

**New Hampshire Opioid Abatement Advisory Commission
Regular Meeting
Department of Justice, 33 Capitol St, Rm 302, Concord, NH
Monday, April 10, 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)
Kathryn **Kindopp** (Governor's Appointment)

Present via Zoom:

Jason **Henry** (County Corrections Superintendent appointed by Governor)
Toni **Pappas** (County of +100k appointed by Governor)
Seddon **Savage**, MD, (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Benjamin **Gaetjens-Oleson** (Governor's Appointment)

Absent:

Senator, Cindy **Rosenwald** (Chair)
Jennifer **Sabin** (DHHS Commissioner's Designee)
Bianca **Monroe** (Appointed by the Attorney General)
Kevin **Rourke** (Municipal Police Chief appointed by Governor)
James **Watkins** (Municipal Fire Chief appointed by Governor)

Acting Chair Representative Nagel opened the meeting at 1:05 pm with a roll call.
A quorum of the Commission members physically present was established.¹
The first order of business was an update on Governor and Executive Council ("G&C") action on previous RGA recommendations. Katia Fox with the Department of Health and Human

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Services (“the Department”) updated the group and shared that contracts have been coming through and getting signed and the Department expects to have all but one back and ready to go to the first G&C meeting in May. The one contract that will not be presented is due to a board not meeting in time. A question arose as to whether there has been more of a delay than usual. Katia Fox stated no, the process has actually been moving smoothly. The question arose of whether or not we could go out concurrently with the next RGA or if we had to wait until this round was acted on by G&C and if there was any legal limitation with regard to that – separate from capacity issue. The Department and the Attorney General’s office will have a call to ensure both on the same page. Attorney Boffetti stated he would work with Anne Edwards with the Attorney General’s office to schedule a call.

The second order of business was a presentation from the NH Center for Excellence on Addiction with a lead in by Commissioner Patrick Tufts, Chair on the Governor’s Commission on Alcohol and Other Drugs. Commissioner Tufts explained that Governor’s Commission has been advising the Governor and general court for over 20 years and has a current action plan in place with priorities aligned with prevention, treatment and recovery opportunities and gaps throughout the State. The Governor’s Commission has reorganized in the past six months around three task forces (budget, coordination and cooperation, and data evaluation) made up of content experts and could be very complementary to this advisory commission. Priorities and goals of the two commissions are similar and can cut down of possible redundancy and ensure we are coordinating very limited resources across the state. There are always gaps and unfunded needs. Each task force chair and/or co-chair provided a brief overview of their mission beginning with Commissioner Fowler, chair of the budget task force followed by a discussion on such topics as the federal formula relative to the State Opioid Response grant, and how success can lead to contradictory situations such as less funding coming to the State.

Commissioner Hanks stated that the idea of the coordination and cooperation task force is to ensure a higher degree of coordination across different decision-making entities on what and where to fund. Commissioner Hanks emphasized the importance of making sure funding streams are efficiently spent across the action plan, effective outcomes are achieved, community engagement, and looking at our strategic action pan and seeing if everything is working the best that it can. She mentioned that short-term funds, for example, are good for pilot programs to see what is effective. This could lead to advocacy at the federal level or to a shift in our strategy.

Dr. Savage provided insight into the focus of the data and evaluation task force. The idea is to use data to form metrics related to the State plan, make sure we have optimal measurements, progress towards goals and ability to report on them. The four goals are to identify trustworthy data sources, to identify gaps in the data, to recommend to the Governor’s Commission what metrics to use to make valid measurements, and to identify emerging trends. She further emphasized trying to understand why we are seeing the outcomes were seeing.

Commissioner Tufts introduced Amy Daniels, from the Community Health Institute/JSI in Bow, NH, a public health consulting group working with the NH Center for Excellence on Addiction. Amy walked members through the crosswalk document, which took the Governor’s Commission priorities from the action plan and “crosswalked” them against what the Opioid Commission is doing. Her organization has supported the Governor’s Commission for roughly 10 years and in

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fact, worked on aggregating and drafting the action plan. The “crosswalk” document illustrates where the \$10 million the Governor’s Commission on Alcohol and Other Drugs is deploying across 50 strategies (without priorities, as these have not been voted on yet) from the action plan matched against the duties of this commission. Also shown in the document is where the Governor’s Commission has investments. Opportunities and gaps were highlighted. While detailed, even more information is needed, such as, who else is funding certain strategies, where further investment needs to be, and with respect to prevention there is a big list on the Governor’s Commission list because there is not a consistent nor sufficient funding in the State, etc. This document helps illustrate questions and prompts thinking about where current funding is going, where it is effective and needs to be sustained, places where there is insufficient funding, and an understanding where gaps are (example is harm reduction). Commissioner Tufts pointed out that these are the last investments of the previous action plan and he would expect to see different recommendations in the next state fiscal years. Commissioner Tufts concluded with his belief that if we want to move the needle on something, we have to focus our requests and intentions as funders as opposed to issuing “open” RFPs.

Commissioner Spanos stated surprise in one of the items in the document just presented regarding compassion fatigue. This was followed by a discussion and sharing of experiences led by the members and experts present in this area who have lived through many years of this crisis.

The third order of business was a presentation and discussion around the Department’s request for new positions and SB32. The LBA removed the fiscal note worksheet the Department created as it was not directly related to this year’s language changes. The Department’s need for positions existed when this original legislation was created in 2020 and now that funding has arrived and rules created, the need is now fully being felt. The Department presented the group with a narrative and description of positions and financial impact of positions needed to efficiently and effectively oversee and push forward the work of the Commission. It was noted that it makes sense to come to the Commission to ask for the funding first and then codify later in legislation. Commissioner Mara asked whether we would still need legislation if the Commission approved the funding. Yes, legislation would be needed to create positions but the funding for the state would be “neutral” i.e. funded with other funds. Commissioner Tufts shared that the Governor’s Commission has a position funded and dedicated within the Bureau and this has been very helpful in getting work done. The Department explained that having dedicated staffing would support the Commission’s work timely without the use of overtime. The total for fiscal years 2024 – 2025, including salary and benefits, is \$426,000 and \$450,000 respectively.

Some frustration was expressed for the amount of time it has taken to get to where we are now and a lengthy discussion followed with members trying to understand how the additional positions, if approved, would benefit the work of the Commission and specifically, perhaps shorten the time it takes to get from grant application to contract process, for instance. The Department responded that the significant increase in workload to support the Commission’s work is not only in the up-front grant solicitation and contracting phase but also in the monitoring and ongoing administration of the contracts entered into. The positions asked for would not necessarily result in a faster process. This could not be promised by the Department. Changes to the solicitation process (such as more targeted grant requests for example) itself

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would more likely speed the process. The recent work provided by the Department was made available with existing staff and significant overtime. Discussion continued with much back and forth amongst members over whether to approve and fund the positions in question and whether the use of the funds for administrative expenses at this level was appropriate or allowable under the settlement agreements and their restricted use. Attorney Boffetti stated that he would like to look into what his counterparts in other states are doing with regard to the administrative expense question. A motion previously put forward to fund the positions was ultimately rescinded pending further determination of the legal use and justification questions.

The fourth order of business was a brief update from Attorney Boffetti on settlement funds. The five major national settlements still have three subdivisions to sign on prior to the deadline. These are estimated to bring in \$100 million into New Hampshire. The third payment from McKinsey has been received today. Just over \$6,800,000 in total has been distributed to qualifying subdivisions. Some cases are still up in the air, such as the Purdue bankruptcy case, but we are nearing the end of settlements and once finalized, we will have a better idea of what we will receive and when over the next 18 years. An estimate of \$10 million a year was provided. No other significant changes to report.

The fifth order of business was public comment. There was no public comment, however, several points were made on this topic. It was mentioned that coming into a locked building could be intimidating to members of the public. Also having a standing meeting date and remote link is more conducive to public participation. A suggestion was made to have public comment at the beginning and end might be helpful.

Chair Nagle asked if the Commission is fully “staffed” pursuant to statute. Jennifer Gallagher has been keeping track and sent the list out not too long ago and we can ask her to update and send the list out again.

It was proposed and decided on a voice vote that this commission will meet monthly on the second Monday of the month at 1:00. May 8, 2023 at 1:00 was established as the date and time of the next Commission meeting with location to be determined. Possible agenda items for the next meeting:

- Discussion of proposed and/or additional RGAs
- Advisory commission membership
- Settlement funds update
- Public comment
- Next meeting and agenda items

At the call of the Chair, the meeting adjourned at 2:57 pm.

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