

Pennsylvania Opioid Misuse and Addiction Abatement Trust
Dispute Resolution Committee Public Meeting
September 23, 2024 | 11:00 AM | Virtual

MINUTES

DRC Member Attendees (7):

- Chair Tom VanKirk
- Tumar Alexander
- Commissioner Kevin Boozel
- Erin Dalton
- Shea Madden
- Commissioner Robert Postal
- Senator Christine Tartaglione

Erie County Representatives:

- Scott Coughenour, SCA Director
- John DiMattio, Human Services Director
- Richard Gold, Consultant
- Lana Rees, Human Services Deputy Director

Chester County Representatives:

- Patrick Bokovitz, Human Services Director
- Kelsey Gvozdich, Assistant Solicitor
- Jamie Johnson, SCA Director
- Rachel Kramer, Opioid Settlement Coordinator

Dauphin County Representatives:

- Natalie Burston, Assistant Solicitor
- Commissioner George Hartwick
- Jessica Kemmerer, Consultant
- Heather Quick, Human Services Fiscal Director
- Kristin Varner, SCA Administrator
- Randie Yeager, Human Services Director

Other Attendees:

- Jayson Wolfgang, Buchanan Ingersoll & Rooney
- Jordan Yeagley, Buchanan Ingersoll & Rooney
- Briana Anderson, CCAP
- Heather Hiester, CCAP

Announcements

- This meeting of the Pennsylvania Opioid Misuse and Addiction Abatement Trust’s Dispute Resolution Committee (DRC) has been duly advertised as a public meeting in accordance with the Sunshine Act and is therefore open to members of the public as observers.
- Participation in this meeting is limited to Erie County, Chester County, and Dauphin County, as beneficiaries under the Trust Order, and their designated representatives, Trustees on the DRC, and those that the Trustees have invited in advance to take part.
- This meeting is being recorded and minutes from this meeting will be available on the Trust’s website after they are approved.
- Executive Session was held today immediately prior to this public meeting for the purposes of receiving legal updates and legal advice.
- A quorum of Trustees is present at the meeting.

Approval of Prior Meeting Minutes

Minutes from the public DRC meeting held on September 5, 2024, were circulated to members of the DRC in advance of this meeting. Chair Tom VanKirk indicated that he would entertain a motion to approve the minutes. A motion to approve the minutes was made by Tumar Alexander and seconded by Commissioner Robert Postal. There was no further discussion, and the minutes were approved unanimously by the Trustees in attendance.

Erie County Presentation on Appeal of Program No. 9 – OUD Library Collections

John DiMattio, Erie County’s Human Services Director, began Erie County’s presentation by providing an overview of the County’s process for overseeing its opioid settlement funds. After preliminary discussions about how the local government could effectively manage these funds over several years, a proposal was presented to the Administration and County Council for the establishment of the Erie County Opioid Settlement Fund Local Oversight Committee (“Erie County Committee”). Mr. DiMattio noted that the members of the Erie County Committee were carefully selected from various roles within the local government. For example, the committee includes the SCA Director, the Chairperson of the County Council, the Human Services Director, the County Executive, and others, ultimately forming a committee of seven members. The Erie County Committee was officially established in 2022.

Chair Tom VanKirk asked if the County Executive holds a session to approve the recommendations of the Erie County Committee. Mr. DiMattio responded that representatives from both the County Council and County Executive’s offices are members of the committee, so

there are no separate meetings; however, the County Executive does sign off on all contracts. Chair Tom VanKirk further inquired whether the Erie County Committee meets in public to make spending decisions, as the Trust recommends that the public be able to provide input at the local level where these decisions are ultimately made. Mr. DiMattio confirmed that the meetings have been public.

Chair Tom VanKirk asked about Erie County's Program No. 9, specifically whether the educational seminars provided in the program are conducted by library personnel. Scott Coughenour, Erie County's SCA Director, answered that the educational seminars are coordinated by library personnel but feature guest speakers who are experts in the field, both locally and regionally. Chair Tom VanKirk inquired about the allocation of the \$23,000 for the program between the purchases of library books and the educational seminars. Mr. Coughenour responded that the books totaled approximately \$5,000, with the remaining funds earmarked for the public-facing educational forums. Chair Tom VanKirk then asked how many libraries are included in this program. Mr. Coughenour replied that there are several library locations throughout the County, but the Erie City Public Library is considered the main library.

Mr. Coughenour then presented the appeal for Erie County's Program No. 9, beginning with the project's goals: to educate the public about opioid use disorder ("OUD"), opioid- and fentanyl-related overdose trends, and the proper utilization of Narcan products. The aim is to effectively address the opioid crisis and reduce overdoses in Erie County. Some of the book purchases specifically address fentanyl overdoses due to the high rate of these incidents in the County, which they believe they have successfully targeted. Mr. Coughenour stated that without the opioid settlement funds, this program would not have been possible.

Mr. Coughenour then addressed where in Exhibit E the County believes this program fits, specifically in Schedule B, Part 2, Section G, Subsections 2, 3, 5, and 10. He stated that the County believes this program is successful in serving the community by connecting individuals who are currently disconnected, whether through treatment or recovery.

Commissioner Kevin Boozel then asked if the program is solely funded by opioid settlement funds. Mr. Coughenour answered that it is, because the goal of this program, along with the other programs that Erie has implemented, is to fill in the service gaps that programs traditionally funded by the SCA do not cover. Commissioner Kevin Boozel then shared that Mr. Coughenour addressed his second question regarding how the program collaborates with other organizations, noting that Narcan is available at the library, which helps to further break the stigma.

Chair Tom VanKirk asked how the program specifically targets OUD, given that some educational seminars cover topics such as teaching community members how to write to their local elected officials and a discussion on the book *Empire of Pain*. Mr. Coughenour acknowledged the concerns but explained that those two sessions were a small component of the entire project. Chair

Tom VanKirk followed up by asking how this program specifically addresses the opioid crisis. Mr. Coughenour responded that they take the position that every little bit helps, and since the original submission of outcomes in the March 15th reporting, he believes those numbers have increased but could not provide an exact figure. Chair Tom VanKirk then asked if the program is evidence-based or evidence-informed, to which Mr. Coughenour replied that it is not.

Senator Christine Tartaglione asked how the program addresses at-risk populations. Mr. Coughenour responded that it does not target a specific population; rather, it serves as a general education campaign. He further stated that he considers everyone in the County at risk of an overdose, given that it has the highest overdose rate per capita in the Commonwealth.

Commissioner Robert Postal asked about the future plans for this project, to which Mr. Coughenour responded that the protocols for future projects are being closely examined due to the current appeals; as a result, there is not a clear direction for future programs, as they have been temporarily suspended. In response to this, Chair Tom VanKirk suggested submitting future plans to the Trust's Technical Advisory Group (TAG) for advisory opinions instead of suspending projects.

The Trustees had no further questions, thus concluding Erie County's presentation of Program No. 9.

Erie County Presentation on Appeal of Program No. 11 – Certified Recovery Specialist Services

Erie County was then asked to make its presentation on Program No. 11. Before the presentation began, Chair Tom VanKirk inquired about the \$150,000 cost of the program, specifically whether that amount represents the total cost and how much has already been expended. Mr. Coughenour responded that the \$150,000 would be the maximum reimbursement for those services. However, he noted that he is unsure of the exact amount already spent, estimating that approximately \$50,000 has been expended so far.

Mr. Coughenour explained that it took several months to launch this program due to a shortage of certified recovery specialists (CRS) in the County. Currently, there are two full-time CRS at the facility, and the facility incurs those costs on a monthly basis for reimbursement. Commissioner Robert Postal then asked if the facility employing the CRS is a nonprofit organization. Mr. Coughenour confirmed that it is.

Mr. Coughenour then presented the appeal for Erie County's Program No. 11. The County conducted a needs assessment of recovery services and developed a strategic plan, in which the expansion of CRS services ranked among the top seven priorities. This expansion was combined with other strategic priorities, such as contingency management, assisting with certification, and ensuring employment support. As a result of this streamlined approach, the candidate pool, capacity, and staffing of CRS have increased in the County.

Mr. Coughenour stated that the County believes this project falls within Schedule B, Part 1, Section A, Subsection 5; Schedule B, Part 1, Section B, Subsection 2; and Schedule B, Part 1, Section C, Subsections 10-11 of Exhibit E.

He then outlined some funding challenges for CRS positions in Pennsylvania, which is part of the reason they chose to fund the program with opioid settlement funds. Commissioner Postal asked if the staff hired through this program were existing or new hires. Mr. Coughenour confirmed that they are new staff who have received training in OUD and co-occurring disorders, which exceeds the traditional certification requirements for CRS.

Commissioner Postal also inquired about the demand for services and whether it has increased since the project's inception. Mr. Coughenour noted a rise in demand, particularly for individuals transitioning between different levels of care, where they are most likely to become disengaged. To ensure that those transitioning are supported, CRS build rapport while individuals are inpatient, providing support for six months during the transition to ensure wraparound care. The focus of this particular funding is to pay for post-discharge care by the CRS.

Commissioner Kevin Boozel asked for clarification regarding the per diem rate and potential duplication of services. Mr. Coughenour clarified that there are structured per diem rates for residential levels of care and emphasized that without opioid settlement funds, the County would lack the funding to operate this program.

Senator Christine Tartaglione asked if the program would end once the \$150,000 is exhausted. Mr. Coughenour replied that they plan to continue funding the program with opioid settlement funds until they identify another funding source. Chair VanKirk then asked who employs the CRS, to which Mr. Coughenour replied that they are employed by Gaudenzia.

Chair VanKirk also asked if they work with individuals with other addictions besides OUD. Mr. Coughenour explained that they do not work exclusively with OUD, noting that current County data indicates about 50% of individuals in that level of care have OUD as their primary diagnosis, while around 87% have co-occurring disorders. The presence of co-occurring disorders complicates measuring exact percentages related to OUD, further complicated by synthetic opioids. Mr. Coughenour shared anecdotal data from County hospitals that individuals often arrive unknowingly addicted to opioids because their drug of choice was, unbeknownst to them, cut with fentanyl.

Chair VanKirk and Commissioner Postal sought clarification on whether Gaudenzia is billing insurance or other third-party payors for those receiving services while also receiving reimbursement through opioid settlement funds. Mr. Coughenour assured them that mechanisms are in place to prevent duplication of billing or payment, and he noted that the services provided by CRS do not increase the per diem rate for residential services, thus they are not already covered by existing funding.

Chair VanKirk expressed support for additional training for service providers. In response, Mr. Coughenour mentioned that CRS, as part of their contract, are actively engaged in the Regional Recovery Hub, allowing them to participate in discussions about what recovery looks like in the County.

The Trustees had no further questions, thus concluding Erie County's presentation of Program No. 11.

Chester County Presentation on Appeal of Program No. 14 – Equestrian Recovery Supports

Kelsey Gvozdich, Chester County's Assistant Solicitor, began the presentation by outlining where the County believes the program is compliant with Exhibit E, specifically Schedule B, Part One, Section B, Subsection 5.

Ms. Gvozdich then provided an overview of the Equestrian Recovery Supports program, a partnership with Gateway Horsecworks that started in August 2023. The first cohort concluded in December 2023, with 4 to 6 participants. Participants are in the early stages of recovery, with the goal of increasing treatment retention and reducing the rate of leaving against medical advice. The program is led by a mental health professional and an equine specialist who engage participants in the Equine Assisted Growth and Learning Association (EAGALA) model. This model, founded in 1999, is utilized worldwide and is a professionally endorsed, evidence-based treatment approach.

Ms. Gvozdich noted that at the time of the County's March 15, 2024, report submission, they did not have data to share. However, as of May 2024, 55% of participants had substance use disorders (SUD) with co-occurring OUD. She explained that participants are not divided by their drug of choice to avoid further stigmatization. Additionally, some participants use multiple substances or may be unaware that their drugs are cut with fentanyl, making it difficult to measure the exact percentage of those with OUD. Ms. Gvozdich highlighted that individuals who use other drugs are at high risk for developing OUD, and recovery is not a linear process. Participants in this program experience significantly lower rearrest rates, significantly higher treatment retention, and are three times more likely to complete full courses of treatment compared to those who do not attend the sessions. Because of these outcomes, Ms. Gvozdich stated that the County considers this a successful and worthwhile program targeting either those with OUD or those who are at high risk of developing OUD.

After Ms. Gvozdich's presentation, Chair Tom VanKirk inquired about the program's cost. Ms. Gvozdich responded that it is just under \$15,000 as of December 31, 2023. Commissioner Robert Postal asked how participants are referred and how many sessions the \$15,000 covers. Jamie Johnson, Chester County's SCA Director, explained that clients were selected from a specific program as a pilot. Individuals who were new to the recovery house and did not have full-time employment were referred to the program. Commissioner Postal then asked how many participants go through the program in a year. Ms. Johnson indicated that the number ranges from 52 to 69 clients annually.

Commissioner Kevin Boozel then asked if the program was paused after a determination of non-compliance. Ms. Johnson clarified that they found alternative funding sources to support the program. Commissioner Boozel further inquired about how they identify individuals at risk of developing OUD. Ms. Johnson explained that anyone in recovery is at risk of recurrence, not solely based on their drug of choice, especially since many drugs, including stimulants, are often cut with fentanyl. Commissioner Boozel requested clarification regarding the referral process, specifically if those referred are not limited to OUD. Ms. Johnson confirmed that this is correct. He then asked if the program would be eligible for funding from the Department of Drug and Alcohol Programs (“DDAP”). Ms. Johnson stated that she believes it would be eligible, not only because it is an evidence-based program but also due to its improvement of treatment outcomes, making it a cost-effective investment compared to the expenses of residential treatment, which can range from \$5,000 to \$20,000 per admission. Commissioner Postal then asked how they cover the program’s costs without opioid settlement funds. Ms. Johnson explained that the program exists with or without their involvement, as there are other partnerships—such as with the Chester County Prison—so if the program did not continue, it would be filled by another existing partnership.

The Trustees had no further questions, thus concluding Chester County's presentation of Program No. 14.

Dauphin County Presentation on Appeal of Program No. 3 – ReNew

Randie Yeager, Dauphin County’s Human Services Director, began the presentation by providing an overview of the ReNew program. The ReNew program is a holistic, intensive case management initiative serving polysubstance users who are pregnant or parenting. It is offered by Bethany Christian Services, a 501(c)(3) organization. Dauphin County chose to fund this program based on local data showing that, since January 2020, 12% of infants born tested positive for opioids. Additionally, in a 48-hour period in September 2023, there were 22 overdose deaths involving drugs such as cocaine, crack cocaine, and marijuana laced with fentanyl.

Dauphin County considers individuals with any history of substance use or mental health concerns to be at heightened risk for developing OUD, and this program aims to mitigate that risk. Initial data reported to the Trust indicated that participants’ drugs of choice were marijuana and PCP, raising concerns about their connection to OUD. Ms. Yeager then shared new data from January 1, 2024, to June 30, 2024, which includes referrals from various sources: 2 from the Pennsylvania Psychiatric Institute; 6 from UPMC Harrisburg Hospital’s social work department; 5 from Dauphin County Prison; 1 from Dauphin County Adult Probation; 1 from Gaudeniza Vantage; and 1 other referral.

Of those referrals, 5 out of 15 participants reported opioid and cocaine use; 1 out of 15 reported using bath salts; 6 reported using a variety of hallucinogens; 6 reported marijuana use; 3 reported using crystal meth; 4 reported alcohol abuse; and 10 identified as polysubstance users. Additional vulnerabilities noted include that 5 out of 10 participants are exiting incarceration, 8 out of 10 were

homeless, and 6 out of 10 had co-occurring disorders. To date, \$44,699.39 has been spent on the 10 current participants and the 5 additional women who are in the intake process.

Chair Tom VanKirk asked for clarification on what the funds specifically cover. Ms. Yeager responded that the funds cover the salaries of the Women's Advocates. Chair VanKirk then inquired about the types of services provided through the program. Ms. Yeager explained that the program is holistic, addressing various needs of participants, whether that involves medication-assisted treatment or securing housing.

Chair VanKirk then asked who manages the information about infants born addicted to opioids. Ms. Yeager indicated that the hospital systems maintain and share that data. Commissioner Robert Postal asked where the client assistance funds originate. Ms. Yeager noted that the Women's Advocates utilize community resources first before tapping into the program's client assistance funds. Erin Dalton inquired about where this program fits within Exhibit E. Ms. Yeager answered that the County believes this program aligns with multiple categories, but providing recovery services is likely the most fitting.

Erin Dalton then asked if the Women's Advocates are certified peer supports. Ms. Yeager confirmed that they are not, but all hold bachelor's degrees. Commissioner Robert Postal asked how the program was funded prior to the opioid settlement funds, while Commissioner Kevin Boozel asked if the program has continued since it was deemed non-compliant. Ms. Yeager explained that it is a new program made possible by opioid settlement funds and that it has been paused pending this appeal.

Commissioner Boozel then inquired whether the children of participants are tracked to see if they are eligible for other services. Ms. Yeager responded that opportunities such as early intervention and Head Start are made available to them if appropriate. Dauphin County Commissioner George Hartwick clarified that, although the program is temporarily suspended, the County is exploring ways to continue funding it, especially since there is a lack of gender-specific programming that reduces barriers and supports families. He emphasized that they want to understand the outcomes of this appeal before moving forward, but regardless of the outcome, the County recognizes that this program is a worthwhile investment.

Chair VanKirk asked for clarification on the discrepancy between the written and verbal appeal regarding the program's start date in January 2019. Ms. Yeager clarified that the written submission referred to the ReNew program beginning in other counties, but it was only recently implemented in Dauphin County.

The Trustees had no further questions, thus concluding Dauphin County's presentation of Program No. 3. At 1:02 PM, the members of the DRC went into Executive Session to seek the advice of legal counsel.

Outcome of the Appeals

The public meeting of the DRC was reconvened at 1:23 PM. Chair Tom VanKirk shared that during Executive Session, legal counsel was sought regarding approving a program at a later time for a portion of the opioid settlement funds as they relate to OUD. Jayson Wolfgang from Buchanan Ingersoll and Rooney affirmed that they could proceed in that manner. Chair Tom VanKirk then presented the following resolution:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Erie County Program No. 9 OUD Library Collections is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Erin Dalton made the motion as presented. Senator Christine Tartaglione seconded the motion. There was then discussion on the motion. Erin Dalton stated that she would vote to affirm the resolution because the program is neither evidence-based nor evidence-informed and does not target those at risk of developing OUD. With no further discussion, the Trustees then voted as follows:

Yeses (3):

- Commissioner Kevin Boozel
- Erin Dalton
- Senator Christine Tartaglione

Nos (3)

- Tumar Alexander
- Shea Madden
- Commissioner Robert Postal

Because there was a tie, Chair Tom VanKirk cast a vote and voted yes, the result of which was to affirm the decision of the Board of Trustees that Erie County Program No. 9 OUD Library Collections is not compliant with Exhibit E.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Erie County Program No. 11 Certified Recovery Specialist Services is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Robert Postal made the motion as presented. Erin Dalton seconded the motion. There was then discussion on the motion. Commissioner Kevin Boozel offered a friendly amendment to the motion that a portion of the program might be found at a later time to comply with Exhibit E, but that, for the purposes of this resolution, he would vote to uphold the Board's finding of noncompliance. Erin Dalton seconded the friendly amendment of Commissioner Boozel, to which there was no objection. With no further discussion, the Trustees then voted as follows:

Yeses (3):

- Commissioner Kevin Boozel
- Erin Dalton
- Senator Christine Tartaglione

Nos (3)

- Tumar Alexander
- Shea Madden
- Commissioner Robert Postal

Because there was a tie, Chair Tom VanKirk cast a vote and voted yes, the result of which was to affirm the decision of the Board of Trustees that Erie County Program No. 11 Certified Recovery Specialist Services is not compliant with Exhibit E, provided, however that the Board of Directors may review this program for partial compliance at a later time.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Chester County Program No. 14 Equestrian Recovery Supports is not compliant with Exhibit E. A "yes" vote would maintain the current denial by the Trust, whereas a "no" vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Kevin Boozel made the motion as presented. Commissioner Robert Postal seconded the motion. There was then discussion on the motion. Erin Dalton stated that she would vote yes because the program is neither evidence-based nor evidence-informed. However, she believes a portion of the program may be eligible for funding and recommended that it be handled similarly to Erie County Program No. 11, which may be revisited at a later time before the entire Board of Trustees. There was no objection to this friendly amendment. With no further discussion, the Trustees then voted as follows:

Yeses (4):

- Commissioner Kevin Boozel
- Erin Dalton
- Commissioner Robert Postal
- Senator Christine Tartaglione

Nos (2)

- Tumar Alexander
- Shea Madden

The result of this voting was to affirm the decision of the Board of Trustees that Chester County Program No. 14 Equestrian Recovery Supports is not compliant with Exhibit E, provided, however that the Board of Directors may review this program for partial compliance at a later time.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Dauphin County Program No. 3 ReNew is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Robert Postal made the motion as presented. Erin Dalton seconded the motion. There was then discussion on the motion. Erin Dalton stated that she believes an argument was made for the individuals in the program being identified as seriously at risk of developing OUD, even if they are not already involved with opioids. With no further discussion, the Trustees then voted as follows:

Nos (6)

- Tumar Alexander
- Commissioner Kevin Boozel
- Erin Dalton
- Shea Madden
- Commissioner Robert Postal
- Senator Christine Tartaglione

The result of this voting was to reverse the decision of the Board of Trustees that Dauphin County Program No. 3 ReNew is not compliant with Exhibit E; this program is, therefore, approved as compliant with Exhibit E.

Chair Tom VanKirk reminded the public that the next DRC meeting will be held on October 3, 2024, to hear appeals from Bucks and Philadelphia Counties. With no other announcements, the meeting was adjourned at 1:38 PM.