

**New Hampshire Opioid Abatement Advisory Commission
Regular Meeting
Executive Council Chamber, State House Room 207, Concord, NH
Monday, July 10, 2023, at 1:00 pm**

Attending:

Senator, Cindy **Rosenwald** (Chair)
Attorney James **Boffetti** (Designee for the Attorney General)
David **Mara** (Governor's designee)
Rachel **Miller** (Treasury)
Helen **Hanks** (Commissioner, Department of Corrections)
Jennifer **Sabin** (DHHS Commissioner's Designee)
Representative David **Nagel** (House)
Patrick **Tufts** (Chair of the Governor's Commission on Alcohol and Other Drugs)
Jason **Henry** (County corrections Superintendent appointed by Governor)
Toni **Pappas** (County of +100,000 appointed by Governor)
Peter **Spanos** (County of <100k appointed by Governor)
Elizabeth **Dragon** (City with <75k appointed by Governor)
Traci **Fowler** (Representing Prevention appointed by Governor's Commission on Alcohol and Other Drugs)
Seddon **Savage**, MD, (Representing Treatment appointed by Governor's Commission on Alcohol and Other Drugs)
Emily **Rice** (Representing Recovery appointed by Governor's Commission on Alcohol and Other Drugs)

Present via Microsoft Zoom Platform:

Kathryn **Kindopp** (County nursing home Supervisor appointed by Governor)
Benjamin **Gaetjens-Oleson** (Town with <20k appointed by Governor)
Ellen **Riiska** (Public school superintendent, or designee, appointed by the New Hampshire School Administrators Association)

Absent:

Kevin **Rourke** (NH Municipal Police Chief appointed by Governor)
James **Watkins** (NH Municipal Fire Chief appointed by Governor)
Thomas **Velardi** (County Attorney appointed by Governor)
Bianca **Monroe** (Representing victims of the opioid crisis, appointed by Attorney General)
Bobbie **Bagley** (City with 75k+ appointed by Governor)

Senator Rosenwald opened the meeting at 1:02 pm with a roll call. A quorum of the Commission members physically present was established. ¹

The first order of business was Adoption of Minutes from April 10, 2023, and May 8, 2023, meetings which were approved on a voice vote, without discussion all in favor.

The second order of business, Refresher on Conflicts of Interest from Attorney Boffetti. Refer to attachments on webpage:

1. AG conflict memo
2. Code of Ethics, Gifts and Financial Statements

Attorney Boffetti discussed with the commission that on July 5th, 2023, all commission members were sent two documents, and asked to review prior to the Commission meeting. The first document, "AG conflict memo" lists conflict of interest questions regarding the Opioid Abatement Advisory Commission Members reviewing applications received in response to request for grant applications. The second document titled, "Code of Ethics, Gifts and Financial Statements" is the statute from the Executive Counsel booklet that abides to the Opioid Abatement Advisory Commission as well. Attorney Boffetti referenced page 6, section C in the Code of Ethics, Gifts and Financial Statements statute to the Commission:

"The law requires that executive branch officials avoid conflicts of interest. Executive branch officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties." RSA 21-G: 22.

Attorney Boffetti discussed that the appearance of nepotism can be avoided by disclosing information as early as possible. The commission members were encouraged to reach out to Attorney Boffetti if they were unsure their situation was a conflict of interest. It was discussed among the commission members that disclosing information early on in the process to avoid the appearance of a conflict of interest is the best approach if something is in question.

The Commission decided to move agenda item Governor's Commission Budget Task Force Funding Overview as the third order of business instead of going into Non-public Session to accommodate guest speaker Matt McKenney.

Attachments referenced during presentation:

1. *2021 NH Recovery Evaluation* -quick summary of a 2021 evaluation (done by DHHS) on NH's peer-based recovery infrastructure. Peer-Recovery Support Services (PRSS) are proven to increase recovery capital (which is the goal).
2. *Recovery System Brief* -summary of the overall landscape and where further investment is needed.
3. *NH RCO's Infographic* -Infographic on NH's Recovery Community Organization (RCO) infrastructure, which is the system that provides evidence-based peer recovery support services.

As you can see, funding has not kept pace with the demand for services. Additionally, this network of 20+ RCOs across the state now face significant funding cuts with the reduction of SOR funds (as referenced in the Care at the Crossroads report).

4. [Unlocking the Potential of Recovery Community Organizations and Peer Recovery Support Services](#) -a report from Faces and Voices of Recovery on leveraging Recovery Community Organizations and Peer Recovery Support Services
5. *Governor's Commission on Alcohol & Other Drugs Budget Task Force* -outlines the duties of the task force and its members, and draft of the State Plan and Opioid Abatement Commission Synergies Crosswalk.
6. *Care at the Crossroads* [Full Report](#)
7. *Care at the Crossroads* [Executive Summary](#)

Commissioner Fowler introduced herself and Matt McKenney as co-chairs for the Governor's Commission Budget Task Force and explained to the Commission that the Budget Task Force supports the NH Governor's Commission through reporting on alcohol and other drugs (AOD) related to State spending and recommending strategic investments to full Commission including:

- Funding priorities,
- Available resources,
- And ensuring funding is available to meeting new priorities and urgent needs.

Commissioner Fowler discussed that at the last Governor's Commission meeting (June 23, 2023) Third Horizon presented, "*Care at the Crossroads- A financial Stress Test of the New Hampshire Substance Use Disorder Delivery System*, an analysis that was requested by the NH Charitable Foundation to breakdown the financial health of the substance use disorder (SUD) delivery system in NH. Analysis shows the breakdown of what is supported at the State and what needs more support including some of the barriers to service such as procurement, network adequacy issues, and payment models. Commissioner Fowler discussed the similarities in the information the Opioid Abatement Commission is looking for and feel this will help the two Commissions co-align their communicated goals. The Governor's Commission Budget Task Force is working on a crosswalk chart to show where funding is going for each bucket of funding and where the gaps are and areas of synergy. Commissioner Fowler referred to the handout titled, "Needs Identified", and discussed that this was a chart to show the communication goals between DHHS, The Governor's Commission on Alcohol and Other Drugs, and the Opioid Abatement Advisory Commission.

The Commission had a discussion about how each member needs to familiarize themselves with the information at hand in order to make the recommendations for where further investment is needed from the Opioid Abatement Trust Fund. Fiscal goals for SFY24 are already in motion and now they are working on SFY25, the recommendations will go to the full Commission in December. As Commission members we need to become familiar with what the Block grant, the SOR grant, and the Alcohol grant dollars are doing to better forecast where we need more and utilize the Abatement trust fund. Keeping all members informed will ensure the commission

dollars are not being used to recreate the wheel. Commission members discussed that having someone from insurances for network adequacy issues would be beneficial to the Commission.

The fourth order of business was a non-public session presented by Commissioner Jennifer Sabin about an update on the reimbursement RGA. The Commission took a unanimous roll call to go into and out of non-public session.

The fifth order of business was presented by Commissioner Jennifer Sabin. The update on New Position at DHHS is they feel funding will be best utilized in a position that looks more like a business associate instead of hiring an accountant, auditor and contract staff person the job description will be a combination of the three. A draft of the job description will be available for the August Opioid Abatement Commission Meeting.

The sixth order of business was presented by Commissioner Rachel Miller. The update on transfer process from Treasure to DHHS to pay salaries is that there is already a process in place that HHS uses to fund the position, chart of accounts, and statement of appropriations. It is a straightforward and simple process of approving the funding amount, aggregating the funds and transferring them to the opioid abatement grants.

The seventh order of business was presented by Commissioners Jennifer Sabin, David Mara, and Patrick Tufts on the recommendations on urgent funding gaps. Commissioner Tufts recommendation is to expand housing to people affected by the opioid epidemic including recovery housing and transitional housing in the amount of 10 million dollars to move the need from where they are at currently and where they need to be. This is an unmet need and would recommend using a facilitating organization to come up with a plan of how to get the project off the ground and bring it back to concept back to the Commission for discussion. Commission members started a discussion about the lack in support for individuals who are transitioning from treatment to home, there isn't anywhere to go, or anyone to help. Would benefit from starting to set up a place to live before getting out of treatment. The homeless funding already has 2 million so subtract that from the 10 million proposed. It was agreed with many members that the reporting from the Care at the Crossroads refers to this issue and has recommendations for improvement. Commissioner Sabin asked if the Commission wants to think about a specific population, they would like to support housing for and what would be most beneficial for individuals needing housing? Commission members would like more information on programs they are already funding and more information about the housing requirements at this time.

Commissioner Sabin passed out the NH DHHS Proposed Urgent Need Funding Recommendation document and explained that urgent funding is being requested for an upcoming contract amendment to provide \$5.299M in support of Peer Recovery Support Services (PRSS) for individuals and families with substance misuse and/or substance use disorders through NH's Recovery Community Organizations (RCO). This is an urgent funding request because the contract renews for 9 months with a date of Sept. 29, 2023, and even now at July 10, we don't have funding and recovery centers will need to close. The recommendation is for the funding to be infused into the current contract over the next 21 months giving recovery

centers a cover until their funding is approved and time to develop a plan for future sustainability.

Commissioner Fowler offered the NH Charitable Foundation to support the infrastructure with 5 years of funding. Commissioner Mara asked if this includes inflation and other costs.

Commissioner Sabin explained that yes it does include a 14% increase across the recovery.

Commissioner Sabin explained that this is a huge need that would be covering October 2023 to June 2025. It was discussed among the commission members that the State and the Trust Fund needs to support anything that can keep effective relapse prevention programs running and sustainable in the future. DOCs rely heavily on these programs, and the request would pose no hardship on the abatement trust fund. Commissioner Emily Rice motion to approve emergency funding of \$5.299M in support of Peer Recovery Support Services and Commissioner Savage seconded the motion. Roll Call was unanimous, and the motion was accepted.

The eighth order of business was a discussion of Next Round of Grant Applications, Categories, Amounts. The commission voted to create a subcommittee, see non-public notes.

The ninth order of business was an update on settlements and funds distribution from Attorney Boffetti shared that the after McKesson (\$150 Million settlement) the average amount coming into the trust fund will be about 6.5 million a year until 2038. Currently the account holds 32 million and 5 million more is coming next month and another 20 million from Walmart by the end of October. Perdue is still in flux- US Trustee looking to appeal second circuit. If Perdue finishes and the other pending contracts, it will be about 15 million per year over the next 18 years.

The ninth order of business: Other Business-proposal to unseal non-public minutes, Attorney Bofetti discussed that it was not possible to unseal. Rice suggested adding un-seal the minutes to next month agenda item, Commissioner Savage will work on proposal, discussion on redaction.

Public Comment- Cheryl Picapelli, Project Director at Harbor Care a facilitating organization wanted to thank the Commission for their support and urgent funding to keep the Recovery community organizations funded.

Date of Next Meeting and Subjects for Discussion The next meeting is August 14, 2023. The Commission requested to add all attachments discussed during the meeting to the webpage, so they are easily accessible.

Senator Rosenwald adjourned the meeting at 3:11pm

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Commissioner Rice motioned to go into non-public session, the motion was seconded by Commissioner Tufts, with a unanimous roll call.

- Update/Discussion on Reimbursement RGA (non-public session) --Sabin

We received seven applications for the reimbursement RGA totaling 10.8 million (\$10,806,435) dollars. Six County DOC's (Cheshire, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan) and Seabrook PD. A review team scored each application with a 4 out of 4 based on the criteria:

1. Eligible Entity (Paragraph 1.1.1.)
 - Were incurred beginning July 1, 2020, through the release date of this RGA; and
 - Meet one (1) or more of the criteria specified in Subparagraph 1.2.2 below.Applicants must be an eligible entity, including:
 - Governmental entities, including school districts, towns, cities, and counties within the state of New Hampshire; or
 - New Hampshire State agencies, boards, or commissions.
2. Reimbursement request meets criteria (paragraph 1.2.2.)
 - 1.2.2. Applicants must request reimbursement for incurred costs that meet one (1) or more of the following qualifying criteria:
 - 1.2.2.1. Any portion of the cost incurred between July 1, 2020, and the release date of this RGA related to outpatient and residential opioid use disorder (OUD) and any co-occurring substance use disorder or mental health (SUD/MH) treatment services, including, but not limited to:
 - 1.2.2.1.1. Services provided to incarcerated individuals.
 - 1.2.2.1.2. Medication assisted treatment (MAT).
 - 1.2.2.1.3. Abstinence-based treatment
3. Reimbursement request not for damages (paragraph 1.2.3.)
 - 1.2.3. Applicants must not request reimbursement for damages.
4. Cost not already reimbursed (paragraph 1.2.4.)
 - 1.2.4. Applicants must only request reimbursement for costs not reimbursable by other funding sources and must not request reimbursement for costs that have already been reimbursed by federal, state, or other funding sources.

Discussion among commission was in question to why all the DOC's didn't apply and the reasoning being different funding sources, staffing, timing of staff turnover at facilities higher

priority than the grant application. 10 million is available and they requested 10.8, after the review process is finalized discussion about decrease all requests by 10% and fully fund them all. The commission wants to ensure the need is clear for the applicants and not just random numbers for reimbursement.

Further discussion about implementing a way for the commission to provide feedback and/or resources to applicants to help their programs succeed even if they are not chosen for the current grant funding. Where this RGA is a reimbursement it wouldn't apply, but for future grants would like to add it to best practices.

Discussion on the funding amounts requested, while reviewing documentation submitted from the applicants. It was noted that the recording is vague and consider the benefit of the next RGA getting specific information of funding to assist in national reporting.

Senator Rosenwald suggested a review subcommittee should be established to review the applications. Commissioner Henry stepped down due to conflict of interest. Commissioner Spanos, Representative Nagel, Commissioner Sabin, Chief Mara, and Commissioner Miller, the first motion came from Senator Rosenwald and the motion was second by Commissioner Rice, roll call was unanimous.

Before the next Opioid Abatement Commission meeting the subcommittee will meet and prepare to make recommendations to the members.