



## Colorado Opioid Abatement Council (COAC)

### Administrative Committee

#### Meeting #29

June 3<sup>rd</sup>, 2025  
2:00pm – 3:00pm

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**Appointees:** Aaron Miltenberger, David Frank, Nancy Rodgers

**DOL Staff:** Jamie Feld, Jack Patterson, Christian Dykson

**Guests:**

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#### Welcome and Introductions

The meeting was called to order by Nancy Rodgers, who welcomed participants and expressed appreciation for the Committee's ongoing collaboration. Aaron Miltenberger clarified a discrepancy regarding his attendance, and ORU staff confirmed he had not been present at the September 3 meeting. Nancy Rodgers moved over to the first agenda item to approve meeting minutes from previous meetings.

Dave Frank moved to approve the May 2025 and September 2024 meeting minutes.

Nancy Rodgers seconded.

Unanimously approved

#### Supplantation Guidance

ORU staff introduced expanded guidance regarding supplantation, intended to clarify existing COAC recommendations that opioid settlement funds must supplement, not replace, other funding sources. The guidance was prompted by local, state, and national concerns about the misuse of such funds—particularly in the context of backfilling budget gaps or sustaining unrelated programs. ORU staff proceeded with an example of the misuse of past tobacco settlement funds, which has led to increased scrutiny around backfilling or reallocation practices using opioid settlement dollars.

The draft document included a refined definition of supplantation and offered concrete examples of both improper and permissible use of opioid funds. For instance, it would be inappropriate to reallocate tax dollars from a behavioral health program to road repairs after substituting opioid funds. Conversely, using opioid funds to sustain a program after a temporary federal grant expires, or to expand programming (e.g., adding additional service days), would be acceptable.

Committee members found the examples helpful and well-framed. Nancy Rodgers emphasized the importance of clear language, especially for those outside the public health space. Committee members suggested clarifying language to that “supplantation is not Approved Purposes for Opioid Settlement Funds”.

Nancy Rodgers noted that the document will remain a living guidance tool, adaptable as more examples emerge from the field.

The Committee approved recommending the revised version to the full COAC for review and potential adoption.

### **Remedial Action Discussion**

ORU staff presented proposed language for formal notices to be sent to three local entities that had made expenditures inconsistent with Exhibit E of the national opioid settlement. All the expenditures generally fell under the general law enforcement category that was included in Exhibit A of the Colorado MOU but not included in the superseding Exhibit E from the national settlements. The COAC Review Committee recommended issuing non-punitive notifications advising recipients of this determination and warning that future violations may trigger remedial action, including potential fund repayment. The Review Committee also recommended sending notice to all parties to provide clarity around allowable expenditures.

The Committee held an in-depth discussion about the appropriate tone and language of the letter. Members expressed concern that the original version came across as overly punitive or accusatory, which could intimidate or alienate recipients. Members noted that receiving such a letter might make recipients feel that they had been publicly reprimanded without fair context and warned against unnecessarily alarming tone and recommended language that emphasized education, not enforcement.

Nancy Rodgers raised questions about the attribution of the notice, asking whether it should come from the Colorado Opioid Abatement Council or from the Opioid Response Unit.

There was agreement that while the expenditures did not meet current standards, they likely stemmed from confusion during the transition from Exhibit A to Exhibit E. The Committee discussed the effective date of the movement to Exhibit E, noting there was a lack of clarity as to when Exhibit E took effect.

It was further agreed that the letter would be further revised to ensure they have the right tone and oversight language and would be brought back to the Administrative Committee.

### **Capital Asset Management**

ORU staff provided an update on guidance related to capital asset purchases using opioid settlement funds. Round 3 infrastructure award letters introduced new expectations: such assets must be used for an approved purpose for a minimum of seven years, with annual status reports required for five years following the initial two-year award cycle.

The Committee supported a low-burden approach to reporting. Aaron Miltenberger recommended allowing recipients to submit pre-existing reports (such as annual program summaries) or respond to a few brief prompts rather than requiring a new format. ORU staff expressed support for this flexible model and confirmed they would work on a user-friendly reporting process.

The Committee also discussed how to address Rounds 1 and 2 awardees. They agreed that the COAC has the authority to prevent misuse of funds and issue forward-looking guidance to recipients of earlier rounds regarding the use of capital assets for 7 years, but that there would not be a hard requirement for the status reporting.

The Committee supported communicating the requirement for the usage of the asset as well as request for annual status updates for Round 1 and Round 2 awardees.

**Additional 2025 Funding Request Deadline**

ORU staff brought forward a regional request to add a third funding request deadline in 2025, proposed for November. While this would add a minor administrative burden, ORU staff explained that previous additional deadlines had been manageable and helpful for local planning.

Nancy Rodgers supported the request, affirming that the ORU's role is to be as facilitative and flexible as possible within reason. Dave Frank also endorsed the additional deadline, emphasizing that predictability and advanced notice help regions manage their resources effectively. The Committee agreed to recommend a new deadline of Friday, November 14, 2025 (avoiding the weekend) and will present this recommendation to the full COAC for formal approval.

Nancy Rodgers agreed to present this item at the upcoming full COAC meeting on June 5<sup>th</sup>.

**Public Comment**

No public comments were made.

**Adjourn**