



Colorado Opioid Abatement Council (COAC)

Meeting #3 Minutes

August 17, 2022, 12:00 – 2:00 p.m.

Members Present: Phil Weiser, Heather Ihrig, Andy Kerr, David Frank, KC Hume, Nancy Rodgers, Scott Weaver, Christian Champagne, Danielle Felder, Lori Laske, Janet Rowland, Josh Blum

Absent: Aaron Miltenberger

DOL Staff: Heidi Williams, John Feeney-Coyle, Jamie Feld, Jack Patterson, David Baumgarten

Guests: Seth Klamann, Jessica Eaddy

Welcome and Introductions

Attorney General and COAC Chair Attorney General welcomed all attendees and thanked them for their engagement in this work. AG Weiser asked attendees to share their connections to this crisis as an introduction.

Conference and Regional Update

AG Weiser recognized the successes of communities across the state. Emphasized the role of the COAC in lifting everyone up across the state.

AG Weiser shared highlights from the Conference, noting that attendees communicated an intent to take the resources they gained at the conference back to their regions to help guide the work to abate the opioid crisis. AG Weiser also noted the range of experiments and ideas being implemented across the state and emphasized a goal to continue to monitor and support successful initiatives. AG Weiser also recognized the value of the law enforcement panel in discussing medication assisted treatment.

Heidi Williams shared that 150-160 attended in person first day, 100 in person second day, around 170 attendees online across the two days. Heidi and Jamie Feld noted that the ORU is developing a summary report and recognized contributions from other DOL staff, interns, and partners, in pulling off a successful event.

AG Weiser recognized the success of the conference and discussed the proposal to have one an annual basis and expressed a desire to have them across the state.

2-Year Plan Process and Review

Jamie Feld shared an update on the 2-Year Plans, noting that the 9 Regions have submitted 2-year plans that need to be reviewed.

The Colorado MOU requires the COAC to review the plans prior to the release of funds. COAC has a new 2-Year Plan Review Committee which will be providing review, with KC Hume, Scott Weaver, Aaron Miltenberger, and Andy Kerr. AG Weiser asked for more volunteers to serve on the Committee. Heather volunteered to serve on the committee.

Jaime Feld emphasized importance of transparency and said that the role of committee as charged would be to provide recommendations to the larger COAC. Jamie and Heidi Williams asked the COAC for recommendations and guidance for the review process.

As the designated administrative support for the Colorado Opioid Abatement Council, the Opioid Response Unit developed this document on behalf of the COAC. Please email Opioids@coaag.gov if you have any revisions or questions.



Dave Frank expressed confidence in the recommendations made by the Committee and recommended a one-week advance period for review of the 2-year plan recommendations from the review committee.

John Feeney-Coyle and Attorney General Weiser noted the requirements of the COAC in not delaying release of funds, and that the review is to whether the 2-year plans meet the requirements of the MOU.

Heidi Williams provided an overview of the timeline, noting that Regions have been told 9/15, however Heidi noted that the 9 planning grant recipient Regions needed to submit by 6/30. Regions have been given an initial deadline of 9/15, but multiple Regions have indicated they will not meet that deadline.

Distribution Process

John Feeney-Coyle provided an overview of the distribution process.

For regions, the Department of Law (DOL) has asked to have multiple distributions in the first year to accommodate regions at different periods, with a goal of having 2 disbursements annually. JFC noted importance in streamlining payments to reduce administrative costs to ensure funding goes to the opioid crisis.

Once the opt-out process is finalized, the DOL will provide the amounts and the contact information for the regions and local governments to the National Administrator. BrownGreer will reach out to those contacts to request the banking information from the local governments and regional fiscal agents. Funding will be released relatively quickly.

AG Weiser noted need to sequence tranches this year, expect at least 2 or this year (June 30, Sept 15, and Q4), and recognize need to set and communicate a timeline in future years.

Local Government Share and Oversight

Scott Weaver noted that there has been confusion from PLGs regarding the opt-out/in process. Heidi Williams shared that we are continuing to reach out to governments to confirm their decisions.

Scott Weaver asked about why Participating Local Governments (PLGs) are not required to submit 2-year plans. John Feeney-Coyle noted that there will be reporting for the PLGs that will allow the COAC to review the usage of the Opioid Settlement Funds by PLGs. AG Weiser noted that PLGs will undertake a risk analysis to determine whether it makes sense for them to manage the funds or direct their funds to the regions.

Jack Patterson provided an update of PLG's opt-out/in decisions, noting that of 98 that opted-in, 15 opted in to less than a \$100 in Year 1, and an additional 10 opted-in to between \$1,000-2,000. Jack noted that most Regions have nearly completed the process and expects the final 40 to be completed by the end of August.

Josh Blum asked whether local governments will be able to change their opt-out/in choice. Heidi Williams noted that local governments will be able to change their choice on an annual basis.

Christian Champagne asked about oversight of Local Government Share. John Feeney-Coyle and AG Weiser noted that both the COAC and other parties to the settlement would be able to address misuse

or non-compliance. The COAC will provide oversight of both the Regional Share and Local Government Share funds. Jamie Feld noted that it may be helpful for the COAC to help provide guidance to the Regions in submitting their 2-Year Plans in how to comply with the Approved Purposes in Exhibit A.

Jamie Feld shared that the 2-year plan format has changed from the initial format to allow the COST portal to better reflect Exhibit A. Will have a drop-down portal which will make reporting easier, but there is a need to communicate the regions about the change in the 2-year plans. Once the 2-year plans are reviewed by the COAC

Committee Appointments and Discussion

Jamie Feld shared the Committee Descriptions document based upon the recommendations made by the COAC at the May Meeting, forming three committees of the COAC to support the overall obligations of the COAC. They are the Administrative Committee, the 2-Year Plan Review Committee, and the Regional Abatement Assistance Committee.

Heidi Williams shared a previously discussed idea of putting together an Ad Hoc resource list to connect local governments and regions to subject matter experts, specially highlighting the representatives of the CO-SLAW initiative.

Dave Frank emphasized need to provide the resources from those committees to the local governments as well as the regions.

Jamie Feld noted that state agencies have offered to provide additional review of 2-year plans (example of Medicaid, State Opioid Response (SOR) funds), asked for permission from the COAC as a point of input. Will incorporate those pieces in recommendations.

Dave Frank asked what constitute a quorum for each committee. John Feeney-Coyle noted that quorum would be a majority.

AG Weiser asked for a motion to approve the Committee Descriptions and Appointments (1:22pm)

Andy Kerr Motioned

Scott Weaver Seconded

Unanimously approved

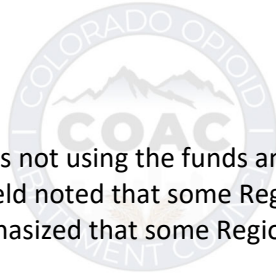
Infrastructure Funds

AG Weiser asked Heidi Williams to review some of the early drafts of guidance for the management of the 10% Infrastructure Fund.

Heidi expressed a goal to provide recommendations to the COAC by the next meeting for a procedure to allow for applications for infrastructure funds. Some potential options include eligible parties could be restricted only to local governments or regions, or could also include non-profits, providers, etc. – generally open-ended eligibility.

AG noted that it is an open question for the COAC to identify the criteria, and recognized pros and cons of different pieces. Regional limits invest in the Regions and supports their agency but may impede development in a Region if their ROAC is not as active.

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Scott Weaver brought up issue of regions not using the funds and identified need to develop processes to ensure funds are being used. Jamie Feld noted that some Regions have communicated concerns with their readiness to spend funds and emphasized that some Regions may take time to utilize their funds.

AG recognized the work being done by Lori Laske and the SLV and emphasized need to support Regions.

Andy Kerr suggested providing the regions the ability to veto, AG suggested an alternative of having a letter of support from their region for non-regional applicants. Jamie Feld and Heidi Williams mentioned potential challenges with giving regions veto control over local initiatives.

Nancy Rodgers suggested implementing a preference to regions. AG Weiser asked a clarifying question as to who can apply for funds.

John Feeney-Coyle shared that the MOU requires that the funds be provided either to regions or local governments. Non-governmental applicants would need to be sponsored/go through either a local government or region, region would be provided an opportunity to weigh-in. AG Weiser noted need to ensure funding is available to the Tribes. John Feeney-Coyle committed to reviewing the requirements to allow Tribes to be eligible to apply.

AG Weiser identified a goal to approve Infrastructure Application process at the next meeting, in addition to approve 2-year plans. Emphasized opportunity in getting things moving with active regions to encourage other parts of the state.

Heidi Williams noted intent of the infrastructure fund to address inequities and asked for whether we would restrict applicants to more rural/targeted areas. John Feeney-Coyle noted that the MOU states that any eligible party can apply but noted that analysis of the need for infrastructure funds would include review of current capacity.

Scott Weaver asked if there is exhaustive definition for Infrastructure. AG Weiser and John Feeney-Coyle noted that it is up to the COAC to define “infrastructure” but noted the intent to address infrastructure deficits.

Lori Laske noted the intent of Region 17 to seek grant funding to remodel a treatment center.

AG Weiser noted that while infrastructure includes physical infrastructure, it also includes data collection, systems, and processes. AG identified a need to add a discussion regarding infrastructure definition to a future meeting.

Jamie Feld noted that Colorado is the only state with an explicit infrastructure share, and that eyes will be on the state and the importance of identifying the data sets that will be used to identify the infrastructure needs across the state.

AG Weiser shared that the intent behind the “Infrastructure Share” of the Colorado MOU was to allow for regions that do not have “tent-pole” counties that would have less infrastructure.

Dave Frank asked about doing an assessment of infrastructure funds. Heidi Williams and Jamie Feld noted that the BHA is working on developing an assessment.

AG Weiser shared that Colorado will have \$5m this year to grant out, with \$2.3m will be available in Year 2. Scott Weaver noted that we should favor applicants that leverage other funding sources.

Dispute Resolution Procedures Discussion

Discussion tabled due to Aaron Miltenberger's absence.

Timing of Distribution

John Feeney-Coyle provided a brief update on distribution timelines. Bankruptcy plan for Mallinckrodt was approved a month ago, funds will be available this fall. McKinsey, Mallinckrodt, J&J, and Distributors will be available this year. All but McKinsey will be distributed through the National Administrators.

For McKinsey which has already been received by the State, the funds will be separately distributed directly to the regions.

AG noted that ongoing settlements and litigation is likely to increase the current allocation estimates provided to the Regions.

Adjourn/Next Meeting Options:

AG proposed meeting on September 29th, 10am-12pm to facilitate review of the 2-year plans, in-between now and then the 2-Year Plan Review Committee would meet to develop recommendations for the fuller COAC.

Heidi Williams noted that the Opioid Response Unit will reach out to the Council Members to schedule the Committees.

*Dave Frank motioned to adjourn
KC Hume seconded
Unanimously Approved.*