

**New Hampshire Opioid Abatement Advisory Commission**  
**Regular Meeting**  
**Executive Council Chamber, State House Rm 207, 107 N Main St, Concord, NH**  
**Monday, May 8, 2023 at 1:00 pm**

**Attending:**

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

**Present via Zoom Platform:**

Kathryn **Kindopp** (Governor's Appointment)  
James **Watkins** (Municipal Fire Chief appointed by Governor)

**Absent:**

Senator, Cindy **Rosenwald** (Chair)  
Bianca **Monroe** (Appointed by the Attorney General)  
Seddon **Savage**, MD, (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)  
Benjamin **Gaetjens-Oleson** (Governor's Appointment)  
Kevin **Rourke** (Municipal Police Chief appointed by Governor)

Acting Chair Representative Nagel opened the meeting at 1:03 pm with a roll call.  
A quorum of the Commission members physically present was established. <sup>1</sup>

The first order of business was review of the minutes of the March 20, 2023 meeting, which were approved on a voice vote, without discussion and all in favor.

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

Commissioner Rice noted that we discussed having a public comment at the beginning and the end of the meeting and this is something that is at the discretion of the Chair. Chair Nagle then opened the floor to public comments. Hearing none, discussion moved to the next agenda item.

The second order of business was an update on G&C action on previous RGA recommendations. Attorney Boffetti stated that he was asked by the Governor's office to reach out to all the Councilors to address any questions prior to the G&C meeting. There were no questions and all items were subsequently approved at the meeting without any questions. There was one contract that has yet to move forward with but will be scheduled for separate meeting when ready. Boffetti also asked if it would be helpful to brief the Council members on the funds, to give them context, explain how much is coming in and when. He will likely do that at a future G&C breakfast meeting. In total, seventeen (17) agreements were presented, comprising nineteen (19) projects; sixteen (16) agreements were approved with one that is anticipated to be presented at later date. Chair Nagle made a point to express his belief that everyone did an amazing job and should feel very proud.

The third order of business was an update on the reimbursement RGA that was posted on Thursday morning and the approval of the previously mentioned contracts. Applications accepted through 6/5. Commissioner Henry stated counties aggregate request will likely be closer to \$10 million and cover two years. Commissioner Sabin shared that part of the review process will be to look at why costs have not been reimbursed by other sources to date. Commissioner Fowler asked whether the Department would perform the review and bring recommendations to the Commission. Commissioner Sabin responded that it is up to the Commission's discretion and this is a good conversation to have now especially assuming the total ask is going to be over \$5 million. Commissioner Dragon asked whether it would be appropriate to increase the amount now or after we receive all the requests. The Commission could vote today to ask the Department to publish an addendum increasing the amount available in total. It was also clarified that just political subdivisions are eligible in this round. A question was asked as to whether there is a way to increase the flexibility of the Commission to increase the amount without setting a specific amount. There is some inherent flexibility that already exists in the current RGA in "... approximate anticipated amount". An addendum would provide more accurate information to applicants. Additional language could be used such as "... should additional funds come into the trust fund during the application period subject to the discretion of this commission, they may award above the published amount." At the recommendation of the Department, it would be preferable to publish a more accurate number, but we could build in additional flexibility so that when scoring, discretion could be used in awarding funds above what was published. Commissioner Dragon made a motion to increase the funding RGA amount to \$10 million. Commissioner Hanks added to include the language the Department suggests. Rice pointed out that we would not want it be pegged to additional funds coming in to the fund.

Chair Nagle asked how much is in the fund. Boffetti provided a figure of \$32 million, in addition to the \$6.5 million just approved for disbursement. He further stated that settlements are in process of being finalized that anticipates an additional \$15 million this year in addition to any other payments coming from other settlements. Boffetti asked Henry if the estimate of \$10

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million includes any funds used by the counties from the 15% they have received. Commissioner Henry does not think so but can find out. It was noted that the applicants need to address that in the RGA so that should be noted.

Commissioner Sabin stated that it was never anticipated that the amount put in the RGA was expected to make everyone whole back to the date of the statute. Commissioner Hanks clarified that the \$5 million figure in the current RGA was not an arbitrary figure and was based on information available at the time and thanked Commissioner Henry for bringing forward this new information now leading to the more likely number of \$10 million.

Chair Nagle stated his understanding that we are seeking grant applications for reimbursement from municipal entities for primarily MAT. This covers three different subcategories of reimbursement in statute and for the State and political subdivisions, including counties. Chair Nagle further asked if the Office of Restorative Justice fits into one these categories and the response was no, they are separate.

A roll call was taken to move the previously stated motion on funding amount forward and to increase the funding amount stated in the current RGA to \$10 million. The motion succeeded unanimously.

The fourth order of business was a presentation by Cheryle Pacapelli, Program Director of Harbor Care, Inc. along with Michelle Lennon of Archways and Keith Howard of Hope Recovery. Cheryle shared her personal story of recovery as well as leading a compelling discussion and presentation by others. As the first facilitating organization (“FO”) in the State, Harbor Care provides peer recovery and other recovery support services through a staff of seven. Cheryle led the members present through a presentation on her organization and the nature and power of recovery support services, touching on many topics, including real life examples, figures on funds spent, individuals served, communities served, the definition of harm reduction and the tremendous efficiencies provided by an FO supporting many recovery organizations throughout the State and across communities through administrative support, professional staffing, and reporting. Chair Nagle summed up this part of the agenda acknowledging that Harbor Care provides a relatively low cost way to integrate support and reduce fragmentation across communities.

The fifth order of business was a presentation and overview of the state procurement process by Robert Moore with the Department of Health and Human Services. Robert detailed the complexities of the process, the staffing support needed both pre and post G&C, the various Bureaus involved from Contracts, Finance, and DoIT, the timeline involved, and suggestions for ways to increase efficiencies in the process. While it cannot be guaranteed to reduce the time involved in the process from beginning to end, certain processes could be made more efficient and the burden lessened on Department staff. The Commission certainly desires to provide the Department the support it needs to do the work of the Commission and a discussion followed around ideas to make the process more efficient and questions around state contracting, including the use of facilitating organizations. Essentially, much discussion and Q & A focused on how to get funds out the door efficiently and with good stewardship.

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Attorney Boffetti shared that a meeting was held between his agency and the Department. It was concluded that concurrent RGAs are allowable (albeit not withstanding the Department's capacity) and all agreed efficiencies could be gained by releasing targeted RGAs and timing the process strategically within the fiscal year. Presumably, gaps could be identified and result in RGAs focused/targeted on those gaps. This idea of identifying gaps and leveraging the shared goals and work of the Governor's Commission on Alcohol and Other Drugs and this commission was discussed at length (the "crosswalk" as a tool, for example, to i.d. those gaps was referenced) and possibly directing funding through a single FO who would then deploy funds further to subcontracts. It was noted to not lose sight of local solutions and to not block out emergent solutions. It was also noted that the a dual approach of targeted and open RGAs would be valuable in capturing a broad scope of needs and allow for more time than was afforded applicants in the first broad grant round.

Returning to the discussion of the Department's requested additional positions, Commissioner Tufts shared and emphasized that the Governor's Commission has definitely seen the value in investing in the Department's capacity by funding a position. There is no question this work requires additional resources on the part of the Department. A motion was brought forward to fund the positons for the 2024 and 2025 biennium. The question of whether these funds can be legally spent on these positions arose and Attorney Boffetti responded that while there is no clear answer, he does not believe there is a legal restriction; however, there is a concern or sensitivity as to how this level of administrative use of funds would look. Commissioner Tufts offered that perhaps the Governor's Commission on Alcohol and Other Drugs could fund the positions, having done this before and having a clear sense of shared mission and purpose. Discussion then arose around having the two commissions share the funding equally. Commissioner Tufts stated he is willing to propose this to the Governor's Commission at the next meeting on June 23<sup>rd</sup>. An amended motion was made to split the cost of the positions between the Governor's Commission on Alcohol and Other Drugs and this commission for the next biennium. A voice vote was taken and the motion passed with the majority of members voting yes and one no.

The sixth order of business was a brief update from Attorney Boffetti on settlement funds:

- \$45 million received to date
  - \$6.8 million to the 23 subdivisions
  - \$32 million plus \$6.5 million just awarded for others
- All 23 subdivisions have now signed on to the national settlements which will maximize what comes to the State
- \$310 million estimated to come in over the next 17 or 18 years

The next meeting date of June 12<sup>th</sup> at 1:00 was established.  
The meeting concluded at the call of the Chair at 3:26 p.m.

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