

**Opioid Settlement Fund – Regional Abatement
Frequently Asked Questions
Updated 11.10.23**

- Q1. Does the money have to be spent in the year that it is disbursed?
- A1. No, the money does not expire, it can be spent over time.
- Q2. What are the amounts of future payments?
- A2. Refer to the settlements table on page 238 of the [Opioid Settlement Fund Advisory Board Report](#) from November 1, 2022. While the first-year disbursement is likely to be the largest one-time payment, the payments do continue over the next 16 years. This chart contains the settlements to date, there are still some lawsuits in process, the amounts are subject to change. The percentage the LGU is receiving in relationship to all LGU monies total is likely to remain consistent over time.
- Q3. When this year can LGUs expect payments?
- A3. Please fill out the Planned Use of Funds Request form that was emailed directly. Once completed and submitted, the Planned Use of Funds request form will be reviewed and approved. The LGU/City/Other Litigating Entity (i.e, towns, villages, etc.) will be notified by email that your funds have been processed and released at 100%.
- Q4. Moving forward, when can the regions expect monies to be disbursed annually?
- A4. Both the required annual reports on the use of funds due every 8/1 and a new Planned use of Funds request form will need to be submitted before any additional funds can be made available.
- Q5. For this year, and future years, what are the dates/timelines for receiving funds, and reporting funds?
- A5.1 Once an approved planned use of funds is received related to the FY 2022-2023 Opioid Settlement Fund Regional State Abatement funds for one of the large cities, LGUs or Litigating Entities, the allocated amounts will be provided to that entity at 100%.
- A5.2 Once there is a FY 2023-2024 Enacted Budget, the dollar amounts for the Subdivisions will be confirmed. OASAS will email the LGUs/Litigating Entities the allocated amounts of the regional share state abatement funds in the summer of 2023.

**Opioid Settlement Fund – Regional Abatement
Frequently Asked Questions
Updated 11.10.23**

- A5.3 Reporting on the FY 2022-2023 Opioid Settlement Fund Regional Share State Abatement funds are required to be submitted no later than August 1st, 2023, in the OASAS web-based Formstack. This reporting mechanism has not been created yet, all entities receiving funds will be notified when reporting is available on year 1 funds. The process for planning 2024 dollars will take place after reports for 2023 have been received.
- Q6 How will the Other Litigating Entities (OLE) money be disbursed?
- A6. The OLE allocations will be sent directly to the LGU to be passed through to the named OLE. The OLE contact will be copied on the email that is sent to the LGU that identified that the OLE's amount has been sent to the LGU for disbursement to the OLE. The OLE will send an email to OSFProjectManagement@oasas.ny.gov mailbox to confirm receipt of funds.
- Q7. Is Opioid Settlement Funding reported on the CFR?
- A7. Regional Abatement payments, also referred to as Regional Shares, are funds directed by the Opioid Settlements that must be paid to the counties, certain cities, as well as Other Litigating Entities (OLE). These payments will be made directly to the Local Governmental Unit (LGU) or the affected city through the Statewide Financial System (SFS). Payments owed to any OLE will be paid to the appropriate LGU which will pass the funds through to the OLE.
- Such payments will not be reflected on the OASAS State Aid Funding Authorization (SAFA) and no OASAS program code will be established for these payments. As a result, these payments, regardless of the recipient, will not be reported or claimed on any schedule in the Consolidated Fiscal Report (CFR). If a LGU, city, or OLE makes any awards of these funds to an OASAS provider for the purpose of providing substance use treatment, prevention, harm reduction, or recovery services, the provider agency should report the expenses of the award and the corresponding revenue in the appropriate OASAS program. This revenue should be reported as Other Revenue, line 94 on the CFR-1 and line 29 on the DMH-2 and identified of "Local OSF." This revenue should not be reported on the DMH-2 line 45 as Local Government Share.
- LGUs, cities, and OLEs will be required to report on the use of these funds. However, that reporting will not be done through the CFR. LGU, cities, and OLEs will be notified by OASAS Project Management separately of that reporting process.
- Q8 What is the best way to know if an expense by an entity or subcontractor is allowable?
- A8. The entity should refer to the ['Allowable uses' document](#) for appropriate use of funds that have been distributed to them by OASAS. For funds delivered to the

**Opioid Settlement Fund – Regional Abatement
Frequently Asked Questions
Updated 11.10.23**

entity by the AG, please refer to the guidance sent by that office, and subsequent questions should be directed to the contact at the Attorney General’s office and/or the third part administrator of the Attorney General’s Funds, Brown Greer:
NonOpioidRemediationUseReporting@nationalopioidofficialsettlement.com

- Q9 How can an entity ensure they are documenting correctly when they are combining funds?
- A9. The best way to ensure the entity is documenting correctly is to not combine funds. If the entity does combine/blend several opioid settlement funding sources (i.e., OASAS OSF, AG, etc.), they should meet with their accounting/legal team and decide the best cost allocation methodology in preparation for future reporting. Reporting to OASAS on OSF funds requires funds to be separated additionally funds need to be separated for potential audit purposes.
- Q10 What reporting is due for the LGUs?
- A10. OASAS is currently developing reporting CY23 and it will be disseminated at the beginning of March, and be due April 1st, 2024.
- Q11. Is it possible to determine the exact source of money attached from particular settlements (i.e. Johnson and Johnson, Allergan etc....) through the Opioid Settlement funding distributed via regional abatement?
- A11. The opioid settlement agreement dollars awarded to the state and flow through the OASAS Opioid Settlement Fund (OSF) are governed by Section 25.18 of the Mental Hygiene Law and Section 99-nn of State Finance Law. The limitations (i.e., “approved uses” in MHL 25.18) come from the statute, rather than the specific settlement agreement.
- Q12. If an entity has changed their spending plan from what was originally reported do they need to notify or receive approval for this change?
- A12. If the change in plan is within the allowable use of funds document, the entities do not need approval, or to provide any notice of the change. The change can be reflected in the annual reporting, see Q 10 above.