

Minutes of the Meeting of January 26, 2023
Pennsylvania Opioid Misuse and Addiction Abatement Trust

Attendees:

- Tom Vankirk - Chair
- Shea Madden – Trustee
- Robert Postal - Trustee
- Kevin Boozel - Trustee
- Dr. Jean Wright - Trustee
- Rep. Jim Gregory - Trustee
- Erin Dalton - Trustee
- Steve Jasper - Trustee
- Gene DiGirolamo - Trustee
- Sen. Christine Tartaglione – Trustee
- Lori Lawyer - CCAP
- Nathan McClellan - Representative from Senator, not towards quorum
- David Wade - PA OAG
- Neil Mara - PA OAG
- Tyler Ritchie - PA OAG
- Brianna Trout - PA OAG

1. Minutes 12/8, 10/13, 8/12 ,7/22 will be circulated to the Trustees.
2. Current Payments Summary:
 - We have received \$130 million in total, pushed out nearly all of it, including costs to lawyers. The lawyer costs were paid to the Special Master and they have paid it out. The fees and costs were paid to the fee fund. The administrative costs of \$300,000 has been held back, but has not been paid out to the administrative expense account. The goal is to get remaining payments out as soon as possible
 - August 31st was the start of the 1st payments, and the 2nd payment was made by the end of the year on December 31st.
 - About \$1mill left at this point, with 6 payees still needing to send in their info
 - Some subdivisions questioned the 2nd payment being different than earlier estimates for the 1st payment. The answer is the 2nd payment had fees etc. taken out
 - Tom commends the Trust on the efforts made to get the payments out. Received word this morning there is a new trustee named, Jen Smith is no longer a trustee, Secretary Latika Davis-Jones will take over Jen's spot.
3. Monies expected in 2023: David Wade
 - 5 settlements as a Package to the eligible counties: CVS, Walgreens, Walmart, Teva and Allergan

- National Administrator sent out a communication to everyone in their system, OAG will communicate to the Stakeholder group, will be setting up informational opportunities to talk through the settlements, money, etc.
- Next year we anticipate in the summer/fall \$15.5 million from CVS, \$18 million for Walgreens, \$119 million from Walmart, \$45.5 million from Distributors, \$25.7 million J&J, \$12.5 million Mallinckrodt.
- The settlements and amounts are contingent on getting everyone on board. Tom expects it to be almost as much 2 billion total for everything together
- AG's focus through April will getting subdivisions signed-on. The AG will provide the Trust will all the info pushed out. The AG will make sure to put info in the drop-box, and new board members should have access to the drop box

4. New Settlement money obligations- (Tom VanKirk)

- It is not the obligation of the Trust to get subdivisions signed and agree to the new settlements. Will work to reconvene with the original stakeholder group, allocation decided will be the same for all future settlements, believes the success of sign-on from 1st settlement was due to that stakeholder group.

5. Information needed from Payees – Tom VanKirk

- Held a discussion on the kinds of info needed so that Trust can meet reporting requirements.
- (David) by March 31st the payees will need to provide: to the Nation Settlement – proactive reporting of any funds not used for abatement (fees, admin, legal costs – fee fund has not gone out yet). The AG's office will assist with the National reporting. All counties and subdivisions seem very concerned with spending the money on the right things. The more granular info will be handled by the Trust's reporting requirement, which has a March 15th deadline. .
- Kevin advised many of the commissioners are waiting for answers to their questions about what the settlement can be spent on, and that they need more direction. Shea advised she's had the same experience.
- Tom – He and David are working on a FAQ to answer a lot of those questions. Tom read the draft FAQ.

6. FAQ: Guidance on Appropriate Use of Opioids Settlement Funds (attached)

- David - provides clarity on Admin cost question. The terms require 85% of the dollars be spent on abatement, and in PA, part of the 15% allowed for admin costs is already going to attorney's fees and costs.
- Tom - Regarding using the money for opioid abatement in conjunction with other Drug and Alcohol uses (mixing the use of opioid abatement funds with alcohol abatement funds). Tom is open to estimates, and does not expect detailed records.

- David asked if that guidance is consistent/doable - with what Dr. Jean Wright is already doing, or is it going to be difficult to provide an estimate? Dr. Wright and Kevin agree it is good guidance
- Tom – Regarding capital expenditures, the FAQ 1/3 limit is a number Tom came up with. Kevin says we don't need the 1/3 restriction.
 - Robert- raised the concern that capital projects could take up to 5 years before the money is used.
 - Tom – Regarding amassed funds, payees would need to provide details on "future capital expenditures"
- Kevin – Would like to add suggestion to FAQ: Failure to complete reporting will suspend payments
- David – Many places have not spent too much yet, and there will not be much to say for 2022. The Trust will have more time to build a more robust reporting system for following years.
- Tom – The Trust reporting may not be required by year end, maybe March 2024.
- David- the Trust reporting will be due in March for the previous calendar year.
- Tom – For reporting, will add FAQ information detailing the year end March reporting requirement
- The goal of reporting is to give counties the ability to spend money in accordance with Exhibit E, but let them know they need to account for the money without making it a burden.
- Kevin asked for an FAQ addition for requiring subdivisions provide an explanation if money is held for more than 18 months

7. The Trust discussed the CCAP Contract

- CCAP will take over for AG for Administrative duties and maintain a Website. Lisa Schaefer assigned Michael to the task.
- Tyler previously talked with Michael about what the online materials the AG's office has.
- Website Suggestions:
 - to be accessed by the public for Meeting dates, Minutes, and Frequently Asked Questions
 - Section solely for Trustees to communicate and keep track of information and forms
 - Section devoted for Payees to update and provide their info to the banks
 - Need a place for counties to post the general info about what the money is being spent on – Should the counties share the info? – Kevin, yes, most are already sharing their plans
- Tyler advised the upload information has been done manually up until now. If CCAP can do it in a website, that's great, but it might be easier for CCAP to have a spreadsheet for all of that. Tom would prefer it to be on the Website

- David – For the public-facing side of this, we are part of RCPA, and they were very interested in getting more transparency into which funds have been pushed out and which have spent it already/not spent it. He doesn't feel we need to provide all of that info, but maybe a dashboard-type component to show money-in vs money-out.
- Tom – the website will be our PR mechanism, what the Trust is, what its set up to do, information to show the money is being spent wisely. Wants to get out to the public that the money is going out to the counties/subdivisions to keep the money local.
- Kevin – had Dextera (medication disposal company) reach out to him, had them mail a packet to him, he doesn't know if promoting them vs someone else on the website would be wrong. Said he did tell them to be very upfront about the cost, but resources for medication disposal are helpful
- Tom asked Erin how much of the addiction issue in Allegheny co is due to issues with disposal of medications. Erin stated they do have a lot of cases dealing with children being exposed, but does not think the storage and disposal is a big part of the issue. Next week Erin will post their expenditures to the dashboard – if the code needs made available to CCAP, they can do that.
- Tom asked Jean if Philadelphia has a problem with this as well, Jean also does not feel the disposal is a big issue in Philadelphia
- Senator Tartaglione – Also does not think unused medications are part of the problem, stated they are doing a mobile wound unit and a mobile methadone unit. These individuals need a lot of help, wants to make sure the money is being spent to actually help people.
- Dr. Wright said their objective has been to prevent deaths and he would like to speak with the senator about what she would like to accomplish in Philadelphia.
- Tom asked that after Dr. Wright and Senator Tartaglione meet, that they follow-up with the trust in what they discussed.
- Steve Jasper Clearfield/Jefferson – every local police entity has "Take-Back" boxes to dispose of unused medications

8. Penn State

- Is involved in several projects to analyze what opioid remediation works and what doesn't work. Tom and David would like to meet with them, and have Penn State create something to track that information. Penn State is working on a proposed contract for their tracking services.
- The tracking would be done jointly with CCAP and Penn State. Tom stated none of the Philadelphia schools have shown any interest. Penn State is working on a proposal, and is partnering with Pittsburgh based schools.
- Tom will reach out to Penn State and let them know that Sen Tartaglione and Dr. Wright will be reaching out to Temple.

- Admin fee issue – David- when Penn State contracts with someone, if they don't already have a fee agreed to, the "default" fee would be 50%. Recommended the Trust set a fee limit.
- Tom is going to keep it well within budget because he knows it will be scrutinized

9. Anything else?

- Steve – related to CCAP, is CCAP going to post a full-time position for reporting/did that happen?
- Tom – Michael is the IT person for website design, haven't finalized the contract yet, once that is completed, they will likely then post the position. Probably around the end of March
- Next meeting will be March 30, 2023
- Meetings will be hosted by CCAP going forward.