



**Care Massachusetts
The Opioid Abatement
Partnership**

Care Massachusetts Core Training and Technical Assistance Team



Donna Beers
BMC



Carly Briden
BMC



Miriam Harris
BMC



Cheryl Sbarra
MAHB



Kate Lena
JSI



Sasha Bianchi
JSI



Gretchen Shoemaker
JSI



Background: Care Massachusetts

Care Massachusetts is working collaboratively with cities and towns across the state to take action to end the overdose crisis.

We provide resources and technical assistance with:

- ❑ Connecting municipalities with the people most impacted by the overdose crisis
- ❑ Promoting the selection and implementation of proven public health strategies
- ❑ Educating the public on the source and purpose of the funds
- ❑ Facilitating collaboration across municipalities



OFFICE HOURS

Changes in Legislation and Accounting for Abatement Funds

02/15/2024



PRESENTER



Cheryl Sbarra, Esq.

**Executive Director and Senior Staff Attorney
MAHB**



Objectives

Participants will be able to:

- ❑ Understand the legislation related to stabilization funds and how it affects your municipalities
- ❑ Recognize best practices for ensuring that funds are used in accordance with the State Subdivision Agreement



Disclaimer

- This information is provided for educational purposes only and is not to be construed as legal advice.
- City and town attorneys provide legal advice to municipalities.



In a Nutshell

- MA will receive more than \$900 million in abatement funds.
- **Recent** \$8 million settlement with Publicis Health announced by AG Campbell 2.1.24.
 - Will release thousands of **internal documents** detailing its work for opioid companies to devise marketing strategies to combat prescribers' hesitancy to prescribe OxyContin. (*Think tobacco industry documents*).
 - Devised materials to train Purdue sales reps to target high prescribers.
- Terms of Settlements:
 - **40% of funds** go directly to municipalities to spend on abatement strategies developed with input from the Opioid Recovery and Remediation Fund Advisory Council (**ORRF**).



Terms of Settlements (cont.)

- 60% of funds go to the statewide ORRF to supplement prevention, harm reduction, treatment, and recovery programs across the Commonwealth.
- Overseen by the Executive Office of Health and Human Services (EOHHS)
- The ORRF Advisory Council
 - 10 municipal appointees appointed by the Mass. Municipal Association.
 - 10 state appointees.
 - Experience and expertise relative to opioid use disorder.
 - Public meetings held 4 times a year.
 - <https://www.mass.gov/info-details/opioid-recovery-and-remediation-fund-advisory-council-members>



Companies that have been sued and are paying legal settlements to date:

Pharmaceutical Manufacturers:

 **teva**

 **Allergan**[™]

 **Johnson & Johnson**



Mallinckrodt

Pharmaceutical Distributors:


CardinalHealth

MCKESSON


AmerisourceBergen[®]

Pharmacies:

 **Walmart**

 **CVS**
pharmacy

 **Walgreens**

Principles for the Use of Funds from the Opioid Litigation*

- Spend money to save lives.
 - **Supplement existing spending.** Do **NOT** replace it.
- Use **evidence** to guide spending.
- Invest in youth prevention.
 - **Evidence-based**
 - Remember lessons learned in tobacco control prevention efforts.
- Focus on racial equity.
- Develop a fair and transparent process for deciding how to spend funds.
 - Actively engage people who use drugs, families with lived experience, clinicians, public health professionals.
- *<https://opioidprinciples.jhsph.edu>

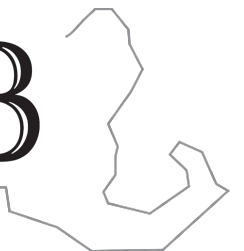


Chapter 77 of the Acts of 2023 (the “Act”)

- December 4, 2023.
- Amended G.L. c. 44, § 53.
- Permits cities, towns and districts to create a separate revenue account for **periodic, non-recurring, unanticipated sums received upon approval of the director of accounts.** (*§ 9, clause 4*).
- Funds can be spent by Chief Executive Officer of city or town **without further appropriation.**
- Director of Accounts for the Division of Local Services has determined that Fiscal Year 2024 opioid settlements funds and any future funds meet the requirement described above.

MAHNB

Assisting Massachusetts Boards of Health through
training, technical assistance and legal education



Stabilization Funds Previously Created

(§ 197)



- Proceeds in Stabilization Fund can be transferred to opioid special revenue account.
- Legislative body can then vote to revoke the Stabilization Fund.
 - Removes stabilization fund from municipality's balance sheet.
- Funds can be spent by Chief Executive Officer of city or town **without further appropriation.**

A Municipality Can Still Use a Stabilization Fund

- While Director of Accounts at the Division of Local Services determined that these receipts can be deposited in a special revenue account and spent without further appropriation, they do not HAVE to be accounted for this way.
- Stabilization funds can still provide the vehicle.

'It's inexcusable': As overdose deaths mount, millions in opioid settlement funds go unspent in Massachusetts

Less than 5 percent of the money paid to cities and towns has been deployed to combat the epidemic

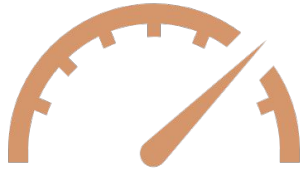
By [Chris Serres](#) Globe Staff, Updated February 4, 2024, 6:00 a.m.



99



Not the whole story . . .



Dated dashboard information.



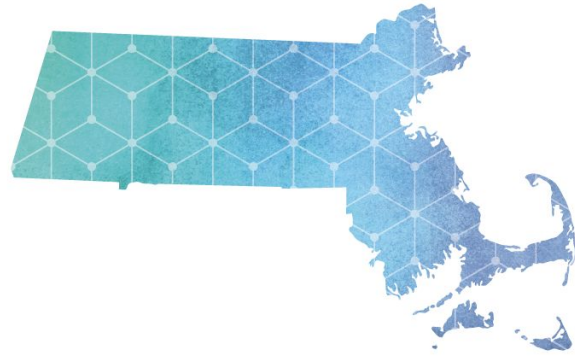
**Massachusetts State-Subdivision
Agreement**

Specific strategies

How to Assure Funds Get Used for Specific Abatement Strategies?



- **Engage people with lived experience and people who use drugs.**
- In single city/town:
 - Advisory Board?
 - Health Department
 - Local coalitions and community partners
- In collaborative with two or more municipalities:
 - Inter-Municipal Agreement
 - Community partners



Blueprint for Public Health Excellence

Recommendations for Improved
Effectiveness and Efficiency of
Local Public Health Protections

REPORT OF THE SPECIAL COMMISSION ON
LOCAL AND REGIONAL PUBLIC HEALTH

JUNE 2019

COMMONWEALTH OF MASSACHUSETTS

Inter-Municipal Agreements

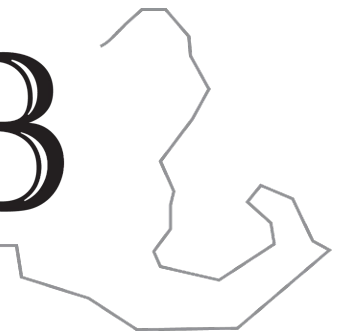
G.L. c. 40, s. 4A

- Authorizes Chief Executive Officer (CEO) of a city or town to enter into agreements with one or more municipalities and other governmental units to jointly perform services and share costs which any one of them is authorized to perform.
 - CEO – Select Board, Mayor or another as designated by Select Board, Mayor or Municipal Charter
 - City/Town Manager, Administrator
- ***Public Health Excellence Collaboratives***
 - Lead municipality



MAHIB

Assisting Massachusetts Boards of Health through training, technical assistance and legal education



Inter-Municipal Agreements (IMA) Options

- Amend current Public Excellence Collaborative IMA.
 - MAHB has a sample template that is being amended to reflect new law.
- Create separate IMA for Use and Expenditure of Certain Opioid Abatement Funds.
 - MAHB has a sample template that is being amended to reflect new law.



Governance or Advisory Board

- **Part of Inter-Municipal Agreement**
 - One member appointed by Board of Health from each municipality.
 - Each municipality gets one vote.
 - Equal voice in determining shared priorities and services provided.
- **Roles and Responsibilities:**
 - Develop annual and long-term goals.
 - Advise collaborative on staff priorities.
 - Adopt collaborative-wide policies.
 - Build budget.
 - Evaluate shared services program.
- Renew annually.



Resources

- [The Opioid Recovery and Remediation Fund Advisory Council](#)
- [Principles for the Use of Funds From the Opioid Litigation](#)
- [Blueprint for Public Health Excellence](#)
- [Subdivision Agreement](#)
- [ORFF Advisory Council](#)
- [Opioid Settlement Tracker](#)
- [Care Mass Data Dashboard](#)



Contact

Cheryl Sbarra, Esq.

Executive Director and Staff Attorney

sbarra@mahb.org

Care Massachusetts

abate@jsi.com



Questions?



NEXT STEPS

- ❑ **Upcoming Office Hours:**
 - Thursday, February 29 at 2PM: How to Engage Family Members of People Who Use Drugs in Planning Efforts

****Register [here](#)**

Note that are now unique registration links for each event**
- ❑ **[Previous Office Hours slides and recordings](#)**
- ❑ **[Request individualized technical assistance](#)**
- ❑ **Sign up for our [listserv](#)**
- ❑ **Check out the [municipal dashboard](#)**



Massachusetts Municipal Opioid Abatement Virtual Conference

March 19 - 9:30 a.m. to
12 p.m. &
March 20 - 9:30 a.m. to
1:30 p.m.

Free event

[Register today!](#)



In collaboration with:

SAMHSA
Substance Abuse and Mental Health
Services Administration



VIRTUAL TRAINING

Virtual Learning Community: Meaningful Involvement with People Who Use Drugs

February 27, 3-4:15 pm

[REGISTER HERE](#)

FEEDBACK SURVEY

Please take a couple minutes to respond to the anonymous feedback survey after the call ends



THANK YOU!

