

State Opioid Settlements: Spotlight on Maine

July 14, 2022



NATIONAL ACADEMY
FOR STATE HEALTH POLICY

nashp.org

Logistics

- Your lines will be muted during the webinar.
- To ask a question or make a comment, please use the Q&A function.
 - The “chat” function will also be available
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- Thank you!

Agenda

- Welcome and highlights from NASHP
- Background from FORE
- Presentation from Maine's Director of Opioid Response
- Questions and comments

NASHP's Settlement Tracking and Analysis Goals

- Building on existing state workgroup **policy and funding planning**
- Tracking **administrative components** of settlement work in states
- Drawing out **themes** in state approaches
- Analyzing **patterns, innovations, and policy needs** to support funded initiatives
- Understanding **lessons learned** in states
- Informing state **best practices** going forward

Today's Speakers

- Ken Shatzkes, PhD

- *Senior Program Officer, Foundation for Opioid Response Efforts*



Dr. Ken Shatzkes is Senior Program Officer for the Foundation for Opioid Response Efforts (FORE). Ken leads FORE's grantmaking and programmatic activities and helps to identify new funding opportunities with a focus on patient-centered, evidence-based solutions addressing the nation's opioid crisis.

Ken has over 15 years of experience performing biomedical research in academic, government, and non-profit settings. In 2017, Ken served as the Science Policy Advisor in the Office of the New Jersey Governor, providing evidence-based recommendations on state opioid initiatives and leading the Governor's efforts as Chair of the *President's Commission on Combating Drug Addiction and the Opioid Crisis*. Working closely with stakeholders and political leadership, he helped author the Commission's report containing 65 federal policy recommendations aimed at curtailing the opioid crisis. Previously, he was a Rutgers-Eagleton Institute of Politics Fellow, placed in the Office of Intergovernmental and External Affairs at the U.S. Department of Health and Human Services, where he researched, tracked, and informed senior leadership of innovative state-led opioid-related initiatives. Prior to joining FORE, Ken was an Associate Program Officer at the Helmsley Charitable Trust, a global health philanthropy focused on improving patients' lives, where he supported the development of innovative diagnostics for individuals living with Crohn's disease. His other previous roles include laboratory research positions at New York University Langone Medical Center, the J. Craig Venter Institute, and the U.S. Food and Drug Administration.

Ken earned his Ph.D. in Biomedical Sciences (Immunology and Infectious Disease) from Rutgers, The State University of New Jersey and his B.Sc. in Biology (Molecular Genetics and Development) from McGill University.

- Gordon Smith, JD

- *Director of Opioid Response, Maine*



Gordon H. Smith, Esq. was appointed by Governor Janet Mills as Director of Opioid Response in January 2019. He is responsible for coordinating and directing Maine's response to the opioid crisis, including prescriber education and reduction of opioid prescribing, prevention and treatment of substance use disorder, and harm reduction strategies. He stepped down as the Executive Vice President (EVP) of the Maine Medical Association in January 2019, where he had served as its EVP since September 1993 and where he began as General Counsel in 1981. He graduated from the University of Maine with the highest distinction in 1973 and from the Boston College Law School, magna cum laude, in 1976. He is a past Chairman of the American Society of State Medical Association Counsel, a nation-wide group of 140 attorneys representing medical associations. Mr. Smith has also served as Chairman of the American Medical Association/State Medical Society Litigation Center, the Maine Health Data Organization and the Advocacy Resource Center of the American Medical Association. He is a former board member and chair of Quality Counts, a former board member of the Daniel Hanley Center for Health Leadership, and the Maine Association of Area Agencies on Aging. Mr. Smith is a frequent lecturer to medical groups on various medical legal subjects.



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**Foundation *for*
Opioid Response Efforts**

7/14/2022

Shining a Light on Models and Best Practices for State Opioid Settlement Funding

Ken Shatzkes, Ph.D.
Senior Program Officer

Follow ongoing updates on our website:

<https://www.ForeFdn.org>

 @FOREfdn

About FORE

Founded in 2018, the **Foundation for Opioid Response Efforts (FORE)** is a 501(c)(3) private, national, grantmaking foundation focused on one urgent public health emergency – **the opioid crisis.**

Vision

To inspire and accelerate action to end the opioid crisis

Mission

To convene and support partners advancing patient-centered, **evidence-based solutions** addressing the opioid crisis

Focus

With **patients at the center**, our focus includes:



Professional
education



Payer & Provider
strategies



Policy initiatives



Public awareness



FORE Grantee Portfolio

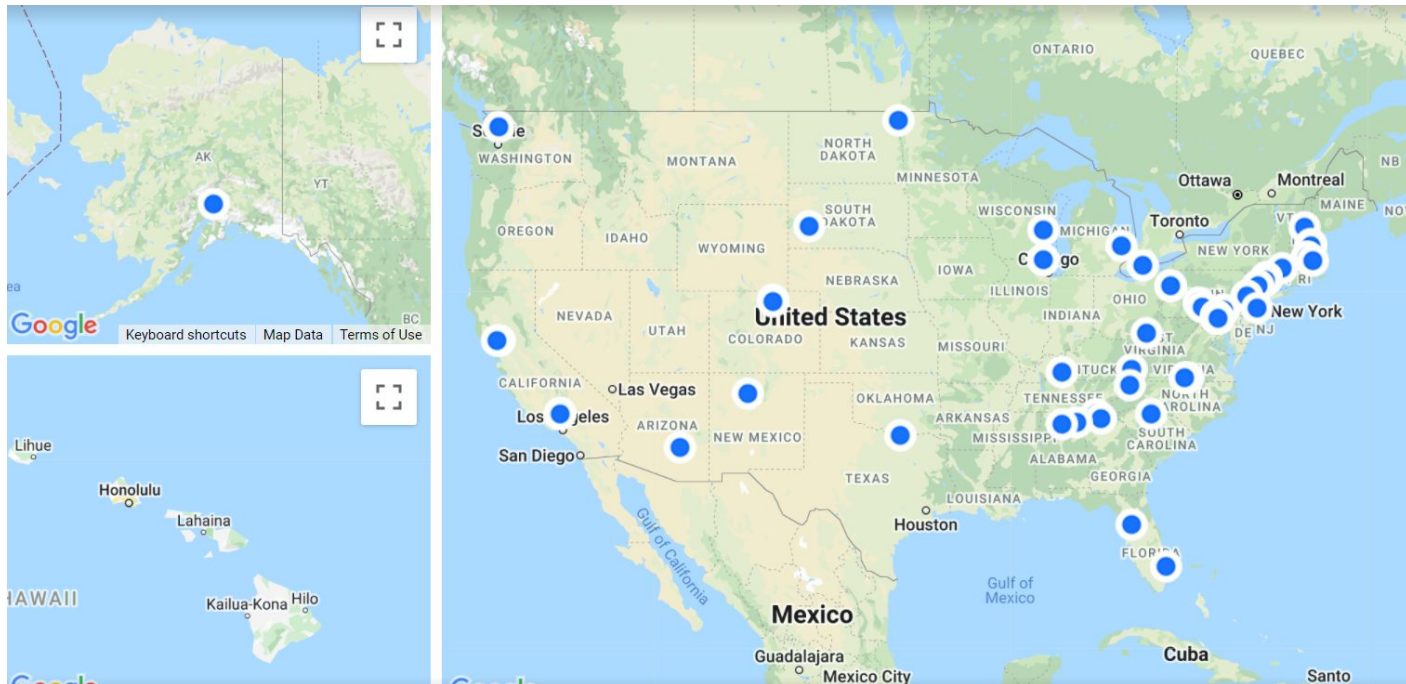
Grants to date:

66

Amount awarded:

\$30.3M

03



See all FORE Grantees on our website:
<https://www.ForeFdn.org/Our-Grantees/>

FORE's Grantmaking Programs

04

Access to Treatment



\$10.1 Million in Grants to Improve Access to Opioid Use Disorder Treatment

March 12, 2020

COVID-19 Response



FORE Announces Second Wave of COVID-19 Response Grants - Bringing Total Emergency Funding to Nearly \$1 Million

October 21, 2020

Innovation Challenge



FORE Announces \$4.8 Million in Grants That Support Innovative Solutions to Ending the Opioid Crisis

February 01, 2022

Prevention



FORE Announces \$10.9 Million in Grants to Prevent Opioid and Substance Use Disorder in Children and Families

March 22, 2022

See all FORE Grantees on our website:
<https://www.ForeFdn.org/Our-Grantees/>

Access to Treatment Grantees North Carolina

05

Building Access to Care Through Community Health Centers to Treat Opioid Use Disorder / Establishment of North Carolina Regional Addiction Medicine Programs

PI: Shuchin Shukla, MD

Amount: \$718,839

Timeline: Mar. 2020 - Jun. 2022

Area: Professional Education

Cohort: Access to Treatment

Addiction medicine experts in North Carolina are establishing a hub-and-spoke system to expand access to medications for opioid use disorder. From hubs at two new addiction treatment programs, staff will provide training and care management support to providers in community health centers and local health department clinics (the spokes) willing to offer treatment for opioid use disorder.

In partnership with and additional funding provided by the [Dogwood Health Trust](#).



Jenna's Project: Supporting Women's Re-entry to Society from Prison and Re-connection with Children

PI: Hendrée Jones, PhD

Amount: \$428,899

Timeline: Mar. 2020 - Mar. 2022

Area: Policy Initiatives

Cohort: Access to Treatment

Jenna's Project supports women with opioid use disorder who are leaving prison with the aim of helping them avoid overdose and improve their financial stability and independence. The program will introduce women to a treatment and recovery program prior to release and connect them with support and treatment resources for six months to increase their chances for success.



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL



North Carolina Grantees Recently Funded by Settlement Dollars

NCDHHS Announces Funds to Expand Treatment to Help Those with Opioid Use Disorder, 20 Sites Awarded Grants to Expand Services

Jun 13, 2022

These grants are made available as a result of a multi-state settlement with McKinsey & Company, resolving investigations into the company's role in advising opioid companies on how to promote their drugs and profit from the opioid epidemic.

- Mountain Area Health Education Center, Asheville (\$800,000)
- UNC Chapel Hill, Office of Sponsored Research, Horizons, Chapel Hill (\$800,000)

06

NASHP State Opioid Policy Center

07

State Policy Center for Opioid Use Disorder Treatment and Access

PI: Jodi Manz, MSW

Amount: \$492,551

Timeline: Feb. 2020 - Jul. 2022

Area: Policy Initiatives

Cohort: Access to Treatment

The National Academy for State Health Policy will work with state leaders from across the U.S. to remove silos that prevent state agencies from developing a coordinated response to the opioid crisis and support them in expanding treatment capacity. In addition to convening leaders for peer-to-peer learning, its newly created *State Policy Center for Opioid Use Disorder Treatment and Access* will provide policy toolkits and other forms of technical assistance.



Visit the NASHP State Opioid Policy Center:
<https://www.NASHP.org/opioid-center/>



Thank you for attending!

Follow ongoing updates on our website:

<https://www.ForeFdn.org>

 [@FOREfdn](https://twitter.com/FOREfdn)



GOVERNOR'S OFFICE OF Policy Innovation and the Future

Gordon Smith,
Director of Opioid Response



The background of the image is a photograph of the Maine State Capitol building. The building is a large, white, neoclassical structure with a prominent central dome topped by a golden statue. The dome is surrounded by a circular colonnade of white columns. To the right of the dome, a flagpole flies the United States flag and the Maine state flag. The building is partially obscured by green trees in the foreground. The sky is blue with scattered white clouds.

NASHP Opioid Settlement

State Feature: MAINE



Memorandum of Understanding

- Maine State-Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds
- Agreement negotiated by Maine Attorney General Aaron Frey
- Filed June 2022 in Kennebec County (Maine) Superior Court
- Subject to the requirements of the National Opioid Settlement
- Terms used in the MOU have the same meaning as those used in the National Opioid Settlement unless otherwise stated in the document.
- Establishes Maine Recovery Fund and Recovery Fund Council
- MOU is expected to be the template for additional settlements



Recovery Fund Council

Consists of 15 representatives appointed by the State and subdivisions to direct the disbursement of recovery funds for recovery purposes on a statewide basis for the uses allowed by the MOU.

- Subdivisions appoint four members
- Governor appoints two members
- Speaker of the House or his designee
- President of the Senate or his designee
- Attorney General appoints three public members from among the following: (1) Individuals or family members impacted by the Opioid Crisis; (2) Individuals with substance use disorder and recovery community experience; (3) Public health experts in treatment and or prevention
- MOU authorized Legislature to add four additional members, which it accomplished through enactment of L.D. 1722:

*An Act to Ensure Access to All Paths to Recovery for Persons Affected by Opioids
Using Money Obtained through Litigation against Opioid Manufacturers*



L.D. 1722

Codified the provisions of the MOU and added four members to the Council, appointed by the presiding officers:

1. A medical professional with direct experience providing medication-assisted treatment
2. A representative of reentry services for incarcerated and formerly incarcerated individuals and their families
3. An individual representing a nonprofit community-based provider of mental health treatment
4. An individual representing the harm reduction community

MOU requires decisions by consensus or a 3/5 vote.



Maine Recovery Council

- Members serve two-year terms and are limited to two terms, per MOU.
- Attorney General must file report of MRF activities by February 1 of each year.
- Per MOU, Council will select its own chair and will develop a set of bylaws.
- Staffing by Office of the Attorney General.



Maine Recovery Fund

From MOU

- The Recovery Council shall be established within 90 days of the court filing and is primarily responsible for ensuring that the distribution of Recovery Funds complies with the terms of the MOU. It shall meet at least twice a year either in person or via a remote meeting method as allowed by Maine law.
- The Council shall develop a centralized public dashboard or other repository for publication of expenditure data from any party or Regional Council that receives Recovery Funds.
- The Council may require outcome related data from any entity that receives Recovery Funds.



Distribution of Funds

Division of Funds (First settlement, \$130 million over 18 years)

All Opioids Funds allocated to the State of Maine and the Subdivisions are to be distributed as follows:

- 20% to the State of Maine Attorney General to be used on Approved Uses
- 30% to the Direct Share Subdivisions for spending on Approved Uses to be allocated in accordance with MOU Exhibit 3
- 50% to be placed in the Maine Recovery Fund which are to be spent on Approved Uses as directed by the Recovery Council



Additional Considerations

- **Public transparency:** The Recovery Council shall operate with all reasonable transparency and in compliance with Maine's Freedom of Access Law. State procurement laws will be complied with.
- **The MOU has priority over the provisions of L.D. 1722**
Example: No compensation of recovery fund appointees.
- **Disbursements limited to approved uses as spelled out in Exhibit E, List of Opioid Remediation Uses** (part of the national settlement).
- **Collaboration:** The Recovery Council shall facilitate collaboration among the State subdivisions, Regional Councils and other stakeholders for the purposes of sharing data, outcomes, strategies and other relevant information related to abating the opioid crisis in Maine.



Impact of Settlement Funds

- Will supplement, not supplant existing revenue streams.
- Will look for projects with statewide impact.
- Will look for consistency with updated Governor's Opioid Response Strategic Plan, Avoid siloed activities/projects. Determine priorities.
- All activities within Strategic Plan are within the parameters of the national abatement document which is part of the national settlement.
- Governor's Strategic Plan is focused on the four areas of Prevention, Treatment, Harm-Reduction and Recovery Support.



Model Opioid Litigation Proceeds Act

- September 2021
- Funded by ONDCP and prepared by Legislative Analysis and Public Policy Association (LAPPA)
- Priority for evidence-based and evidence-informed SUD prevention, treatment, recovery, or harm reduction programs, services, supports and resources.



Questions

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Questions