

December 21, 2023

Commissioner Chinazo Cunningham, MD  
Office of Addiction Services and Supports  
501 Seventh Avenue  
New York, NY 10018

Dear Commissioner Cunningham:

In response to your letter dated December 8, 2023, I am writing back on behalf of the Opioid Settlement Advisory Board (OSFAB). As an advisory committee comprised of experts representing providers, individuals with lived experience, local governmental units, and State agencies, we take our charge to recommend innovative and effective uses for the State's Opioid Settlement Funds with the utmost seriousness. From our varied leadership positions throughout the field, we each see firsthand every day the tremendous devastation caused by our country's opioid crisis and its tragic impact on individuals, families, and our communities. With that in mind, and in good faith, we implore the State to reconsider one of the timely and innovative recommendations that were declined regarding our support for Overdose Prevention Centers (OPCs). We also want to reiterate our request for the Governor to declare a state of emergency. Finally, we also seek clarification regarding the accepted recommendations.

### **1. Declare a State of Emergency**

The Board feels it is important that the Governor declare a state of emergency regarding the State's opioid and related overdose crisis. This position supports the recommendations and a path forward to end this crisis. Across the country and in New York State, overdose deaths have risen steadily over the past 15 years. In 2021, the number of overdose fatalities in New York State soared to more than 5,800. Tragically, the crisis continues to worsen. Public health data for 2022 confirms that there were more than 10,000 overdose fatalities in our State. Given this alarming data, we want the Governor to declare a state of emergency. It is imperative that public awareness be increased and that all resources are made available to fight this fatal epidemic. We have seen that when other states, such as Maryland and Rhode Island, declare a state of emergency, meaningful resources, innovation, new policies, and a decline in opioid-related overdoses follow.

### **2. Allocate Settlement Funds in Support of Opioid Prevention Centers (OPCs)**

We ask that the State reverse its decision declining, for the second year in a row, the Board's recommendations in Addendum Section 2 (pages 8 & 9) regarding OPCs. New York has a proud and renowned tradition of enacting bold public health solutions, and being a progressive leader in the country when it comes to keeping our constituencies safe and healthy. As an example, the ground-breaking regulatory work of the AIDS Institute/State DOH along with the SSPs and other stakeholders in developing NYS's harm reduction portfolio, has been an innovative, national model since 1992.

- **We therefore reaffirm our support of OPCs and our request for continued advocacy, leadership, and regulation in support of these important lifesaving, community-based resources.**

The authors of the prevailing State legislation governing the actions of this Advisory Board wrote, and passed the law, establishing the Board and its role. This unanimously bipartisan legislation sought to ensure that monies from these settlements would go *directly* to meaningful substance use disorder prevention, treatment, recovery, and harm reduction services for New Yorkers. We are concerned that the decision by the State in its letter of December 8, 2023, veers from both the text and the spirit of the prevailing statute. While there are many reasons why we object to this decision, we have summarized our thinking across the following key themes:

- These monies would fund supportive services,** not brick and mortar OPCs. Pursuant to the prevailing legislation ([S7194/A6395](#)), which both created and governs the Board, the actions recommended by OSFAB are entirely in line with the language and spirit of this bill. The funds that were secured through the opioid settlement decisions are to be explicitly “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.”
- OPCs have been successful in New York City.** OPCs reduce the risk of severe infection and disease by as much as [50%](#). A NYC [Health Department feasibility study](#) found that OPCs in New York City could save up to 130 lives each year. The NYC Health Department [has shown that opioid-involved deaths are preventable](#) through simple measures like expanding access to naloxone, and providing for other integrative services through OPCs. In the OnPoint’s (OPC) recent annual report, the Center served 2,841 individuals, engaged in 636 interventions to prevent overdose deaths, and kept 435,078 hazardous wastes off the streets. A link to their full annual report [here](#) provides additional data that demonstrates the benefits of OPCs.
- There are dangerous overdose trends both nationally and locally.** As stated earlier in this letter, the opioid crisis is worsening, and the number of overdose deaths has nearly doubled from 2021 to 2022. If we fail to support people struggling with addiction it will only further exacerbate this fatal trend.

We urge communities to support their OPCs, which could be funded through additional resource streams (e.g., Local Government Units). The Board also urges the State to look at the model used with the inception of Syringe Exchange programs which resulted in a solution that reflected collaboration among a wide range of actors, including the State, private foundations, and advocates.

### 3. Clarification Regarding Accepted Recommendations

Finally, the Board seeks confirmation that the State accepts how we re-prioritized the approved funding categories, and the highlighted priorities under several of those categories. For example, under the Investments Needed Across the Service Continuum, the Board re-prioritized Workforce as a critical focal point for opioid settlement funds. We laid out an extensive set of strategies to be considered to help combat New York's provider workforce crisis. Similarly, we offered some additional strategies under several other reprioritized categories and seek to confirm that these have also been fully approved and will be reflected in new Opioid Settlement Fund grant opportunities developed by the state agencies.

We also want to note the increasing transparency about how, where and when opioid settlement funds are being distributed. This data provides vital information with which to better understand the impact of our recommendations while also providing important data that will be useful when making our recommendations next year. We appreciate the State's efforts to make this information accessible to all. However, we must continue to focus on innovative practices that save lives.

In closing the Board feels compelled to restate that our intent, as outlined in the OSFAB charter, is solely to make recommendations that directly address the opioid and related overdose crisis in our State to improve the health and well-being of New Yorkers. We welcome further collaboration with the State to put an end to this public health emergency. We believe by declaring a state of emergency and by working with localities and DOH to design, monitor and regulate research and support for OPCs, the State can do just that.

Sincerely,



Debra Pantin, Chairperson  
Opioid Settlement Fund Advisory Board

cc: Governor Kathy E. Hochul  
Honorable Andrea Stewart-Cousins, President Pro Tempore and Majority Leader  
Assemblymember Carl E. Heastie, Speaker  
Senator Liz Krueger  
Assemblymember Helene Weinstein  
Senator Nathalia Fernandez  
Assemblymember Phil Steck