

**New Hampshire Opioid Abatement Advisory Commission  
Regular Meeting  
DHHS Brown Building Auditorium, 129 Pleasant St, Concord, NH  
Monday, May 02, 2022 at 1:00 p.m.**

**Attending:**

Representative Dennis **Acton** (House)  
Attorney James **Boffetti** (Designee for the Attorney General)  
Attorney Thomas **Velardi** (County Attorney appointed by Governor)  
Jason **Henry** (County Corrections Superintendent appointed by Governor)  
Rachel **Miller** (State Treasurer's Designee)  
Bobbie **Bagley** (City with 75k+ appointed by Governor).  
Toni **Pappas** (County of +100k appointed by Governor)  
Traci Fowler (NH Charitable Foundation)  
Elizabeth Dragon (City with < 75k appointed by Governor)  
Helen **Hanks** (Commissioner, Department of Corrections)  
Benjamin Gaetjens-**Oleson** (Governor's Appointment)  
David **Mara** (Governor's Designee)

**Present via Zoom Platform:**

Kathryn Kindopp (Governor's Appointment)

**Absent:**

Patrick **Tufts** (Chair of Governor's Commission on Drug and Alcohol Treatment, Prevention and Recovery)  
Emily **Rice** (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)  
Peter **Spanos** (County of <100k appointed by Governor)  
Kerrin **Rounds** (Department of Health and Human Services)  
Senator Cindy **Rosenwald** (Senate)  
Seddon **Savage**, MD, (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)  
Bianca **Monroe** (Appointed by the Attorney General)  
Robert **Buxton** (Municipal Fire Chief appointed by Governor)  
  
Kevin Rourke (Municipal Police Chief appointed by Governor)

Representative Acton (Acting Chair) opened the meeting at 1:00 p.m. with a roll call of Commission members. A quorum of the Commission members physically present was established.<sup>1</sup>

The first order of business was adoption of the minutes of the April 11, 2022 meeting. There was no discussion and the minutes were approved unanimously on a voice vote.

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

The second order of business was an update from Deputy Attorney General James Boffetti on litigation efforts relative to settlements and distribution of funds.

A trial date for Johnson & Johnson is still scheduled for September. The bankruptcy proceeding with Mallinckrodt is nearly finalized. The settlement reached with three major distributors will likely result in NH receiving an estimated \$5 million towards the end of May. \$142,000 in additional funds has been received from McKinsey. The Purdue Pharma case continues to wind its way through the bankruptcy court in New York. If finalized and/or agreement reached, payments will begin in September and continue over 18 years. Litigation involving other manufacturer defendants that have not yet settled and the major pharmacy chains are working their way through various courts. A jury in federal court in Ohio found some of the pharmacy defendants liable for creating a public nuisance. The court has yet to order an abatement remedy.

Retired Chief Carignan inquired as to the legal theory or reasoning behind the pharmacy chains liability. Attorney Boffetti explained that under federal and state law, pharmacies have an obligation to report suspicious prescriptions and quantities.

The third order of business was an update by Melissa St. Cyr, Chief Legal Officer with the Department of Health and Human Services on the rulemaking process.

The Department received comments back from OLS on draft rules submitted. The Department is addressing these and will soon be sending out these proposed revisions to the rules in response to commission members. Until the back and forth on these draft rules, a JLCAR calendar date will not be set.

The fourth order of business was an update from the newly formed Grant Process subcommittee by its Chair, Commissioner Fowler. Commissioner Fowler shared with the members that the subcommittee just held their initial meeting in which topics discussed included but was not limited to putting together questions, discussing eligibility criteria, creating FAQs, and contemplating multi-year awards. Retired Chief Carignan noted that that consideration should be made to have a dedicated resource(s) within the Department to handle this grant award area to keep the process moving as fast as possible. Representative Acton asked how administrative costs could be covered or reimbursed. Attorney Boffetti stated that these funds could only be used for “abatement”.

The fifth order of business was a legislative update. SB275 passed the Senate and was referred to the House. Hearings were held and with a unanimous “ought to pass” vote, Senate Finance Committee voted to adopt. It moves to the Senate calendar for a vote.

Discussion followed on what is currently happening in the community with respect to prevalence of fentanyl, usage, and the impact of providing medication assisted treatment in correctional facilities while balancing increasing attempts and the lengths afflicted individuals will take to bring drugs into restrictive settings, specifically community diverted sublingual buprenorphine, and the significant resources this demands of our correctional professionals and others combatting this very complicated epidemic at many levels. Commissioner Hanks pointed out to members that it is National Corrections Professionals Week.



The sixth order of business was an invitation for public comment made by Representative Acton. A member of the Department of Insurance joining via Zoom and discussion followed as to whether or not the Department had a member on the Commission. The Department of Insurance does not per statute. Commissioner Hanks pointed out that insurance is relevant and important to consider as it relates to drug medical claims reimbursement and other areas the Department of Insurance may be able to assist as proposals and projects come before the Commission to reinforce sustainability in proven success through insurance coverage. Attorney Boffetti noted that it might suffice to consult the Insurance Department as needed. In any event, the Insurance Department is happy to attend as needed.

Agenda items as well as a date for the next meeting was not established.

At the call of the Chair, the meeting adjourned at 1:55 pm.