

New York State Opioid Settlement Fund Advisory Board

July 10, 2023 – Meeting

Empire State Plaza Albany, NY – Room #6

10:00am – 4:00pm

Welcome/Introductions

Chair Debra Pantin gave opening remarks and the Board members reintroduced themselves. Chair Pantin discussed the Board's upcoming schedule and the potential of making adjustments to the Board's previous recommendations.

Approval of Minutes

Member Suzanne Lavigne made a motion to approve the meeting minutes from May 15, 2023, with a second from Member William McGoldrick. The motion passed with abstentions from the Office of Addiction Services and Supports (OASAS) and the Division of the Budget (DOB).

Fiscal Presentation

DOB Designee Peggy O'Shea presented an updated fiscal overview of Opioid Settlement Fund (OSF) dollars including opioid settlement receipts, actual dollar amounts that came in fiscal year 22-23, and revised projections for the remainder of the State's current financial plan. The link to the presentation can found here:

https://oasas.ny.gov/system/files/documents/2023/07/opioid_settlement_fund_budget_presentation.pdf.

Member Dr. Giordano asked how the money the Attorney General's Office brought to the counties fit into the fiscal picture and how it related to the Regional Shares. Member Ashley Livingston and Designee O'Shea confirmed that counties receive Direct Shares from the settlements and Regional Shares from the OSF.

Member Avi Israel inquired about the amount of money providers have received so far from OASAS and DOH. Designee O'Shea advised that OASAS and DOH would present on the progress of the RFAs and that most of the regional share dollars have been disbursed.

Member Ashley Livingston inquired if any of the money would go to the cost of additional staff to help streamline the RFA/RFP process. Chair Pantin advised that both questions would likely be addressed in the presentations from OASAS and the Office of Mental Health (OMH).

Ethics Discussion

OASAS Deputy General Counsel, Greg Meyer, reminded the Board that conflict of interest forms need to be completed and submitted to the Chair for the current year. The form was emailed to members during the meeting and Deputy Counsel advised

members that the need for the conflict of interest form was established in the Board's authorizing statute found in NYS Mental Hygiene Law § 25.18. Member Avi Israel raised concerns about Board members' organizations receiving funds from the OSF. Deputy General Counsel Meyer clarified that Board members cannot use their position on the Board to direct funds to their organizations, but that those organizations could obtain funds if they are awarded through a competitive process.

Member Livingston inquired if the MATTERS program went through a competitive process for the funds received. Department of Health (DOH) Designee, Johanne Morne, advised that funding for MATTERS was earmarked. DOB Designee O'Shea further clarified that MATTERS was lined out on the scorecard that the Board reviewed and voted on last November and that the Board accepted the line item of \$8 million for the MATTERS program.

Member Israel raised concerns about the amount of time it has taken for funds to be disbursed considering that recommendations were made in November.

LGU Presentations

Chair Pantin discussed outreach to various Local Government Units to learn more about their initiatives. She indicated that she had reached out to New York City, Suffolk County, and Nassau County and that she had also reached out to the Conference of Local Mental Hygiene Directors.

Michael Orth, Commissioner of Westchester County's Department of Mental Health, presented on behalf of the Mid-Hudson Valley Commissioners on some of the region's initiatives funded through settlement dollars. Other county representatives joined him, including Jean-Marie Niebuhr, Deputy Commissioner /DCS Dutchess County, Darcie Miller, Commissioner Orange County, Melissa Stickle, DCS Sullivan County, Katrina Williams, Deputy Commissioner Ulster County, and Dr. Susan Hoerter, Acting Commissioner Rockland County. The link to the presentation can be found here https://oasas.ny.gov/system/files/documents/2023/07/nys-oasb-mid-hudson-july-10-2023-presentation_.pdf.

The overall focus of the presentation was the need to improve the integration of the mental health and substance abuse systems. Commissioner Orth specifically indicated that the county has already contracted for its direct funds and is also close to rolling out services through funds received from OASAS. There were presentations about the existing work, new initiatives, and progress of RFPs for opioid settlement dollars from all the regional counties.

There was discussion about how the counties can share what they are doing in their respective counties, best practices, and challenges at the Conference of Local Mental Hygiene Directors which meets regularly. Additionally, there was discussion about available data on the impact of the initiatives on the rate of overdoses, collaboration, further publicizing and sharing the initiatives and innovation of the counties, and metrics to measure progress.

Lunch Break

The Board broke for lunch and returned for public comment.

Public Comment

The Board received comments from the public, including community organizations and individuals who have lost loved ones to addiction. Each member of the public was permitted to share comments limited to two minutes.

Chair Pantin also addressed two comments that were submitted in writing to the Board's comment dropbox regarding recovery and another from an accounting firm. Member Stephanie Marquesano explained that she was concerned about the Board drop box being used to solicit the Board or offer the Board related products or services. Member Dr. Giordano made a motion for the Board not to entertain solicitation with a second from Member Dr. Tisha Smith. Chair Pantin called for discussion on the motion. Deputy Counsel Meyer advised that the Board has a participation document and that the Board could make a motion to amend that document. Member Dr. Giordano made motion to amend the previous motion to include revising the participation document, with a second from Member Cheryll Moore. Members further discussed the amended motion, and the motion passed with abstentions from the agencies.

Implementation of 2022 OSFAB Recommendations and Current Plan

OASAS Associate Commissioner Connie Burke presented an update on the implementation of the Board's 2022 Recommendations. The link to the presentation can be found here:

https://oasas.ny.gov/system/files/documents/2023/07/oasas_presentation_osfab.pdf.

Associate Commissioner Burke focused on new developments in Requests for Application (RFAs) and Requests for Proposal (RFPs). She highlighted progress with respect to contracts and RFAs for harm reduction recommendations, investments across the service continuum, and priority populations. Specifically, she discussed that OASAS has executed contracts and made progress in the RFP/RFA process to provide testing supplies such as fentanyl and xylazine test strips, naloxone distribution, scholarships, youth education and engagement, and street outreach. She further advised that, with respect to the regional abatement, a total of \$63.4 million in payments have been disbursed to 55 of the 55 eligible LGUs, all of the five large cities and 10 of the 21 Other Litigating Entities (OLEs).

There was discussion between the Chair and the Associate Commissioner clarifying that the presentation was on behalf of all three agencies - OASAS, DOH, and OMH. It was further clarified that the presentation focused on 2023 appropriations. Member Anne Constantino asked for a breakdown of how the money has been distributed and raised concerns about the RFP process being too specific, and that harm reduction is about more than naloxone. She suggested that there is a need for comprehensive continuous training and supervision and implementation of evidence based best practices, like what was discussed earlier by the Mid-Hudson Valley Commissioners.

There was also discussion about Opioid Treatment Programs (OTP) and harm reduction. OASAS Commissioner Cunningham explained that all harm reduction dollars have not been expended and that there are other harm reduction efforts to be funded. Member Suzanne Lavigne commented about the OTP certification process, academic institutions, and community-based organizations (CBOs). Associate Commissioner Burke advised that OASAS is in the process of contracting with seven CBOs.

Member Ashley Livingston inquired about funding for staff to provide technical assistance and support for the recommended initiatives, funding provided to MATTERS and information on plans submitted by the counties. Associate Commissioner Burke discussed the Dashboard and the Opioid Settlement Fund Project Mailbox and monthly community meetings on the opioid settlement funds and explained that OASAS is working on making all forms of naloxone available. OASAS Associate Commissioner Deborah Davis addressed the earlier RFAs and how there have been improvements to the process. Commissioner Cunningham advised that additional funding provided to MATTERS was specific to the distribution of fentanyl and xylazine test strips. DOH Designee Johanne Morne further clarified the additional MATTERS dollars and explained that DOH offers both intramuscular and nasal naloxone. There was additional discussion about concerns regarding the RFA/RFP process and priorities with respect to the Board's recommendations, including smaller organizations in the RFA/RFP process, and the State's long-term plans for recovery services.

Workforce Discussion

Chair Pantin asked the Board how they wanted to address workforce discussions including salary increases, bonuses, loan forgiveness, increased training and supervision, retention and recruitment efforts, and the potential to implement. There were also discussions about focusing on workforce on its own as opposed to an overlay over all recommendations. Member Dr. Giordano raised concerns regarding the contradictory language in the Board's statute (NYS Mental Hygiene Law § 25.18) and the Schedule C document for the national settlement with respect to eligible uses for Opioid Settlement funds.

Other Items

The Board Members continued brief discussions about the procurement process, funding for small community-based organizations, workforce, and adjustments to the order in which the board prioritized their recommendations. Associate Commissioner Burke announced that OASAS is developing an initiative around housing, recovery, transportation, and research. She further explained that OASAS is considering tweaks to the RFA process based on the feedback from the Board and that OASAS can review the order of priority with respect to 2024 RFA and initiatives. Member Dr. Lawrence Brown advised that the Board should wait to see the impacts of the current initiatives prior to making adjustments for 2024 or 2025. Chair Pantin announced that is scheduled for September 8, 2023, and that she would send around a list of the points from the

meeting for the members to think about opportunities for voting on them or having further discussion. She also indicated that she would inquire if there was another date aside from September 8, 2023, that would work better for the members for the next meeting.

Motion to adjourn by Member Dr. Lawrence Brown with a second from Member Dr. Justine Waldman.

Attendees

Board Members:

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

Agency Representatives:

Dr. Chinazo Cunningham, OASAS Commissioner

Peggy O'Shea, DOB (Designee)

Tracey Collins, OASAS Executive Deputy Commissioner (Executive Secretary of the Board)

Connie Burke, OASAS Associate Commissioner

Johanne Morne, DOH (Designee)

Dr. Ann Sullivan, OMH Commissioner

Dr. Thomas Smith, OMH (Designee)