

NOTICE
**Virtual Meeting of the Nebraska Opioid
Settlement Remediation Advisory Committee**

Wednesday, February 28, 2024
10:00 a.m. CST/9:00 a.m. MST

PLEASE TAKE NOTICE that on **Wednesday February 28, 2024, at 10:00 a.m. CST/9:00 a.m. MST**, the Nebraska Opioid Settlement Remediation Advisory Committee (Committee) will hold a **virtual** meeting.

Join the virtual meeting by Zoom via Computer, Smart Device or Telephone <https://us06web.zoom.us/j/89648907302?pwd=04GXTxU8hcjo9uncufqOe7FukRgaVQ.1>

The Meeting ID is 896 44890 7302 and the Passcode is 076202.

Members of the Committee or the public may physically attend the meeting at the Nebraska Association of County Officials (NACO) offices, 1335 H Street, Lincoln, NE 68508.

An agenda of subjects known at this time is included with this notice. The agenda will also be kept continually current and readily available for public inspection at the Department of Health and Human Services, 301 Centennial Mall South, fourth floor, Lincoln, Nebraska, during normal business hours. This notice with the agenda and other materials are available on the Committee's webpage at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>.

Links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act are available on the Committee's webpage at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>.

AGENDA

Virtual Meeting of the Nebraska Opioid Settlement Remediation Advisory Committee

Wednesday, February 28, 2024

10:00 a.m. CST/9:00 a.m. MST

Join the virtual meeting by Zoom via Computer, Smart Device or Telephone
<https://us06web.zoom.us/j/89648907302?pwd=04GXTxU8hcjo9uncufqOe7FukRgaVQ.1>

The Meeting ID is 896 44890 7302 and the Passcode is 076202.

In accordance with § 84-1411(2)(b) of the Open Meetings Act, a copy of all documents being considered at the meeting, an electronic copy of this agenda, and a current copy of the Open Meetings Act are available at the Nebraska Opioid Settlement Remediation Advisory Committee's webpage at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>.

Since this meeting is being conducted virtually in accordance with § 84-1411(2) of the Open Meetings Act, all members of the Nebraska Opioid Settlement Remediation Advisory Committee (Committee), whether attending virtually or in person, may fully participate.

1. Call meeting to order:

- a.** 10:00 a.m. CST/9:00 a.m. MST – Dr. Todd Stull, Committee Chair, will call the meeting to order.
- b.** Roll call.
- c.** Indicate that on February 21, 2024, a notice of this meeting with the agenda and other materials were provided to the public and all members of the Committee. Notice of this meeting with the agenda and other materials were available for public inspection at the Department of Health and Human Services, 301 Centennial Mall South, Lincoln, Nebraska, and also posted at the following link: <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 at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>, along with a copy of all documents being considered at this meeting.
- e.** Public comment on any agenda item(s): The Committee Chair reserves the right to limit comments to certain agenda items. Pursuant to § 84-1412(3), any member of the public desiring to address the body shall identify their name, including an address and the name of any organization represented by such person, unless the address requirement is waived to protect the security of the individual.

2. Consider a motion to approve the minutes from December 6, 2023.

See pages 4-7.

3. Discussion regarding existing prevention initiatives

Tony Green, Director, Division of Developmental Disabilities and Interim Director of Division of Behavioral Health (DBH)

- 1) State Opioid Response-Block Grant.
- 2) Review 12/19/23 Memo re: Utilization of Opioid Settlement Advisory Committee Request for Proposal (RFP).
- 3) Strategies for allocation of the settlement money.

4. Subcommittee Reports

a. Needs Assessment Subcommittee

Amy Reynoldson and Ann Anderson Berry-Subcommittee Chairs

No report

b. Disbursement Subcommittee

Mary Ann Borgeson-Subcommittee Chair

- 1) Discussion/Action to distribute \$7.9M to the 6 Behavioral Health Regions for disbursement.

The Region Program Administrators will be responsible for reviewing, scoring, and deciding which of the 37 Prevention Applications are to be funded.
- 2) Discussion/Action to distribute \$1,842,328 for a 2-year pilot with GoldFinch/Nebraska Hospital Association to provide Nebraska's Billion Pill Pledge Program prevention program to 10-15 Nebraska Hospitals serving 2000 Surgery Patient Cases.

c. Outcomes Subcommittee

Sara Howard-Subcommittee Chair

No report

5. Quarterly financial report of Nebraska Opioid Recovery Funds.

Karen Harker, DBH Deputy Director of Finance

See pages 8-9.

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

7. Dates for upcoming meetings.

8. Consider a motion to adjourn.

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

1. Call Meeting to Order:

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

Voting Members

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

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

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

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

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

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

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

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

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

Nay=0

Abstain=0

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

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

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

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

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

3. Subcommittee Reports:

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

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

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

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

Nay=0

Abstain=0

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

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

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

Nay=0

Abstain=0

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

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

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

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

DEPT. OF HEALTH AND HUMAN SERVICES

Source	Settlement	Amount Sent to State	Balance To Be Received	Notes
McKinsey	\$2,590,561	\$2,368,888	\$221,673	5 annual payments
Distributors	\$81,680,642	\$10,830,346	\$70,850,295	18 annual payments
Janssen	\$19,961,175	\$5,643,312	\$14,317,863	9 annual payments
TEVA	\$13,827,607	\$0	\$13,827,607	13 annual payments
Allergan	\$8,996,477	\$0	\$8,996,477	8 annual payments
Walgreens	\$21,483,463	\$0	\$21,483,463	15 annual payments
CVS	\$19,906,654	\$0	\$19,906,654	10 annual payments
Walmart	\$11,273,775	\$0	\$11,273,775	one payment
Totals	\$179,720,354	\$18,842,546	\$160,877,808	

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
McKinsey (Yr. 3)	\$0	\$105,295	\$0	\$105,295	\$0
Distributors Yr. 1	\$1,561,978	\$1,561,978	\$22,271	\$3,146,227	\$543,201
Redirected from Cities/Counties			\$32,888	\$32,888	-\$32,888
Distributors Yr. 2	\$1,773,482	\$1,773,482	\$32,837	\$3,579,801	\$626,347
Redirected from Cities/Counties			\$1,288	\$1,288	-\$1,288
Distributors Yr. 3	\$1,748,332	\$1,748,332	\$33,671	\$3,530,334	\$616,734
Redirected from Cities/Counties				\$0	
Janssen Yr. 1	\$528,319	\$528,319	\$9,778	\$1,066,415	\$186,502
Redirected from Cities/Counties			\$384	\$384	-\$384
Janssen Yr. 2	\$1,146,627	\$1,146,627	\$21,221	\$2,314,474	\$404,771
Redirected from Cities/Counties			\$824	\$824	-\$824
Janssen Yr. 3	\$981,366	\$981,366	\$18,815	\$1,981,547	\$346,064
Redirected from Cities/Counties			\$57	\$57	-\$57
Total	\$7,740,103	\$9,990,546	\$174,032	\$17,904,682	\$2,688,178

Nebraska Opioid Recovery Fund

Quarterly Report
As of December, 2023

Source	Total Received	Admin (5%)	Amount Available To Be Disbursed	Amount Disbursed	Balance Available to Disburse
McKinsey	\$2,368,888	118,444.40	2,250,443.32	\$2,145,148	\$105,295
Distributors	\$10,830,346	539,808.52	10,290,537.83	\$4,786,177	\$5,504,361
Janssen	\$5,643,312	279,611.10	5,363,700.61	\$3,068,675	\$2,295,026
Totals	\$18,842,546	\$937,864	\$17,904,682	\$10,000,000	\$7,904,682

Upcoming Legislative Disbursements

		FY24	FY25
LB 814 (intro as LB 615)	Fire Marshal	\$ 1,125,000	\$ 1,125,000
LB 227 (intro as LB 570)	Overdose fatality team	\$378,754	\$388,160
	Total	\$ 1,503,754	\$ 1,513,160

Disbursements Type by Settlement

Source	A Regional (50% of total to 6 regions)	B State	C Local (15%) Redirected to Opioid Fund	Total Disbursed
McKinsey (Yr. 1)	\$0	\$2,039,853	\$0	\$2,039,853
McKinsey (Yr. 2)	\$0	\$105,295	\$0	\$105,295
Distributors Yr. 1	\$1,561,978	\$680,799	\$39,137	\$2,281,915
Distributors Yr. 2	\$1,773,482	\$680,799	\$49,981	\$2,504,262
Janssen Yr. 1	\$528,319	\$680,799	\$10,135	\$1,219,253
Janssen Yr. 2	\$1,146,627	\$680,799	\$21,996	\$1,849,422
				\$0
				\$0
				\$0
Total	\$5,010,405	\$4,868,346	\$121,249	\$10,000,000

Date of Payment	Recipient	Amount
6/13/2023	Region I Behavioral Health	\$ 548,840
6/13/2023	Region II Behavioral Health	\$ 516,475
6/13/2023	Region 3 Behavioral Health	\$ 1,122,430
6/13/2023	Region 4 Behavioral Health	\$ 885,945
6/13/2023	Region V Behavioral Health	\$ 2,561,187
6/13/2023	Region 6 Behavioral Health	\$ 4,365,123

Total to Date	\$ 10,000,000
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Administrative 5%

Received to date	\$937,864
Committee Member Reimbursements	(2,422)
DHHS staff	-
Balance Administrative 5%	\$935,442