

New Hampshire Opioid Abatement Advisory Commission
Remote Regular Meeting
Friday, May 28, 2021 at 9:00 a.m.

Attending:

David **Mara** (Governor's Designee)
Attorney James **Boffetti** (Designee for the Attorney General)
Rachel **Miller** (State Treasurer's Designee)
Helen **Hanks** (Department of Corrections)
Kerrin **Rounds** (Department of Health and Human Services)
Representative Dennis **Acton** (House)
Senator Cindy **Rosenwald** (Senate)
Patrick **Tufts** (Chair of Governor's Commission on Drug and Alcohol Treatment, Prevention and Recovery);
Attorney Thomas **Velardi** (County Attorney appointed by Governor)
Jason **Henry** (County Corrections Superintendent appointed by Governor)
Robert **Buxton** (Municipal Fire Chief appointed by Governor.)
Toni **Pappas** (County of +100k appointed by Governor)
Peter **Spanos** (County of <100k appointed by Governor)
Bianca **Monroe** (Appointed by the Attorney General)
Seddon **Savage**, MD, (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Emily **Rice** (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Michael **Carignan** (Municipal Police Chief appointed by Governor)
Bobbie **Bagley** (City with 75k+ appointed by Governor).

Absent: Representative Dennis **Acton** (House), Attorney Thomas **Velardi** (County Attorney appointed by Governor), Robert **Buxton** (Municipal Fire Chief appointed by Governor), Bobbie **Bagley** (City with 75k+ appointed by Governor)

Senator Rosenwald (Chair) opened the meeting at **9:03 a.m.** with a RSA 91-A disclosure statement and roll call of Commission members. A quorum of the Commission was established.¹

The first order of business was the adoption of the minutes of the April 9, 2021 meeting. Commissioner Monroe stated that she was present at the April 9, 2021 meeting. On a motion made by Commissioner Pappas and seconded by Chief Carignan, the minutes of the April 9, 2021 meeting were adopted on a 13 – 0 roll call vote with the correction noted that Commissioner Monroe was in attendance.

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

The second order of business was a presentation of the distribution amounts totaling \$414,359.18 to all 23 qualifying subdivisions for the first settlement amount received in the McKinsey case by Associate Attorney General James Boffetti (please see ***Opioid Abatement Trust Fund - Distributions under 126-A:83, II*** chart dated April 15, 2021). This distribution was based on the legislation and the 2010 census. Payments either have gone out or are in the process of going out to recipients. Going forward with respect to additional settlements received, the 15% distribution will be fairly automatic with the calculation having been established. The Chair stated for the record that if the 2020 census is published later this year, she will file a bill to change the funding formula to rely on the 2020 census. Balance remaining is roughly \$2.3 million after accounting for these payments. In response to a question from the public, Commissioner Rounds stated the distribution of payments will be posted to the website.

The third order of business was a presentation by Commissioner Rounds who facilitated a discussion on DHHS (“the Department”) rulemaking. The rulemaking subcommittee met on May 12, 2021 and again on May 27, 2021. An outline has been created and once rules have been written and approved by the subcommittee, they will be presented to the full Commission. Commissioner Hanks created a form for the application process that could be used as an addendum to the Department’s RFP process. Commissioner Rounds explained that the form would create a standardized way to capture responses of applicants to an RFP. She further explained that the current concept would be that the Commission would direct the Department in terms of amount and type of services and the Department would facilitate the RFP process, similar to the process used by the Governor’s Commission on Alcohol and Other Drugs. This model is the Commission as decision maker with the Department providing administrative support and contracting responsibility.

There was substantial discussion around but not limited to the following topics: procurement models, distinction or not between non-0profits and political subdivisions, timing constraints and possible ways to expedite the process, and alternatives to contracting through the Department. It was noted that the rules subcommittee will tackle these and other points in subsequent discussions resulting in a presentation of incorporated into proposed rules to be presented to and ultimately adopted by the full Committee.

More work and discussion to be done at subcommittee level to explore examples and processes, timing impacts, type of recommendations (example: more small recommendations vs fewer but larger recommendations), contract with locals who then subcontract, timing, types of recommendations, etc. Commissioner Hanks suggested three pathways:

- a) MOU and scope of services
- b) Request of procurement
- c) Open procurement

The Chair asked that the subcommittee present options of process and estimated timing for each option at the next Commission.

The fourth order of business was an update from Commissioner Rounds on website development. RSA 126-A:86, III, provides that “The commission shall create and maintain a website on which it shall publish its minutes, attendance rolls and votes, including records of all votes on funding requests, funding awards, and reports of funding by recipients.” The website is live and in the process of being revamped. The goal is to get all minutes and materials posted by next week.

The fifth order of business was an invitation for public comment made by the Chair. Commissioner Boffetti stated there was a comment to the effect of “... *why would this money go to the police or jails as they are just as complicit in the overdose crisis as big Pharma...*”. Much discussion and disagreement with the nature of the comment ensued with discussion of first responders work and commitment, drug courts, correctional institutions, NH as part of a regional force in combatting this crisis, etc. It was noted by a commission member that the owner of the comment is doing a lot of good work on the ground despite disagreeing with the comment. Commissioner Boffetti invited people to review complaints filed and allegations of these drug companies and others to educate themselves on the outrageous behavior on the part of this industry for perspective.

The final order of business was a discussion of proposed agenda items for the next Commission meeting scheduled for **Friday, July 16, 2021 starting at 8:30 a.m.** Proposed agenda items discussed included: rules subcommittee presentation to cover the process outlined and forms, litigation update, website presentation, and public comments.

At the call of the Chair, the meeting was adjourned at **9:56 a.m.**