

**New Hampshire Opioid Abatement Advisory Commission
Regular Meeting
DHHS Brown Building Auditorium, 129 Pleasant St, Concord, NH
Monday, April 11, 2022 at 1:00 p.m.**

Attending:

Attorney James **Boffetti** (Designee for the Attorney General)
Kerrin **Rounds** (Department of Health and Human Services)
Senator Cindy **Rosenwald** (Senate)
Attorney Thomas **Velardi** (County Attorney appointed by Governor)
Jason **Henry** (County Corrections Superintendent appointed by Governor)
Seddon **Savage**, MD, (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Rachel **Miller** (State Treasurer's Designee)
Bianca **Monroe** (Appointed by the Attorney General)
Bobbie **Bagley** (City with 75k+ appointed by Governor).
Michael **Carignan** (Municipal Police Chief appointed by Governor)
Toni **Pappas** (County of +100k appointed by Governor)
Traci Fowler (NH Charitable Foundation)
Elizabeth Dragon (City with < 75k appointed by Governor)

Present via Zoom Platform:

Helen **Hanks** (Commissioner, Department of Corrections)
Robert **Buxton** (Municipal Fire Chief appointed by Governor)

Absent:

Representative Dennis **Acton** (House)
Patrick **Tufts** (Chair of Governor's Commission on Drug and Alcohol Treatment, Prevention and Recovery)
David **Mara** (Governor's Designee)
Emily **Rice** (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Peter **Spanos** (County of <100k appointed by Governor)

Senator Rosenwald (Chair) opened the meeting at 1:03 p.m. with a roll call of Commission members. A quorum of the Commission members physically present was established. ¹

The first order of business was adoption of the minutes of the March 7, 2022 meeting. There was no discussion and the minutes were approved unanimously on a voice vote.

The second order of business was a presentation on medication assisted treatment (MAT) in county correctional facilities by Commissioner George Maglaras. Commissioner Maglaras spoke of his history and commitment in the area, including litigation efforts, both from the County perspective as well as the State, having worked with the Attorney General's office.

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

Commissioner Maglaras briefed the Commission on MAT as well as Abstinence Programs and what is happening in county jails and the cost to support these efforts. He prefaced his presentation by making the Commission aware that he intends to request \$3 million on behalf of the counties to offset these costs. This amount is based on current estimates of costs for individuals receiving MAT or Abstinence Treatment and number of days received. He shared his concept of working together with the Commission to develop a formula, perhaps based on a daily cost or rate based on treatment provided. Costs and subsequent reimbursement amounts have the ability to be very transparent and based on actual expense (demand driven). A variety of MAT treatment options exist and the costs vary. The goal is to be very transparent in applying a cost formula or reimbursement rate. He pointed out that these services are required by law to be offered for individuals under the care of the county jail system. We all currently pay for these services ultimately through property taxes.

The success rate of MAT use is born out in the statistics pointing to much lower recidivism rates. Dr Savage also shared with members that one of the recommendations of a report in this area is that treatment be applied consistently and uniformly across the state. If a grant(s) are awarded, the Commission should consider making uniform application of standards part of the funding award requirements. Attorney Boffetti made the point that it would be better if the Counties themselves talked about standardizing treatment as opposed to the Commission imposing this as a funding requirement.

There was further discussion on estimating the how the amounts by settlements might add up annually. Attorney Boffetti stated that 15% of the annual requests from the Counties would be deducted, as this is the amount Counties will have received from each settlement distribution received by the State. Commissioner Hanks shared with the Commission that Department of Corrections spent approximately \$3 million in 2019 and hired 3 re-integration care coordinators and since then recidivism has dropped significantly. The question was raised as to whether there could be benefits/ cost savings to the counties of a larger purchasing program. Commissioner Maglaras suggested it was worth looking into. Attorney Boffetti emphasized that the offsetting the costs of MAT is exactly what these settlement funds are intended to be used for and we should make a commitment for this to be the primary use of these funds. He also stated that it would be helpful to have a “course” on MAT to educate the Commission Members and Dr. Savage agreed to coordinate such a presentation. Commissioner Maglaras thanked Attorney Boffetti for all of his help and efforts and reiterated his desire to work together on a cost reimbursement formula to provide relief to the Counties. He also expressed an open invitation for members to come and learn more about the abstinence programs being offered.

Dr. Savage stated that remote assessments were allowed under state law during the Pandemic and the medical community thought it worked well, especially for those captive recipients, surrounded by medical support staff, nurses, etc. HB503 and SB390 are two bills that currently consider telehealth options.

The third order of business was an update from Associate Attorney General James Boffetti on litigation efforts relative to settlements and distribution of funds. Final approval of the \$21

billion settlement with three major distributors has been announced with NH expected to receive \$115 million over 18 years. This is further described described in a press release dated February 25, 2022 from the NH Attorney General. The national settlement with Purdue Pharma and the Sackler family has increased to \$5.5 billion and could reach \$6 billion. The agreement, upon approval, would deliver approximately \$46 million from the settlement to NH over 18 years. This is further described in a press release dated March 3, 21022 from the NH Attorney General. The State's settlement with Johnson & Johnson is still pending in Merrimack County Superior Court and a trial is scheduled for after Labor Day.

Attorney Boffetti again briefed the commission on additional bankruptcy proceedings and litigation ongoing with parties related to the opioid crisis. An estimated \$5 million from the final settlement reached with the 3 major distributors could be received next month and then regular payments annually over the next 18 years. Additionally, \$148,000 could arrive any day now as the 2nd piece of the McKinsey settlement. Nothing has changed in the other pending cases as it relates to NH. Other smaller manufacturers are talking to the Attorney Generals but too early to tell anything about the outcome. It was explained that the funds received by the states as part of these settlements have to be used for abatement, which is separate from settlement funds that may be received and used towards damages.

The fourth order of business was an update by Commissioner Rounds on the rulemaking process. Draft comments were sent from OLS, accepted by the Department and returned. The Department is waiting for official comments and still hoping for a May JLCAR calendar date.

The fifth order of business was a legislative update. HB 1565 was sent to legislative study. SB295 included technical changes, has passed the Senate and was referred to the House. Hearings were held last week and it is still in the Health Committee. If the bill passes, it will go on to Finance Committee.

The six order of business was an invitation for public comment made by Senator Rosenwald. None was present.

A subcommittee was established to begin work on the grant application process. The subcommittee will be chaired by new commission member Tracy Fowler and include Commissioners Bagley, Boffetti, Velardi, and Rounds.

The final order of business was a discussion of proposed agenda items for the next commission meeting. A date was set and meeting scheduled for May 2, 2022 from 1:00 to 3:00 p.m. in the Brown Building Auditorium.

Proposed agenda items include

- settlement update
- rules update; address any comments if needed
- legislative update
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At the call of the Chair, the meeting adjourned at 2:30 pm.