

**Pennsylvania Opioid Misuse and Addiction Abatement Trust  
Board of Trustees' Public Meeting of February 13, 2025**

**MINUTES**

**Board of Trustee Attendees (9):**

- Chair Tom VanKirk (In person)
- Tumar Alexander (Zoom)
- Commissioner Kevin Booze (Zoom)
- Secretary Latika Davis-Jones (Zoom)
- Stuart Fisk (Zoom)
- Representative Jamie Flick (In person)
- Representative Danielle Friel-Otten (Zoom)
- Shea Madden (Zoom)
- Commissioner Robert Postal (Zoom)

**Board of Trustees Not Attending (3):**

- Steve Jasper
- Senator Greg Rothman
- Senator Christine Tartaglione

**Other Attendees:**

- Morgan Wagner, Senator Greg Rothman's Office (Zoom)
- Nathan McClellan, Senator Christine Tartaglione's Office (Zoom)
- Diane Rosati, Bucks County Drug & Alcohol Commission, Inc. (Zoom)
- Neil Mara, Office of Attorney General (Zoom)
- Jayson Wolfgang, Buchanan Ingersoll & Rooney (In person)
- Jordan Yeagley, Buchanan Ingersoll & Rooney (In person)
- Lisa Ritter, Maher Duessel (In person)
- Briana Anderson, Trust Administrator, CCAP (In person)
- Alexis Noble, CCAP (In person)
- Dr. Dennis Scanlon, Penn State University (Zoom)
- Amy Yeung, Penn State University (Zoom)

### **Announcements by Chair Tom VanKirk**

- This meeting of the Pennsylvania Opioid Misuse and Addiction Abatement Trust (“Trust”) 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 the meeting is limited to Trustees, representatives from their offices, and invited guests from the Trust’s advisors and partners.
- This meeting is being recorded. Following the meeting, a link to the video will be made available on the Trust’s website, and the meeting minutes will be posted once they have been approved.
- An Executive Session was held today immediately prior to this public meeting for the purpose of receiving legal updates and legal advice.
- A quorum of Trustees is present at this meeting.
- Since the Board of Trustees’ (“Board”) last public meeting on November 21, 2024, there have been several changes in the Board’s membership. Commissioner Gene DiGirolamo resigned and a replacement has not yet been appointed, resulting in the Board currently comprising 12 members. Representative Jamie Flick, appointed by the Minority Leader of the House, has replaced Representative Jim Struzzi; Representative Danielle Friel-Otten, appointed by the Speaker of the House, has replaced Representative Mark Rozzi; and Stuart Fisk, appointed by the Allegheny County Executive, has replaced Erin Dalton.

### **Approval of Prior Meeting Minutes**

Minutes from the public meeting held on November 21, 2024, were circulated to the Board in advance of the meeting. Chair Tom VanKirk indicated that he would entertain a motion to approve the minutes. A motion to approve the minutes was made by Commissioner Robert Postal and seconded by Tumar Alexander. There was no further discussion, and the minutes were approved unanimously by the Trustees in attendance.

### **Report from Penn State University Regarding March 17, 2025, Reporting Cycle**

Dr. Dennis Scanlon of Penn State University provided an update on the March 17, 2025, reporting cycle, noting that information regarding the reporting process was emailed to Participating Subdivisions on February 10, 2025. For Counties, this cycle represents the third round of reporting and covers the period from July 1, 2024, through December 31, 2024. This will be the first reporting cycle in which Litigating Subdivisions are required to report to the Trust, pursuant to the Order of the Commonwealth Court of Pennsylvania dated July 12, 2022, as amended on October

15, 2024 (“Amended Trust Order”). For Litigating Subdivisions, the reporting period covers expenditures of opioid settlement funds from August 1, 2022, through December 31, 2024.

To support Participating Subdivisions during the reporting process, the technical team at Penn State University provided several resources, including a written instruction document, a pre-recorded demonstration, and a live demonstration scheduled for February 21, 2025.

Dr. Scanlon reported that minor adjustments are made to the reporting tool to improve its functionality after each reporting cycle. Overall, feedback indicates that the tool is working well. Additionally, the consortium of researchers from Penn State University, the University of Pittsburgh, and Temple University, has introduced two new, elective questions. These elective questions will assist in building the Pennsylvania Opioid Settlement Data Website and will also help the sharing of resources and information among Participating Subdivisions.

Chair Tom VanKirk stated that the elective questions will not be used by the Board in determining compliance with Exhibit E. Chair Tom VanKirk also noted that the Board is working to balance the administrative burden that additional reporting places on Participating Subdivisions with the value of supporting the efforts by the consortium of researchers to collect additional information that promotes public transparency and advances research.

#### **Report from Office of Attorney General Regarding Status of Purdue/Sackler Settlement**

Neil Mara from the Office of Attorney General (OAG) provided an update on the settlement negotiations with members of the Sackler family and their company, Purdue Pharma. Mr. Mara reported that Pennsylvania had previously reached a settlement with Purdue Pharma, then in bankruptcy, and with individual members of the Sackler family. However, that settlement was overturned by the U.S. Supreme Court for reasons unrelated to the Trust. Following the Court’s decision, the parties resumed negotiations to develop a revised settlement that complies with the ruling.

Chair Tom VanKirk commended the Office of Attorney General for its continued efforts in securing settlements on behalf of the Commonwealth.

#### **Report from Maher Duessel Regarding Trust Financials and Proposed 2025 Budget**

Lisa Ritter from Maher Duessel presented the Trust’s financial statement for the fiscal year ending December 31, 2024. The financial statement had been circulated to Trustees in advance of the meeting. She explained that the statement is prepared on a cash basis, meaning that expenses are recorded when payments are issued, and income is recorded when funds are deposited.

Ms. Ritter reported that the Trust earned over \$6 million in investment income during the fiscal year, with approximately \$1.5 million in administrative expenses. Total revenue, including opioid settlement funds (“OSF”) received, exceeded \$321 million. Total expenses, including OSF distributions, amounted to just over \$267 million, resulting in a net balance of nearly \$54 million.

Of that \$54 million, approximately \$20 million will be distributed to the Commonwealth in June 2025, and \$21 million represents a prepayment from Cencora that is being held, pursuant to a prior Board resolution, until those distributions are scheduled. In addition to these held funds, the Trust maintains investment income.

Ms. Ritter then presented the proposed budget for 2025, which was also circulated to Trustees prior to the meeting. The proposed budget was presented for informational purposes and not for any action of the Board. She noted that projected investment income for 2025 is estimated at \$3.5 million, a decrease from 2024 due, in part, to a significant distribution made to Participating Subdivisions in December 2024. The current interest rate is 4.36%.

Projected expenses for 2025 were estimated based on 2024 actuals and consultation with various Trust partners. Total expenses are expected to be just over \$1.4 million, which remains below projected investment income, meaning administrative costs are anticipated to be fully covered by investment earnings.

Morgan Wagner, speaking on behalf of Senator Greg Rothman, inquired about the cost of legal fees and emphasized the importance of ensuring that funds spent on administrative expenses do not reduce resources available for opioid remediation. Chair Tom VanKirk responded by clarifying that administrative expenses, including legal fees, are paid from investment income and not from the principal of any settlement funds. He acknowledged the ongoing legal work required, including appeals to the Commonwealth Court of Pennsylvania. Chair Tom VanKirk stated that he believes the legal expenses are appropriate, especially given the discounts and write-offs provided by Buchanan Ingersoll & Rooney. He further noted that all expenses are reviewed by both the Chair and the Trust Administrator and affirmed his commitment to reasonable and appropriate administrative expenses.

Commissioner Robert Postal inquired about the staffing costs included in the “Administration” budget line item. Briana Anderson, Trust Administrator, responded that the line item includes three full-time equivalent (FTE) positions: the Trust Administrator; an administrative specialist (to be hired); and a Participating Subdivision liaison (to be hired). Chair Tom VanKirk added that due to recent leadership changes at the County Commissioners Association of Pennsylvania (CCAP), which occurred after the Board’s November 21, 2024, public meeting, some hiring may be delayed. This delay could result in cost savings in terms of administrative spending.

## **Resolution Regarding Approval of Certain Uses of Trust Funds as Detailed in September 16, 2024 and Follow-Up Reports**

Chair Tom VanKirk provided an overview of the Working Group process for reviewing the September 16, 2024, reports from Counties. At a public meeting of the Trust on February 8, 2024, the Board unanimously approved a resolution requiring each County to submit a report by September 15, 2024, detailing the actual expenditure(s) of Trust funds and the amount of Trust funds received but not spent, for the period from January 1, 2024, through June 30, 2024. Since September 15 fell on a Sunday in 2024, the Trust adjusted the due date for the reports to September 16, 2024.

On or about September 16, 2024, all 67 Counties submitted reports to the Trust outlining spent and committed Trust funds for specific remediation programs that the recipients determined to be compliant with Exhibit E. The Working Groups met during October and November to review these reports. Consistent with prior practice, each remediation program was categorized by the Working Groups as either “Recommended for Approval,” “Still Under Consideration,” or “Recommended Non-Compliant.”

At the public meeting held on November 21, 2024, the Board reviewed and voted on recommendations from the Working Groups. Chair Tom VanKirk noted that a majority of the remediation programs were approved during the meeting, which he viewed as a reflection of the ongoing learning process related to reporting requirements and improved understanding of the Counties.

Following the November 21, 2024, public meeting and actions by the Board, each County received a follow-up communication from the Trust outlining the remediation programs that were approved as compliant or disapproved as non-compliant with Exhibit E. For remediation programs that remained under consideration, additional information was requested. The Working Groups were subsequently reconvened in January and February to repeat the review process for those programs categorized as still under consideration.

For those programs still under consideration as of the November 21, 2024 meeting, the Board now intends to review the recommendations made by the Working Groups in order to fulfill its responsibilities under the Amended Order. Following today’s public meeting and actions by the Board, each County will receive a follow-up communication from the Trust outlining the remediation programs that have been approved as compliant or disapproved as non-compliant with Exhibit E.

Chair Tom VanKirk then invited the Working Group leaders to present the remediation programs that were still under consideration as of the November 21, 2024, public meeting, along with the Working Groups’ corresponding recommendations. A spreadsheet was displayed during the

meeting, listing these remediation programs by County in alphabetical order. For each remediation program, the Working Group leaders reviewed the following information:

- County name;
- Remediation program number;
- Remediation program name;
- Dollars reported as spent/committed; and,
- The Working Group's recommendation (i.e., approval, still under consideration, or disapproval)

**RESOLUTION NO. 1 – SEPTEMBER REPORTS: ALLEGHENY, BUTLER, CAMERON, CHESTER, CUMBERLAND AND DELAWARE COUNTY**

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs still under consideration in Allegheny, Butler, Cameron, Chester, Cumberland, and Delaware Counties.

Chair Tom VanKirk noted that for Counties with remediation programs ultimately recommended for approval, the approvals were based on their submission of additional information requested by the Working Groups to support a determination of compliance with Exhibit E.

Chair Tom VanKirk reported that Delaware County Program No. 27 was recommended as non-compliant, as the County indicated the device would be used in a variety of medical emergencies. As such, the Working Group felt the program did not establish a sufficiently clear or direct connection to opioid use disorder (OUD).

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of Trustees of the Pennsylvania Opioid Misuse and Addiction Abatement Trust (the "Trust"), based on the recommendations of the Working Groups that met and reviewed the follow-up reports from Counties, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E described and incorporated into the Amended Trust Order:

- Allegheny County Program No.: 17
- Butler County Program No.: 8
- Cameron County Program No.: 4
- Chester County Program No.: 37

- Cumberland County Program No.: 5
- Delaware County Program Nos.: 28, 33

Representative Jamie Flick made a motion to approve the resolution as presented. Shea Madden seconded the motion. Stuart Fisk abstained from the vote for Allegheny County only; otherwise, he voted yea. Commissioner Kevin Boozel abstained from the vote for Butler County only; otherwise, he voted yea. The motion was approved by a majority of the Trustees in attendance.

AND FURTHER RESOLVED, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby disapproves the following programs as non-compliant with the applicable settlement terms as set forth in Exhibit E:

- Delaware County Program No.: 27

Commissioner Robert Postal made a motion to approve the resolution as presented. Representative Jamie Flick seconded the motion. The motion was approved unanimously by the Trustees in attendance.

## **RESOLUTION NO. 2 – SEPTEMBER REPORTS: ELK, FOREST, LAWRENCE AND PHILADELPHIA COUNTY**

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs still under consideration in Elk, Forest, Lawrence, and Philadelphia Counties.

Chair Tom VanKirk reported that in the additional information submitted by Elk County for Program No. 6, it was clarified that the program involves the purchase of a cover to be installed over the outdoor yard at the County prison, with the intent of preventing drugs from being thrown into the yard.

Secretary Latika Davis-Jones inquired about the recommendation of non-compliance for Lawrence County Program No. 10. Shea Madden explained that the County failed to provide the requested information necessary to verify the program's curriculum and determine whether it was evidence-based or evidence-informed, despite multiple follow-up attempts.

Secretary Latika Davis-Jones expressed concern with the non-compliance recommendation. She noted that such a program would likely qualify for federal and state funding as a prevention initiative.

In response, Chair Tom VanKirk explained that the Trust previously found certain prevention programs non-compliant when they lacked sufficient information to demonstrate a clear

connection to preventing OUD or targeting at-risk populations. He further noted that the allowable uses under Exhibit E may differ from those supported by government funding.

Commissioner Kevin Booze stated that his decision would be based on the fact that, as reported by Shea Madden, the Working Group did not receive the necessary additional information to determine compliance with Exhibit E.

Tumar Alexander concluded the discussion by stating that if Lawrence County chooses to appeal the determination to the Trust's Dispute Resolution Committee (DRC), they should be required to submit the additional information that was originally requested.

Commissioner Kevin Booze then opened the review of the Working Group recommendations for Philadelphia County by thanking the County's representatives for providing the requested supplemental information.

Chair Tom VanKirk then introduced the following resolution:

RESOLVED, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups that met and reviewed the follow-up reports from Counties, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E described and incorporated into the Amended Trust Order:

- Elk County Program No.: 6
- Forest County Program Nos.: 1-4
- Philadelphia County Program Nos.: 74-76, 79, 82-84, 86, 88-89, 109, 113, 116

Commissioner Kevin Booze made a motion to approve the resolution as presented. Representative Jamie Flick seconded the motion. Tumar Alexander abstained from the vote for Philadelphia County only (all programs); otherwise, he voted yea. The motion was approved by a majority of the Trustees in attendance.

AND FURTHER RESOLVED, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby disapproves the following programs as non-compliant with the applicable settlement terms as set forth in Exhibit E:

- Lawrence County Program No.: 10

Commissioner Robert Postal made a motion to approve the resolution as presented. Commissioner Kevin Booze seconded the motion. Secretary Latika Davis-Jones and Shea Madden voted no. The motion was approved by a majority of the Trustees in attendance.



### **RESOLUTION NO. 3 – SEPTEMBER REPORTS: WARREN, WESTMORELAND AND WYOMING COUNTY**

The Working Group leaders then summarized the recommendations of their respective Working Groups for programs still under consideration in Warren, Westmoreland, and Wyoming Counties.

Secretary Latika Davis-Jones inquired about the recommendation of non-compliance for Warren County Program No. 4. In response, Stuart Fisk explained that the program did not appear to be sufficiently related to the prevention or treatment of OUD. Commissioner Robert Postal further noted that drug screening for parolees could lead to punitive consequences for participants, such as parole violations leading to re-incarceration. Stuart Fisk emphasized that this program aligns more closely with law enforcement than treatment and recovery and therefore does not fall within the scope or intent of Exhibit E.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups that met and reviewed the follow-up reports from Counties, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E described and incorporated into the Amended Trust Order:

- Warren County Program Nos.: 1, 5
- Westmoreland County Program No.: 13
- Wyoming County Program No.: 3

Representative Jamie Flick made a motion to approve the resolution as presented. Tumar Alexander seconded the motion. The motion was approved unanimously by the Trustees in attendance.

AND FURTHER RESOLVED, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby disapproves the following programs as non-compliant with the applicable settlement terms as set forth in Exhibit E:

- Warren County Program No.: 4

Commissioner Kevin Booze made a motion to approve the resolution as presented. Commissioner Robert Postal seconded the motion. The motion was approved unanimously by the Trustees in attendance.

**Resolution Regarding Cameron County Program No. 2 (Governmental Agency Assistance Initiatives)**

As part of the Board's review of programs pending Board action, Chair Tom VanKirk provided an overview of Cameron County Program No. 2, explaining that it was first reported in the March 15, 2024, reporting cycle and later found non-compliant by the Board at its public meeting on August 22, 2024. Cameron County filed an appeal with the DRC on November 4, 2024.

During their appeal, Cameron County explained that Program No. 2 uses OSF to cover personnel costs, including salary increases, for both Children and Youth Services (CYS) and the County Probation Office.

The DRC raised concerns about the allocation of funds, noting that supporting law enforcement has not historically been approved by the Board. Of the total amount, \$8,949 supported CYS, while \$13,893 went to probation staff wages.

After hearing the appeal, the DRC passed a resolution recommending that Program No. 2 should receive further review by the appropriate Working Group and be brought back for a vote by the full Board at the February 13, 2025, public meeting.

Chair VanKirk then introduced the following resolutions:

**RESOLUTION NO. 1 – CAMERON COUNTY (GOVERNMENTAL AGENCY ASSISTANCE SERVICES: CHILDREN AND YOUTH SERVICES)**

RESOLVED, that, the Board of Trustees of the Trust, based on the recommendations of the Working Group that met and reviewed the materials submitted by Cameron County, hereby approves as compliant with the applicable settlement terms as set forth in Exhibit E those portions of Cameron County Program No. 2 that relate to opioid settlement funds expended to support Children and Youth Services in the amount of \$8,949.00.

**RESOLUTION NO. 2 – CAMERON COUNTY (GOVERNMENTAL AGENCY ASSISTANCE SERVICES: PROBATION OFFICERS)**

AND FURTHER RESOLVED, that, the Board of Trustees of the Trust, hereby refers back to the relevant Working Group those portions of Cameron County Program No. 2 that relate to opioid settlement funds expended to support Probation Officers in the amount of \$13,893.00.

Commissioner Robert Postal made a motion to approve the resolutions as presented. The motion was seconded by Representative Jamie Flick.

During discussion on the motion, Commissioner Postal explained that he found the argument for compliance with Exhibit E to be stronger for the CYS portion of the program, given its direct support for families. He noted that funding for the County Probation Office raises concerns, as failure to comply with probation conditions can lead to re-incarceration, which is a punitive outcome.

Jayson Wolfgang, legal counsel from Buchanan Ingersoll & Rooney, clarified that staffing is not uniformly addressed in Exhibit E. He stated that while Exhibit E specifically authorizes support for CYS, including funding for additional staff and services, it does not expressly authorize funding for law enforcement activities. He also noted that Exhibit E references support for infrastructure and staffing related to cross-system coordination.

Chair Tom VanKirk concluded that the robust discussion regarding this remediation program illustrates why the DRC referred this matter to the full Board for a decision, as it raised novel and complex issues that warranted further consideration.

The motions were then approved unanimously by the Trustees in attendance.

#### **Resolution Authorizing Filing of 2024 Tax Returns**

The Board received the Trust's draft federal and state tax returns for 2024 in advance of the meeting. Chair Tom VanKirk indicated that he would entertain a motion to approve the filings as presented and to authorize him to sign the returns on behalf of the Trust.

RESOLVED, that the Board of Trustees of the Trust hereby authorizes Maher Duessel to file the Trust's federal and state tax returns for 2024 in a form substantially similar to those distributed in advance of this meeting; and further, that Tom VanKirk as Chair of the Board of Trustees is authorized to sign such tax returns on behalf of the Trust.

Representative Jamie Flick made a motion to approve the resolution as presented. Commissioner Robert Postal seconded the motion. The motion was unanimously approved by the Trustees in attendance.

#### **Resolution Regarding Trust Accounts and Authorized Signatories**

Chair Tom VanKirk reported that, as Lisa Schaeffer is no longer Executive Director of CCAP and was previously an authorized signatory on the Trust's bank accounts, a formal resolution is required to remove her as a signatory. Chair VanKirk then presented the following resolution:

RESOLVED, that the Board of Trustees of the Trust hereby authorizes and directs Wilmington Trust and M&T Bank to remove Lisa Schaefer as an authorized signatory in relation to any accounts held by the Trust. Nothing in this Resolution shall alter any prior

authorization(s) provided to CCAP, as set forth in the Trust's resolution of May 2, 2024, or Maher Duessel, as set forth in the Trust's resolution of November 30, 2023.

Representative Jamie Flick made a motion to approve the resolution as presented. Commissioner Robert Postal seconded the motion. The motion was approved unanimously by the Trustees in attendance.

### **Resolution Regarding Dauphin County Extension Request**

Chair Tom VanKirk reported that at the September 7, 2023, public meeting, the Board unanimously passed a resolution automatically granting any requests made for a six-month extension for Payments 1 and 2 distributed from the Trust to Participating Subdivisions.

On May 2, 2024, the Board passed a second resolution allowing recipients to request additional extensions, which would be reviewed individually by the Board.

Dauphin County submitted two such extension requests on December 2, 2024, requesting six-month extensions from the expenditure deadlines for distributions made by the Trust in December 2022 and 2023. Dauphin County reported that it revised its funding applications which delayed the contracting process. Chair Tom VanKirk then presented the following resolution:

RESOLVED, that, Dauphin County's extension requests for additional six (6) month extensions to spend funds received in 2022 and 2023 are approved. Dauphin County shall now spend or commit all opioid settlement funds received in December 2022 by June 30, 2025. Further, Dauphin County shall now spend or commit all opioid settlement funds received in December 2023 by December 30, 2025. Dauphin County may seek further extensions of these expenditure deadlines, if necessary, and such requests will be reviewed on a case-by-case basis.

Commissioner Kevin Boozel made a motion to approve the resolution as presented. Commissioner Robert Postal seconded the motion. The motion was approved unanimously by the Trustees in attendance.

### **Resolution Authorizing Public Listening Session**

Chair Tom VanKirk noted that the Trust has received requests from individuals and organizations to make public comments at the Board's public meetings. The Trust is not required by the Sunshine Act to allow public comment during its Board meetings and has encouraged public participation at the local level where spending decisions are actually made. Many Counties have provided opportunities for public input regarding OSF spending.

Recognizing the importance of engaging with community members and hearing their perspectives, Chair Tom VanKirk announced that the Trust will offer an additional platform for public input

beyond what is currently available on the website. A public listening session is planned to take place at a future date, likely during the Board's August 21, 2025, public meeting.

Chair Tom VanKirk then presented the following resolution:

RESOLVED, that the Board of Trustees of the Trust authorizes the Chair, working with the County Commissioners Association of Pennsylvania (CCAP) and counsel, to schedule and organized a public listening session in 2025. Members of the public wishing to make a public comment shall pre-register via a form developed by CCAP and counsel. Participation will include reasonable time limits for each individual wishing the make comment(s). Any further details regarding the public listening session shall be posted on the Trust's website in advance of the session.

Representative Jamie Flick made a motion to approve the resolution as presented. Commissioner Kevin Boozel seconded the motion. Morgan Wagner, on behalf of Senator Greg Rothman, expressed the Senator's support for the resolution. Chair Tom VanKirk thanked Senator Greg Rothman for his support of this process. The motion was approved unanimously by the Trustees in attendance.

With no new business to address, Chair Tom VanKirk adjourned the meeting at 3:28 PM.