

**Nebraska Opioid Settlement Remediation Advisory Committee Meeting**  
**February 28, 2024**  
**Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE**  
**10:00 a.m. – 1:00 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 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 15 voting members present.

Voting Members

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

Members Absent: Yohance Christie, Rick Hickstein, Brandon Kelliher, Jerome Kramer, Paul Lambert, John Lawson, Charity Menefee, Bill Tielke.

Others in Attendance: Alycia Davis, Tony Green, Karen Harker, Thomas Janousek, Delainie Johnson, Jeri Keller-Heuke, Lynn Rex, Joshua Shasserre.

- c. Chairperson Stull stated 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 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 all agenda items will be open for public comments. Chairperson Stull stated that each commenter will have five minutes to speak.

## **2. Consider a Motion to Approve the Minutes from December 6, 2023:**

Chairperson Stull opened the floor for a motion to approve the minutes from the December 6, 2023, meeting.

Motion was made by Mary Ann Borgeson and seconded by Christa Yoakum to approve the minutes as written. Chairperson Stull opened the floor for discussion. Discussion centered on agenda item #4 regarding contracts and Requests for Proposals (RFPs), and that the minutes did not reflect any resulting recommendations or planned follow-up from DHHS. The motion to approve the minutes with the noted omission passed with the following results:

Yay=15: Ann Anderson-Berry, Susanna Batterman, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Christopher Kratochvil, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka, Christa Yoakum.

Nay=0

Abstain=0

Absent=9: Yohance Christie, Rick Hickstein, Brandon Kelliher, Jerome Kramer, Paul Lambert, John Lawson, John Massey, Charity Menefee, Bill Tielke.

## **3. Discussion Regarding Existing Prevention Initiatives:**

Tony Green, DHHS Director of Developmental Disabilities and Interim Director of DBH and Children and Family Services, introduced Dr. Thomas Janousek and Delainie Johnson from DBH, who would be presenting to the Committee an overview of existing efforts that DHHS is currently taking in terms of opioid treatment and prevention.

Delainie Johnson, DHHS DBH Prevention Administrator, reviewed the State Opioid Response Block Grant (SOR), which is a two-year grant through the Substance Abuse and Mental Health Services Administration (SAMHSA). This grant supports prevention, risk reduction, treatment and recovery support services for opioid use and other concurrent substance use disorders. DHHS Public Health also has grant funding for related opioid uses; however, there was no Public Health representative at this meeting to elaborate on this funding. Discussion was held on whether outcomes were available on these initiatives; the relevant needs assessments contain outcomes and are part of public record. The slides from today's meeting contain links to these public postings and will be available on the DHHS website after the meeting. Discussion was also held on whether all grant funds were being expended; DHHS stated that only a portion of the grant monies had been disbursed. For FY23, 62% of the prevention-related dollars, 15% of the treatment-related dollars, and 94% of the recovery-related dollars had been disbursed. It was requested that updates to this information be shared at future meetings.

Public Comment: Mikayla Findlay from the Legislative Fiscal Office inquired as to the availability of maps of pharmacies that carry naloxone; there are maps available at [www.stopodne.com](http://www.stopodne.com).

Dr. Thomas Janousek, DHHS DBH Deputy Director of Clinical Operations, reviewed other available funding for treatment and programming available through DBH and Medicaid across the State. The settlement dispersal schedule was reviewed in terms of individual year's projected

payouts, and percentage allotments going to counties/municipalities and the State. There are some opportunities for federal match dollars that may be utilized. Potential projects on which to concentrate state funds expenditures were reviewed; these would be for future fund disbursements, not for funds already disbursed.

Director Green revisited the December 19, 2023, notice of DHHS' Request for Proposal (RFP) process and how procurement laws affect this Committee's work (this notice is posted on the <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx> webpage). The RFP posted by the Committee in August did not meet DHHS Procurement's standards for the competitive bid requirement for contracts above \$50,000, mainly because the RFP was not issued by DHHS, nor did it follow the prescribed template and format. There are also guidelines for publicizing RFPs, which also had not been met.

Director Green discussed potential strategies for expending the opioid settlement funds. Legislation has recently been introduced that would dictate how these funds would be spent, and how much would be disbursed per year. DHHS has been working with Senator Tony Vargas, who introduced LB1355, to ensure full understanding of the bill, its long-term sustainability, and how to protect the settlement funds. Mary Ann Borgeson disclosed that she attended the hearings to represent the Behavioral Health Regions, and not as a representative of this Committee. Discussion focused on how this bill will affect this Committee's work.

Public Comment: Mikayla Findlay from the Legislative Fiscal Office stated that Senator Vargas' office is open to communication regarding this bill. Ms. Findlay offered her assistance with possible communications if so desired by the Committee.

#### **4. Subcommittee Reports:**

- a. Needs Assessment Subcommittee—Amy Reynoldson stated that the subcommittee has not met recently and therefore does not have any report to share.
- b. Outcomes Subcommittee—Sara Howard stated that the subcommittee has received expenditure reports from the three grantees (DHHS, Regional Behavioral Health Authorities, and State Fire Marshal) that received the initial settlement payout last year.
- c. Disbursement Subcommittee—Mary Ann Borgeson stated that the subcommittee has not met recently.

Mary Ann Borgeson stated that the subcommittee requests the distribution of \$7.9 million to the six Behavioral Health Regions so that they may continue to move forward with their plans for these funds. It was suggested that the 37 applications that were received for the previous Needs Assessment RFP be given to the regions for their consideration as part of this proposed fund disbursement; discussion centered on whether this would be a feasible idea. It was discussed that the proposed amount of \$7.9 million could be rolled back to \$6 million, the amount of the original RFP.

Public Comment: Diana Meadors, Clinical Director of BAART Program in Omaha, shared how this organization is operating in response to the opioid crisis. Ms. Meadors stated that there is an unmet need for these services in the justice and corrections systems. Ms. Meadors suggested that the Committee encourage providers to consider applying for funds made available.

Motion was made by Mary Ann Borgeson and seconded by Amy Holman to request that the State distribute \$6 million to the six Behavioral Health Regions for prevention and treatment, and that the Regional Administrators review the 37 applications from the previous RFP (upon the applicants' approvals). Chairperson Stull opened the floor for discussion. Discussion continued to focus on the appropriateness of forwarding the previous RFP applications to the Behavioral Health Regions. However, it was determined that a quorum had been lost and therefore roll call vote could not be conducted.

At 12:55 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 12:56 p.m.