

New York State Opioid Settlement Fund Advisory Board

December 14, 2022 – Meeting

10:00AM-2:00PM

Empire State Plaza

Opening Remarks

Board Chair Debra Pantin opened the meeting and the Board members reintroduced themselves. The Chair mentioned that she wants to add three additional items to the October 31 Meeting Minutes to be reviewed at the next meeting.

Members discussed the frequency of meetings, establishing satellite sites in Western New York and the possibility of setting 4 quarterly meetings, with additional dates.

Member Marquesano put forth a motion to table the meeting schedule discussion with a second by member Giordano, motion carried unanimously.

Member J. Rivera further discussed the timeliness of the Board Meeting Minutes and the need to schedule board meetings for next year as soon as possible.

VICE CHAIR Discussions and Vote

The Board members discussed nominating and voting on a Vice-Chair

Member J. Rivera nominated member Justine Waldman with a second by Ashley Livingston

Member Israel nominates member Ann Constantino with a second by member Stephen Giordano

Both members Waldman and Constantino accepted the nominations and discussed their qualifications for the role. Members then voted by slow roll call as follows:

Vice Chair Vote - Nominees: Anne Constantino and D. Justine Waldman

Brown – Justine Waldman

Constantino – Anne Constantino

Giordano – Justine Waldman

Israel – Anne Constantino

Lavigne – Justine Waldman

Lynch - absent

Livingston – Justine Waldman

Marquesano – Justine Waldman

Moore – Justine Waldman

Pantin – Justine Waldman

C. Rivera - absent
J.Rivera – Justine Waldman
Tisha Smith - absent
Giftos (Vasan) – Justine Waldman
Waldman – Justine Waldman
Watkins – Justine Waldman
McGoldrick – Justine Waldman
Cunningham -abstain
Morne - abstain
Sullivan - abstain
O’Shea – abstain

Board Resignations

Chair Pantin noted that Dr. Lynch submitted written resignation. Member Joyce Rivera made motion to accept with a second by Livingston. Member discussion regarding the resignation of Dr. Lynch included concerns regarding why he resigned, as well using his vacancy to increase diversity on the board.

Members voted on the motion to accept the resignation of Dr. Joshua Lynch, the motion carried with abstentions from members Moore, Israel, Commissioner Sullivan, Commissioner Cunningham, Designee O’Shea and Designee Morne. Members Constantino and Dr. Watkins voted in the negative.

Public Comment

The Board received public comments from Senator Gustavo Rivera as well as several individuals from OnPoint NYC regarding Overdose Prevention Centers (OPCs).

Response to Recommendations

Members discussed a letter from OASAS Commissioner Cunningham dated December 6, 2022 which was sent in response to the Board’s recommendations. Member J. Rivera requested that the Board receive written confirmation of the Board recommendations that are implemented. OASAS General Counsel Allen advised dashboard released to the Board on November 1, 2023 per statute, one year after Board report

Designee O’Shea advised that the board could receive updates at quarterly at their Board meetings.

Member Livingston indicated that rejection of the Board’s recommendation including OPCs also covered heroin assisted treatment

Member Israel suggested that a task force be created comprised of the three agencies and legislators to find out what different communities would like to do with respect to OPCs and other forms of harm reduction.

Member Constantino put forth motion for monthly updates on the progress of the implementation of the Board's recommendation. After discussion, the motion was subsequently withdrawn.

Members return to discussion of Commissioner Cunningham's letter. Designee O'Shea clarified that the agency response to the Board's recommendations was due 14 days after a determination on the recommendations. There was additional discussion about OPCs and how to go about changing relevant laws.

Members discussed retaining a pro bono attorney to act as an independent counsel. Member J. Rivera made a motion for independent counsel for the Board to continually advise the Board, with a second from Member Livingston. Motion failed with only Members Livingston, J. Rivera, Waldman voting in the affirmative, Members McGoldrick, Giordano, Moore, Brown, Lavigne and Israel voting in the negative and abstentions from Commissioner Cunningham, Commissioner Sullivan, Designees O'Shea and Morne, and Members Marquesano, Pantin.

Member Constantino made a motion requesting that OASAS provide a monthly report on activities and actions with respect to the Board's recommendations, with a second by Member Israel. Member Waldman suggested an amendment to the motion to set up reoccurring meetings for every six weeks with quarterly financial updates to the Board. Member Marquesano further suggested amending the motion for the quarterly updates to include information on the RFA language and how RFA meets the requirements of the recommendations. Member Constantino advised that she did not want to be overly prescriptive about what the updates should include. Motion for monthly reports carried with abstentions from Commissioners Cunningham and Sullivan and Designees O'Shea and Morne

Member Giordano made a motion to amend recommendation to ask the legislature to change the law regarding OPCs, seconded by Member Livingston. The Chair amended the motion suggesting that the Board will respond to the letter as well as submit a position paper on the Board's position on the state funding OPCs, including hearings and taskforce. Member J. Rivera stated that she was opposed to the creating a taskforce to study OPCs as there is sufficient evidence on the benefits of OPCs. There was further member discussion regarding the drafting of the letter and position paper by the Chair and Vice Chair. Member Giordano accepted the Chair's amendment, motion carried. Chair clarified that the motion was to allow the Chair and Vice Chair to amend the draft response letter from the board to include asking the legislature to amend the state law to allow funding for OPCs and other suggestions made by the Board regarding the rejected recommendations. General Counsel Allen advised about the restraints from the Open Meetings Law.

Next Steps and Adjournment

Member Waldman made motion for the Board to schedule meetings every six weeks moving forward and that the Board would cancel the meetings if not needed. Board Executive Secretary Collins advised that there were budgetary constraints to consider

regarding scheduling the location and technology for the meetings. Chair Pantin advised that both the Chair and Vice Chair could discuss scheduling logistics with OASAS within the next couple weeks. Member Constantino inquired about next steps once the letter is sent. General Counsel Allen advised that there is no explicit process in place.

Meeting was adjourned by motion.

Attendees

Board Members:

Chair Debra Pantin, Dr. Lawrence S. Brown, Dr. Stephen Giordano, Anne Constantino (appearing virtually), Avi Israel, Suzanne Lavigne, Ashley Livingston, Dr. Joshua Lynch (absent/resigned), Stephanie Marquesano, Cheryll Moore, Carmen Rivera(absent), Joyce Rivera, Dr. Tisha M. Smith(absent), Dr. John Giftos (appearing virtually on behalf of Dr. Ashwin Vasan), Dr. Justine Waldman, Dr. Kevin Watkins (virtually), William M. McGoldrick

Agency Representatives:

Chinazo Cunningham, OASAS Commissioner
Peggy O'Shea, DOB (Designee)
Tracey Collins, OASAS
Trisha Allen, OASAS (appearing virtually)
Deborah Davis, OASAS
Jennifer Farrell, OASAS
Johanne Morne, DOH (Designee)
OMH Commissioner Ann Sullivan (appearing virtually)
Dr. Thomas Smith, OMH (Designee) (appearing virtually)