

Nebraska Opioid Settlement Remediation Advisory Committee Meeting
September 4, 2024
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE
10:00 a.m. – 11:00 a.m.
Meeting Minutes

1. Call Meeting to Order:

Chairperson Todd Stull called the meeting to order at 10:02 a.m. and welcomed all attendees to the meeting. 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>. The Open Meetings Act is also located at the front of the meeting room.

- a) 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.
- b) Roll call was conducted, and a quorum was determined to exist, with 17 voting members present.

Voting Members

Members in Attendance: Ann Anderson-Berry, Susanna Batterman, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, John Massey, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Todd Stull, Mike Tefft, Paul Vrbka, Christa Yoakum (late arrival).

Members Absent: Rick Hickstein, Jerome Kramer, Paul Lambert, Riley Slezak, Kevin Spencer, Bill Tielke.

Others in Attendance: Tony Green, Reecha Dixit, Delainie Johnson, Jeri Keller-Heuke.

- c) Chairperson Stull stated that on August 20, 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 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 after DHHS Interim Director Tony Green's presentation, each commenter will have five minutes to speak. 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. Public members may sign up on the list at the front of the room or submit their name via the virtual chat box if attending virtually.

2. Consider a Motion to Approve the Minutes from May 8, 2024:

Chairperson Stull opened the floor for a motion to approve the minutes from the May 8, 2024, meeting.

Motion was made by Mike Tefft and seconded by Mary Ann Borgeson to approve the minutes as written. Chairperson Stull opened the floor for discussion. Hearing none, the motion to approve the May 8, 2024, minutes passed with the following results:

Yay=18: Ann Anderson-Berry, Susanna Batterman, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, John Massey, Charity Menefee, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Todd Stull, Mike Tefft, Paul Vrbka, Christa Yoakum.

Nay=0

Abstain=0

Absent=6: Rick Hickstein, Jerome Kramer, Paul Lambert, Riley Slezak, Kevin Spencer, Bill Tielke.

3. Discussion Regarding Role of the Committee:

Tony Green, DHHS Director of Developmental Disabilities and Interim Director of Behavioral Health, discussed the outcomes of the meeting with the Attorney General's office regarding the role of this Committee. Recent legislation regarding the handling of opioid settlement funds raised the question of this Committee's role and responsibilities for these funds. Director Green clarified that LB1355 was not intended to take over the decisions for fund allocations. The Committee's existence is a requirement of the opioid settlement agreements and not by any statute, and its role is to advise the state on appropriate disbursement of the funds. A separate dedicated-purpose committee was not stipulated in the settlement agreements, but an existing committee could instead be tasked for the advisory purpose. Decisions now need to be made whether this Committee will continue to exist as is, and what the advisory capacity will look like. This committee could continue as is or with smaller membership (but still maintaining the makeup required per the agreements), or it could be absorbed into an existing advisory committee such as the DHHS DBH Joint Advisory Committee (which is comprised of the State Advisory Committee on Mental Health Services and the State Advisory Committee on Substance Abuse Services).

Discussion concerning this Committee's existence and roles was entertained. The specific role of the Committee as an advisory group, with no decision-making powers, was clarified. Chairperson Stull asked for a motion, based on discussions, to determine the Committee's existence. Motion was made by Ann Anderson-Berry, and seconded by John Massey, to retain the Committee with its current membership. Upon discussion, the motion and the second were withdrawn, as it was determined that the motion would not result in any change to the Committee.

The next meeting will be Wednesday, November 6, 2024, and will be in-person. It was requested that regional data regarding expenditures and requests for funds be presented at the upcoming meeting.

4. Public Comment Period

Public Comment: Joseph LeDuc, Nebraska citizen, encouraged committee members to remember their obligations to providing oversight in the use of settlement funds. Mr. LeDuc voiced support to the Committee remaining aligned with the Attorney General's office and not being considered as a part of DHHS.

5. Consider a Motion to Adjourn:

The meeting agenda having been completed, Chairperson Stull asked for a motion to adjourn the meeting. Motion was made by Mike Tefft and seconded by Amy Holman. Roll call vote was conducted. The motion passed with the following results.

Yay=14: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Christopher Kratochvil, John Massey, Paul Price, Cory Schmidt, Jason Scott, Todd Stull, Mike Tefft, Paul Vrbka, Christa Yoakum.

Nay=0

Abstain=0

Absent=10

The meeting adjourned at 11:07 a.m.