

NACO Presentation

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MARK J. KRUEGER, ESQ.

CHIEF DEPUTY ATTORNEY GENERAL
BUREAU OF CONSUMER PROTECTION
NEVADA OFFICE OF THE ATTORNEY
GENERAL

STEPHANIE WOODARD, PSY.D.

LICENSED PSYCHOLOGIST
DHHS SENIOR ADVISOR ON BEHAVIORAL HEALTH
STATE OF NEVADA
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Introduction

- ▶ Review of Opioids Litigation
- ▶ Review of Opioids Settlements
- ▶ Review of Allocation Agreement
- ▶ Review of State Needs Assessment
- ▶ Review of State Plan
- ▶ What is Needed Now
- ▶ How to Start
- ▶ Conclusion and Questions



Review of Opioids Litigation



- ▶ State of Nevada Litigation
 - ▶ Trial date set for April 17, 2023
 - ▶ Currently in discovery
- ▶ County Litigations
 - ▶ Various stages
 - ▶ Some are stayed
 - ▶ Some are in the Multi-District Litigation (MDL)

Review of Opioids Settlements

- ▶ Distributors
 - ▶ \$231,679,409.03
- ▶ Janssen / Johnson & Johnson
 - ▶ \$53,508,792.63
 - ▶ \$50,833,353.00 April 2022
- ▶ Purdue Pharma
 - ▶ Update of Bankruptcy
- ▶ Mallinckrodt
 - ▶ Update on Bankruptcy

Opioid Settlement Litigation Laws and Agreements

- Lessons learned from Big Tobacco Settlements
- Directs the funding towards resolving the issues that drive the opioid crisis
- Currently 20 states have some legislation in place; 13 states passed laws in 2021
- Emphasis on ensuring there is a transparent, equitable way states allocate funding to address the risks, harms, and impacts of the opioid crisis in direct accordance with the settlements
- Model legislation describes core components; Nevada's legislation meets or exceeds all primary criteria
- Model legislation can be found here: <https://legislativeanalysis.org/model-opioid-litigation-proceeds-act/>

Principles for the Use of Funds from the Opioid Litigation (Johns Hopkins; 2021)

Spend money to save lives

Use evidence to guide spending

Invest in youth prevention

Focus on racial equity

Develop a fair and transparent process for deciding when to spend the funding

Review of Settlement Allocations

**One Nevada
Agreement
on Allocation
of Opioid
Recoveries**

- ▶ All signatories have agreed to participate in the settlements
 - ▶ All Counties in Nevada
 - ▶ All litigating political subdivisions
- ▶ All recoveries to be used to remediate the harms, impact, and risks caused by the opioid epidemic to the State of Nevada and its residents (Abatement)
- ▶ **Uses consistent with those uses outlined in Senate Bill 390 (SB 390)(2021)**

Opioid Settlement Litigation Funding Distribution

AG Settlement Funding

- Settlement Funding Received
- Costs and Fees Removed
- Remainder to One Nevada Agreement

One Nevada Agreement

- Counties and Cities Funds Distributed to Counties and Cities to be used for abatement
- Requires reporting
- State Funds Distributed to DHHS (SB390)
- Requires funds be spent consistent with SB390

Fund for A Resilient Nevada

- Establish State Needs Assessment
- Determine funding priorities in State Plan
- Funding distributed through state procurement processes
- Requires jurisdictional needs assessments and plans
- Requires Legislative reporting

SB 390 Statewide Needs Assessment

- ▶ The Department must create a needs assessment including community outreach to develop the state plan for combating the opioids epidemic and setting priorities for funding.
- ▶ Created by:
 - ▶ using the damages report in the opioid litigation, qualitative and quantitative data, and evidenced based practices
 - ▶ using community-based participatory research or similar methods to conduct outreach to groups impacted by opioids
 - ▶ through outreach to governmental agencies who interact with groups impacted such as public safety, corrections, courts, juvenile justice agencies, etc.
 - ▶ through input and advisement from the Advisory committee and other sources including the public and regional, local and tribal agencies

SB 390 Regional, County, and Tribal Needs Assessments

- ▶ **To be eligible for Fund for Resilient Nevada settlement funding, counties, regions and tribes must create a needs assessment including community outreach to create a plan for combating the opioid epidemic and setting priorities for funding.**
- ▶ Created:
 - ▶ using local government's damages report in their opioid litigation, qualitative and quantitative data, and evidenced based practices
 - ▶ using community-based participatory research or similar methods to conduct outreach to groups impacted by opioids
 - ▶ through outreach to governmental agencies who interact with groups impacted such as public safety, corrections, courts, juvenile justice agencies, etc.
 - ▶ through input and advice from other sources including the public and regional, local and tribal agencies.

Regional, County, and Tribal Needs Assessment

- ▶ SB390, Sec. 9.7 (1)(a)“Coordinate with and provide support to regional, local and tribal governmental entities in conducting needs assessments and developing plans pursuant to paragraph (a)”
 - ▶ Critical for establishing programs to abate the opioids epidemic to make our recoveries work smarter and do more!



DHHS Support for Regional, County, and Tribal Organization Needs Assessments and Plans

- ▶ Contracting with a vendor for technical assistance
- ▶ Resources and methodology for Community Based Participatory Research
- ▶ Data reports by county or region by DHHS Office of Analytics



SB390 Regional, County and Tribal Organization Requirements for Funding

- ▶ SB390 Sec. 9.7 (4) and (5)
- ▶ 4. If a regional, local or tribal governmental entity that receives a grant pursuant to paragraph (b) of subsection 2 of section 9.6 of this act later recovers money through a judgment or a settlement resulting from litigation concerning the manufacture, distribution, sale or marketing of opioids:
 - ▶ (a) The regional, local or tribal governmental entity must immediately notify the Department; and
 - ▶ (b) The Department may recover from the governmental entity an amount not to exceed the amount of the grant or the amount of the recovery, whichever is less.
- ▶ 5. A regional, local or tribal governmental entity that receives a grant pursuant to paragraph (b) of subsection 2 of section 9.6 of this act shall conduct a new needs assessment and update its plan for the use of the grant at intervals prescribed by regulation of the Department, which must be not less than every 4 years.

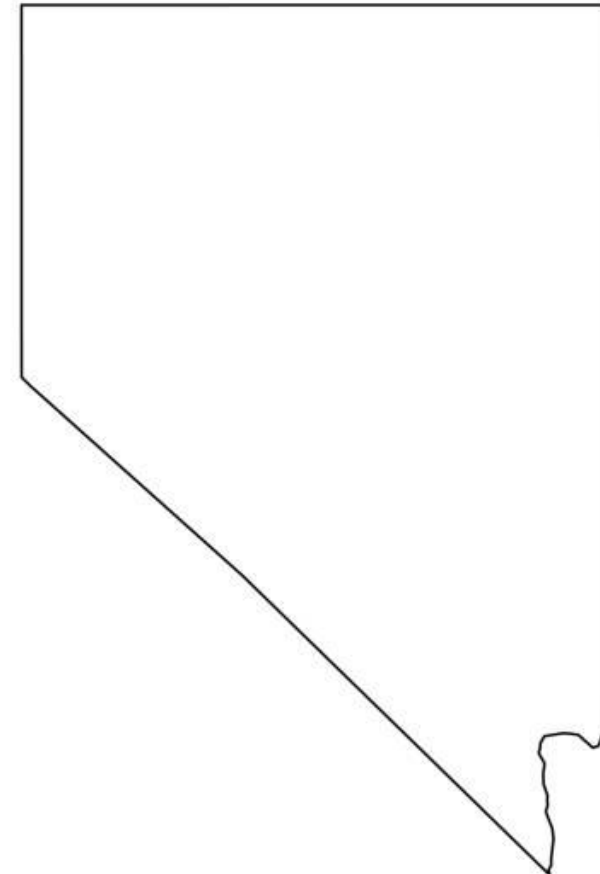
What is Needed Now and How Can Counties Jump to Action?



- ▶ Counties should create a County Needs Assessment and a County Plan or partner across a Region
- ▶ Counties should designate a point of contact with DHHS through NACO
- ▶ Reach out to Community Stakeholders for support to develop the needs assessment and plan (Coalitions, Providers, etc.)
- ▶ NACO will be facilitating the exchange and distribution of information between:
 - ▶ The State and Counties
 - ▶ Counties and Counties
 - ▶ Counties and Cities

What is Needed Now Cont...

- ▶ County, Regional, and Tribal Needs Assessment and Plan
- ▶ Counties should collaborate and coordinate work with other counties, cities, and tribes to establish programs to abate the opioids epidemic
- ▶ Counties should coordinate with DHHS to ensure the programs are working together



How to Start

► **NACO Contact:**

Taylor Allison, MBA

Public Health Coordinator

Nevada Association of Counties

Direct (775) 720-0756

tallison@nvnao.org

► **DHHS Contacts:**

Stephanie Woodard

swoodard@health.nv.gov

Dawn Yohey

d.yohey@dhhs.nv.gov



Conclusion and Questions



► Thank you!

References

- ▶ One Nevada Agreement:

[https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/One%20Nevada%20Agreement%20on%20Opioid%20Recoveries%20with%20All%20Sig%20Pages\[2\].pdf](https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/One%20Nevada%20Agreement%20on%20Opioid%20Recoveries%20with%20All%20Sig%20Pages[2].pdf)

- ▶ Senate Bill 390 (81st Session 2021):

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/8095/Text#>

- ▶ Advisory Committee for A Resilient Nevada (ACRN):

https://dhhs.nv.gov/Programs/Grants/Advisory_Committees/ACRN/ACRN_Members/

- ▶ Attorney General's Substance Use Response Working Group (SURG):

[https://ag.nv.gov/About/Administration/Substance_Use_Response_Working_Group_\(SURG\)/](https://ag.nv.gov/About/Administration/Substance_Use_Response_Working_Group_(SURG)/)

- ▶ Johns Hopkins Principles for Uses of Fund from the Opioid Litigation:

<https://opioidprinciples.jhsph.edu/>