

New York State Opioid Settlement Fund Advisory Board

September 26, 2023 – Meeting

H. Carl McCall Suny Administration Building, Zimpher Conference Room - Albany, NY

10:00am – 3:30pm

Welcome/Introductions

Board Chair Debra Pantin opened the meeting and the Board members reintroduced themselves. She explained that the meeting had been rescheduled to accommodate a religious holiday. She noted that rescheduling the meeting resulted in a conflict for the Commissioners of the Office of Addiction Services and Support, the Office of Mental Health and the Department of Health. Chair Pantin further advised that Tracey Collins, who had previously acted as Board Executive Secretary is now the Deputy Executive Commissioner of OASAS and was present at the meeting as OASAS's designee, but that Joelle Foskett of OASAS is now serving as the Board's Executive Secretary.

Approval of Minutes

Member Suzanne Lavigne made a motion to approve the July 10, 2023, meeting minutes with a second from member Dr. Stephen Giordano. The motion carried with abstentions from DOB Designee Peggy O'Shea and Members Ashley Livingston and Joyce Rivera. Chair Pantin then advised that the agenda would need to be adjusted and that the next agenda item would be the presentation from the NYS Conference of Local Mental Hygiene Directors.

Member Stephanie Marquesano raised concerns regarding technical issues with the livestream, it was noted by OASAS that the livestream was down due to technical difficulties, but that the meeting was being recorded and would be posted in its entirety.

LGU Presentation

The NYS Conference of Local Mental Hygiene Directors (CLMHD) represented by Executive Director Courtney David, Conference Chair Laura Kelemen, and Counsel Jed Wolkenbreit presented to the Board. The presentation gave an overview of the role of the CLMHD, its member counties, the statutory/legal framework for the LGUs, and the county level perspectives of the planning and procurement process within that framework.

Member Suzanne Lavigne discussed Franklin County's planning and procurement process from the perspective of a county that does not have a charter. She explained that in Franklin County they formed a work group including community services board members, county departments and two legislatures who discussed procurement issues and decided not to require fees in the application process and not to utilize an RFP process. Member Lavigne further explained that the workgroup created a press release regarding the available funding and what uses were permissible for the funds. Applicants were required to write a program description or proposal description,

identify outcome measures and their evaluation process. Member Lavigne advised that the workgroup developed a screening tool that was used to review the applications and to make awards to a variety of different local agencies. She explained the award and contract process for the applicants selected and noted that all the awardees have received their initial advance and that after six months the awardees will submit a report of outcomes and the remainder of the money will be expended.

Member Dr. Stephen Giordano briefly discussed Albany County's process as a chartered county that is required to utilize the RFP process to obtain approval from the county legislature for initiatives. He explained that the county is in the process of hiring a Project Coordinator for settlement fund purposes. Member Giordano highlighted that the County would like to launch two initiatives including the expansion mental health department's mobile outreach and a treatment and overdose response team to cover the county and a street medicine to provide services to individuals wherever they are located. He explained that there are a lot of questions and concerns from the legislature about the funding and conflicting opinions on how the dollars should be spent but he is hopeful that there will be progress.

Member Anne Constantino asked for transparency in all funding receiving by local government. CMLHD Chair Keleman advised that CLMHD may be able to obtain some of the information about direct share funds from the Attorney General and share it with the Board. Executive Director David explained that obtaining all the information on the money received by the local government could be difficult because some of the dollars were unrestricted and would not have the LGU perspective.

Member Livingston expressed concern regarding some of the initiatives presented by the Conference including: the absence of syringe services programs under harm reduction, whether recovery housing models were abstinence based, the use of peer specialists and not Certified Recovery Peer Advocates (CRPAs) which would include substance abuse and not just mental health peers.

Member J. Rivera highlighted that syringe services programs must be authorized by the state Department of Health and that as an unchartered county Franklin County has made significant progress in expending funds. She also inquired whether there is an active and ongoing exchange of knowledge between the counties including New York City with respect information sharing for the purpose of generating best practices. Executive Director David advised that members of CLMHD meet regularly flesh out ideas and develop priorities.

Member Dr. Lawrence Brown inquired as to how the counties are accounting for equity in their process for expending opioid settlement funds. CLMHD Counsel Jed Wolkenbreit advised that counties did not seem to have a uniform approach.

Member Marquesano discussed the need to ensure strategic collaborative efforts and knowledge sharing across the state.

Vice Chair Dr. Justine Waldman expressed concern that many of her patients have a negative association with county agencies and suggested that Sam Rivera from OnPoint present to the counties on Overdose Prevention Centers with respect to the unrestricted funds received.

Dr. Giordano discussed the pros and cons of the RFP process indicating that utilizing the RFP process may not allow the county to expend funds quickly, but it does allow for transparency and accountability.

Member Livingston inquired if the Board recommendations were being implemented by an RFA process. OASAS Associate Commissioner Deborah Davis explained the procurement process and partial procurement relief, pursuant to State Finance Law § 163 and Economic Development Law §142 which allows the State to enter into a direct contract instead of the competitive bidding process. She highlighted that OASAS did a request for application specifying the scope of work, how the application would be scored, and that there was a debriefing to help those applicants who were not selected understand why they were not successful. Associate Commissioner Davis also advised that equity and co-occurring disorders were considered during the scoring process.

Chair Pantin advised that the Board would have to move forward with the agenda to ensure that other important issues were addressed by the Board.

The full video of the CLMHD presentation and subsequent board discussion can be found [here](#) and begins at 12:50 into the video.

Workforce

The Board moved on to the discussion of workforce. Chair Pantin noted that providers may be unable to apply for RFPs/RFAs due to workforce issues. The Board discussed workforce initiatives and the best way to strengthen the priority of workforce. The Board discussed adding workforce as an additional bucket or strengthening the workforce initiatives throughout the existing 10 buckets.

The Board discussed their concerns about the workforce crisis and how to best strengthen workforce as a Board priority. Member Livingston stated that she thought that the money allocated to investments across the continuum was intended for workforce recommendations. She further suggested that unspent 2024 dollars for investments across the continuum should be directed to workforce initiatives.

Following this discussion, Member Brown made a motion for greater emphasis on workforce across the Board's recommended unspent investments and for FY 24-25. The motion was further clarified by DOB Designee Peggy O'Shea to specify that workforce investments be included in the spending category of investments across the continuum and that FY24 funds used to improve workforce or to address the workforce crisis be spent out of that particular spending category that's already allocated. The motion was carried with abstention DOB, OMH, DOH, and OASAS.

The Board voted to include an overarching workforce recommendation with specific workforce recommendations. These recommendations can be demonstrations or RFAs. The following workforce specific recommendations were voted on by the board and are hereby submitted as follows:

1. Develop strategy to address administrative workload, by adding administrative staff to the program operations that can execute administrative functions. This will allow clinical staff the appropriate time and support needed to provide client services and not experience burn out. Motion carried with abstentions from Member Kevin Watkins and the State agencies.
2. Address staff burnout: funding staff wellness programs. These programs should be informed by staff. Motion carried with abstentions from Member Watkins and the State agencies.
3. Recruitment initiatives to attract new individuals into the field. Motion carried with abstentions from Dr. Giordano and Agencies abstain.
4. Loan Forgiveness programs for individuals working in clinical positions in Community Based Organizations, first prioritizing organizations with an annual budget of less than \$10M. This is in light of staff working in SUD and Mental health clinics who do not readily qualify for Public Service Loan Forgiveness Program (PSLF). Motion carried with abstentions from Members Watkins, Dr. Tisha Smith, J. Rivera and the State agencies.
5. Increase staff training, including Clinical Supervision. Motion carried with abstentions from the State agencies.
6. Paid Internships across the SUD and Mental Health Field. Motion carried with abstentions from Members J. Rivera and the State agencies.
7. Promoting the Behavioral health field at the high school and Universities levels. Motion carried with abstentions from the State agencies.
8. Hiring Bonuses. Motion carried with abstentions from Member Livingston and the State agencies.
9. Waive Credentialing Fees for all credentials, with priority given to SUD and Mental Health positions. Motion carried with abstentions from the State agencies.
10. Leadership Institutes. Motion carried with abstentions from Member Watkins and the State agencies.
11. Fund and Encourage EAP Services for all staff and volunteers, after some discussion Member Livingston asked for an amendment to include all staff and volunteers, Chair Pantin accepted the amendment, and it carried with abstentions from Member Moore and the State agencies,
12. To develop a comprehensive approach to reimbursement rates to include living wages and benefits. After discussion from Member Brown regarding Board overreach and the inability to change rates, the motion was withdrawn.

Public Comment

The Board heard from public members on location in Albany and Buffalo, including on issues related to recovery centers, lack of affordable housing, stigma, and the need to open up grants for smaller non-profits so that they can continue to serve their important populations.

Public comments begins at 1:07 of the video and can be found [here](#).

Other Issues

Member J. Rivera mentioned writing a statement/letter to the governor about OPCs. Chair Pantin then made a list of suggestion from the board members of things to include in a list to include for Fiscal 2025 and to include in a public statement:

1. Alternate ways of getting funding to include smaller organizations
2. Expediting funding for small grants
3. Technical assistance in grant writing
4. Continued efforts to increase rates and service reimbursements especially for SDOH (Overarching---Infrastructure)
5. Workforce Needs Assessment
6. Demonstration OPCs and recovery centers
7. A single state agency for substance use and mental health
8. Anti-NIBYism
9. Declaring a State of Emergency

Attendees

Board Members:

Chair Debra Pantin, Dr. Lawrence S. Brown, Dr. Stephen Giordano, Anne Constantino (Buffalo location), Avi Israel (absent), Suzanne Lavigne, Ashley Livingston, Stephanie Marquesano, Cheryll Moore, Carmen Rivera, Dr. Tisha M. Smith, Dr. John Giftos (absent), Vice Chair Dr. Justine Waldman, Dr. Kevin Watkins (appearing virtually), William M. McGoldrick, and Joyce Rivera, Raymond Ganoe (Buffalo location).

Agency Representatives:

Peggy O'Shea, DOB (Designee)

Tracey Collins, OASAS Executive Deputy Commissioner (OASAS Designee)

Joelle Foskett (OASAS Director of Government Affairs, Executive Secretary of the Board)

Connie Burke, OASAS Associate Commissioner

Johanne Morne, DOH (Designee)

Chris Smith, OMH (Designee)