

Nebraska Opioid Settlement Remediation Advisory Committee Meeting
October 19, 2023
Nebraska Association of County Officials (NACO) Offices, 1335 H Street, Lincoln, NE
10:00 a.m. – 12:00 p.m.
Meeting Minutes

1. Call Meeting to Order:

- a. Chairperson Todd Stull called the meeting to order at 10:00 a.m. and welcomed all attendees to the meeting. Chairperson Stull reminded committee members that in-person meetings require committee members to be physically present at the meeting site in order to be counted for quorum, and to vote. Meetings that are considered virtual or hybrid do not have the physical presence requirement; therefore, any committee member attending virtually at such meetings would be counted towards quorum and be able to vote. Per the Open Meeting Act, no more than 50% of meetings within a 12-month period can be virtual.
- b. Roll call was conducted, and a quorum was determined to exist, with 15 voting members present.
Voting Members
Members in Attendance: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka.
Members Absent: Susanna Batterman (virtual attendee), Yohance Christie, Rick Hickstein, Jerome Kramer, John Lawson, John Massey, Charity Menefee, Bill Tielke, Christa Yoakum.
Others in Attendance: Karen Harker, Jeri Keller-Heuke, Lynn Rex, Joshua Shasserre.
- c. Chairperson Stull stated that on October 10, 2023, a notice of this meeting with the agenda and other materials were provided to the public and all members of the Committee. Notice of this meeting with the agenda and other materials were available for public inspection at the Nebraska Department of Health and Human Services, Division of Behavioral Health, 301 Centennial Mall South, 4th Floor in Lincoln, Nebraska. An electronic copy of the agenda, all documents being considered at the meeting, and a link to the current version of the Open Meetings Act were posted on the website of the Nebraska Department of Health and Human Services at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>.
- d. Chairperson Stull informed attendees about the location of the Open Meetings Act, which is accessible to members of the public in the meeting room, and at <https://dhhs.ne.gov/Pages/Opioid-Settlement-Workgroup.aspx>, along with a copy of all reproducible written materials to be discussed at this meeting.
- e. Public comment: Pursuant to the Open Meetings Act, the Chair of the Committee reserves the right to limit comments on agenda items. Chairperson Stull stated that agenda items 3a, 3b, 3c, 4, 5 and 6 will be open for public comments, and that other points may be opened to comments if needed. Chairperson Stull stated that each commenter will have five minutes to speak.

2. Consider a Motion to Approve the Minutes from June 23, 2023:

Chairperson Stull opened the floor for a motion to approve the minutes from the June 23, 2023.

Motion was made by Amy Reynoldson and seconded by Ann Anderson-Berry to approve the minutes as written. Chairperson Stull opened the floor for discussion. Hearing none, roll call vote was conducted. The motion passed with the following results:

Yay=15: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka.

Nay=0

Abstain=0

Absent=9

3. Subcommittee Reports:

- a. Needs Assessment Subcommittee—Amy Reynoldson and Ann Anderson-Berry announced that four applications were received from the Needs Assessment Request for Proposals (RFP) that was posted on the DHHS website this summer. These four applicants were compared on a rubric using a weighted point scale for the criteria posted in the RFP. Based on this rubric, it is recommended that TriWest be selected as the Needs Assessment vendor at a cost of \$298,925.00. A new timeline for this RFP was proposed since the September 19, 2023 meeting was not held. This timeline would be embedded into the proposed selection of TriWest.

The updated timeline would now be:

1. Announce Selected Vendor immediately following meeting where Advisory Committee approves vendor selection anticipating that to be in October 2023
2. Vendor Commences work November 1 (if approved at October meeting)
3. Vendor Completes Final Report February 16, 2024 (extra time due to holidays and travel during winter)
4. Vendor Presents Final Report to Advisory Committee Late February/Early March 2024 (depending on Advisory Committee meeting schedule)

Motion was made by Sara Howard and seconded by Paul Lambert to select TriWest as the Needs Assessment contractor, including the updated timeline as presented, with work to begin on November 1, 2023 with a proposed budget of \$298,925.00. Chairperson Stull opened the floor for discussion. Discussion continued regarding the updated timeline, communications with applicants, proposal amounts and possible dashboard management. Roll call vote was conducted. The motion passed with the following results:

Yay=15: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka.

Nay=0

Abstain=0

Absent=9

Amy Reynoldson thanked the subcommittee members Ann Anderson-Berry, Susanna Batterman, Cory Schmidt and Kevin Borchert for their time and work on the RFP process. Ann Anderson-Berry also thanked Amy Reynoldson for her time and leadership.

Amy Reynoldson stated that a subcommittee of three to five members should be identified for the purposes of working with, and providing input to, the selected Needs Assessment vendor TriWest. Motion was made by Ann Anderson-Berry and seconded by Chris Kratochvil to assign

the executive committee members to a Contractor Subcommittee. Chairperson Stull opened the floor for discussion. Discussion continued regarding the ideal makeup of this subcommittee. Roll call vote was conducted. The motion passed with the following results:

Yay=15: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka.

Nay=0

Abstain=0

Absent=9

- b. Disbursement Subcommittee—Mary Ann Borgeson reviewed the Request for Proposals for Opioid Prevention and Treatment. It was noted that there are a few changes that need to be made to this proposal.

- Page 2, under Schedule A, point #3 should be changed from “...2016 CDC guidelines...” to “...2022 CDC guidelines...”.
- Page 2, under Schedule B, point #1 should be changed from “...Prescribing Opioids for Chronic Pain...” to “...Prescribing Opioids for Pain 2022...”.
- Page 5, the Schedule of Events should read as follows:
 - i. Release of RFP; Thursday, October 26, 2023
 - ii. Formal Submissions by Applicants; Friday, November 24, 2023
 - iii. Reviewed by Opioid Disbursement Committee; by Friday, December 1, 2023
 - iv. Approval of Selected Organizations by Opioid Settlement Remediation Advisory Committee; estimated Friday, December 6, 2023
 - v. Written Allocation Announcements of Funding Disseminated after Opioid Settlement Remediation Advisory Committee; estimated after December 6, 2023.

Motion was made by Sara Howard and seconded by Mary Ann Borgeson to move forward with the Opioid Prevention and Treatment RFP, with the following stipulations:

- Apply \$6 million to this RFP, with at least \$3 million of this amount to be utilized regionally,
- Add clarity that this will not be the only RFP that the committee will introduce for these reasons,
- Add clarity regarding reporting requirements as being semiannually and annually,
- Add clarity regarding the disbursement schedule as being at least twice yearly,
- Add disclaimer wording from DHHS Division of Behavioral Health,
- Update the RFP timeline as noted above.

Chairperson Stull opened the floor for discussion. Hearing no further discussion, roll call vote was conducted. The motion passed with the following results:

Yay=15: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Brandon Kelliher, Christopher Kratochvil, Paul Lambert, Paul Price, Amy Reynoldson, Cory Schmidt, Jason Scott, Kevin Spencer, Todd Stull, Paul Vrbka.

Nay=0

Abstain=0

Absent=9

- c. Outcomes Subcommittee—Sara Howard stated that this subcommittee has not yet met, since there is no need at this time. This subcommittee will be reviewing progress reports from the DHHS Fatality Review Team, State Fire Marshall, and the six Regional Behavioral Health Regions in early December. A comprehensive report will be compiled in mid-December and submitted to DHHS for their reporting needs.
- d. Subcommittee Vacancies—Committee members are encouraged to volunteer for subcommittees of interest to them if they have time available to serve. Amy Holman volunteered for the Disbursement Subcommittee.

4. Discussion and Update of Recent Teva Pharmaceutical Global Opioid Settlement:

Joshua Shasserre, Attorney General Chief of Staff, reviewed the recent Teva Pharmaceutical Global Opioid Settlement. This settlement will provide Narcan or a cash equivalent payment, or a combination of both, to each state on a biennial basis. Nebraska is scheduled to receive \$6,084,864.13 if opting for the cash disbursement, with the first payment to be received in December 2023, and the balance to be received in years 2 through 10 of the settlement. If the State of Nebraska opts for Narcan disbursement, there must be a plan in place for how much Narcan is needed and a central distribution system. The state's election must be submitted to Teva by October 31, 2023, and will be in effect for two years, at which point the election can be changed if so decided. Motion was made by Sara Howard and seconded by Ann Anderson-Berry to opt for the cash disbursement from the Teva Pharmaceutical Global Opioid Settlement. Chairperson Stull opened the floor for discussion. Hearing none, roll call vote was conducted. The motion passed with the following results:

Yay=13: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Christopher Kratochvil, Paul Lambert, Paul Price, Amy Reynoldson, Cory Schmidt, Kevin Spencer, Todd Stull, Paul Vrbka.

Nay=0

Abstain=0

Absent=11

5. Quarterly financial report of Nebraska Opioid Recovery Funds:

Karen Harker, Division of Behavioral Health Deputy Director of Finance, presented an overview of the Nebraska Opioid Recovery Fund as of September 11, 2023. No additional deposits have been received since this report was generated. No disbursements are anticipated until December. Because there is no current activity on this account, no motions or votes are required currently.

6. Discussion of Possible Next Steps and Actions to Be Considered at Future Meetings:

Agenda items to be discussed at the next scheduled meeting include:

- Needs Assessment Subcommittee work.
- Disbursement Subcommittee work.
- Outcomes Subcommittee report.
- Conflicts of interest and their impact on voting and providing valuable input.

If there are additional suggestion for agenda items, please inform Chairperson Stull at least ten (10) days prior to the next meeting.

During this public comment period, Joe LeDuc, community resident, thanked the committee members for their hard work and continued efforts.

7. Discussion of Possible Date(s) for the Next Meeting:

Discussion of possible upcoming meeting dates in 2023 and 2024 was held. Wednesday, December 6, 2023 had been selected at an earlier meeting; this meeting will be virtual with physical location in Lincoln. Dates selected for 2024 are:

- Wednesday, February 28, 2024—virtual
- Wednesday, May 8, 2024—in person
- Wednesday, September 4, 2024—in person
- Wednesday, November 6, 2024—virtual

Location for in person meetings to be announced. All meeting times will be at 10:00 Central time.

8. Consider a Motion to Adjourn:

The meeting agenda having been completed, Chairperson Stull asked for a motion to adjourn the meeting. Motion was made by Ann Anderson-Berry and seconded by Amy Reynoldson. Roll call vote was conducted. The motion passed with the following results.

Yay=13: Ann Anderson-Berry, Kevin Borchert, Mary Ann Borgeson, Amy Holman, Sara Howard, Christopher Kratochvil, Paul Lambert, Paul Price, Amy Reynoldson, Cory Schmidt, Kevin Spencer, Todd Stull, Paul Vrbka.

Nay=0

Abstain=0

Absent=11

The meeting adjourned at 1:10 p.m.