Colorado Opioid Abatement Council (COAC)
Regional Plan Submission, Amendment, and Certification Policy

I. Purpose

This policy provides guidance to Regions on the requirements to submit, amend, and certify Plans as set by the Colorado Opioid Settlement Memorandum of Understanding (MOU).

II. Executive Summary

The Colorado MOU requires Regions to submit a Plan with all Funding Requests and to certify compliance with their Plans on an annual basis. The MOU permits Regions to amend their Plans so long as Amendments comply with the terms of the MOU and any Settlement.

Regions may make Funding Requests twice annually to the COAC. All Funding Requests must include a Plan or Amendment identifying the allocation of funds by Approved Purpose. Regions are expected and encouraged to amend their Plans as appropriate when the expected expenditures of funds changes so they may certify compliance with their plans on an annual basis.

III. Definitions

Unless otherwise defined here, all Definitions in the MOU are hereby incorporated into this Policy.

1) "Amendment" shall mean a change to a previously submitted Plan.
2) "Approved Purposes" shall have the same meaning as set forth in Section A(1) of the MOU,
3) "Funding Request" shall mean a Region's request to the COAC for Opioid Funds in accordance with Section F(7) of the MOU.
4) "MOU" shall mean the Colorado Opioids Settlement Memorandum of Understanding executed by Attorney General Philip J. Weiser on behalf of the State of Colorado on August 26, 2021 and first entered by the Denver District Court in *State of Colorado v. McKesson Corporation, et al.*, Case No. 2022CV30867, Final Consent Judgment and Dismissal with Prejudice (Mar. 31, 2022).
5) "Opioid Funds" shall have the same meaning as set forth in Section A(7) of the MOU.
6) "Plan" shall mean a proposal for expending two years of Opioid Funds on Approved Purposes in accordance with Section F(7) of the MOU.
7) "Plan Certification" shall mean an attestation by the Region that Opioid Funds were expended on Approved Purposes in accordance with a Plan or Amendment, as set forth in Section F(10) of the MOU.
8) "Region" shall have the same meaning as described in Section F of the MOU.

IV. Funding Request Restrictions

Regions shall submit Funding Requests to the COAC through the Colorado Opioid Settlement Tracker (COST). Regions may only submit Funding Requests by March 15th or September 15th, excluding the additional first year submission dates of November 1st, 2022, and December 15th, 2022. Funding Requests shall be accompanied by a Plan or an Amendment,

V. Plan Submission Restrictions

Regions may only submit one Plan on an annual basis and a Plan with a Funding Request may only be submitted on the Funding Request dates stated in Section IV above.

VI. Amendment Restrictions

Regions may only submit one additional Funding Request per year by March 15th, or any deadline established by the COAC. Any Funding Request must relate to the Plan submitted for that year. The funding request must be submitted with an Amendment.

At any time, Regions may submit non-funding Amendments (those without new Funding Requests) to address changes with the Plan they submitted as part of a Funding Request.

VII. Amendment Submission Expectations

Regions should submit an Amendment if they identify changes with the Plan or Plan Amendment they submitted as part of a Funding Request.

Regions are required to submit Amendments at least 30 days prior to the Plan Certification deadline to address changes with their Plan as submitted or previously amended.

VIII. Plan Certification and Expenditure Reporting

On September 15th, any Region that received Opioid Funds during the preceding year, or reported unexpended funds in the prior year's Expenditure Report, shall provide an Expenditure Report to the COAC on how those funds were expended for that year and must certify that the Region expended its Opioid Funds in accordance with its Plan or Amendment, if any.

Regions shall submit the Expenditure Report and Plan Certification on forms that will be provided by the COAC prior to the September 15th deadline.

Governing Language from the Colorado Opioid Settlement Memorandum of Understanding

Section F (7)

Each Regional Council shall make requests to the Abatement Council for Opioid Funds from their allocation of the Regional Share. ***Each Regional Council's request for Opioid Funds from the Regional Share shall be accompanied by a 2- year plan identifying the Approved Purposes*** *for which the requested funds will be used by the Region anywhere within the State of Colorado.* ***A Regional Council's 2-year plan may be amended so long as such Amendments comply with the terms of this MOU and any Settlement.*** *Any Regional Council may seek assistance from the Abatement Council for purposes of developing its 2-year plan.*

Excerpt from Section F (9)

The Abatement Council shall release funds requested by a Regional Council in accordance with Section (B)(l) if the Regional Council's 2-year plan complies with the Approved Purposes, the terms of this MOU, and the terms of any Settlement.

Section F (10)

On an annual basis, as determined by the Abatement Council, each Regional Council's fiscal agent shall provide to the Abatement Council the Regional Council's expenditure data*, including administrative costs, from their allocation of the Regional Share and* ***certify to the Abatement Council*** *that the Regional Council's expenditures were for Approved Purposes* ***and complied with its 2-year plan.*** ***T****he Regional Council shall subject itself to an accounting at the Abatement Council's discretion.*

Approval

The Colorado Opioid Abatement Council approved the Regional Plan Submission, Amendment, and Certification Policy via unanimous vote on March 13th, 2023.

Colorado Attorney General Philip J. Weiser
Colorado Opioid Abatement Council Chair

Signature Date: 4/24/2023

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@coag.gov if you have any revisions or questions.