

Minutes of the Meeting of August 12, 2022
Pennsylvania Opioid Misuse and Addiction Abatement Trust

Attendees:

Tom VanKirk - Chair
Gene DiGirolamo - Trustee
Jen Smith - Trustee
Robert Postal - Trustee
Erin Dalton - Trustee
Commissioner Kevin Boozel - Trustee
Dr. Jene Wright - Trustee
Shea Madden - Trustee
Jim Donahue - OAG
David Wade - OAG
Tyler Ritchie - OAG
Bri Trout - OAG

- Tom started the meeting, and stated this was an informational meeting to bring everyone up to speed. Tom announced that the Trust had entered an agreement with Wilmington Trust to administer the Opioid funds.
- Tom discussed why Wilmington Trust was chosen over Citizens and PNC. Wilmington had the best proposal, and made changes to meet Pennsylvania's needs. If the money is in by 8/15/2022, the first disbursement can be made by 8/31/22. All required documents have been signed, and the tax ID was set up for the Trust. Once info is received from the payees distributions can go out. Tom stated that the agreement with Wilmington Trust can be rescinded if necessary, but recommended the Trust move forward with Wilmington Trust. Kevin Boozel motioned for the Trust to ratify the agreement, and Robert Postal seconded the motion. All members voted in favor, there were no oppositions.
- A discussion was renewed on whether the Trust could give advice to counties on proposed expenditures. Counties were already asking questions about appropriate relief. Tom detailed that questions regarding the use of opioid funds for other issues, such as generic drug and alcohol treatment, were frequently raised. Tom had been advising counties that the opioid money should only be used for opioid abatement, and that other sources of funding were needed for generic drug and alcohol treatment. Tom believes many more counties will begin asking for advice and assistance in using funds.

Other board members also believe counties and subdivisions will need advice, and that Trustee advice should be given.

- Kevin Boozel gave a report regarding his presentation to County Commissioners regarding the upcoming settlement funds.
- David Wade provided an update on the upcoming payment. The plan is for payees to have their payment information in by 8/26/22, and then the payment will be disbursed on 8/31/22. If 60% of payees get their information in, then the payout will go to those 60% that have their information in. A rolling basis will be used for the remaining subdivisions. Tom asked if any members believed the payments should go out in only one batch. Everyone agreed with the rolling basis.
- David provided an overview on the payee information upload process. Payees can elect to receive payment via check or wire transfer. Payees will need to complete the spreadsheet, provide contact information, sign a certification, and provide a W-9. David hopes that all information will be in by 8/25/22. David will send out the spreadsheets by the end of the day.
- Kevin developed a form to assist people in identifying what they want to do with the settlement funds. It includes a synopsis, a budget amount, and a box for where they can assert why the expenditure meets the trust requirements.
- Discussion was made regarding litigating subdivisions, and if it was possible to ask their attorneys to get the payee information together. Erin stated that the stakeholder group, which includes those attorneys, will get the documents today.
- David gave an update on the second payment. There is no firm date yet, but the end of September or early October is when the Trust is likely to receive the funds. Lawyers are attempting to figure out costs for the opioid litigation, and those costs will come out of the second payment. This will make it different than the first distribution. Some later distributions may feel smaller as percentages for costs and fees are removed. David said that in order to finalize the contract with Wilmington Trust, Boozel and Tom's signatures are needed.
- Tom raised the prospect of an administrative fund, as there will be administrative work for this. There was brief discussion about who should be picked for this role.
- Robert Postal asked about future settlements. Jim Donahue gave an overview of 4 settlements in the works. Mallinckrodt, Endo, Teva, and Allergan. Endo is considering bankruptcy, Mallinckrodt has filed bankruptcy. Teva and Allergan are in negotiations. Tom believes as much as \$250 million could go to PA for those settlements.
- The next meeting will be in September.