

**New Hampshire Opioid Abatement Advisory Commission**  
Updated Agenda Items for Regular Meeting  
June 12, 2023 at 1:00 p.m.  
Executive Council Chamber

**Attending:**

David **Mara** (Governor's Designee)  
Attorney James **Boffetti** (Designee for the Attorney General)  
Rachel **Miller** (Treasury)  
Jennifer **Sabin** (DHHS Commissioner's Designee)  
Representative David **Nagel** (House)  
Senator, Cindy **Rosenwald** (Chair)  
Patrick **Tufts** (Chair of Governor's Commission on Drug and Alcohol Treatment)  
Toni **Pappas** (County of +100k appointed by Governor)  
Peter **Spanos** (County of <100k appointed by Governor)  
Ellen **Riiska**: (SAU 16 Assistant Director of Student Services and Superintendent of the  
Traci **Fowler** (NH Charitable Foundation)  
New Hampshire School Association appointed by the New Hampshire School  
Administrators Association)

**Present via Microsoft Zoom Platform:**

Elizabeth **Dragon** (City with < 75k appointed by Governor)  
Benjamin **Gaetjens-Oleson** (Governor's Appointment)  
Prevention and Recovery)  
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)  
Bianca **Monroe** (Appointed by the Attorney General)  
Bobbie **Bagley** (City with 75k+ appointed by Governor)

**Absent:**

Helen **Hanks** (Commissioner, Department of Corrections)  
Thomas **Velardi** (County Attorney appointed by Governor)  
Jason **Henry** (County Corrections Superintendent appointed by Governor)  
Kathryn **Kindopp** (Governor's Appointment)  
James **Watkins** (Municipal Fire Chief appointed by Governor)  
Kevin **Rourke** (Municipal Police Chief appointed by Governor)

Senator Rosenwald opened the meeting at 1:12 pm with a roll call.  
A quorum of the Commission members physically present was established<sup>1</sup>.  
The Chair welcomed Ellen Riiska, new member of the Opioid Abatement Advisory  
Commission appointed by the New Hampshire School administrators Association.  
The first order of business was adoption of the minutes for the previous meetings, April 10,

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<sup>1</sup> Eleven members constitutes a quorum pursuant to RSA 126-A: 85, IV.

2023 and May 8, 2023. The Chair recommended postponing to the next meeting on July 10, 2023 to provide members of the commission sufficient time to review them.

The second order of business was an update on amended reimbursement RGA and discussion of process for Commission review of applications. Commissioner Sabin announced that she came with printed copies of the RGA for Commission members and extra for the public. She stated that there were a total of 3 Addendum's for this RGA and that they are included in the packet in the following order: the original RGA, Addendum 1, Addendum 2, Addendum 3 and the answers to the questions during the Q&A period. Addendum 1 was the adjusted ceiling amount that the commission members had voted on. Addendum 2 was the Departments request in extending the timeline due to questions and answer period generating much interest and lots of clarifying questions. Addendum 3 is the answer and the clarifying of the questions that were asked. Commissioner Sabin stated that there are two applications submitted to date and anticipate more applications to arrive before the Friday, June 16, 2023 noontime deadline. Late applications are not accepted.

Commissioner Sabin stated that the RGA specifies the Departments responsibility vs. the Commissions how to determine the decision per the RGA section 1.4. Application Assessment and Award Process. Section 1.4.1 in brief, the Department determines that the application is complete; the applicant is eligible; the cost incurred in the appropriate timeline; and that they ensure all other requirements are met. Section 1.4.5 delineates the Commissions review of the applications which includes in addition to consideration of the Departments assessment, expense type and necessary costs, explanation of why costs could not be reimbursed by another source, and number of people served.

Commissioner Sabin posed the question "how does the Commission want to do 1.4.5.?" Attorney Boffetti addressed the process suggesting that volunteer Commission members divide up the applications based on the number received. Attorney Boffetti state that there are 2 Commission members (workgroups) on each proposal. The workgroups would bring back their recommendations to the full Commission for consideration, discussion and vote. The Chair asked what kinds of items applicants are requesting reimbursement for? Will it be the cost of medications or administration, transportation to a methadone clinic? Commissioner Sabin stated that reimbursement criteria is – any portion of the cost of the services that are covered - very broad. Representative Nagel asked if there is an estimated number of applicants and how did the Commission advertise this? And how did the Commission publicize for the applications? Commissioner Sabin responded that the Grant Application is open to every state department, county, municipality, everyone and it is on the Departments website. Commissioner Mara asked about section 1.4.5.criteria. Is it restrictive to the Departments recommendations and the three things outline in this section? Commissioner Sabin stated that the criteria for reviewing the Applications must be taken from what is written in the RGA because that is what people are responding to. While there would be no time to ask the applicants to answer questions, the Commission members reviewing Applications may ask probing questions about what they think. Commissioner Sabin clarified the intention of question 1.4.5.2. This questions is meant for folks currently incarcerated so the justification is that it is not covered by a third party source. Because the person is incarcerated, therefore, prohibited from billing Medicaid. Bagley suggested, for consistency, to use the same process used for the grant review

subcommittee. A full discussion ensued regarding application submission timeline, Department review period, Commission member's availability and their capacity during the summer months. Commissioner Sabin stated, through the vetting process, the Department will provide to the Commission a preliminary count of the number of Applications received and then decide the makeup of the subcommittee. The Chair asks Commission members to think about their interest and availability and make some decisions at the July meeting.

Attorney Boffetti raised the topic of conflict issues and ethics statues that apply to the Commission – the Executive branch officials that serve this Commission. Attorney Boffetti offered to do a 10 minute presentation on ethics statues at the next meeting when the Executive Council switches over. He will locate the AG memo from last year's subcommittee that gave guidance to members in terms of recusing themselves – members that had a conflict of interest.

Commissioner Dragon asked, since this is a reimbursement, should the Commission decide the protocol if all requests that qualified for reimbursement collectively surpass the \$10M threshold and we do not have enough funding to cover them all. Wouldn't this be a decision that would be made to prorate the applicant instead of competing one applicant against another for reimbursement? Commissioner Sabin recapped, staying within the RGA parameters -what is prioritized are the description of the cost, why it is needed, why it cannot be reimbursed by another source, and number of people served.

Attorney Boffetti remarked on a question about the 23 Subdivisions that have received payment. They are required to report to the Commission how they spent the money. They are all posted on the DHHS website under the Opioid Abatement Commission (OAC). Attorney Boffetti suggests that the Commission members go to the site as there are some that have never spent the money, some spent the money for a number of different projects and five Subdivisions have not filed a report to date. As part of the review subcommittee deliberations, Attorney Boffetti says it is important to know their status.

Dr. Savage asked for clarification, it is her understanding that section 1.4.5 three criteria are exclusively to be used for meeting the minimum requirements of the grant and to prioritize one Application over another. Commissioner Sabin stated that this was correct. Dr. Savage commented that the Commission needs a transparent and methodical way of reviewing these priorities.

The Chair asks if the Department will email Jen Gallagher the number of Applications. Commissioner Sabin will follow up with legal in regard to what the Department can send. Attorney Boffetti indicated that he will send a summary of letters to date to Jen Gallagher. A question was raised around the litigating entities locally and their grant making process. Will there be a short list of the entities that are setting up their own grant making process so that local communities can access these funds? Attorney Boffetti states that pdfs of each community are posted on the Opioid Abatement website.

Commissioner Spanos brought to the attention of the board that he will be more mindful of the funds. If there are entities hoarding funds that will discourage looking favorably on

these applicants. The Chair reiterated that they get part of their 15% off the top and the Commission cannot tell them what to do with it except they can ask opioid litigation. Commissioner Dragon added as being an entity hoarding said funds, their 15% is a very small number and the City of Keene are holding these funds until they have enough to establish a substantial program. Commissioner Dragon says that it is not a fair characterization of everyone who have not spent there are hoarding their dollars.

Commissioner Sabin shared that nationally region 1 is the New England State's. SAMHSA convened the New England State's around opioid abatement as far as public health are concerned. An idea came about as a result of this meeting based on shared values and practices with the litigating subdivisions with the State overseeing other parts of the funds. Today's conversation brought this idea to mind, the Commission may think about shared values and practices in the future with the folks that are overseeing other parts of the funds.

Commissioner Bagley shared opioid abatement trust funds Nashua received, the process they use for reviewing applications and dispersing the funds. Nashua has a subcommittee and is part of the Mayor's Substance Misuse Task Force. It is made up of two police officers and members of the task force itself that represent the organization in the city.

The third order of business was a discussion of added employee. Commissioner Tufts followed up on a previous motion - to take matching costs for new staff persons at the Bureau, to build capacity for this Commission. He referred this to two committees wherein the Budget Task Force stated concerns that the Governor's Commission on Alcohol and Other Drugs (Governor's Commission) already committing 1.7 m in staffing and administrative supports across the state between JSI and three professional positions within the state. There is an increased need for Governor's Commission flexible funding and there was a concern that these funds would be reduced. Lastly, an unclear picture of the Commission own budget based on its own expectations. Commissioner Tufts stated that there is one other committee this will be presented to coming up.

Commissioner Sabin gave a brief update on the additional employee. Currently they are drafting the job description for the Accounting position. This position will aid in the assurance invoices are paid in a timely manner and to ensure the funds are being used in an allowable manner.

A questions was raised regarding if the Commission needs to authorize the transfer of the opioid abatement trust fund money then that goes to the Governor and Executive Council to pay for these two positions. Commissioner Tufts stated that the Governor's Commission has to do something similar because of the Governor's Commission funds. A Commission member is looking into how the funds are accepted and expended for these positions and will report back at July's meeting.

The fourth order of business was a discussion of next round of grant applications, categories, and amounts. The Chair solicited from the committee members their thoughts on next steps with grant applications. Attorney Boffetti calculates \$31.7M currently in the trust fund. There will be additional money coming in over the next few months. Attorney

Boffetti stated that the Commission needs to have a conversation about how much do we want, do we want to do a targeted vs. a broad range grant application process like the first time, to be ready. \$45M and change in funds have been received to date. \$6.8M went to the qualifying Subdivision. \$6.7M went to these grants.

Commissioner Fowler remarked that at the last meeting, had a great presentation from a facilitating organization on a recovery supports infrastructure and a presentation from the Department on ways the Commission can be more effective. Commissioner Fowler suggests prioritizing the existing harm reduction infrastructure and recovery support infrastructure that covers our state but are not funded to capacity.

Commissioner Tufts commented that methods are going to be the next steps and is in favor of spending time to pick a couple of targeted areas i.e. recovery, harm reduction, prevention. Put investments behind them and utilize infrastructure already in place such as facilitating organizations and contracts which will expedite the process. Attorney Boffetti proposed that the Commission formally ask subject matter experts i.e. Katja Fox and her team, the Department, Continuum of Care (CoC) workforce, the Governor's Commission and from the Governor's office to formulate a recommendation on a pressing gap(s)/need(s).

Commissioner Fowler mentioned the Center for Excellence crosswalk document presented and is getting updated with the OAC investments fist RGA and Governor's Commission funded investments. That document will become very useful document at meetings as it lists out partial funding and areas of the CoC are not being invested in.

Governor's Commission Budget Task Force co-chairs will present on what they would have funded had they had the resources at the July Opioid Abatement Commission meeting.

The fifth order of business was a presentation by Allison Leof, PhD, *Senior Policy Analyst, Center for Evidence-based Policy* and Pam Curtis, MS, *Director, Center for Evidence-based Policy* on the use of CLOUD: Curated Library about Opioid Use for Decision-makers. Introductions were made and Allison Leof added that she was the research lead on the project CLOUD being presented today.

Pam Curtis began the presentation describing the CLOUD, a curated library about opioid use for decision makers, a resource that the Center for Evidence-based Policy built. This library was conceived of by a special committee of National Association of Attorneys General (NAAG) through settlement funds. They were established in 2003 at Oregon Health & Science University. Their work is driven by states and 90% in Medicaid. The organization serves as a resource for 37 states throughout the last couple of years including New Hampshire. They are not funded by industry or associations and they are non-partisan, do not lobby and do not have conflicts of interest.

Allison Leof described the CLOUD (website was launched in 2019) as a centralized online repository of actionable information for those on the forefront (policymakers, community leaders, payer, providers, patients, caregivers) of addressing the opioid crisis. Distinctive

features include a searchable database, curated materials around specific topics termed featured collections, evidence-base library, actionable materials that address any topic related to opioid use or the general misuse crisis or related issues such as effective non-opioid treatment for pain. Actionable materials are comprised of policy reports, program evaluations, toolkits legislative resources and more. The CLOUD featured collection include Peer Support, Recovery Friendly Workplaces, Summaries of Research on Addiction Treatment and Recovery, Public Libraries and the Opioid Crisis and more.

Allison Leof gave a live demonstration of the CLOUD website:

[CLOUD – The Curated Library about Opioid Use for Decision-makers \(opioidlibrary.org\)](https://opioidlibrary.org).

The Chair remarked gratitude for this searchable library resource and the value it brings to New Hampshire legislators and helpful for people like us.

The sixth order of business was an update on settlements and funds distribution. Attorney Boffetti stated that the national settlement with CVS, Walgreens, and Walmart will happen. There was significant sign-on by every subdivision in New Hampshire that needed to sign-on did and Attorney General. Additionally, there were settlements, both manufactures – Teva and Allergan and will go forward. The Purdue bankruptcy plan that had been amended was confirmed by the Second Circuit Court of Appeals and the Commission will be receiving approximately \$46M over 18 years. We will continue to receive money from the distributors' settlement and the Walmart settlement we will receive \$15.5M sometime this year. Attorney Boffetti gave an estimated dollar amount, if you add them up per year it is an estimate of \$16.5M a year. These settlements have different timeframes i.e. McKesson is 18 years, CVS 10 years, Walgreen 15, Teva 13 years, Allergan is 7 years, and Purdue is 18 years. There was a settlement with Mallinckrodt that was approved by the bankruptcy court. It appears they are filing a second bankruptcy petition because they cannot pay what they were going to. We were supposed to receive \$6.3M over 8 years from them. We have received one payment in the amount of \$900K. There is another bankruptcy case with the manufacture Endo working its way through bankruptcy court. Attorney Boffetti projects receiving \$28M this year. The money that comes in through the Treasury, we take 15% off the top and put it aside. The 85% is deposited into the Opioid Abatement Trust Fund. Commissioner Fowler ask the question about the timeline, when does the 18 years start? Attorney Boffetti states that the McKesson, Cardinal Health and Amerisource Bergen are the three distributors we will receive \$109M over 18 years. We have only received year one so there are 17 years remaining. Purdue has yet to start and the 18 years will begin once the first payment is made.

Public Comment was made by Derek Ferland, County Manager for Sullivan County. Mr. Ferland thanked the Commission for RGA 1; last year they applied for \$503K to help them finish up their transitional housing facility - first of its kind in Sullivan County. Mr. Ferland brings before the Commission a couple process concerns. He states that since the funding was approved by Governor and Executive Council (G&C) last month, he learned two things happened. Somewhere in between the G&C vote and the \$503K grant application, their grant funds were reduced by \$50K. He learned that the Commission did not vote on reducing the grant funds by \$50K. He states that this is an open question and he is working with the folk in the Bureau of Drug and Alcohol to understand why and work

on solutions. Mr. Ferland is hopeful that this resolved successfully. Attorney Boffetti stated that the G&C agenda item shows the amount the Council voted on as \$453,847. Mr. Ferland points out that on page 8, of the 432 page pdf associated with this G&C meeting, it still shows the Commission's vote at the \$503K. Attorney Boffetti recalls that part of the Sullivan County request was for a reserve fund for \$50K. He remembers that the Commission was not in favor of the reserve fund therefore his recollections is that the Commission voted to reduce that amount of their recommendation to \$453,847. Commissioner Sabin states that they are looking into the discrepancy that was noted. They are confident that the number put into contract is the number the Commission voted on. Under no assumption think that the Department knowingly reduced the award – most likely a typo. Attorney Boffetti recommends that Mr. Ferland go to DHHS. Adding, as an issue of reimbursement this issue is not within the jurisdiction of the Commission, it cannot address whether or not you can be reimbursed for work completed in the past. This needs to go to DHHS based on government policies and issuing contracts. Attorney Boffetti clarified that RGA 2 is a reimbursement for prior expenses. RGA 1 is for a project to help toward the cost of transitional housing project that Sullivan County is looking to take \$453,847. Attorney Boffetti suggests one way to go about resolution would be via a retroactive contract amendment to when they incurred the cost. Spanos reiterated Attorney Boffetti earlier suggestion to defer to DHHS and adds that Commissioner Sabin is present and meet with her after the meeting and suggest to her a meeting with Commissioner Weaver.

July 10, 2023 at 1:00 pm was established as the date and time of the next Commission meeting. The locations will be the NH State House, Executive Chambers. Agenda items proposed for the July 10, 2023 meeting:

- Jennifer to update regarding RGA 2
- Rachel will talk about how the money is going to move to pay the salary
- Traci to give an update on the Governor's Commission Task
- Circulate the list of approved RGA 1
- Updates of settlements
- Public comment
- DHHS, Governor's Commission and Governor's Office funding recommendations to Commission

The Chair stated to the members, send to Jen Gallagher anything that needs to go out to the commission members. Dragon requests a copy of the list from the first RGA voted on by the Commission and the amounts from that meeting and a copy of what went to G&C. A supplemental one that went out in May will be included.

Other business: Commissioner Tufts invites the Opioid Abatement Commission members to the Governor's Commission Meeting on June 23, 2023 at the NH State House, Executive Chambers at 9:30 am. There will be two presentations at that time NH High Utilizer Project recommended by Commissioner Hanks and Care at the Cross Roads: A Financial Stress Test of the NH SUD Delivery System at the request of the New Hampshire Charitable Foundation.

At the call of the Chair, the meeting adjourned at 3:31 pm.