

# NEW YORK STATE OFFICE OF ADDICTION SERVICES AND SUPPORTS

## Opioid Settlement Fund Regional Abatement County, Five Large Cities, and Other Litigating Entities Planned Use of Funds Request

### EXPECTED TIMETABLE FOR KEY EVENTS:

|                                       | DATE      |
|---------------------------------------|-----------|
| Planned Use of Funds Request Released | 2/6/2023  |
| Planned Use of Funds Submission Date  | 3/15/2023 |

## 1 INTRODUCTION

### 1.1 Purpose

The Office of Addiction Services and Supports (OASAS) is designated as the State Lead Agency responsible for the distribution, monitoring, and oversight of the New York Opioid Settlement Fund which includes state abatement funds to five large cities, regional shares, and other litigating entities. Per the terms of the New York Opioid Settlement Sharing Agreement (“Settlement Agreement”) and the authorizing statute, Mental Hygiene Law, Section 25.18 and State Finance Law, Section nn-99, the use of these funds must be reported to the Governor, Legislature, and Opioid Settlement Fund Advisory Board. Pursuant to the Settlement Agreement, OASAS is providing information on the dollar amounts available to each Local Government Unit (LGU), as defined in Mental Hygiene Law Section 41.05, for the regional shares and the other litigating entities and requests LGUs and the Other Litigating Entities complete a Planned Use of Funds Request form. In addition, OASAS is providing information on the dollar amounts available to the named five large cities and requests that each of the five large cities submits a Planned Use of Funds Request form.

For the distribution of funds to each county related to the regional shares of the state abatement amounts, a county-based formula was used to allocate the amounts to the counties in each of those regions for state fiscal year 2023. The formula uses population, overdose death rates, and mental health and equity indicators. The amounts specified in the Settlement Agreement for the other litigating entities will be added to the amount calculated using the regional share formula to the LGUs, and the LGUs must make these dollar amounts available as a minimum to the named cities, towns, villages, and special districts identified for this funding as other litigating entities. The amount available to the Five Large Cities will be made available to each city directly by OASAS.

While all entities (LGUs, Five Large Cities, and Other Litigating Entities) are expected to meet with stakeholders to determine how best to utilize funding to address local needs, spending must also be guided by the approved use of funds as outlined in the Statewide Opioid Settlement Agreements, and State Statute. Further, OASAS acknowledges the

recommendations of the Opioid Settlement Fund Advisory Board (“the Board”) and will structure reports on use of funds according to the ten recommended spending categories outlined by the Board in [their report](#). These include: harm reduction, treatment, investments across the service continuum, priority populations, housing, recovery, prevention, transportation, public awareness and research.

## **1.2 Funding Available**

The state abatement funds are being made available to counties through the designated LGU. This request for the counties’ plans will make the following state abatement funds available: 1) county Regional Share; and 2) the guarantees to Other Litigating Entities.

The Regional Share State Abatement amounts available for SFY 2022-2023 is \$55,305,495. The amounts per region are provided in Appendix A.

The amount available to each county is calculated based on a formula using population, overdose death rates, and mental health and equity indicators. The amount available for each county will be communicated directly to the LGU through a letter of available funds. OASAS will utilize existing infrastructure and established mechanisms to transfer these funds to the LGU.

The state abatement amounts for Other Litigating Entities totals \$1,436,454 and will be made available to designated entities through the local LGU. The amount available to each of the named cities, towns, villages, and special districts that are the Other Litigating Entities is available in Appendix B. The LGU is responsible for making these dollars available to the named Other Litigating Entities at a minimum. These entities may be eligible for additional funding through the LGU based on how each county decides to use the regional share funding.

Notification to each LGU will include the state abatement amounts for the county regional share and funds for the Other Litigating Entities within the county as identified in the Settlement Agreement.

The funds identified for the named Five Large Cities in SFY 2022-2023 totaled \$7,264,329. The amounts per city are shown in Appendix C.

LGUs, the Five Large Cities and Other Litigating Entities are allowed up to 15% administrative costs to manage the use of Settlement dollars.

### **Allowable Use of Funds and OASAS Priorities**

As specified in the Settlement Agreement, State Statute and in the Opioid Settlement Fund Advisory Board report released on November 1, 2022, the allowable use of funds and identified priority areas are available to inform the local subdivisions and should be considered when utilizing settlement dollars. The priority areas include harm reduction, treatment, investments across the service continuum, priority populations, housing, recovery, prevention, transportation, public awareness and research. Notably, three main areas of overarching

themes were identified as guiding principles for developing and prioritizing the Board's recommendations. The themes include service integration to best treat co-occurring disorders, service equity, and meaningful evaluation that demonstrates reduced suffering and positive impacts on the social determinants of health.

The allowable use of funds per the Settlement Agreement is provided in Appendix D.

The authorizing statute provides examples of allowable use of funds that include, but are not limited to the following:

- Prevent substance use disorders through an evidence-based, youth-focused public health education and prevention campaign, including school-based prevention and health care services and programs to reduce the risk of substance use by school-aged children;
- Develop and implement statewide public education campaigns to reduce stigma against individuals with a substance use disorder, provide information about the risks of substance use, best practices for addressing substance use disorders, and information on how to locate services that reduce the adverse health consequences associated with substance use disorders or provide treatment for substance use disorders;
- Provide substance use disorder treatment and early recovery programs for youth and adults, with an emphasis on programs that provide a continuum of care that includes screening and assessment for substance use disorders and co-occurring disorders, active treatment, family involvement, case management, relapse management for substance use and other co-occurring behavioral health disorders, vocational services, literacy services, parenting classes, family therapy and counseling services, crisis services, recovery services, evidence-based treatments, medication-assisted treatments, including medication assisted treatment provided in correctional facilities, psychiatric medication, psychotherapy and transitional services programs;
- Provide harm reduction counseling and services to reduce the adverse health consequences associated with substance use disorders, including overdose prevention and prevention of communicable diseases related to substance use, provided by a substance use disorder service provider or qualified community-based organization;
- Provide housing services for people who are recovering from a substance use disorder. Such housing services shall be appropriate, based on the individual's current need and stage of recovery. Such housing services may include but are not limited to supportive housing services;

- Support community-based programs that reduce the likelihood of criminal justice involvement for individuals who have or are at risk of having a substance use disorder;
- Provide programs for pregnant women and new parents who currently or formerly have had a substance use disorder and newborns with neonatal abstinence syndrome; and/or
- Provide vocational and educational training for individuals with or at risk for a substance use disorder.

The recommendations of the Opioid Settlement Fund Advisory Board are found in the November 1 report available at: [osfab\\_yearly\\_report\\_110122.pdf\(ny.gov\)](https://www.osfab.org/annual-reports/2021-2022).

## **OASAS PRIORITIES: INTEGRATION OF MENTAL HEALTH AND SUD AND DIVERSITY**

### **Integration of Mental Health and Substance Use Disorder**

Service delivery utilizing these funds should consider a full range of evidence-based practices that integrate treatments for both addictions and mental health conditions. Care should be organized around the individual's presenting problem and goals. Individuals should expect and receive competent screening, assessment, and comprehensive care for addictions and mental health conditions regardless of where they access care. Individuals often present to an addiction treatment program with goals that are driven by their addiction but who also have mental health conditions that cannot be separated from and treated independently of the addiction. Both must be addressed simultaneously for the presenting problem to resolve and patient goals to be reached. Rather than considering severity or primacy of diagnoses, treatment is organized around the patient's presenting problem, assessment and planning includes the presenting problem and all addictions or mental health conditions. Integrated care activities that should be considered include (list is not comprehensive):

- Evidence-based prevention that addresses a range of mental health, physical health and addiction across the lifespan;
- Harm reduction strategies to reduce the harm of substance use, chronic health conditions and behaviors associated with mental health disorders;
- A recovery orientation where all individuals are expected to thrive in their community;
- Screening for mental health and addiction conditions;
- Comprehensive Assessment including Psychosocial Evaluations in treatment settings;
- Evaluation for and management of medications to treat mental health conditions and addiction in treatment settings;

- Individual, group, and family Psychotherapy/Counseling, including the use of evidence-based treatments;
- Peer involvement;
- Skills-building group or individual counseling to manage symptoms of all presenting concerns;
- Trauma-informed care including assessment of trauma;
- Treatment of trauma including skills-building; and,
- Coordination of services.

## **Equity and Diversity**

Services supported by Settlement funds are expected to affirmatively address and advance justice and equity and to create and enhance diversity and inclusive practices. Decades of underinvestment coupled with historical and current inequities in access for communities of color, especially Black, Indigenous and Latinx communities, rural communities, LGBTQI+ and other underserved communities require establishing practices that demonstrate the entity's commitment to equity, identify efforts to reduce disparities in access to services and address opportunities to recruit and retain a diverse workforce. Since bias plagues our systems and flourishes in unexpected and unanticipated ways, progress toward equity requires a multi-faceted approach.

## **Planned Use of Funds Request REQUIREMENTS AND SUBMISSION**

### **SUBMISSION FORMAT AND CONTENT**

The submission should include the following:

1. Planned Use of Funds Request Form;
2. 12-month timeline for use of funds;
3. Attestation of Proper Use

All entities identified to receive Settlement funding need to complete the Planned Use of Funds Request form. Entities should provide the approximate amount of funding proposed for use in the associated priority category. Appendix E provides the reporting table format that will be used. OASAS will provide a web-based platform for all entities to use to report this information.

All entities must provide a 12-month timeline to demonstrate how dollars will be dispersed and funded projects implemented. See Appendix F for the timeline format. Reporting entities are required to use the provided electronic version of this format for reporting.

Attestation of Proper use is also required. For the LGU, attestations must be signed by Director of Community Services (DCS) or designee the designated head of each LGU as defined by Mental Hygiene Law § 41.03 (7) or designee, or the LGU's Chief Financial Officer or designee.

For the Five Large Cities, attestations must be signed by the respective city's Executive or designee, City Treasurer or designee or Chief Financial Officer or designee.

For the Other Litigating Entities, the Chief Financial Officer or designee, or city or town treasurer or designee, or city or town executive or designee must sign the Proper Use of Funds attestation.

Dollars will be advanced upon receipt of each completed Planned Use of Funds Request from LGUs and the Five Large Cities.

## **2 ADMINISTRATIVE INFORMATION**

### **2.1 Reporting Requirements**

Entities in receipt of Settlement funds will be required to report on the use of funds. Per the Settlement Agreement, "Each New York Subdivision that receives funds from the Opioid Settlement Fund under this Agreement will annually provide to the Lead State Agency and Advisory Board a detailed accounting of the spending of such funds as well as analysis and evaluation of the projects and programs it has funded. Such accounting shall be provided by August 1 of each year following the year in which such funds were spent."

To meet these obligations, OASAS is including the following reporting requirements.

LGUs, the Five Large Cities, and Other Litigating Entities are responsible for reporting on the planned use of funds for the New York State Opioid Settlement Regional State Abatement as procured within your respective county, city, town, village, or special districts. The Planned Use of Funding response will serve as the first report and include:

- Estimated use of dollars across the ten priority areas of harm reduction, treatment, investments across the service continuum, priority populations, housing, recovery, prevention, transportation, public awareness and research. See table in Appendix E.
- Timeline that includes planning, opportunities for stakeholder input, procurement process, and project start up. See Appendix F.

- Attestation on supplantation. Per the statute, “Money expended from such fund shall be used to supplement and not supplant or replace any other funds, **including federal or state funding**, which would otherwise have been expended for substance use disorder prevention, treatment, recovery or harm reduction services or programs. Provided further, general operating funds or baseline funding shall not be reduced due to monies expended from the fund.” See Appendix G.

As the lead state agency OASAS is responsible for oversight and audit of projects and programs funded through the Opioid Settlement Fund as disbursed to and by the LGU, Five Large Cities, and Other Litigating Entities to ensure the proper use of funds. Receiving entities must retain financial records that can show supplementation and not supplantation of SUD funds and total program spending for a minimum of ten years after the last payment is made for a given fiscal reporting period or contract.

For all future annual reporting, OASAS will utilize a web-based platform and develop reporting in partnership with the LGUs, Five Large Cities and Other Litigating Entities. This will also include the certification that all dollars were spent on projects and programs that constitute Approved Uses and an attestation on proper use of funds.

Statute does allow for OASAS as the Lead Agency to withhold future funds from any New York Subdivision that is delinquent in providing this reporting until the required report is submitted.

**Appendix A: New York Opioid Settlement Fund - Regional Share Amounts Available to County LGU for Abatement**

|  |                     |
|--|---------------------|
| <b>State Abatement Fund - Regional Share</b> | <b>\$55,305,495</b> |
| Capital Region                               | \$5,254,547         |
| Central NY                                   | \$5,601,567         |
| Finger Lakes                                 | \$8,039,851         |
| Mid-Hudson                                   | \$15,150,968        |
| Mohawk Valley                                | \$2,958,423         |
| North Country                                | \$2,458,607         |
| Southern Tier                                | \$4,509,486         |
| Western NY                                   | \$11,332,046        |



**Appendix B: New York Opioid Settlement Fund - Amounts Available to Other Litigating Entities**

| <b>Region</b>  | <b>Litigating Entities</b> | <b>Dollars</b> |
|----------------|----------------------------|----------------|
| Capital Region | Saratoga Springs City      | 66,226         |
| Capital Region | Schenectady City           | 77,433         |
| Capital Region | Troy City                  | 112,742        |
| Central NY     | Auburn City                | 88,717         |
| Finger Lakes   | Geneva City                | 36,464         |
| Mid-Hudson     | Kingston City              | 67,734         |
| Mid-Hudson     | Mount Vernon City          | 48,111         |
| Mid-Hudson     | Poughkeepsie City          | 139,834        |
| Mid-Hudson     | Poughkeepsie Town          | 67,585         |
| Mohawk Valley  | Amsterdam City             | 27,916         |
| Mohawk Valley  | Herkimer Village           | 16,223         |
| Mohawk Valley  | Rome City                  | 73,266         |
| Mohawk Valley  | Utica City                 | 208,881        |
| North Country  | Ogdensburg City            | 21,182         |
| North Country  | Plattsburgh City           | 31,356         |
| Southern Tier  | Ithaca City                | 74,863         |
| Western NY     | Amherst Town               | 153,951        |
| Western NY     | Cheektowaga Town           | 37,737         |
| Western NY     | Lackawanna City            | 21,355         |
| Western NY     | Lancaster Town             | 24,930         |
| Western NY     | Tonawanda Town             | 39,948         |

**Appendix C: New York Opioid Settlement Fund - Amounts Available to *Five Large Cities* for Abatement**

| <b>Region</b>  | <b>City</b> | <b>Dollars</b> |
|----------------|-------------|----------------|
| Capital Region | Albany      | 486,395        |
| Central NY     | Syracuse    | 1,101,910      |
| Finger Lakes   | Rochester   | 1,635,231      |
| Mid-Hudson     | Yonkers     | 1,604,469      |
| Western NY     | Buffalo     | 2,436,324      |

## **Appendix D: Schedule C on Allowable Use of Funds per Settlement Agreement**

Below is the Distributors Settlement Agreement that includes approved uses. Please see the Attorney General's website for additional Settlement Agreements regarding approved uses and allocations: <https://ag.ny.gov/opioidsettlement>



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**Appendix E: Opioid Settlement Funding Regional Abatement LGU Planned Use of Funds**

|  | <b>2022/2023 Planned Spending</b> |
|--|-----------------------------------|
| County Allocation through State Abatement Fund |                                   |
| Harm Reduction                                 |                                   |
| Treatment                                      |                                   |
| Investments Across Service Continuum           |                                   |
| Priority Populations                           |                                   |
| Housing  |                                   |
| Recovery                                       |                                   |
| Prevention                                     |                                   |
| Transport                                      |                                   |
| Public Awareness                               |                                   |
| Research                                       |                                   |
| Administrative Costs (up to 15%)               |                                   |

## Appendix F: Timeline

| #  | Activity                                    | 2023      |     |     |           |     |     |           |     |     |           |     |     | As Needed |
|----|---|-----------|-----|-----|-----------|-----|-----|-----------|-----|-----|-----------|-----|-----|-----------|
|    |   | JAN       | FEB | MAR | APR       | MAY | JUN | JUL       | AUG | SEP | OCT       | NOV | DEC |           |
|    |   | QUARTER 1 |     |     | QUARTER 2 |     |     | QUARTER 3 |     |     | QUARTER 4 |     |     |           |
| 1  | Receive funds from OASAS                    |           |     | X   |           |     |     |           |     |     |           |     |     |           |
| 2  | Meet with stakeholder to discuss priorities |           |     | X   | X         |     |     |           |     |     |           |     |     | ★         |
| 3  | Create spending plan                        |           |     | X   | X         | X   |     |           |     |     |           |     |     |           |
| 4  | Procure                                     |           |     |     |           | X   | X   | X         |     |     |           |     |     | ★         |
| 5  | Evaluate                                    |           |     |     |           |     |     |           | X   | X   | X         | X   | X   | ★         |
| 6  | Report                                      |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 7  | (add activities as needed)                  |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 8  |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 9  |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 10 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 11 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 12 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 13 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 14 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 15 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 16 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 17 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 18 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 19 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |
| 20 |   |           |     |     |           |     |     |           |     |     |           |     |     |           |

## Appendix G: Attestation on Supplantation

### Attestation of Proper Use

The undersigned certifies that the attached county plan will use Opioid Settlement Fund dollars to supplement, and not supplant, Fiscal Year (FY) 2021 “county substance use disorder prevention, treatment, recovery and harm reduction expenditures” as defined in the statute SFL, Section 99-n, which shall include all federal and state funding obtained for that purpose. Further, the undersigned certifies that such expenditures were made on the authority of the administration official and, has such authority and that the amounts within the attached plan are just, true, and correct to the best of said official’s knowledge.

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Signature

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Name and Title

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Date