.green@nebraska.gov	402-471-8553
State	NE DHHS Div. Public Health	Director	Charity	Menefee	Director, Division of Public Health, Nebraska Department of Health and Human Services	Charity.menefee@nebraska.gov	402-471-6566
State	Nebraska Medical Association	Ms.	Amy	Reynoldson	Executive Director, Nebraska Medical Association	amyr@nebmed.org	402-474-4472
State	Nebraska Pharmacy Association	Dr.	Marcia	Mueting	Executive Director, Nebraska Pharmacists Association	marcia.mueting@npharm.org	402-420-1500
State	Cync Health (Nebraska PDMP)	Dr.	Kevin	Borcher	VP, Pharmacy Informatics, CyncHealth	kborcher@cynchealth.org	
State	Treatment Recovery	Ms.	Helen	Stockman		hstockman@nebraskamed.com	
State	Treatment Recovery	Mr.	Brandon	Peet		blpete88@gmail.com	
State (COMMITTEE CHAIR)	Nebraska Project ECHO	Dr.	Todd	Stull	Psychiatrist	toddstullmd@insideperformance.net	402-917-7132
State	First Five Nebraska	Ms.	Sara	Howard	First Five Nebraska Policy Director and Former State Senator (District 9)	saraehoward@gmail.com	402-699-5514
City and County Representatives							
BH Region 1 Municipal Rep.	City of Scottsbluff	Chief	Kevin	Spencer	Chief of Police, Scottsbluff Police Department	kspenser@scottsbluff.org	308-630-6260
BH Region 1 County Rep.	County of Morrill	Commissioner	Susanna	Batterman	Morrill County Commissioner	countrycatering.susanna@gmail.com	308-279-1222
BH Region 2 Municipal Rep. (COMMITTEE VICE CHAIR)	City of North Platte	Mayor	Brandon	Kelliher	Mayor of North Platte	kelliherba@ci.north-platte.ne.us	308-535-6724 #3216
BH Region 2 County Rep.	County of Lincoln	Sheriff	Jerome	Kramer	Lincoln County Sheriff	kramerjj@co.lincoln.ne.us	308-535-9599
BH Region 3 Muncipal Rep.	City of Grand Island	Chief	Cory	Schmidt	Chief, Grand Island Fire Department	GIFireChief@grand-island.com	308-385-5444 ext. 220
BH Region 3 County Rep.	County of Buffalo	Sheriff	Neil	Miller	Buffalo County Sheriff	sheriff@buffalocounty.ne.gov	308-236-8555
BH Region 4 Municipal Rep.	City of Valentine	Chief	Dana	Miller	Chief of Police, Valentine Police Department	dana.miller@valentinene.gov	402-376-3055
BH Region 4 County Rep.	County of Holt	Supervisor	William	Tielke	Holt County Board of Supervisors	wjtielke@telebeep.com	402-340-4610
BH Region 5 Municipal Rep	City of Lincoln	Mr.	Yohance	Christie	Lincoln City Attorney	ychristie@lincoln.ne.gov	402-441-7281
BH Region 5 County Rep.	County of Lancaster	VACANT					
BH Region 6 Municipal Rep.	City of Plattsmouth	Mayor	Paul	Lambert	Mayor of Plattsmouth	rplambert@windstream.net	402-658-0749
BH Region 6 County Rep.	County of Douglas	Commissioner	Mary Ann	Borgensen	Douglas County Commissioner	maryann.borgeson@douglascounty-ne.gov	402-444-7025

Members of Opioid Settlement Advisory Subcommittees

Needs Assessment Subcommittee

Ann Anderson Berry

Amy Reynoldson

Kevin Borcher

Dana Miller

Susanna Batterman

Disbursement Subcommittee

Mary Ann Borgeson

Brandon Peet

Brandon Kelliher

Chris Kratochvil

Sara Howard

Outcomes Subcommittee

Amy Reynoldson

Kevin Borcher

Chris Kratochvil

Ann Anderson Berry

Yohance Christe

Mary Ann Borgeson

DRAFT

NEBRASKA OPIOID SETTLEMENT REMEDIATION ADVISORY COMMITTEE MEETING
AGENDA
April 4, 2022

Location: **Nebraska Association of County Officials ("NACO") Offices**
1335 H Street
Main Conference Room Lincoln, NE 68508

Virtual Conferencing Available via Zoom Zoom
URL:
https://us02web.zoom.us/j/82161864443?pwd=cGRQZUZuWVVVNTRUMDhIRUdSYlV UZz09
Zoom Meeting ID: 821 6186 4443 **Zoom Passcode: 530684**

Time: **10:00 a.m. Call to Order**

1. Open Meetings Act Statements – Attorney General Peterson or Designee
2. Establishment of a Quorum / Member Roll Call – Director Sheri Dawson or Designee
3. Opening Remarks: Attorney General Peterson and Director Sheri Dawson
4. Introduction of Committee Members
5. Election of Committee Chair
6. Election of Committee Vice-Chair
7. Adoption of Committee Bylaws
8. Establishment of Subcommittee for Needs Assessment
9. Establishment of Subcommittee for Disbursement Criteria
10. Establishment of Subcommittee for Outcome Measurement

11:00 a.m. **Public Comment Period**
Public Comment may be limited to five minutes per speaker at the discretion of the Committee Chair. Public comment may also be submitted in writing to the Committee addressee listed on the public notice for the meeting. The committee will receive public comment first from those present at the meeting location and then from those attending via virtual conferencing. The committee requires any member of the public desiring to address the body to identify their name and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412 (2021).

11. Return to above agenda items following completion of public comments.
12. New Business
13. Next meeting scheduled for 10:00 a.m., Monday, May 2, 2022, 1335 H Street, Lincoln, Nebraska.

Adjourn

Nebraska Opioid Settlement Remediation Advisory Committee Meeting April 4, 2022
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE 10:00 a.m. – 12:00 p.m.
Meeting Minutes

1. Open Meetings Act Statements:

Nebraska Attorney General Doug Peterson called the meeting to order at 10:09 a.m. AG Peterson welcomed attendees to the meeting and introduced Department of Health and Human Services (DHHS) Division of Behavioral Health (DBH) Director, Sheri Dawson. AG Peterson informed attendees that the meeting follows the **Open Meetings Act,** which was posted at the back of the meeting room, and can be found at https://ago.nebraska.gov/open-meetings. Director Dawson also welcomed all attendees.

2. Establishment of a Quorum/Member Roll Call:

Roll call was conducted and a quorum was determined to exist, with 20 voting members present. There are 24 initial voting members, therefore quorum would be 13 members present.

Voting Members

Members in Attendance: Ann Anderson-Berry, Sam Augustine, Susanna Batterman, Kevin Borcher, Mary Ann Borgeson, Yohance Christie, Brandon Kelliher, Jerome Kramer, Paul Lambert, Dana Miller (late arrival), Neil Miller, Marcia Mueting, Brandon Pete, Amy Reynoldson, Deb Schorr, Jason Scott, Kevin Spencer, Helen Stockman, Todd Stull, Bill Tielke, Davidson Wissing

Members Absent: Sara Howard, Christopher Kratochvil, Cory Schmidt

Non-Voting Attendees

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

3. Opening Remarks:

AG Peterson and Director Dawson gave an overview and background on the Nebraska Opioid Recovery Funds and the purpose and role of this committee. Intended purposes of these funds were highlighted, as Nebraska has already received a portion of the allotted settlement with McKinsey Corporation for the first year.

Nebraska's total share of the McKinsey settlement is $2,590,561 with payments to be received over a five (5) year period. Nebraska stands to receive approximately $100 million over an eighteen (18) year period from two additional settlements with prescription opioid distributors and manufacturers, with the first payments from these settlements expected to be received this summer.

4. Introduction of Committee Members:

All voting members and non-voting attendees (in person and virtually) introduced themselves. AG Peterson reminded attendees that any public attendees would be able to make comments during the allotted time period at 11:00 a.m.

5. Election of Committee Chair:

AG Peterson facilitated the nomination and election of the Committee Chairperson for the Opioid Settlement Remediation Advisory Committee. Nomination was made and seconded to elect Todd Stull as Chairperson. Hearing no other nominations, motion was made and seconded to accept this nomination. Todd Stull was elected unanimously by roll call vote.

6. Election of Committee Vice-Chair:

AG Peterson facilitated the nomination and election of the Committee Vice-Chairperson for the Opioid Settlement Remediation Advisory Committee. Nomination was made and seconded to elect Brandon Kelliher as Vice-Chairperson. Hearing no other nominations, motion was made and seconded to accept this nomination. Brandon Kelliher was elected unanimously by roll call vote.

7. Adoption of Committee Bylaws:

AG Peterson facilitated the discussion and adoption of the Bylaws for the Opioid Settlement Remediation Advisory Committee. Discussion was held regarding whether the need to include Robert's Rules of Order is necessary (Article IV-Meetings, subsection Conduct). Motion was made and seconded to remove the reference to Robert's Rules of Order, and approve the Bylaws. The Bylaws, without Robert's Rules of Order, were approved unanimously by roll call vote.

8. Establishment of Subcommittee for Needs Assessment:

Discussion was held on the role and tasks of a suggested Needs Assessment subcommittee. Discussion was held regarding the types of data that is currently being collected. It was suggested that any data collection by this subcommittee not be too cumbersome. Due to the scope of work this subcommittee will be performing, it was suggested that this subcommittee be known as the Data/Needs Assessment Subcommittee. Volunteers for this subcommittee are Amy Reynoldson, Ann Anderson-Berry, Susanna Batterman, Sam Augustine and Davidson Wissing. A motion was made and seconded to change the name of this subcommittee to the Data/Needs Assessment Subcommittee, and approve its establishment. Motion was approved unanimously by roll call vote.

9. Establishment of Subcommittee for Disbursement Criteria:

Discussion was held on the role and tasks of a suggested Disbursement Criteria subcommittee. Per the adopted Bylaws, this subcommittee will be responsible for establishing a baseline for funding use and ensuring that the recommendations for funds recipients are appropriate. Discussion was held on what has already occurred in the context of opioid awareness; DBH has a Prevention team that has been working on this. AG Peterson stated that fund disbursement should begin in late 2022 or early 2023. Volunteers for this subcommittee are Mary Ann Borgeson, Brandon Kelliher, Deb Schorr and Chris Kratochvil. A motion was made and seconded to approve the establishment of the Disbursement Criteria Subcommittee. Motion was approved unanimously by roll call vote.

10. Establishment of Subcommittee for Outcome Measurement:

Discussion was held on the role and tasks of a suggested Outcome Measurement subcommittee. A baseline of acceptable outcomes will need to begin soon. This committee will then look at resulting outcomes after funding has been applied. This subcommittee will act in an oversight capacity by providing appropriate findings to the Governor, Legislature and the Attorney General. A possible progress report provided by this subcommittee was discussed. It was agreed that the subcommittee's membership does not need to be established at this time, but will need to be organized in the near future as work gets underway. A motion was made and seconded to

approve the establishment of the Outcome Measurement Subcommittee. Motion was approved unanimously by roll call vote.

Public Comment Period

Christine Minhee from The Opioid Settlement Tracker (https://www.opioidsettlementtracker.com/about) in Seattle, Washington introduced herself and shared information regarding her organization. Ms. Minhee commended Nebraska for its work in addressing the opioid crisis and the establishment of this committee. There was no additional public comment.

11. Continuation of Previous Agenda Items

It is suggested that the development of the subcommittees be the priority item at this time. Individuals wishing to volunteer for the subcommittees can contact DBH to have their names placed on the identified subcommittee.

DBH will be responsible for work surrounding contracts and agreements with parties recommended to receive funds from the settlements.

12. New Business

Comments from the public and committee members can be submitted to the DHHS DBH at dhhs.behavioralhealthdivision@nebraska.gov. This email address will be made available online within the context of these meetings.

Committee members traveling to these meetings can submit for travel-related expenses to be reimbursed.

13. Next Meeting

The next meeting of the Nebraska Opioid Settlement Remediation Advisory Committee was proposed for Monday, May 2, 2022 at 10:00 a.m. at the Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE. Motion was made and seconded to approve this date, time and location for the meeting. Motion passed unanimously by roll call vote.

Adjourn

The meeting agenda having been completed, the committee voted by acclimation to adjourn. AG Peterson declared the meeting adjourned at 11:28 a.m.

NEBRASKA OPIOID SETTLEMENT REMEDIATION ADVISORY COMMITTEE MEETING

Date: May 2, 2022

Location: Nebraska Association of County Officials (NACO) Offices
1335 H Street
Main Conference Room Lincoln, NE 68508

Virtual Conferencing Available via Zoom:
https://us06web.zoom.us/j/83001976306?pwd=TzZ3aXQ2OXpGTmpKVWFqR21aNzNNdz09

Zoom Meeting ID: 830 0197 6306
Zoom Passcode: 065369

Time: 10:00 a.m.

AGENDA

Call to Order: 10:00 a.m.

1. Open Meetings Act Statements – Chairperson Todd Stull
2. Establishment of a Quorum / Member Roll Call
3. Opening Remarks/Announcements
4. Introduction of Committee Members
5. Overview: Opioid Litigation Settlements — Joshua Shasserre
6. Conflicts of Interest Disclosures
7. Subcommittee Reports & Input

Public Comment Period: 11:00 a.m.

Public Comment may be limited to five minutes per speaker at the discretion of the Committee Chair. Public comment may also be submitted in writing to the Committee addressee listed on the public notice for the meeting. The committee will receive public comment first from those present at the meeting location and then from those attending via virtual conferencing. The committee requires any member of the public desiring to address the body to identify their name and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412 (2021).

8. Return to above agenda items following completion of public comments.
9. New Business
10. Next meeting is scheduled for 10:00 a.m., Monday, June 7, 2022, NACO Offices, 1335 H Street, Lincoln, Nebraska.

Adjourn

Nebraska Opioid Settlement Remediation Advisory Committee Meeting May 2, 2022
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE 10:00 a.m. – 12:00 p.m.
Meeting Minutes

1. Open Meetings Act Statements:
Chairperson Todd Stull called the meeting to order at 10:04 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 17 voting members present. There are 24 initial voting members, therefore quorum would be 13 members present.

Voting Members
Members in Attendance: Ann Anderson-Berry, Susanna Batterman, Kevin Borcher, Mary Ann Borgeson, Sara Howard, Christopher Kratochvil, Paul Lambert, Dana Miller, Neil Miller, Marcia Mueting, Brandon Pete, Amy Reynoldson, Cory Schmidt, Deb Schorr, Todd Stull, Bill Tielke, Davidson Wissing.
Members Absent: Sam Augustine, Yohance Christie, Brandon Kelliher, Jerome Kramer, Jason Scott, Kevin Spencer, Helen Stockman.

Non-Voting Attendees
Members in Attendance: Christy Abraham, Jon Cannon, Sheri Dawson, Suzanne Gage, Jeri Keller-Heuke, Doug Peterson, 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 time period at 11:00 a.m. Public attendees were reminded to sign in at the front if they wished to make comments. Review of the April 4 meeting minutes will occur at the June 6 meeting.

4. Introduction of Committee Members:
All voting members and non-voting attendees (in person and virtually) introduced themselves.

5. Overview: Opioid Litigation Settlements:
Joshua Shasserre, Nebraska Attorney General Chief of Staff, presented the Opioid Litigation Settlements overview. This presentation gave a basic overview of the history of the litigation settlements and how these will be applied to Nebraska. The discussion focused on fund distribution guidelines and the committee's role in following these guidelines. Exhibits E, G and M were identified as containing specific information in guiding Nebraska's work on handling funds. The Distributor Settlement Agreement and all exhibits can be found at https://nationalopioidsettlement.com/wp-content/uploads/2022/03/Final_Distributor_Settlement_Agreement_3.25.22_Final.pdf. This document is available to the public as well.

6. Conflicts of Interest Disclosures:

Chair Stull stated that Vice-Chair Brandon Kelliher has taken the lead on creating a Conflict of Interest Disclosure for committee members, which is still being drafted. Committee members who may have a conflict of interest were reminded that any conflicts would need to be acknowledged, and that this may require the respective member to abstain from any relevant voting. Vice-Chair Kelliher was unable to be at today's meeting, so this topic will be addressed at a future meeting.

7. Subcommittee Reports & Input:

- Data/Needs Assessment Subcommittee—Ann Anderson-Berry and Amy Reynoldsen reported that the first subcommittee meeting was recently held to establish the subcommittee's broad priorities, what data currently exists, and what data is still needed. Law enforcement and corrections data were identified as a need. No definitive recommendations were formulated during this first meeting. The subcommittee's next meeting will be coming up in about two weeks; additional subcommittee members would be welcome.
- Disbursement Criteria Subcommittee—Mary Ann Borgeson reported that their first subcommittee meeting was recently held to review the settlement agreements. The next subcommittee meeting will focus on clearly outlining the requirements for disbursing funds. This meeting has not yet been scheduled.
- Outcome Measurement Subcommittee—Chair Stull reminded committee members that this group has not yet been formed, per previous discussion during the April 4th meeting.

Public Comment Period

There were no public attendees identified to make comments.

8. Continuation of Previous Agenda Items

It was suggested that the Overview: Opioid Litigation Settlements presentation be shared with the Behavioral Health Regional Administrators because of the impact these settlements will have on behavioral health services across the state.

Chair Stull thanked the Attorney General's Office and the Department of Health and Human Services for working together on carrying out the duties associated with the settlements.

9. New Business

Attorney General Doug Peterson reminded committee members to speak with Jeri Keller-Heuke if they wish to submit for travel-related expenses to be reimbursed. AG Peterson thanked Chair Stull for his work as the committee's chairperson.

DHHS Division of Behavioral Health Director Sheri Dawson encouraged committee members to focus on educating the citizens of Nebraska on these settlements and what they mean for the state.

John Cannon, Executive Director of the Nebraska Association of County Officials, was thanked for his support and hospitality in hosting the meeting.

Joshua Shasserre stated that he is willing to attend meetings and training sessions to present the Opioid Litigation Settlements overview to interested parties.

10. Next Meeting

The next meeting of the Nebraska Opioid Settlement Remediation Advisory Committee is scheduled for Monday, June 6, 2022 at 10:00 a.m., with the location to be determined. Committee members will be notified once a location has been secured.

Agenda items for the June 6 meeting to include:

- Approval of the April 4 and May 2 minutes.
- Establishment of Subcommittee for Outcome Measurement.

Adjourn
The meeting agenda having been completed, the committee voted by acclimation to adjourn. Chair Stull declared the meeting adjourned at 11:30 a.m.

NEBRASKA OPIOID SETTLEMENT REMEDIATION ADVISORY COMMITTEE MEETING

Date: June 6, 2022

Location: Nebraska Association of County Officials (NACO) Offices
1335 H Street
Main Conference Room Lincoln, NE 68508

Virtual Conferencing Available via Zoom:
https://us06web.zoom.us/j/86237358570?pwd=WU5wdDN3cFJFeW5VZFptbmUvcXVGUT09

Zoom Meeting ID: 862 3735 8570
Zoom Passcode: 388231

Time: 10:00 a.m.

AGENDA

Call to Order: 10:00 a.m.

1. Open Meetings Act Statements – Chairperson Todd Stull
2. Establishment of a Quorum / Member Roll Call
3. Opening Remarks/Announcements
4. Approval of April and May meeting minutes
5. Conflicts of Interest Disclosures
6. Establishment of Outcome Measurements Subcommittee
7. Subcommittee Updates/Reports-with timelines for work

Public Comment Period: 11:00 a.m.

Public Comment may be limited to five minutes per speaker at the discretion of the Committee Chair. Public comment may also be submitted in writing to the Committee addressee listed on the public notice for the meeting. The committee will receive public comment first from those present at the meeting location and then from those attending via virtual conferencing. The committee requires any member of the public desiring to address the body to identify their name and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412 (2021).

8. Review/Overview of Current Work/Projects in Nebraska related to OUD
9. New Business
10. Next meeting is scheduled for 10:00 a.m., Monday, July 11, 2022, location TBD.

Adjourn

Nebraska Opioid Settlement Remediation Advisory Committee Meeting June 6, 2022
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE 10:00 a.m. – 12:00 p.m.
Meeting Minutes

1. Open Meetings Act Statements:

Chairperson Todd Stull called the meeting to order at 10:02 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 18 voting members present. There are 24 initial voting members, therefore quorum would be 13 members present.

Voting Members

Members in Attendance: Susanna Batterman, Kevin Borcher, Mary Ann Borgeson, Yohance Christie, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert, Dana Miller, Neil Miller, Marcia Mueting (proxy Jenny Minchow), Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Bill Tielke, Davidson Wissing.
Members Absent: Ann Anderson-Berry, Sam Augustine, Jerome Kramer, Brandon Pete, Deb Schorr, Helen Stockman.

Non-Voting Attendees

Members in Attendance: Christy Abraham, Sheri Dawson, Suzanne Gage, Jeri Keller-Heuke, Doug Peterson, Joshua Shasserre.

3. Opening Remarks/Announcements:

Chair Stull stated that any public attendees would be able to make comments during the allotted time period at 11:00 a.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.
Attendees were reminded that documents pertaining to these meetings, including agendas, past meeting minutes and virtual attendance links, can be found on the DHHS Division of Behavioral Health 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.

4. Approval of April and May meeting minutes:

Chair Stull presented the April 4, 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 April 4, 2022 meeting minutes as written. Motion was made and seconded to accept the April 4, 2022 minutes as written. Motion was approved by roll call vote, with 16 ayes and 2 abstains.
Chair Stull presented the May 2, 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 May 2, 2022 meeting minutes as written. Motion was made and seconded to accept the May 2, 2022 minutes as written. Motion was approved by roll call vote, with 14 ayes and 4 abstains.

5. Conflicts of Interest Disclosures:

Vice-Chair Brandon Kelliher has created a draft Conflict of Interest Disclosure for committee members, which is currently being reviewed by the North Platte City Attorney. Committee members who may have a conflict of interest were reminded that any conflicts would need to be acknowledged in order to avoid biases. Vice-Chair Kelliher stated that he should have the final version completed by the July meeting. Once this final version is completed, it will be forwarded to Jeri Keller-Heuke to be distributed to all committee members along with the July meeting materials. No further discussion was identified.

6. Establishment of Outcome Measurements Subcommittee:

Discussion was held on the creation of the suggested Outcome Measurements subcommittee. The formation of this subcommittee had been postponed from the initial meeting on April 4, 2022. Volunteers for this subcommittee are Sara Howard-Chairperson, Amy Reynoldson, Kevin Borcher, Davidson Wissing, Chris Kratochvil and Ann Anderson-Berry. A motion was made and seconded to approve the establishment of the Outcome Measurements Subcommittee. Motion was approved unanimously by roll call vote.

7. Subcommittee Updates/Reports-with timelines for work:

- Data/Needs Assessment Subcommittee—Amy Reynoldson reported that the subcommittee has held three meetings to date. Members found the Opioid Litigation Settlements overview from the May 2nd meeting to be helpful in creating a baseline for their work. Members are determining how much data is needed and how to gather data. The subcommittee would like to meet with DHHS Division of Behavioral Health Director Sheri Dawson to review the division's data collection processes and existing needs assessments that may be beneficial to this subcommittee's work. The state of Wisconsin is noted to have identified several areas of need from listening sessions held around the state. Discussion was held on the possibility of also holding similar listening sessions in Nebraska in order to garner input from the public. It was agreed that creating too narrow of focus may result in unattainable criteria for fund disbursement.
- Disbursement Criteria Subcommittee—Mary Ann Borgeson reported that their next subcommittee meeting will be held on June 23rd. Members feel that the committee may benefit in having public education aimed at specific audiences and Nebraska citizens as a whole. Discussion also centered on what relevant data currently exists and what gaps there may be in the data. All committee members are encouraged to send any relevant data sets to Amy Reynoldson, especially from varied realms such as law enforcement, corrections, health care, etc.
- Chair Stull informed all attendees that if anyone is interested in serving on any subcommittee, they may contact him or the respective subcommittee chairperson.

Public Comment Period

There were no public attendees identified to make comments.

8. Review/Overview of Current Work/Projects in Nebraska related to OUD

Chair Stull facilitated discussion on various projects centering on Opiate Use Disorder, including Project ECHO, recovery housing and training for providers.

9. New Business

DBH Director Sheri Dawson has been requested to provide an overview of the State Opioid Response (SOR) grant at the next meeting on July 11th.

10. Next Meeting

The next meeting of the Nebraska Opioid Settlement Remediation Advisory Committee is scheduled for Monday, July 11, 2022 at 10:00 a.m., with the location to be determined. This meeting is being moved back one week due to Independence Day occurring on July 4th (the first Monday of the month). Committee members will be notified once a location has been secured.

July agenda items to include:

State Opioid Response (SOR) Grant overview Presentation on current data

Adjourn

The meeting agenda having been completed, the committee voted by acclimation to adjourn. Chair Stull declared the meeting adjourned at 11:30 a.m.

NEBRASKA OPIOID SETTLEMENT REMEDIATION ADVISORY COMMITTEE MEETING

Date: July 11, 2022

Location: Nebraska Association of County Officials (NACO) Offices
1335 H Street
Main Conference Room Lincoln, NE 68508

Virtual Conferencing Available via Zoom:
https://us06web.zoom.us/j/81543362242?pwd=ZmMvLzRPWDhiSEhpUHFLK0UxZUF0QT09

Zoom Meeting ID: 815 4336 2242
Zoom Passcode: 770991

Time: 10:00 a.m.

AGENDA

Call to Order: 10:00 a.m.

1. Open Meetings Act Statements – Chairperson Todd Stull
2. Establishment of a Quorum / Member Roll Call
3. Opening Remarks/Announcements
4. Approval of June meeting minutes
5. Conflicts of Interest Disclosures
6. Subcommittee Updates/Reports
7. State Opioid Response (SOR) Grant Overview
8. Presentation of current data

Public Comment Period: 11:00 a.m.

Public Comment may be limited to five minutes per speaker at the discretion of the Committee Chair. Public comment may also be submitted in writing to the Committee addressee listed on the public notice for the meeting. The committee will receive public comment first from those present at the meeting location and then from those attending via virtual conferencing. The committee requires any member of the public desiring to address the body to identify their name and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412 (2021).

9. New Business
10. Next meeting is scheduled for 10:00 a.m., Monday, August 1, 2022, Nebraska Association of County Officials (NACO) Offices.

Adjourn

Nebraska Opioid Settlement Remediation Advisory Committee Meeting July 11, 2022
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE 10:00 a.m. – 12:00 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 18 voting members present. There are 24 initial voting members, therefore quorum would be 13 members present.

Voting Members

Members in Attendance: Ann Anderson-Berry, Susanna Batterman, Kevin Borcher, Mary Ann Borgeson, Yohance Christie, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert, Neil Miller, Marcia Mueting (proxy Jenny Minchow), Amy Reynoldson, Cory Schmidt, Deb Schorr, Jason Scott, Kevin Spencer, Todd Stull, Davidson Wissing.

Members Absent: Jerome Kramer, Dana Miller, Brandon Pete, Helen Stockman, Bill Tielke.

Non-Voting Attendees

Members in Attendance: Nathaniel Cacy, Sheri Dawson, Jordan Duncan, K. Engel, Zack Hicks, Cheri Ivers, Tiffany Joekel, D. Jones, Sharon Kahm, Joseph LeDuc, Doug Peterson, Sarah Spencer, Danielle Wing, Kenneth Zoucha.

3. Opening Remarks/Announcements:

Chair Stull stated that any public attendees would be able to make comments during the allotted period at 11:00 a.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.

Attendees were reminded that documents pertaining to these meetings, including agendas, past meeting minutes and virtual attendance links, can be found on the DHHS Division of Behavioral Health 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.

4. Approval of June meeting minutes:

Chair Stull presented the June 6, 2022 meeting minutes for review and confirmed that voting members had reviewed these. Chair Stull asked if there were any corrections or comments. It was noted that in *Section 6: Establishment of Outcomes Measurement Subcommittee*, Sara Howard was named as chairperson; notes will be updated to reflect this. Chair Stull asked for a motion to accept the June 6, 2022 meeting minutes, to include this change. Motion was made and seconded to accept the June 6, 2022 minutes. Motion was approved by roll call vote, with 17 ayes and 1 abstain.

Attorney General Doug Peterson thanked everyone for their involvement in the committee. These first few meetings have been extremely important in the long-term impact of developing the structure of this committee

and its purpose. Nebraska is currently in good standing to disburse funds, due to early cooperation with League of Municipalities, NACO and individual communities. Funds are close to being distributed. Discussions continue with larger distributors. A significant portion of settlement funds will be coming in at the end of the summer, which will soon put Nebraska in a position to begin receiving applications for fund distribution. Brown Greer, the national settlement administrator, indicated that cities, counties, and states applications received before June 25th are being processed and funds can be expected around August 14th.

5. Conflicts of Interest Disclosures:

Chair Stull reminded committee members that they should have received a *Conflict of Interest Disclosure* via email earlier today. This form has been tailored specifically for this committee. Committee members are asked to review and complete this form, and return to Jeri Keller-Heuke at DHHS Division of Behavioral Health. The question was posed as to what may constitute a conflict of interest. An example would be if a committee member was employed by, or working with, an entity which is requesting funds. All potential conflicts should be noted on this form. If a committee member is unsure if they may have a conflict of interest, they are invited to share their concerns with the committee to problem-solve. The notification of conflicts is a fluid process; therefore, if conflicts arise in the future, a new form can be submitted. These disclosures will be discussed again at the August meeting.

6. State Opioid Response (SOR) Grant Overview

Danielle Wing, Prevention System Administrator, from DHHS Division of Behavioral Health presented an overview of the DHHS State Opioid Response Program, which is funded through the Substance Abuse and Mental Health Services Administration (SAMHSA). Discussion was held on data points, what these funds are used for, and potential future plans.

Public Comment Period

Dr. Kenneth Zoucha, Director of Psychiatry at Nebraska Medicine, expressed support for this funding to build a statewide network of support, and proposed more data to be collected to support such a network. Investments in training, real time support for providers, and research into evidence-based practices were suggested as a few areas of focus for this committee.

There was no additional public comment.

7. Presentation of Current Data

Zack Hicks, Epidemiologist, from DHHS Division of Behavioral Health presented the "Use of Population Health Surveys and Online CDC Mortality Data for Nebraska Overdose Tracking", explaining the importance and methodology of using surveys. This presentation will be continued at the next meeting as well.

8. Subcommittee Updates/Reports:

- Data/Needs Assessment Subcommittee—Dr. Ann Anderson-Berry presented an overview of the Data/Needs Assessment Subcommittee and its purpose of data collection. Due to the large scope of work being charged to this subcommittee, it is recommended that this work be contracted to outside professionals. An outline of expectations for such a contract was presented. Discussion was held on the feasibility, timeline and process of moving forward with this proposal. Motion was made and seconded to move forward with conducting a short term needs assessment and hire a professional organization to conduct data work. After some discussion, motion and second were then rescinded, due to needing further information currently not available.
- Disbursement Criteria Subcommittee—Due to length of previous agenda item discussions, the Disbursement Criteria Subcommittee's report will be heard at the August meeting.

- Outcomes Measurements Subcommittee—Due to length of previous agenda item discussions, the Outcomes Measurements Subcommittee's report will be heard at the August meeting.

9. New Business

It was requested that all presentations shared during today's meeting be distributed to attendees with the minutes. Conflict

of Interest Disclosures are due to Jeri Keller-Heuke by the August meeting.

10. Next Meeting

The next meeting of the Nebraska Opioid Settlement Remediation Advisory Committee is scheduled for Monday, August 1, 2022 at 10:00 a.m., at the Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE.
August agenda items to include: Conflict of
Interest Disclosures
Continuation of current data presentation by Zack Hicks
Continuation of discussion surrounding potential Needs Assessments contracting Process for entities
to apply for funds disbursement

Adjourn

Due to the length of the meeting, the committee voted by acclimation to adjourn. Chair Stull declared the meeting adjourned at 12:24 p.m.

NEBRASKA OPIOID SETTLEMENT REMEDIATION ADVISORY COMMITTEE MEETING

Date: August 1, 2022

Location: Nebraska Association of County Officials (NACO) Offices
1335 H Street
Main Conference Room Lincoln, NE 68508

Virtual Conferencing Available via Zoom:
https://us06web.zoom.us/j/89271882560?pwd=enRmS2ZlQzFzUHo3Zm1OSDQveGVwZz09

Zoom Meeting ID: 892 7188 2560
Zoom Passcode: 502526

Time: 10:00 a.m.

AGENDA

Call to Order: 10:00 a.m.

1. Open Meetings Act Statements
2. Establishment of a Quorum / Member Roll Call
3. Opening Remarks/Announcements
4. Approval of July Meeting Minutes
5. Conflicts of Interest Disclosures Follow Up
6. Data Overview-Continuation of Zack Hicks' Report
7. Q & A with Joshua Shasserre and Sheri Dawson
8. Subcommittee Updates/Reports

Public Comment Period: 11:00 a.m.

Public Comment may be limited to five minutes per speaker at the discretion of the Committee Chair. Public comment may also be submitted in writing to the Committee addressee listed on the public notice for the meeting. The committee will receive public comment first from those present at the meeting location and then from those attending via virtual conferencing. The committee requires any member of the public desiring to address the body to identify their name and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412 (2021).

9. New Business
10. Next meeting is scheduled for 10:00 a.m., Monday, September 12, 2022, Nebraska Association of County Officials (NACO) Offices.

Adjourn

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

1. Open Meetings Act Statements:

Chairperson Todd Stull called the meeting to order at 10:03 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 17 voting members present. There are 24 initial voting members, therefore, quorum would be 13 members present.

Voting Members

Members in Attendance: Ann Anderson-Berry, Susanna Batterman, Kevin Borcher, Yohance Christie, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert, Charity Menefee, Neil Miller, Marcia Mueting, Amy Reynoldson, Cory Schmidt, Deb Schorr, Jason Scott, Kevin Spencer, Todd Stull, Davidson Wissing.
Members Absent: Mary Ann Borgeson, Jerome Kramer, Dana Miller, Brandon Pete, Helen Stockman, Bill Tielke.

Non-Voting Attendees

Members in Attendance: Sabrina Beck, Morgan Bletscher, Nathaniel Cacy, Kim Engel, Suzanne Gage, Zack Hicks, Christina Hitz, Jeri Keller-Heuke, Don Lease, Joseph LeDuc, Doug Peterson, Tabi Prochazka, Traci Reuter, Raj Selvaraj, Joshua Shasserre, Joni Street, Danielle Wing.

3. Opening Remarks/Announcements:

Chair Stull stated that any public attendees would be able to make comments during the allotted period at 11:00 a.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 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.

4. Approval of July meeting minutes:

Chair Stull presented the July 11, 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 July 11, 2022 meeting minutes. Motion was made and seconded to accept the July 11, 2022 minutes. Motion was approved by roll call vote, with 15 ayes and 2 abstains.

5. Conflicts of Interest Disclosures Follow Up:

Chair Stull reminded committee members to complete a *Conflict of Interest Disclosure* form and return to Jeri Keller-Heuke at DHHS Division of Behavioral Health. There are paper copies available at today's meeting. These disclosures will also be emailed out again after the meeting. Those members who have not yet completed a form are asked to do so by the September meeting.

6. Data Overview-Continuation of Zack Hicks's Report

Zack Hicks, Epidemiologist, from DHHS Division of Behavioral Health presented the "Use of Population Health Surveys and Online CDC Mortality Data for Nebraska Overdose Tracking", highlighting the data collection process and use of health surveys. Questions and discussion focused on data availability, risk factors and potential gaps in data. Links to surveys discussed will be sent out to attendees.

Public Comment Period

Joseph LeDuc, a Nebraska citizen, shared his concern for the overprescribing of opioids and thanked the committee for their work.

Joni Street, Pharmacist with CHI Health, commented that Naloxone/Narcan and medication-assisted treatments are highly effective in combating opioid addictions and overdoses. Ms. Street recommended that the Nebraska state statute regulating Naloxone/Narcan distribution be reviewed and possibly updated to clear any ambiguity in the dispensing of Naloxone/Narcan. Ms. Street inquired as to whether opioid settlement funds could be used to provide more Naloxone/Narcan to distributors.

Traci Reuter, from CHI Health St. Mary's, shared the concern that some hospitals and emergency departments do not dispense Naloxone/Narcan. Ms. Reuter advocated for more education and access to Naloxone/Narcan.

Don Lease, a Nebraska citizen, shared the opinion that the various areas of the state should be able to make their own decisions as to the spending of settlement funds. Mr. Lease stated that parts of the state lack easy access to treatment facilities or housing for homeless addicts who are seeking treatment.

There was no additional public comment.

7. Q & A with Joshua Shasserre and Sheri Dawson

Joshua Shasserre, Nebraska Attorney General's Chief of Staff, noted that there have been some news releases related to funds being disbursed from three other settlement agreements. Discussion focused on the funds allocation rules as set forth in the settlement agreement.

8. Subcommittee Updates/Reports:

- Data/Needs Assessment Subcommittee—Dr. Ann Anderson-Berry stated that the Data/Needs Assessment Subcommittee has not met recently, but they have identified some gaps in the data necessary to create a needs assessment. Additional information will be requested from Joshua Shasserre and Sheri Dawson.
- Disbursement Criteria Subcommittee—The Disbursement Criteria Subcommittee is moving forward with creating application and scoring templates to be used in the disbursement process.
- Outcomes Measurements Subcommittee—There were no updates from the Outcomes Measurements Subcommittee.

9. New Business

Conflict of Interest Disclosures are due to Jeri Keller-Heuke by the September meeting.

10. Next Meeting

The next meeting of the Nebraska Opioid Settlement Remediation Advisory Committee is scheduled for Monday, September 11, 2022 at 10:00 a.m., at the Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE. This meeting is being moved back one week due to Labor Day occurring on September 5th (the first Monday of the month). This meeting is being extended from two hours to three hours, due to the anticipated amount of discussion regarding Needs Assessments.

September agenda items to include: Conflict
of Interest Disclosures
Continuation of discussion surrounding Needs Assessments

Adjourn

Due to the length of the meeting, the committee voted by acclimation to adjourn. Chair Stull declared the meeting adjourned at 12:03 p.m.

NEBRASKA OPIOID SETTLEMENT REMEDIATION ADVISORY COMMITTEE MEETING

Date: September 12, 2022

Location: Nebraska Association of County Officials (NACO) Offices
1335 H Street
Main Conference Room Lincoln, NE 68508

Virtual Conferencing Available via Zoom:

https://us06web.zoom.us/j/84868781375?pwd=eDdwNExKbTBtd0owenFyQ0s3eUtqZz09

Zoom Meeting ID: 848 6878 1375
Zoom Passcode: 030238

Time: 10:00 a.m.-1:00 p.m.

AGENDA

Call to Order: 10:00 a.m.

1. Open Meetings Act Statements
2. Establishment of a Quorum / Member Roll Call
3. Opening Remarks/Announcements
4. Approval of August Meeting Minutes
5. Conflict of Interest Disclosures
6. Review of the Opioid Litigations Settlements and Update Q & A-Joshua Shasserre
7. Subcommittee Reports
8. Committee Discussion and Recommendations

Public Comment Period: 12:30 p.m.

Public Comment may be limited to five minutes per speaker at the discretion of the Committee Chair. Public comment may also be submitted in writing to the Committee addressee listed on the public notice for the meeting. The committee will receive public comment first from those present at the meeting location and then from those attending via virtual conferencing. The committee requires any member of the public desiring to address the body to identify their name and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412 (2021).

9. Return to above agenda items following public comments, if needed
10. New Business
11. Next Steps/Action Items
12. Next meeting is scheduled for 10:00 a.m., Monday, October 3, 2022, location TBD.

Adjourn

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 Borcher, 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 Mueting, 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 Borcher, 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 acclimation 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 "Opiod Recovery Fund" as of 12/31/22	12,000,000

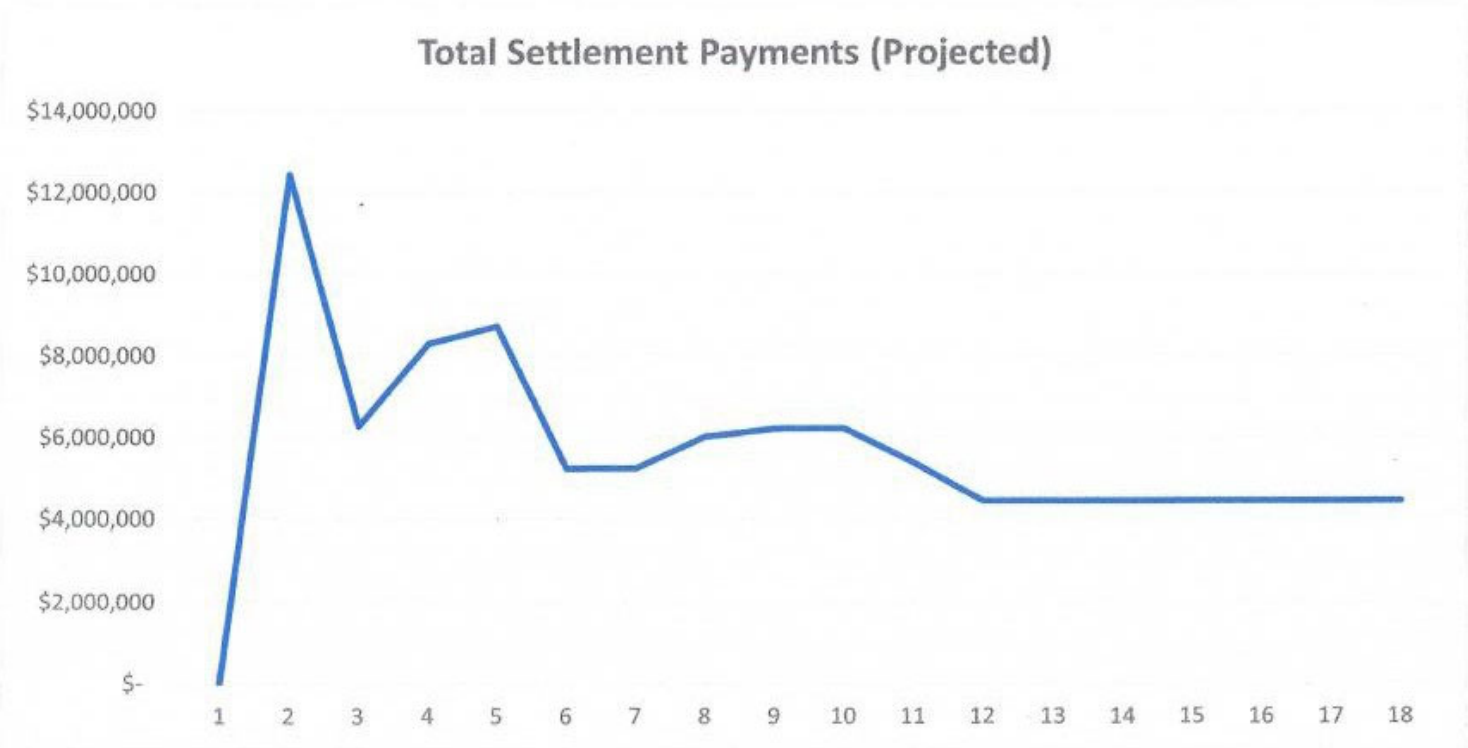
Example of Possible allocation to Regions

		A	B	Total
		50%	50% *	
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	12,000,000
Remainder				-

Example of Possible allocation to Regions

		A	B	Total
		50%	40% *	
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	10,799,914
Remainder				1,200,086

* Determined by Advisory Committee


Total Settlement Payments (Projected)
$14,000,000
$12,000,000
$10,000,000
$8,000,000
$6,000,000
$4,000,000
$2,000,000
$-
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

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**

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**	

Receipient	Amount Disbursed

From: Philip Lukens
Sent: Tuesday, September 6, 2022 5:56 PM
To: DHHS.BehavioralHealthDivision@nebraska.g
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

Alliance ®
Nebraska
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NEBRASKA OPIOID SETTLEMENT REMEDIATION ADVISORY COMMITTEE MEETING

Date: October 3, 2022

Location: Nebraska Association of County Officials (NACO) Offices
1335 H Street
Main Conference Room Lincoln, NE 68508

Virtual Conferencing Available via Zoom:
https://us06web.zoom.us/j/86718945635?pwd=UWdRRE81Z3JIT2gzWWIzVjlxa0tXQT09

Zoom Meeting ID: 867 1894 5635
Zoom Passcode: 682306

Time: 10:00 a.m.-1:00 p.m.

AGENDA

Call to Order: 10:00 a.m.

1. Open Meetings Act Statements
2. Establishment of a Quorum / Member Roll Call
3. Opening Remarks/Announcements
4. Approval of September Meeting Minutes
5. Conflict of Interest Disclosures
6. Follow up questions to September discussion on Opioid Litigation Settlements and Update

Public Comment Period: 10:30

Public Comment may be limited to five minutes per speaker at the discretion of the Committee Chair. Public comment may also be submitted in writing to the Committee addressee listed on the public notice for the meeting. The committee will receive public comment first from those present at the meeting location and then from those attending via virtual conferencing. The committee requires any member of the public desiring to address the body to identify their name and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412 (2021).

7. Subcommittee Reports
    a. Needs Assessment- Discuss the recommendations for a needs assessment
    b. Disbursement-
    c. Outcomes-

8. Full day meeting
9. Return to above agenda items following public comments, if needed
10. New Business
11. Next Steps/Action Items
12. Next meeting is scheduled for 10:00 a.m., Monday, November 7, 2022, location TBD.

Adjourn

Nebraska Opioid Settlement Remediation Advisory Committee Meeting October 3, 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 10:02 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 14 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 (virtual), Kevin Borcher (virtual), Mary Ann Borgeson, Yohance Christie (virtual) (late arrival), Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert (virtual), Dana Miller (virtual), Marcia Mueting (proxy by Amy Holman), Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer (virtual), Todd Stull.
Members Absent: Jerome Kramer, Charity Menefee, Neil Miller, Brandon Pete, Deb Schorr, Helen Stockman, Bill Tielke.

Non-Voting Attendees

Members in Attendance: Sheri Dawson (virtual), Jeri Keller-Heuke, L. Lynn Rex (virtual), Joshua Shasserre (late arrival).

3. Opening Remarks/Announcements:

Chair Stull stated that any public attendees would be able to make comments during the allotted period at 10:30 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 noted that there were no staff from the Attorney General's office present at today's meeting, therefore agenda item #6: *Follow-Up Questions to September Discussion on Opioid Litigation Settlements and Update* will be deferred until the next scheduled meeting.

4. Approval of September meeting minutes:

Chair Stull presented the September 12, 2022 meeting minutes for review and confirmed that voting members had reviewed these. Chair Stull asked if there were any corrections or comments. Chair Stull stated that he had been informed by Joshua Shasserre, Nebraska Attorney General Chief of Staff, that there was an error in the flow chart on page 4. Box "A" should be "Regional" instead of "State", and box "B" should be "State" instead of

"Regional". Chair Stull asked for a motion to accept the September 12, 2022 meeting minutes, to include this change. Motion was made and seconded to accept the September 12, 2022 minutes. Motion was unanimously approved by roll call vote.

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. Committee members who have not yet completed a form will be reminded via email to submit a form.

6. Follow-Up Questions to September Discussion on Opioid Litigation Settlements and Update:

Due to the absence of Joshua Shasserre, Nebraska Attorney General Chief of Staff, this agenda item will be covered at the November meeting.

Public Comment Period:

Samantha Collins, Nebraska City Public Schools, discussed some issues that schools are experiencing with obtaining Naloxone. Prescriptions intended for school use typically require a specific person/employee to be named on it, but some employees are expressing concern over potential issues surrounding this practice.

Kim Engel, Panhandle Public Health, stated that their department recently sent out a survey to stakeholders regarding current and needed opioid response strategies. Expanding wraparound programs and Naloxone education and availability were some of the biggest needs identified. Ms. Engel will forward this information to the committee. Panhandle Public Health's assessments are updated every three (3) years.

L. Lynn Rex, League of Nebraska Municipalities, reminded the committee of the importance of adhering to the Open Meetings Act. Ms. Rex suggested that agendas be more descriptive, and that the committee review the current use of virtual or hybrid meetings instead of in-person meetings.

Pat Lopez, Lincoln-Lancaster County Health Department, discussed the current use of surveys by many health departments in the state. Some areas of the state are already implementing strategic plans related to opioids. While some municipalities and counties have begun receiving funds directly from the settlements, Ms. Lopez urged the committee to work diligently to get state funds distributed in a timely manner. Lancaster County's assessments are updated every three (3) years.

Lindsey Huse, Douglas County Health Department, reiterated the importance of the data collection process by the committee. Douglas County has conducted several surveys and data collection projects recently. Ms. Huse highlighted some of the work that is currently being done in Douglas County. Douglas County's assessments are updated every three (3) years.

There was no additional public comment. Chair Stull welcomed the public to continue giving the committee any information to consider in executing their duties.

7. Subcommittee Updates/Reports:

- Data/Needs Assessment Subcommittee—Dr. Ann Anderson-Berry reported that the Data/Needs Assessment Subcommittee met on September 29, 2022 to discuss how data would be collected. Time frames have not yet been set to accomplish this. The subcommittee may need to ask for a limited budget of $150,000 to accomplish gathering and collating existing data, and collecting new data for any identified gaps. Identified methods of gathering data are in line with other states' processes. Discussion of

the Request for Proposals (RFP) process focused on the potentially short time frame that may be involved. 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 will be meeting in October. 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 met. This subcommittee would welcome anyone else interested in joining. Mary Ann Borgeson indicated interest in joining this subcommittee as well. Members of this subcommittee are Sara Howard, Amy Reynoldson, Kevin Borcher, Chris Kratochvil and Ann Anderson-Berry.

8. Full Day Meeting:

Committee members discussed the possibility of a future full-day meeting to accommodate the amount of discussion pertaining to 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. This meeting could also provide an opportunity for outside parties, such as local health departments and Behavioral Health Regional Administrators, to give relevant presentations. A portion of the day would be allotted for breakout sessions for the three subcommittees. A tentative date of Monday, March 6, 2023 was selected, with the location tentatively being in Kearney.

9. New Business:

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

10. Next Steps/Action Items:

No action items were identified.

11. Next Meeting:

The next meeting of the Nebraska Opioid Settlement Remediation Advisory Committee is scheduled for Monday, November 7, 2022 at 10:00 a.m., at the Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE. This meeting be three hours in length. It was agreed that the earlier time slot for Public Comment seemed more efficient.

November agenda items to include:
Follow-Up Questions to September Discussion on Opioid Litigation Settlements and Update Needs Assessment Proposal and Request for Proposals (RFP) Vote

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 acclimation to adjourn. Chair Stull declared the meeting adjourned at 11:45 a.m.

BYLAWS OF THE
NEBRASKA OPIOID SETTLEMENT REMEDIATION
ADVISORY COMMITTEE
April 4, 2022

Article I - Name of Organization

The name of the organization shall be the Nebraska Opioid Settlement Remediation Advisory Committee ["Committee"].[1]

Article II - Purpose

The Committee shall be responsible for advising the Nebraska Department of Health and Human Services, Division of Behavioral Health ["Division"] regarding the allocation, distribution, grant, award or expenditure of monies deposited into the Nebraska Opioid Recovery Fund ["Fund"] in accordance with Nebraska's Opioid Prevention and Treatment Act ["Act"],[2] and the terms of any verdict, judgment, compromise, or settlement in or out of court, of any case or controversy brought by the Nebraska Attorney General relating to prescription opioids ["opioid settlement agreements"]. Recommendations of the Committee regarding disbursements from the Fund shall be carried out by the Division upon verification by the Attorney General of his or her designee that such Committee recommendations are 1n accordance with the Act and respective opioid settlement agreements.

In accordance with the Act and opioid settlement agreements, the Committee may:

(A) Establish criteria regarding eligibility for distribution of monies from the Fund including but not limited to distribution by grant;

(B) Establish criteria regarding the allocation of monies from the Fund among the state's six behavioral health regions;

(C) Establish criteria regarding the allocation of monies from the Fund among political subdivisions;[3]

See Distributor Settlement Agreement, March **10, 2022,** at Section V.E.2.d.

[2] Neb. Rev. Stat. §§ 71-2485 to 71-2490.

[3] The Committee shall have no ability to alter any direct payment received by any political subdivision from the national administrator as otherwise provided under any opioid settlement agreement.

(D) Establish criteria regarding core strategies and approved uses of monies from the Fund;[4]

(E) Receive grant applications;

(F) Recommend grant award processes, frequency, recipients and grant amounts;

(G) Conduct or authorize surveys and needs assessments;

(H) Establish processes for receiving input regarding opioid use disorder and other co-occurring substance use and mental health disorders and associated abatement needs, strategies and responses[5];

(I) Establish processes and criteria for evaluation of the use of monies, performance metrics, and the reporting of outcomes;

(J) Request and review reports by the Division or Attorney General's Office, including the annual report required by the Act; and

(J) Otherwise provide advice to the Division in exerc1smg its responsibilities under the Act and opioid settlement agreements.

Article III– Membership

The Committee shall consist of an equal number of local and state representatives.[6]

"Local" Members

Local representatives shall be selected and appointed to the Committee by the Nebraska League of Municipalities ["League"] and the Nebraska Association of County Officials ["NACO"]. The total number of local voting members appointed to the Committee shall be no less than six and no more than twelve. The maximum number of local representative Committee members from each behavioral health region shall be two members.

"State" Members

The total number of state members shall be equivalent to the total number of local members. Initial state members shall be selected and appointed by the Attorney

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4 *See* Distributor Settlement Agreement at Exhibit E.
5 *See* Distributor Settlement Agreement at Section V.E.2.d.iii.
6 *See id.* at Section V.E.2.d.ii.

General as follows: (a) At least one member shall be a consumer of substance use disorder services; (b) at least one member shall have specialized knowledge, experience, or expertise relating to the provision of substance use disorder services **in** Nebraska; (c) at least one member shall have specialized knowledge, experience, or expertise relating to the provision of mental health services in Nebraska; **(d)** at least one member shall be a staff or faculty member of an accredited medical school of a public or private university located within the state of Nebraska; (e) at least one member from shall be a representative of a medical, health care, or pharmacological association having members throughout the state of Nebraska; and (f) at least one member shall be a representative of a state law enforcement agency.

Non-Voting, Ex officio Members

In addition to the state members listed above, the Division Director and the Attorney General or their designees shall serve as ex officio non-voting members of the Committee. The Division Director or her or his designee shall serve as the Secretary of the Committee.

Member Terms

Committee members shall serve on the Committee for an initial term of two years beginning July 1, 2022. Thereafter, each member shall have the option to serve for up to two additional two-year terms for a total of six consecutive years. At the conclusion of any two-year term for which an eligible member elects not to continue for an additional term or at the conclusion of the total number of allowable terms, a successor shall be selected in the same manner as the initial member. Committee members shall continue to serve until their replacement is appointed.

Vacancies

If a state or local member resigns or is otherwise removed from the Committee prior to the expiration of any two-year term, a replacement member shall be appointed within sixty days in the same manner as the selection and appointment of the initial member.

Amendment of Total Number of Committee Members

The Committee may amend the total number of members of the Committee by majority vote so long as (i) the number of local members is no less than the number of state behavioral health regions, (ii) at least one local member from each behavioral health region is appointed to the Committee, and (iii) the number of voting members is equivalent between state and local members.

Article IV - Meetings

Frequency

Meetings of the Committee shall be held at least bi-annually and may be held as frequently as deemed necessary by the Committee.

Conduct

Meetings shall be held in accordance with the requirements of the Open Meetings Act, Neb. Rev. Stat. §§ 84-1407 to 84-1414.

Notice

The time, date, and location of the next meeting should be determined prior to adjournment of the preceding meeting and so documented in the minutes. Within thirty days, but not less than ten days prior to the next meeting, the Division shall send a meeting agenda to each Committee member. Public Notice of Committee meetings and agendas shall be made by posting to the State of Nebraska Public Meetings Calendar on the state's official website at the same time meeting agendas are provided to Committee members.

Article V - Voting

Quorum

A majority of voting members of the Committee present at any called meeting shall constitute a quorum. The continued presence of a quorum is required before any formal action is commenced. All Committee business shall be transacted by an affirmative vote of a simple majority of members present at a meeting in which a quorum is established.

Confiicts of Interest

A conflict of interest is created through the existence of circumstances where the actions of a member may have an effect or direct financial benefit or detriment to the member, his or her family, employer, professional or business associate, or a for profit or non-profit entity in which the member either owns a substantial interest, is a member of the for profit or non-profit corporation's board of directors or otherwise has any affiliation. A member shall disclose any potential conflict to the Committee as soon as the member is aware of or should reasonably be aware of any potential conflict of interest and abstain from voting on issues on which a conflict may exist.

Article VI - Officers

Officers' Duties, Terms, and Selection

Officers of the Committee shall be a chairperson and a vice-chairperson. The chairperson shall preside at all Committee and executive committee meetings and perform any other duties as designated by the Committee. The vice-chairperson shall act for the chairperson in his or her absence.

The term of the initial chairperson and vice-chairperson shall be two years beginning July 1, 2022. The initial chairperson and vice-chairperson shall be elected by the majority vote of Committee members at the initial Committee meeting following adoption of the Committee bylaws. The Attorney General shall serve as interim chair of the Committee until the election of the chairperson and vice-chairperson. The chairperson and vice-chairperson may be elected from either local or state members of the Committee. Each successor chairperson and vice-chairperson shall be elected at the first meeting held on or after July 1, 2024, and every two years thereafter.

The Division Director of her or his designee shall serve as Secretary of the Committee. The Secretary shall be responsible for providing notice in accordance with these bylaws and record the minutes of each Committee meeting.

Executive Committee Membership and Authorities

The Committee shall establish an executive committee ["Executive Committee"] consisting of the chairperson, the vice-chairperson, and the secretary.

The chairperson may call the Executive Committee together at his or her discretion. If a meeting of the Executive Committee is held, the full Committee shall be notified at the next Committee meeting. The Executive Committee may not vote or act on behalf of the full Committee.

The Executive Committee may appoint or otherwise establish ad hoc working groups or task forces comprised of Committee members to accomplish a specific task which is relevant to the purposes of the Committee so long as such working groups or task forces do not constitute a majority of the total number of Committee members.

The Executive Committee may conduct any other task or duty as directed by the full Committee.

Subcommittees

By a simple majority vote, the full Committee may establish temporary or permanent subcommittees to accomplish specific tasks which are relevant to the purposes of the Committee so long as such subcommittees do not constitute a majority of the total number of Committee members.

Article VII - Roles of the Division of Behavioral Health and Attorney General's Office

Role of the Division of Behavioral Health

The Division shall produce meeting minutes, maintain records of the Committee, and provide secretarial support to the Committee in furtherance of the Division Director's role as Secretary of the Committee. The Division shall provide an annual report in accordance with Neb. Rev. Stat. § 71-2489. The Division shall have sole accounting responsibilities regarding distributions from the Fund and shall serve as the primary point of contact with the Nebraska State Treasurer, the Budget Division of the Nebraska Department of Administrative Services and for the State of Nebraska with any national opioid settlement administrator(s). The Division may utilize the Fund for reasonable expenses including personnel costs or reasonable and necessary expenses of the Committee or Committee members as provided in the opioid settlement agreements necessary to fulfill its administrative responsibilities.

Role of the Attorney General's Office

The Attorney General or the Attorney General's Office shall assist the Committee and the Division in ensuring compliance with the Act and terms of any opioid settlement agreements. The Attorney General or his or her designee shall verify that any recommendations for disbursement made by the Committee comply with the Act and respective settlement agreements before the Division of Behavioral Health makes any disbursements from the Opioid Recovery Fund.

Article VIII - Amendments

A two-thirds majority vote of all Committee members shall be required to amend these Bylaws. No bylaws shall be considered for amendment unless notice of the same has been placed on the meeting agenda, and a copy of the proposed changes has been sent to members with the agenda in accordance with Article IV prior to the meeting at which consideration of the amendment will take place.

_____ 4-4-22 _____

Committee Chairperson

BYLAWS OF THE
NEBRASKA OPIOID SETTLEMENT REMEDIATION
ADVISORY COMMITTEE
~~April 4, 2022~~ May 15, 2023

Article I - Name of Organization

The name of the organization shall be the Nebraska Opioid Settlement Remediation Advisory Committee ["Committee"].[1]

Article II - Purpose

The Committee shall be responsible for advising the Nebraska Department of Health and Human Services, Division of Behavioral Health ["Division"] regarding the allocation, distribution, grant, award or expenditure of monies deposited into the Nebraska Opioid Recovery Fund ["Fund"] in accordance with Nebraska's Opioid Prevention and Treatment Act ["Act"],[2] and the terms of any verdict, judgment, compromise, or settlement in or out of court, of any case or controversy brought by the Nebraska Attorney General relating to prescription opioids ["opioid settlement agreements"]. Recommendations of the Committee regarding disbursements from the Fund shall be carried out by the Division upon verification by the Attorney General ~~of~~ or his or her designee that such Committee recommendations are in accordance with the Act and respective opioid settlement agreements.

In accordance with the Act and opioid settlement agreements, the Committee may:

(A) Establish criteria regarding eligibility for distribution of monies from the Fund, including, but not limited to, distribution by grant;

(B) Establish criteria regarding the allocation of monies from the Fund among the state's six behavioral health regions;

(C) Establish criteria regarding the allocation of monies from the Fund among political subdivisions;[3]

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[1] *See* Distributor Settlement Agreement, March 10, 2022, at Section V.E.2.d.

[2] Neb. Rev. Stat. §§ 71-2485 to 71-2490.

[3] The Committee shall have no ability to alter any direct payment received by any political subdivision from the national administrator as otherwise provided under any opioid settlement agreement.

(D) Establish criteria regarding core strategies and approved uses of monies from the Fund;[4]

(E) Receive grant applications;

(F) Recommend grant award processes, frequency, recipients and grant amounts;

(G) Conduct or authorize surveys and needs assessments;

(H) Establish processes for receiving input regarding opioid use disorder and other co-occurring substance use and mental health disorders and associated abatement needs, strategies and responses~~;~~ ;[5]

(I) Establish processes and criteria for evaluation of the use of monies, performance metrics, and the reporting of outcomes;

(J) Request and review reports by the Division or Attorney General's Office, including the annual report required by the Act; and

~~(J)~~ (K) Otherwise provide advice to the Division in exercising its responsibilities under the Act and opioid settlement agreements.

Article III – Membership

The Committee shall consist of an equal number of local and state representatives.[6]

Section 1. *"Local" Members*

Local representatives shall be selected and appointed to the Committee by the ~~Nebraska~~ League of Nebraska Municipalities ["League"] and the Nebraska Association of County Officials ["NACO"]. The total number of local voting members appointed to the Committee shall be no less than six and no more than twelve. The maximum number of local representative Committee members from each behavioral health region shall be two members.

Section 2. *"State" Members*

The total number of state members shall be equivalent to the total number of local members. Initial state members shall be selected and appointed by the Attorney

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4 *See* Distributor Settlement Agreement at Exhibit E.

5 *See* Distributor Settlement Agreement at Section V.E.2.d.iii.

6 *See id.* at Section V.E.2.d.ii.

General as follows: (a) At least one member shall be a consumer of substance use disorder services; (b) at least one member shall have specialized knowledge, experience, or expertise relating to the provision of substance use disorder services in Nebraska; (c) at least one member shall have specialized knowledge, experience, or expertise relating to the provision of mental health services in Nebraska; (d) at least one member shall be a staff or faculty member of an accredited medical school of a public or private university located within the state of Nebraska; (e) at least one member ~~from~~ shall be a representative of a medical, health care, or pharmacological association having members throughout the state of Nebraska; and (f) at least one member shall be a representative of a state law enforcement agency.

Section 3. *Non-Voting, Ex officio Members*

In addition to the state members listed above, the Division Director and the Attorney General or their designees shall serve as ex officio non-voting members of the Committee. The Division Director or her or his designee shall serve as the Secretary ["Secretary"] of the Committee.

Section 4. *Member Terms*

Committee members shall serve on the Committee for an initial term of two years beginning July 1, 2022. Thereafter, each member shall have the option to serve for up to two additional two-year terms for a total of six consecutive years. At the conclusion of any two-year term for which an eligible member elects not to continue for an additional term or at the conclusion of the total number of allowable terms, a successor shall be selected in the same manner as the initial member. Committee members shall continue to serve until their replacement is appointed.

Section 5. *Vacancies*

If a state or local member resigns or is otherwise removed from the Committee prior to the expiration of any two-year term, a replacement member shall be appointed ~~within sixty days~~ in the same manner as the selection and appointment of the initial member.

Section 6. *Amendment of Total Number of Committee Members*

The Committee may amend the total number of members of the Committee by majority vote so long as (i) the number of local members is no less than the number of state behavioral health regions, (ii) at least one local member from each behavioral health region is appointed to the Committee, and (iii) the number of voting members is equivalent between state and local members.

Article IV - Meetings

Section 1. *Frequency*

Meetings of the Committee shall be held at least ~~bi-annually~~ annually and may be held as frequently as deemed necessary by the ~~Committee~~ Chairperson or the Executive Committee identified in Article VI.

Section 2. *Conduct*

Meetings shall be held in accordance with the requirements of the Open Meetings Act~~, Neb. Rev. Stat. §§ 84-1407 to 84-1414.~~ in Chapter 84, Article 14 of the Nebraska Revised Statutes.

Section 3. *Notice*

~~The time, date, and location of the next meeting should be determined prior to adjournment of the preceding meeting and so documented in the minutes. Within thirty days, but not less than ten days prior to the next meeting, the Division shall send a meeting agenda to each Committee member. Public Notice~~ Reasonable advance publicized notice of Committee meetings ~~and agendas~~ shall be made by posting notice to the State of Nebraska Public Meetings Calendar on the state's official website. ~~at the same time meeting agendas are provided to Committee members.~~ The Committee shall post an agenda, which shall be kept continually current, to the Public Meetings Calendar at the time notice is given. Notice of meetings, other than emergency or special meetings, shall be given at least five calendar days, if possible, prior to the meeting stating the time, place and agenda. Notice of special meetings shall be given at least two calendar days, if possible, prior to the meeting, stating the time, place and agenda. Regular and special meetings may be held in person or virtually pursuant to the provisions of the Open Meetings Act. When it is necessary to hold an emergency meeting without notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such meetings may be held virtually pursuant to the provisions of the Open Meetings Act.

Article V - Voting

Section 1. *Quorum*

A majority of voting members of the Committee present at any ~~called~~ meeting shall constitute a quorum. The continued presence of a quorum is required before any formal action is commenced. All Committee business shall be transacted by an affirmative vote of a ~~simple~~ majority of members present at a meeting in which a quorum is established.

Section 2. ~~*Confiicts*~~ *Conflicts of Interest*

~~A conflict of interest is created through the existence of circumstances where the actions of a member may have an effect or direct financial benefit or detriment to the member, his or her family, employer, professional or business associate, or a for profit or non-profit entity in which the member either owns a substantial interest, is a member of the for profit or non-profit corporation's board of directors or otherwise has any affiliation. A member shall disclose any potential conflict to the Committee as soon as the member is aware of or should reasonably be aware of any potential conflict of interest and abstain from voting on issues on which a conflict may exist.~~

Every member of the Committee shall be requested annually to complete and sign a conflict of interest questionnaire and provide a copy to the Chair of the Advisory Committee and Secretary. If a member of the Committee develops a potential conflict of interest after completing the annual conflict of interest questionnaire, he or she shall, as soon as practicable, prepare an updated questionnaire and provide a copy to the Chair of the Advisory Committee and Secretary. If a member of the Committee has a conflict of interest, he or she shall disclose such conflict and abstain from voting on any related agenda items. If a member of the Committee fails to disclose a conflict of interest or abstain from voting, he or she may be removed from the Committee by a majority vote of the full Committee.

Article VI - Officers

Section 1. *Officers' Duties, Terms, and Selection*

Officers of the Committee shall be a chairperson and a vice-chairperson. The chairperson shall preside at all Committee and executive committee meetings and perform any other duties as designated by the Committee. The vice-chairperson shall act for the chairperson in his or her absence.

The term of the initial chairperson and vice-chairperson shall be two years beginning July 1, 2022. The initial chairperson and vice-chairperson shall be elected by the majority vote of Committee members at the initial Committee meeting following adoption of the Committee ~~bylaws~~ Bylaws. The Attorney General shall serve as interim chair of the Committee until the election of the chairperson and vice- chairperson. The chairperson and vice-chairperson may be elected from either local or state members of the Committee. Each successor chairperson and vice-chairperson shall be elected at the first meeting held on or after July 1, 2024, and every two years thereafter.

~~The Division Director of her or his designee shall serve as Secretary of the Committee. The Secretary shall be responsible for providing notice in accordance with these bylaws and record the minutes of each Committee meeting.~~

Section 2. *Executive Committee Membership and Authorities*

The Committee shall establish an executive committee ["Executive Committee"] consisting of the chairperson, the vice-chairperson, and the ~~secretary~~chairs of any subcommittee as provided in Article VI, Section 3.

The chairperson may call the Executive Committee together at his or her discretion. If a meeting of the Executive Committee is held, the full Committee shall be notified at the next Committee meeting. The Executive Committee may not vote or act on behalf of the full Committee.

~~The Executive Committee may appoint or otherwise establish ad hoc working groups or task forces comprised of Committee members to accomplish a specific task which is relevant to the purposes of the Committee so long as such working groups or task forces do not constitute a majority of the total number of Committee members.~~

The Executive Committee may conduct any other task or duty as directed by ~~the~~ a majority vote of the quorum of the full Committee but shall not hold hearings, make policy, or take formal action on behalf of the full Committee.

Section 3. *Subcommittees*

By a ~~simple~~ majority vote of the quorum, the full Committee may establish temporary or permanent subcommittees to accomplish specific tasks which are relevant to the purposes of the Committee so long as such subcommittees do not constitute a ~~majority~~ quorum of the total number of Committee members and do not hold hearings, make policy, or take formal action on behalf of the full Committee.

Article VII - Roles of the Division of Behavioral Health and Attorney General's Office

Section 1. *Role of the Division of Behavioral Health*

The ~~Division shall produce meeting~~ Secretary shall be responsible for providing notice and writing the minutes of each Committee meeting, ~~maintain~~ maintaining records of the Committee, and ~~provide~~ providing secretarial support to the Committee and its Executive Committee in furtherance of the Division Director's role as Secretary of the Committee. The Division shall provide an annual report in accordance with Neb. Rev. Stat. § 71-2489. The Division shall have sole accounting responsibilities regarding distributions from the Fund and shall serve as the primary point of contact with the Nebraska State Treasurer, the Budget Division of the Nebraska Department of Administrative Services and for the State of Nebraska with any national opioid settlement administrator(s). The Division

may utilize the Fund for reasonable expenses including personnel costs or reasonable and necessary expenses of the Committee or Committee members as provided in the opioid settlement agreements necessary to fulfill its administrative responsibilities.

Section 2. *Role of the Attorney General's Office*

The Attorney General or the Attorney General's Office shall assist the Committee and the Division in providing legal counsel, including, but not limited to, legal advice to ensure ~~ensuring~~ compliance with the Open Meetings Act, the Act and terms of any opioid settlement agreements. The Attorney General or his or her designee shall verify that any recommendations for disbursement made by the Committee comply with the Act and respective settlement agreements before the Division of Behavioral Health makes any disbursements from the Opioid Recovery Fund.

Article VIII - Amendments

A two-thirds majority vote of all Committee members shall be required to amend these Bylaws. No ~~bylaws~~ Bylaws shall be considered for amendment unless the proposed amendment is ~~notice of the same has been placed~~ on the meeting agenda~~, and a copy of the proposed changes has been sent to members~~ with the ~~agenda~~ notice provided in accordance with Article IV ~~prior to the meeting at which consideration of the amendment will take place~~.

_____ _____

Committee Chairperson Date

BYLAWS OF THE
NEBRASKA OPIOID SETTLEMENT REMEDIATION
ADVISORY COMMITTEE
May 15, 2023

Article I – Name of Organization

The name of the organization shall be the Nebraska Opioid Settlement Remediation Advisory Committee ["Committee"].[1]

Article II – Purpose

The Committee shall be responsible for advising the Nebraska Department of Health and Human Services, Division of Behavioral Health ["Division"] regarding the allocation, distribution, grant, award or expenditure of monies deposited into the Nebraska Opioid Recovery Fund ["Fund"] in accordance with Nebraska's Opioid Prevention and Treatment Act ["Act"],[2] and the terms of any verdict, judgment, compromise, or settlement in or out of court, of any case or controversy brought by the Nebraska Attorney General relating to prescription opioids ["opioid settlement agreements"]. Recommendations of the Committee regarding disbursements from the Fund shall be carried out by the Division upon verification by the Attorney General or his or her designee that such Committee recommendations are in accordance with the Act and respective opioid settlement agreements.

In accordance with the Act and opioid settlement agreements, the Committee may:

(A) Establish criteria regarding eligibility for distribution of monies from the Fund, including, but not limited to, distribution by grant;

(B) Establish criteria regarding the allocation of monies from the Fund among the state's six behavioral health regions;

(C) Establish criteria regarding the allocation of monies from the Fund among political subdivisions;[3]

(D) Establish criteria regarding core strategies and approved uses of monies from the Fund;[4]

(E) Receive grant applications;

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[1] *See* Distributor Settlement Agreement, March 10, 2022, at Section V.E.2.d.

[2] Neb. Rev. Stat. §§ 71-2485 to 71-2490.

[3] The Committee shall have no ability to alter any direct payment received by any political subdivision from the national administrator as otherwise provided under any opioid settlement agreement.

[4] *See* Distributor Settlement Agreement at Exhibit E.

(F) Recommend grant award processes, frequency, recipients and grant amounts;

(G) Conduct or authorize surveys and needs assessments;

(H) Establish processes for receiving input regarding opioid use disorder and other co-occurring substance use and mental health disorders and associated abatement needs, strategies and responses;[5]

(I) Establish processes and criteria for evaluation of the use of monies, performance metrics, and the reporting of outcomes;

(J) Request and review reports by the Division or Attorney General's Office, including the annual report required by the Act; and

(K) Otherwise provide advice to the Division in exercising its responsibilities under the Act and opioid settlement agreements.

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The Committee shall consist of an equal number of local and state representatives.[6]

Section 1. *"Local" Members*

Local representatives shall be selected and appointed to the Committee by the League of Nebraska Municipalities ["League"] and the Nebraska Association of County Officials ["NACO"]. The total number of local voting members appointed to the Committee shall be no less than six and no more than twelve. The maximum number of local representative Committee members from each behavioral health region shall be two members.

Section 2. *"State" Members*

The total number of state members shall be equivalent to the total number of local members. Initial state members shall be selected and appointed by the Attorney General as follows: (a) At least one member shall be a consumer of substance use disorder services; (b) at least one member shall have specialized knowledge, experience, or expertise relating to the provision of substance use disorder services in Nebraska; (c) at least one member shall have specialized knowledge, experience, or expertise relating to the provision of mental health services in Nebraska; (d) at least one member shall be a staff or faculty member of an accredited medical school of a public or private university located within the state of Nebraska; (e) at least one member shall be a representative of a medical, health care, or pharmacological association having members throughout the state of Nebraska; and (f) at least one member shall be a representative of a state law enforcement agency.

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[5] *See* Distributor Settlement Agreement at Section V.E.2.d.iii.

[6] *See id.* at Section V.E.2.d.ii.

Section 3. *Non-Voting, Ex officio Members*

In addition to the state members listed above, the Division Director and the Attorney General or their designees shall serve as ex officio non-voting members of the Committee. The Division Director or her or his designee shall serve as the Secretary ["Secretary"] of the Committee.

Section 4. *Member Terms*

Committee members shall serve on the Committee for an initial term of two years beginning July 1, 2022. Thereafter, each member shall have the option to serve for up to two additional two-year terms for a total of six consecutive years. At the conclusion of any two-year term for which an eligible member elects not to continue for an additional term or at the conclusion of the total number of allowable terms, a successor shall be selected in the same manner as the initial member. Committee members shall continue to serve until their replacement is appointed.

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Section 6. *Amendment of Total Number of Committee Members*

The Committee may amend the total number of members of the Committee by majority vote so long as (i) the number of local members is no less than the number of state behavioral health regions, (ii) at least one local member from each behavioral health region is appointed to the Committee, and (iii) the number of voting members is equivalent between state and local members.

Article IV – Meetings

Section 1. *Frequency*

Meetings of the Committee shall be held at least annually and may be held as frequently as deemed necessary by the Chairperson or the Executive Committee identified in Article VI.

Section 2. *Conduct*

Meetings shall be held in accordance with the requirements of the Open Meetings Act in Chapter 84, Article 14 of the Nebraska Revised Statutes.

Section 3. *Notice*

Reasonable advance publicized notice of Committee meetings shall be made by posting notice to the State of Nebraska Public Meetings Calendar on the state's official website. The Committee shall post an agenda, which shall be kept continually current, to the Public Meetings Calendar at the time notice is given. Notice of meetings, other than emergency or special meetings, shall be given at least five calendar days, if possible, prior to the meeting stating the time, place and agenda. Notice of special meetings shall be given at least two calendar days, if possible, prior to the meeting, stating the time, place and agenda. Regular and special meetings may be held in person or virtually pursuant to the provisions of the Open Meetings Act. When it is necessary to hold an emergency meeting without notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such meetings may be held virtually pursuant to the provisions of the Open Meetings Act.

Article V – Voting

Section 1. *Quorum*

A majority of voting members of the Committee present at any meeting shall constitute a quorum. The continued presence of a quorum is required before any formal action is commenced. All Committee business shall be transacted by an affirmative vote of a majority of members present at a meeting in which a quorum is established.

Section 2. *Conflicts of Interest*

Every member of the Committee shall be requested annually to complete and sign a conflict of interest questionnaire and provide a copy to the Chair of the Advisory Committee and Secretary. If a member of the Committee develops a potential conflict of interest after completing the annual conflict of interest questionnaire, he or she shall, as soon as practicable, prepare an updated questionnaire and provide a copy to the Chair of the Advisory Committee and Secretary. If a member of the Committee has a conflict of interest, he or she shall disclose such conflict and abstain from voting on any related agenda items. If a member of the Committee fails to disclose a conflict of interest or abstain from voting, he or she may be removed from the Committee by a majority vote of the full Committee.

Article VI – Officers

Section 1. *Officers' Duties, Terms, and Selection*

Officers of the Committee shall be a chairperson and a vice-chairperson. The chairperson shall preside at all Committee and executive committee meetings and perform any other duties as designated by the Committee. The vice-chairperson shall act for the chairperson in his or her absence.

The term of the initial chairperson and vice-chairperson shall be two years beginning July 1, 2022. The initial chairperson and vice-chairperson shall be elected by the majority vote of Committee members at the initial Committee meeting following adoption of the Committee Bylaws. The Attorney General shall serve as interim chair of the Committee until the election of the chairperson and vice-chairperson. The chairperson and vice-chairperson may be elected from either local or state members of the Committee. Each successor chairperson and vice-chairperson shall be elected at the first meeting held on or after July 1, 2024, and every two years thereafter.

Section 2. *Executive Committee Membership and Authorities*

The Committee shall establish an executive committee ["Executive Committee"] consisting of the chairperson, the vice-chairperson, and the chairs of any subcommittee as provided in Article VI, Section 3.

The chairperson may call the Executive Committee together at his or her discretion. If a meeting of the Executive Committee is held, the full Committee shall be notified at the next Committee meeting. The Executive Committee may not vote or act on behalf of the full Committee.

The Executive Committee may conduct any other task or duty as directed by a majority vote of the quorum of the full Committee but shall not hold hearings, make policy, or take formal action on behalf of the full Committee.

Section 3. *Subcommittees*

By a majority vote of the quorum, the full Committee may establish temporary or permanent subcommittees to accomplish specific tasks which are relevant to the purposes of the Committee so long as such subcommittees do not constitute a quorum of the total number of Committee members and do not hold hearings, make policy, or take formal action on behalf of the full Committee.

Article VII – Roles of the Division of Behavioral Health and Attorney General's Office

Section 1. *Role of the Division of Behavioral Health*

The Secretary shall be responsible for providing notice and writing the minutes of each Committee meeting, maintaining records of the Committee, and providing secretarial support to the Committee and its Executive Committee in furtherance of the Division Director's role as Secretary of the Committee. The Division shall provide an annual report in accordance with Neb. Rev. Stat. § 71-2489. The Division shall have sole accounting responsibilities regarding distributions from the Fund and shall serve as the primary point of contact with the Nebraska State Treasurer, the Budget Division of the Nebraska Department of Administrative Services and for the State of Nebraska with any national opioid settlement administrator(s). The Division may utilize the Fund for reasonable

expenses including personnel costs or reasonable and necessary expenses of the Committee or Committee members as provided in the opioid settlement agreements necessary to fulfill its administrative responsibilities.

Section 2. *Role of the Attorney General's Office*

The Attorney General or the Attorney General's Office shall assist the Committee and the Division in providing legal counsel, including, but not limited to, legal advice to ensure compliance with the Open Meetings Act, the Act and terms of any opioid settlement agreements. The Attorney General or his or her designee shall verify that any recommendations for disbursement made by the Committee comply with the Act and respective settlement agreements before the Division of Behavioral Health makes any disbursements from the Opioid Recovery Fund.

Article VIII – Amendments

A two-thirds majority vote of all Committee members shall be required to amend these Bylaws. No Bylaws shall be considered for amendment unless the proposed amendment is on the meeting agenda with the notice provided in accordance with Article IV.

_____ _____

Committee Chairperson Date

OPIOID SETTLEMENT ADVISORY COMMITTEE

CONFLICTS OF INTEREST ACKNOWLEDGMENT AND DISCLOSURE FORM

Conflicts of Interest

As a member of the Opioid Settlement Advisory Committee ("Committee"), I recognize that I owe a fiduciary duty of loyalty to the Committee. This duty requires me to avoid conflicts of interest and act at all times in the Committee's best interests. The purpose of the conflicts of interest policy (set forth below) is to help inform the Committee about what constitutes a conflict of interest, assist the Committee in identifying and disclosing actual and potential conflicts, and help ensure the avoidance of conflicts of interest where necessary. This policy may be enforced against individual Committee members as described below:

1. Committee members have a fiduciary duty to conduct themselves without conflict with the interests of the Committee. In their capacity as Committee members, they must subordinate personal, individual business, third-party, and other interests to the welfare and best interests of the Committee.
2. A conflict of interest is conduct, a transaction, or relationship that presents or might conflict with a Committee member's obligations owed to the Committee and the Committee member's personal, business, or other interests. This may include financial interest, nonfinancial interest, research, work-related activities or other projects that may conflict with the Committee member's obligations.

3. All conflicts of interest are not necessarily prohibited or harmful to the Committee. However, full disclosure of all actual and potential conflicts and a determination by the disinterested members of the Committee – with the interested Committee member(s) recused from participating in debates and voting on the matter – are required. Procedures for Addressing the Conflict of Interest:

   a. An interested person may make a presentation at the Committee meeting, but after the presentation, they shall leave the meeting during the discussion of, and the vote on, the transaction, arrangement, or other matter involving the possible conflict of interest.
   b. The Chairperson shall, if appropriate, appoint a disinterested person or Committee to investigate alternatives to the proposed transaction or arrangement.
   c. If a more advantageous transaction or arrangement is not reasonably possible under the circumstances not producing a conflict of interest, the Committee shall determine by a majority vote of the disinterested whether the transaction or arrangement is in the best interest, for its benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

4. All actual and potential conflicts of interests shall be disclosed by Committee members to the Committee through the annual disclosure form and/or to the Committee whenever a conflict arises. Disinterested members of the Committee shall determine whether a prohibited conflict exists and what subsequent action is appropriate (if any). The Committee shall make a recommendation and action to the Committee. The Committee shall retain the right to modify or reverse such determination and action. It shall retain the ultimate enforcement authority with respect to the interpretation and application of this policy.

5. On an annual basis, all Committee members shall be provided with a copy of this policy and required to complete and sign the acknowledgment and disclosure form below. All completed forms shall be

provided to and reviewed by the Chair or Vice-Chair, and all other conflict information, if any, provided by Committee members.

I have read the conflicts of interest policy set forth above and agree to comply fully with its terms and conditions at all times during my service as a Committee member. If at any time following the submission of this form, I become aware of any actual or potential conflicts of interest, or if the information provided below becomes inaccurate or incomplete, I will promptly notify the Committee Chair or Vice-Chair.

Disclosure of Actual or Potential Conflicts of Interest:

_____

_____

_____

_____

_____

_____

I agree that my selection for service on the Committee and the opportunities made available to me by serving on the Committee constitute good and valuable consideration for entering into this agreement, the receipt and sufficiency of which I hereby acknowledge.

In my individual capacity:

Signature: _____

Name: _____

Date:_____

For Informational Purposes Only

As of April 4, 2023

Nebraska Opioid Recovery Fund

Prepared for the Opioid Settlement Remediation Advisory Committee

Source	Settlement	Amount Disbursed	Balance To Be Received	Notes
McKinsey	$2,590,561	$2,258,051	$332,510	5 annual payments
Distributors	$81,680,642	$8,224,301	$73,456,341	18 annual payments
Janssen	$19,961,175	$4,148,471	$15,812,704	9 annual payments
Totals	**$104,232,378**	**$14,630,823**	**$89,601,555**	

Nebraska Amount received (Opioid Fund OR City/Counties)

Source	A Regional (50% of total to 6 regions)	B State	C Local (15%) Redirected to Opioid Fund	Total to Opioid Fund	C Local Paid Directly to City/Counties or Redirected to Regions
McKinsey (Yr. 1)	$0	$2,039,853	$0	$2,039,853	$0
McKinsey (Yr. 2)	$0	$105,295	$0	$105,295	$0
Distributors Yr. 1	$1,561,978	$1,561,978	$22,271	$3,146,227	$517,925
Redirected from Cities/Counties			$15,809	$15,809	-$15,809
Redirected from Cities/Counties			$0	$0	$0
Distributors Yr. 2	$1,773,482	$1,773,482	$32,837	$3,579,801	$626,347
Redirected from Cities/Counties			$15,944	$15,944	-$15,944
Redirected from Cities/Counties			$0	$0	$0
Janssen Yr. 1	$528,319	$528,319	$9,778	$1,066,415	$186,502
Janssen Yr. 2	$1,146,627	$1,146,627	$21,221	$2,314,474	$404,771
Total	**$5,010,405**	**$7,155,553**	**$117,860**	**$12,283,818**	**$1,703,790**

Green indicates payments have been sent by Settlement Entity

Source	Amount To Be Disbursed	Amount Disbursed	Balance to be Disbursed	Notes
McKinsey	$2,145,148		$2,145,148	
Distributors	$6,757,781		$6,757,781	
Janssen	$3,380,889		$3,380,889	
			$0	
			$0	
Totals	**$12,283,818**	**$0**	**$12,283,818**	

Amount Disbursed

Date	Recipient	Amount

Disbursement Subcommittee Report:

Consider a motion to approve the distribution of $10,000,000 of the current available $12,283,818 Opioid Settlement dollars to the six Behavioral Health Regions as follows:

Region 1 ~ 5.476%
Region 2 ~ 5.112%
Region 3 ~ 10.8982%
Region 4 ~ 8.5833%
Region 5 ~ 25.7421%
Region 6 ~ 44.1869%