

**APPROVED MINUTES**  
**New Hampshire Opioid Abatement Advisory Commission**  
**Regular Meeting**  
**DHHS Brown Building Auditorium, 129 Pleasant St, Concord, NH**  
**Monday, March 20, 2023 at 1:00 pm**

**Attending:**

Senator, Cindy **Rosenwald** (Chair)  
Attorney James **Boffetti** (Designee for the Attorney General)  
David **Mara** (Governor's Designee)  
Helen **Hanks** (Commissioner, Department of Corrections)  
Representative David **Nagel** (House)  
Jason **Henry** (County Corrections Superintendent appointed by Governor)  
Elizabeth **Dragon** (City with < 75k appointed by Governor)  
Peter **Spanos** (County of <100k appointed by Governor)  
Bianca **Monroe** (Appointed by the Attorney General)  
Emily **Rice** (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)  
Rachel **Miller** (Treasury)  
Toni **Pappas** (County of +100k appointed by Governor)  
Traci **Fowler** (NH Charitable Foundation)

**Present via Microsoft Teams Platform:**

Jennifer **Sabin** (DHHS Commissioner's Designee)  
Thomas **Velardi** (County Attorney appointed by Governor)  
Bobbie **Bagley** (City with 75k+ appointed by Governor)  
Seddon **Savage**, MD, (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)  
Kathryn **Kindopp** (Governor's Appointment)

**Absent:**

Patrick **Tufts** (Chair of Governor's Commission on Drug and Alcohol Treatment, Prevention and Recovery)  
Kevin **Rourke** (Municipal Police Chief appointed by Governor)  
Benjamin **Gaetjens-Oleson** (Governor's Appointment)  
James **Watkins** (Municipal Fire Chief appointed by Governor)

Senator Rosenwald opened the meeting at 1:00 pm with a roll call.

A quorum of the Commission members physically present was established.<sup>1</sup> The Chair recognized Commissioner Bianca Monroe with a big welcome back and congratulations on the birth of her son.

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

The first order of business was adoption of the minutes for the meeting of February 6, 2023. The minutes were adopted unanimously on a voice vote following the Chair pointing out two edits needed. Commissioner Hanks recused herself.

The second order of business was a discussion of RGAs for reimbursement. In this context, Commissioner Henry had asked if he could bring in some of his fellow superintendents to share their experiences and recognized online Superintendents Sean Eldridge, Carroll County and Doug Iosue, Cheshire County and present in the room were Travis Cushman, Merrimack County and Joe Costanzo, Hillsborough County. As a Commission, we have talked about medical assisted treatment (MAT) as a priority that could be funded and thought it would be helpful to hear what is going on inside their facilities. Superintendents shared differences in treatment approaches and constraints, including but not limited to in-house dosing, medications used, transport needs, counseling, staff time, numbers of individuals participating, requirements for programs while in custody, cost drivers and differences, clinical services, assessments needed, nursing services, community transition, and increased officer time to administer medication safely in order to mitigate diversion. Medication, clinical services, transportation to clinics (except Rockingham) and increasingly, diversion mitigation was noted as the largest cost drivers.

Attorney Boffetti stated that this legislation was designed with the idea to have MAT available to as many of those who need it and we need to figure out how to do that – whether through reimbursement or otherwise. A question was raised as to whether this money would expand opportunities in correctional facilities for more patients to receive or are we already providing MAT to all who need it. Commissioner Henry responded there is still some debate on people in pretrial status. The debate is driven both by financial and public policy considerations. Attorney Boffetti reminded those present that this money is abatement money and is meant to address the crisis and provide more services and treatment so the suggestion to grant writers is to make that case as clear as possible. It was noted that reimbursement and expansion are two different categories. Commissioner Sabin expressed concern that that people receive different access to care depending on where you live in the state when they have a chronic illness. Recognizing that this leads to vast differences in costs and access to MAT throughout the State is troubling. Commissioner Henry responded his belief that all are getting appropriate care albeit different details.

Dragon suggested the Commission decide percentage or maximum of reimbursement, as there are two separate areas we are discussing here – reimbursement and expansion. RGA sent out today attempts to address the reimbursement but the challenge is the work the counties are doing looks so different. Dr. Savage asked if the State could set standards of care across the counties. Commissioner Hanks reminded the group there are federal constitutional rights against cruel and unusual punishment that guard against unequal care. Additionally, 2020 brought state legislation to require access to MAT if in a correctional facility. Constitutionally protected level of care exists in the State.

It was noted that reimbursement costs need to include more than the cost of medication only and to include clinical and officer time and these are going to be variable across settings. Senator

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Rosenwald suggested it would be helpful to get figures from the Counties on what their spending on the MAT programs.

Attorney Boffetti offered a motion in the interest of moving forward to solicit applications up to \$5 million for MAT reimbursement in the next round. The Department prepared a reimbursement only RGA based on discussion in the last meeting and that was sent to the group this morning.

Much discussion followed on aspects of the draft RGA for inclusion or not. Attorney Boffetti suggested we can issue an RGA in a targeted manner and amended the motion earlier raised to remove the section of the RGA in order to set aside \$5 million to reimburse MAT for state or political subdivision related to outpatient or residential opioid use disorder or co-occurring substance use disorder or mental health treatment services including but not limited to services to incarcerated individuals, MAT, and absence based treatment.

Commissioner Sabin stated that she believed we could not run concurrent RGAs and this draft RGA for example would be posted when other agreements are finalized. The question was raised whether this was due to an administrative burden or statute that precludes this. Attorney Boffetti suggested that a determination be made on this question. Attorney Rice asked if the group could adopt more than one RGA and provide instructions to the Department on order of release if not simultaneous. There was discussion and concerns shared over the length of time it is taking to disburse the funds and the collective desire to disburse funds as quickly as possible. Commissioner Sabin recommended voting on this RGA draft pending any edits that are discussed so it can be taken back to Department for final draft.

Attorney Boffetti stated there is approximately \$40 million currently available, as additional funds have been received and more coming in this week.

The motion to move forward with a \$5 million targeted RGA was brought back to the group. A roll call vote on the motion was taken with unanimous adoption.

The third order of business was a brief update on settlement funds by Attorney Boffetti.

There was no public comment.

April 10, 2023 at 1:00 was established as the date and time of the next Commission meeting. The location will be the Department of Justice at 33 Capitol Street in Concord, NH. Agenda items proposed:

- Discussion of proposed and/or additional RGAs Presentation by DHHS on fiscal note request for new positions
- Settlement funds update
- Public comment
- Next meeting and agenda items

At the call of the Chair, the meeting adjourned at 2:52 pm.

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