

New Hampshire Opioid Abatement Advisory Commission
Regular Meeting
DHHS Brown Building Auditorium, 129 Pleasant St, Concord, NH
Monday, February 6, 2023 at 1:30 pm

Attending:

Senator, Cindy **Rosenwald** (Chair)
Attorney James **Boffetti** (Designee for the Attorney General)
David **Mara** (Governor's Designee)
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)
Emily **Rice** (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Rachel **Miller** (Treasury)
Jennifer **Sabin** (DHHS Commissioner's Designee)
Thomas **Velardi** (County Attorney appointed by Governor)
Toni **Pappas** (County of +100k 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)
Traci **Fowler** (NH Charitable Foundation)

Present via Microsoft Teams Platform:

James **Watkins** (Municipal Fire Chief appointed by Governor)

Absent:

Helen **Hanks** (Commissioner, Department of Corrections)
Patrick **Tufts** (Chair of Governor's Commission on Drug and Alcohol Treatment, Prevention and Recovery)
Bianca **Monroe** (Appointed by the Attorney General)
Kathryn **Kindopp** (Governor's Appointment)
Benjamin **Gaetjens-Oleson** (Governor's Appointment)
Kevin **Rourke** (Municipal Police Chief appointed by Governor)

Senator Rosenwald opened the meeting at 1:35 pm and shared this is the first time using Microsoft Teams for the remote option. Senator Rosenwald also introduced Emily Whittaker, now providing staff and technical support and new member Representative Nagel from Belknap County and has agreed to be Vice Chair.

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

A roll call of Commission members followed and a quorum of the Commission members physically present was established.¹

The first order of business was adoption of the minutes for the meetings of September 12, 2022 and November 21, 2022. The minutes were adopted unanimously on a voice vote without discussion.

The second order of business was a roll call vote was taken to enter into a non-public session to review grants to be awarded as well as lessons learned thus far from the first grant round. Motion was made to go into non-public session by Commissioner Pappas and seconded by Commissioner Bagley. Attorney Boffetti stated a roll call vote was needed and a roll call vote was taken with all in favor.

The third order of business brought the Commission back into public session after much discussion as to what should be included in public versus non-public setting. A motion was made to come out of non-public and into public session. A roll call vote was taken with all in favor and the meeting moved to public session. Commissioner Fowler then preceded to move through a PowerPoint presentation intended to offer lessons learned, recommendations and feedback compiled as the grant subcommittee moved through their process. The goal is to review grant-making parameters in statute and rules and determine what our options are and to share lessons learned, make process recommendations and try to maximize efficiency.

Two high level options to keep in mind: issue a Request for Grant Applications (RGA) or a Request for Proposal (RFP). There are differences and we can ask the Department to explain those if desired. This first round of grants was an RGA, released in August, a “wide open” call, open to all eligible applicants and both reimbursement and project categories pursuant to statute. Good first step that allowed us to see wide range of requests but we can be more strategic as opposed to the “wide open” or passive in our approach. Both approaches have a place or a role to play. NH has been on the front lines in this crisis and we have a lot of knowledge and can be strategic. We have existing infrastructure, knowledge base, and strategic plan in the form of the Governor’s Commission on Alcohol and Other Drugs. There are new and very relevant taskforces under this Commission looking at budgets, (co-chaired by Commissioner Fowler) coordination and cooperation (co-chaired by Commissioner Hanks), and data (co-chaired by Commissioner Savage). We clearly have a lot of overlap and we have yet to maximize these relatively new relationships. Commissioner Bagley walked the members through eight different recommendations such as informed decision making, making sure funding that we have across continuum of care is clearly understood, clarifying grant reporting and monitoring, and make sure we can review apps received asap, allow reimbursement requests to be handled separately as not as competitive, and have an annual procurement process and have fixed total amount for grant awards. If we choose this, we will have two active grant programs or tracks in different stages and will require more participation in subcommittees, prevent service disruption and funding reduction whenever possible and consider prior funding allocations for those applying and include budget justification, reduce application length to maximize efficiencies and

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streamline process, and create simple scoring methodology. Next steps – workgroup on reporting and monitoring, reimbursement workgroup, and review 15% distribution across the state and consider workgroup that will review and summarize what is happening across the state.

Attorney Boffetti suggested that it would be good to know clearly how much was being requested and for what. If a non-profit, they should specifically state if they are in good standing. It would be good to know whether they have received settlement funds, how much, and how spent. The State has disbursed \$6.6 million to 23 subdivisions for opioid abatement purposes. Some discussion followed about having the applicant supply this information versus a possible commission subgroup “track” this information.

Commissioner Mara suggested dedicating a certain percentage of this round to non-profits vs political subdivisions stressing the need to ensure funds go to all areas. He also suggested considering launching targeted solicitations (for housing, MAT, as examples), and to be aware that funding will decline.

Commissioner Henry addressed the 15% distribution recipients and as they can use the funds however they want (within the statute and rules), this should not be held against them. The concern is that that information will be taken into the grant award process. In addition, as a commission we may not be in agreement, as we view the holding of such funds and whether or not any or all has been spent yet. The required reports are available and the Department can audit those reports as capacity allows going forward. Discussion continued around the concern of whether the recipients of the 15% would be put at a disadvantage in allocating the 85% in the grant making process. Several commission members offered suggestions.

Commissioner Sabin brought up the idea of having another entity manage the process for us and pay them. This model is seen in other states. To elaborate with an example, would require a move into non-public session. Attorney Boffetti stated that the process is the Commission’s responsibility and the idea of a wide-open process was that the needs across the state are diverse and address different needs.

A lot discussion ensued that spoke to the potential benefits of being more strategic in our grant solicitation process as well as earmarking certain % of grant funds so all areas have a chance to receive funding. Commissioner Sabin reminded the group that we tabled the RGA in the last meeting but because there are additional funds above the \$500,000 threshold, pursuant to rules, a decision needs to be made today in how to move forward and in order for the Department to prepare what the Commission wants. The Department would need a motion to prepare something different from what has been currently prepared. A motion was made by Commissioner Rice, seconded by Commissioner Dragon to move forward on different tracks and create an RGA for categories 1 through 5 and decide next meeting how much allocated in each track. A roll call vote was taken on a motion to go into non-public session and agreed to unanimously.

The fourth order of business was a motion made by Attorney Boffetti, seconded by Commissioner Bagley and approved by all present to go back into public session. Commissioner Rice made a motion, seconded by Commissioner Dragon to move forward with designing a reimbursement track to be presented at the next meeting. A roll call vote was taken and

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unanimously agreed to by all members present. Other ideas coming out of the nuts and bolts discussion to also be added to the next RGA draft.

The fifth order of business was the introduction of Christie McDonald by Commissioner Sabin. Christie was recently hired into the position created to manage the grant process and support the work of the Commission. Christie is an internal hire and was already the person updating the Commission's website.

The sixth order of business was an update on settlement funds by Attorney Boffetti:

- \$44 million received to date
- \$6.68 million distributed to qualifying subdivisions
- \$37 million in trust and \$6.7 million in the process of being awarded and disbursed
- Expecting \$895k from Mallinckrodt bankruptcy
- AG has joined 5 national settlements
- \$311 million total estimate including what NH has already received

Commissioner Savage raised the question of whether setting aside an amount made sense to establish an endowment. Attorney Boffetti reminded those present that these funds are protected as a dedicated fund per statute and we need to remain mindful of the rules associated with the settlements and the other uses could only be changed statutorily.

There was no public comment.

March 20, 2023 at 1:00 was established as the date and time of the next Commission meeting. The Chair asked that each member email to her attention what they believe are the top two areas of need. Agenda items proposed:

- RGA
- Legislative update
- Settlement funds update

At the call of the Chair, the meeting adjourned at 3:44 pm.

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