

Approved Minutes
New Hampshire Opioid Abatement Advisory Commission
Regular Meeting
DHHS Brown Building Auditorium, 129 Pleasant St, Concord, NH
Monday, September 12, 2022, 2022 at 1:00p.m

Attending:

Senator, Cindy **Rosenwald** (Chair)
Attorney James **Boffetti** (Designee for the Attorney General)
Helen **Hanks** (Commissioner, Department of Corrections)
David **Mara** (Governor's Designee)
Seddon **Savage**, MD, (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Emily **Rice** (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Traci **Fowler** (NH Charitable Foundation)
Elizabeth **Dragon** (City with < 75k appointed by Governor)
Patrick **Tufts** (Chair of Governor's Commission on Drug and Alcohol Treatment, Prevention and Recovery)
Jason **Henry** (County Corrections Superintendent appointed by Governor)
Bianca **Monroe** (Appointed by the Attorney General)
Jennifer **Sabin** (DHHS Commissioner's Designee)
Robert **Moore** (Guest-HHS Contracts Unit)

Present via Zoom Platform:

Toni **Pappas** (County of +100k appointed by Governor)
Kevin **Rourke** (Municipal Police Chief appointed by Governor)
Edward **Sisson** (Guest-HHS Contracts Unit)

Absent:

Peter **Spanos** (County of <100k appointed by Governor)
Robert **Buxton** (Municipal Fire Chief appointed by Governor)
Kathryn **Kindopp** (Governor's Appointment)
Rachel **Miller** (Treasury)
Benjamin **Gaetjens-Oleson** (Governor's Appointment)
Representative Dennis **Acton** (House)
Thomas **Velardi** (County Attorney appointed by Governor)

Senator Cindy Rosenwald (Chair) opened the meeting at 1:00p.m with a roll call of Commission members. A quorum of the Commission members physically present was not established and would be revisited at the close of the meeting. Otherwise, approval of the August 1, 2022 meeting minutes would be approved at either the end of the meeting, or revisited at the next scheduled meeting.

The first order of business was the discussion focused on the grant application process.

Jennifer Sabin, joined by fellow staff members Robert Moore and Edward Sisson from the DHHS contracts unit informed the members of an RSA which prevents information sharing during a public meeting. Ms. Sabin highlighted the information that could be shared and reported that there has been a total of 39 applications received and that the application deadline was at noon today. Unfortunately, there were several community members who thought the deadline was end of business day and missed the deadline. Further, Ms. Sabin informed that in order to discuss the applications in more detail it would have to be during a non-public session.

The group from the contracts unit was not fully prepared to share the details today and noted that the entirety of information relative to the RGA remains confidential until the awards are announced. There will be a number of upcoming meetings to discuss the details in more depth and additional information forthcoming.

Senator Rosenwald questioned if the deadline was posted for those applying and Jennifer Sabin confirmed that the deadline information was available on the website. Although limited details were available, Senator Rosenwald asked if the commission wanted to move into a non-public session to discuss the details of the applications. Members from the contracts unit indicated that they were not prepared today, other than to disclose that there were 39 applications in total. Of the 39, the majority of applications were received just before noon today. It was decided that there was no need to move to executive session and the commission would wait until the next meeting for further discussion.

In response, Jennifer Sabin informed that on or after October 12, or at the next scheduled commission meeting within the 30 day window that the contracts unit would be prepared to present the full details and recommendations to the commission for discussion.

A member questioned if the grant application process would be opened back up to more applicants after scoring, and at some point are we able to open up the RFP process again to additional applications and is there a requirement to spend all of the funds during that time period. In response, Jennifer Sabin explained that we would technically have to repost the RGA. If the recommendations on what would be spent after going to G&C it could automatically be opened again because of the legislative threshold when the funds exceed \$500k.

Associate Attorney General Boffetti informed that the monies do not have to be spend on the first round of the application process and Senator Rosenwald questioned if we would need to reopen that application process and Attorney Boffetti responded that potentially, yes, we would process and reiterated the statute dictates that if the balance is over 500k or more we need to distribute funds.

Dr. Seddon Savage addressed the challenges of treating SUD and Opioid Use Disorders and questioned if there any merit in considering to direct a portion of the funds toward an endowment that in perpetuity, would generate millions of dollars on an annual basis to continue to address these issues. Dr. Savage noted that we can certainly spend all the money coming in, and pointed out that money is not always the solution and does not solve the chronic problem surrounding SUD and asks if this idea resonates with the members.

In response, a member offered that an endowment may not be highly considerable and advised that a multi-tier spending plan be considered going forward and suggested that a future motion be considered to create a spending process that would be not more than 5 years and no less than 3 years.

The second order of business focused on the discussion surrounding the lingering questions relative to the application process and were addressed by Traci Fowler.

The following topics were discussed among the group:

- Conflict of Interest
- Application review Process
- Scoring
- Recommendations

Senator Rosenwald advised that the commission may want to consider a subcommittee of volunteer members to review the recommendations as it would be a difficult task to review all submitted applications individually and less challenging by dividing the applications among the group.

Robert Moore informed that in terms of distribution of the proposals there would be password protected electronic sharing folder that would require Confidentiality/Non-Disclosure Agreements and Conflict of Interest forms that would need to be signed in advance of gaining access to the folders.

Although it was undecided which commission members would have access to the folders, Senator Rosenwald expressed her interest in being familiar with who had applied for funds in the first round of applicants.

A member suggested that a subcommittee be appointed to review and manage the applications and in response Dr. Savage offered that in order to ensure that the applications were acceptable, that the responsibility of the commission would be to determine the quality and feasibility and whether the process was worth the investment of the commission.

Robert Moore relayed to the group that DHHS would perform the initial process to determine completion of the application and administrative rule outlines a 10 day window for incomplete applications must be completed and submitted for review and then DHHS would evaluate and score the applications based on a pass/fail rating as outlined in the RGA.

The topic relative to conflict of interest expressed concern among the group and the discussion focused on whether individual members could recuse themselves if there was a noted conflict in a particular application. Attorney Boffetti clarified that a conflict of interest was defined as having any personal or financial interest that would benefit the individual member or their families. Further, Attorney Boffetti advised that the commission consult with the Attorney General's office for guideline recommendations. A motion to request assistance from the Department of Justice for guidelines on disclosure and recusal was made and unanimously approved by members.

The timeframe for the applications was discussed and Attorney Boffetti advised that upon appointment of a subcommittee that establishing a timeline should be revisited and determined once the applications were reviewed.

The third order of business was an update from Jennifer Sabin on the hiring process and informed that the position paperwork has been sent for review to the Department of Personnel and noted that the division currently has an 8 week backlog as a result of staffing issues. Once the position is established, it will be assigned a position number and will be posted internally for 5 business days and then externally if necessary. Ms. Sabin added that we are hopeful the position will be finalized and established soon and informed that she will follow up with human resources for a status update.

The fourth order of business was an update on litigation efforts from Associate Attorney General James Boffetti relative to settlements and distribution of funds. Attorney Boffetti informed that the group of several additional settlements with manufacturers are in the finalization stage. The Mallinckrodt bankruptcy plan has been finalized and we are waiting on a determined dollar amount that New Hampshire would receive. Further, the state is anticipating to receive additional funds and reported that a settlement of \$5.2M from McKesson, Cardinal Health and AmerisourceBergen is expected mid-month. Additionally, Attorney Boffetti explained that assuming all of the releases come in from the Johnson & Johnson settlement, the state will receive a onetime payment of \$31M which is greater than the national settlement. After deducting the 15% off the total for distribution to the litigating subdivisions, the balance will be roughly \$27M. As a condition of the Johnson & Johnson settlement, releases from the 47 jurisdictions have to be submitted by the end of December.

Throughout the meeting additional members had joined and it was determined that a quorum was met with 11 out of 21 members present. A motion was made to approve the August 1, 2022 minutes and approved unanimously without contest.

Agenda items for the next meeting were discussed and a date for the next meeting was decided to be held on Monday, September 28, 2022 in the Brown Building Auditorium. Of the agenda items proposed, the following would be addressed:

- Review Conflict Policy
- Timeline for the DHHS on the applications
- Formation of a subcommittee

There was no public comment.

At the call of the Chair, the meeting adjourned at 2:23pm.

Respectfully Submitted on September 29 by:

Leslie A. Bartlett