



Massachusetts Department of Public Health

Massachusetts Municipal Opioid Abatement Conference

Day One

Tuesday, March 19th 2024



Massachusetts Department of Public Health

Keynote: Background on the Opioid Settlements and Their Significance in Addressing the Overdose Crisis

**Secretary Kate Walsh
Speaker**

Massachusetts Municipal Opioid Abatement Conference

Secretary of Health and Human Services Kate Walsh



AGENDA

1

INTRODUCTION

Background and situational context

2

STATEWIDE EFFORTS

ORRF-funded initiatives and programs

3

GETTING STARTED

How to launch your settlement-funded investments

4

A MESSAGE FROM GOVERNOR HEALEY

Take action! Save lives!

MASSACHUSETTS IS FACING AN UNPRECEDENTED CRISIS



DEATHS

An estimated **26,535** lives were lost to opioid overdose in MA between 2000-2022



TOXICITY

In 2022, fentanyl was present in **93%** of opioid-related overdose deaths where toxicology was also performed



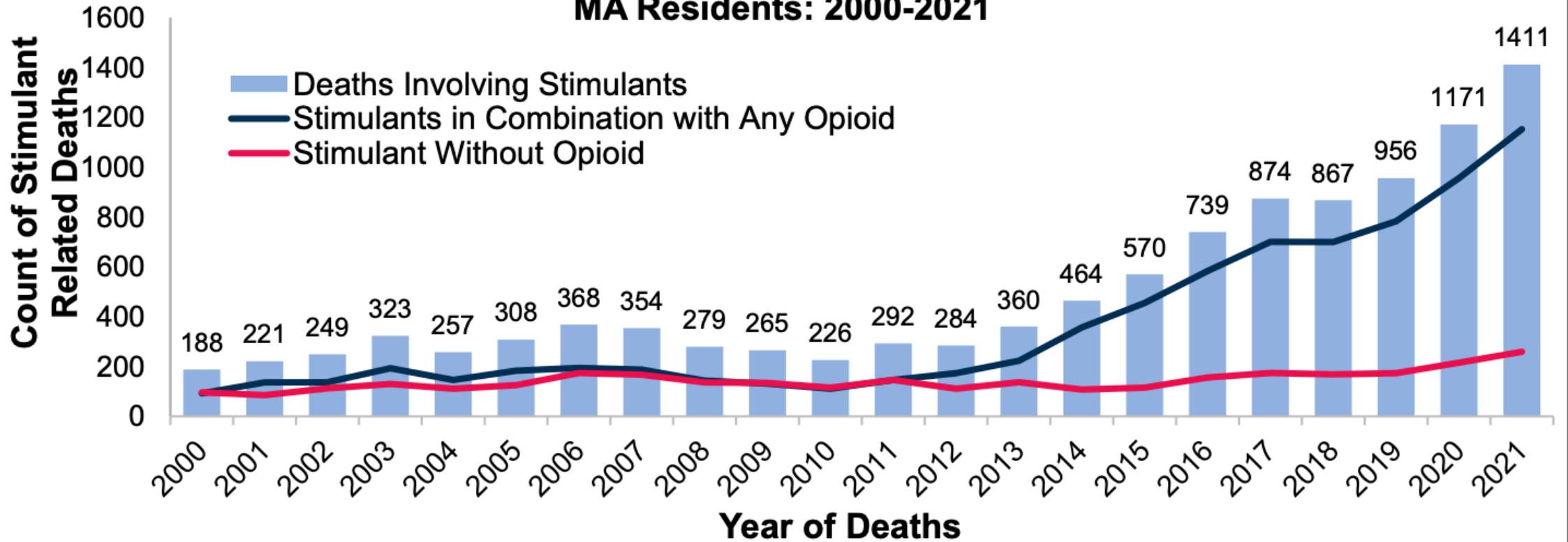
INEQUITY

Overdose rates are increasingly disproportionate, impacting BIPOC, woman, and rural populations



MA has entered the “Fourth Wave” of the overdose crisis

**Figure 2: Count of Stimulant-Related Deaths
MA Residents: 2000-2021**

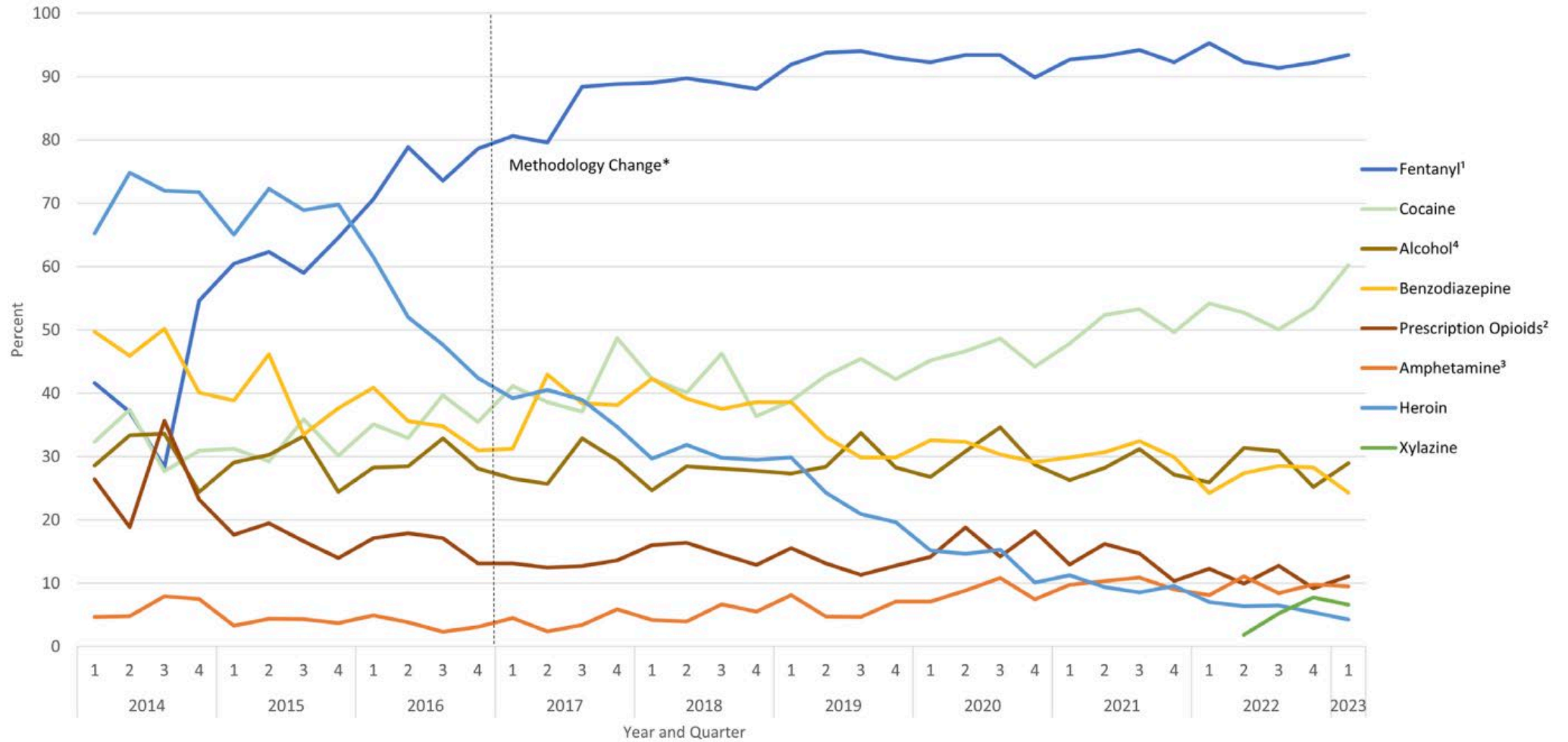


Notes: These deaths may include substances in addition to stimulants or opioids



Our drug supply is poisoned.

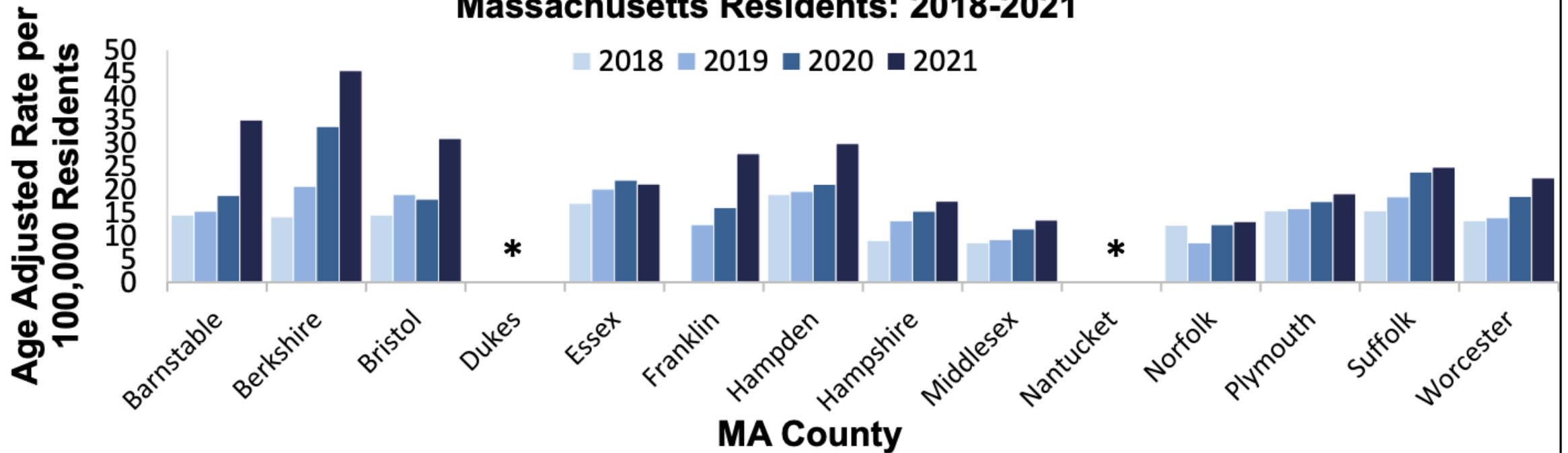
Figure 4. Percent of Opioid-Related Overdose Deaths with Specific Drugs Present in Massachusetts : 2014 - 2023





Every community is feeling the impact...

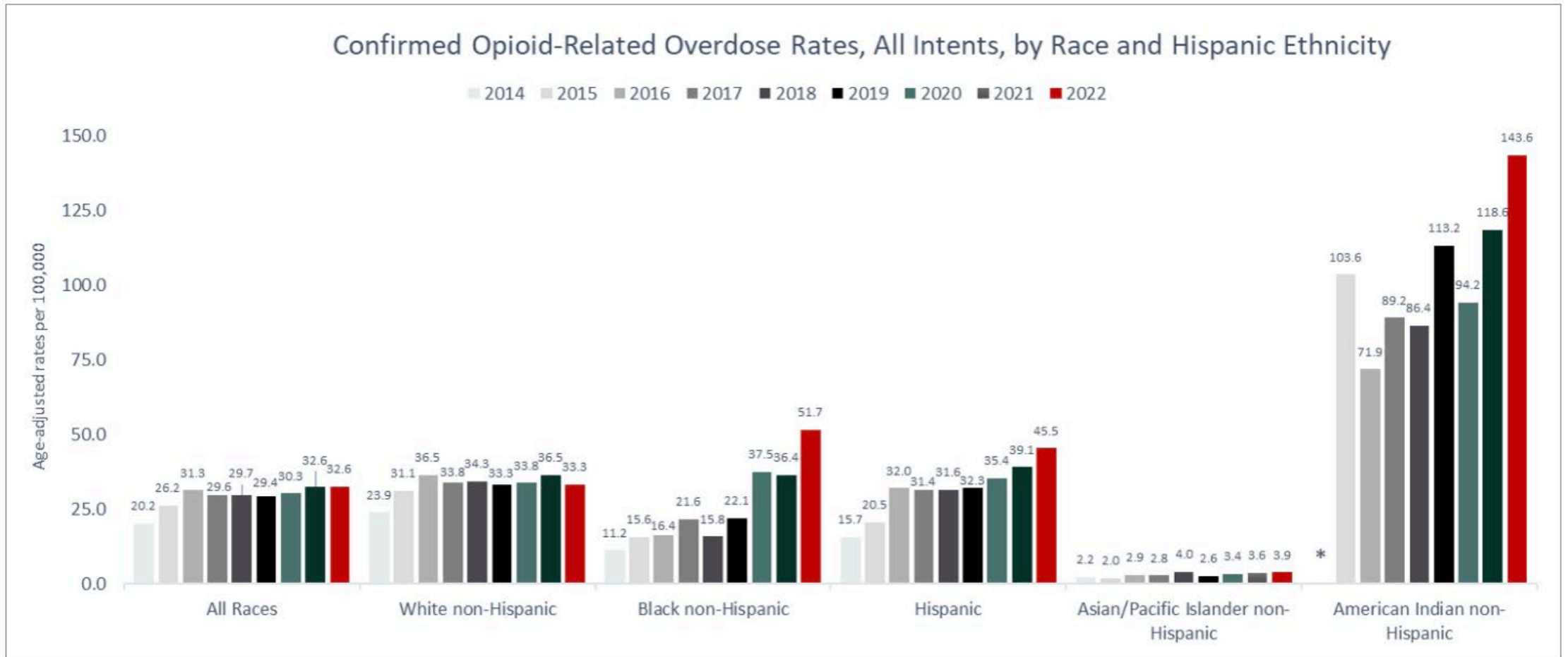
Figure 15: Rate of Stimulant-Related Deaths by County, Massachusetts Residents: 2018-2021



Notes: * indicates value suppressed. The rate cannot be calculated because the count is between 1 - 4. Rate calculations based on death counts less than 5 are excluded due to instability.

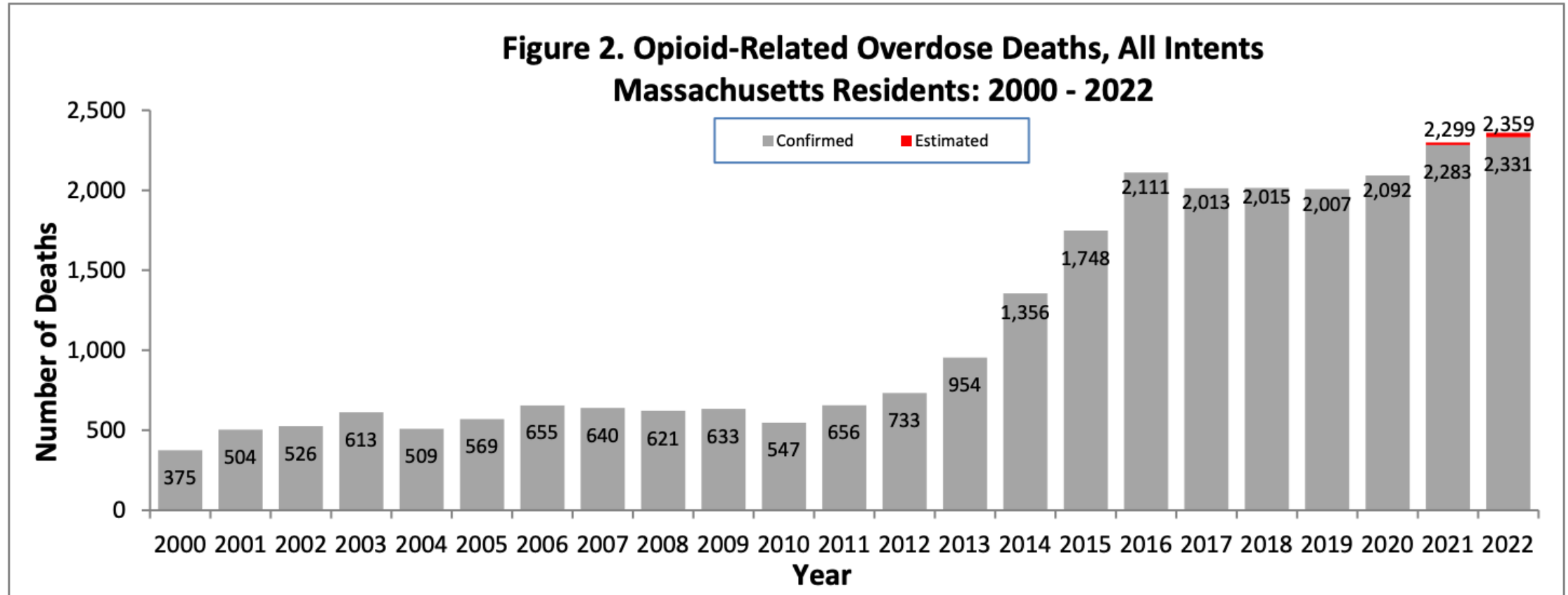


Especially Black and Brown communities





And the crisis is only getting worse.





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& Company



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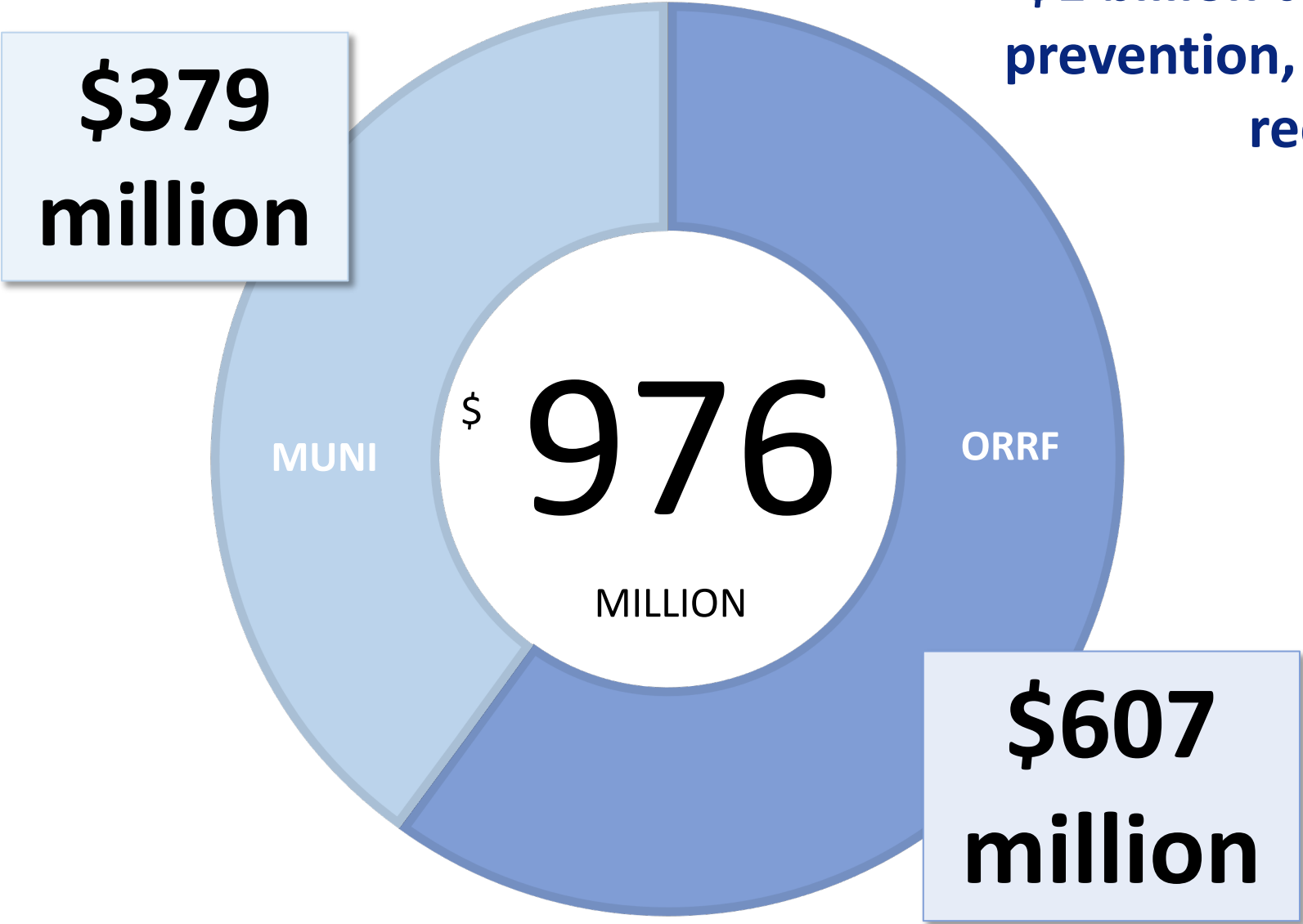
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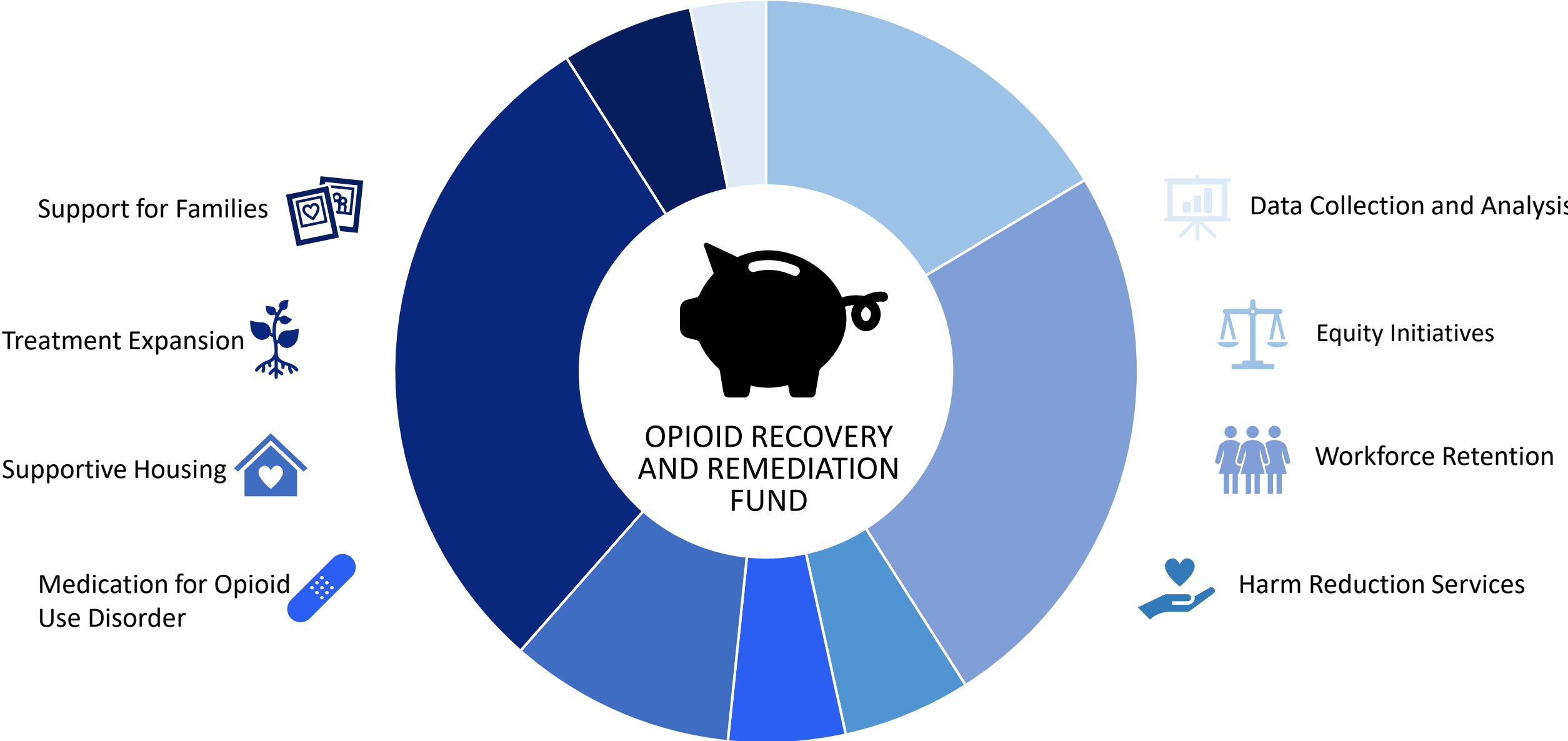
**Thanks to Governor
Healey and the
Attorney General's
Office, we have a
unique opportunity to
fight this.**



In total, we will receive nearly \$1 billion to spend on SUD prevention, treatment, and recovery over the next 20 years.



We're funding...



We've launched programs and initiatives including:



Increase Equity Initiatives

- Community Grantmaking Program
- Prison re-entry programs
- Community advisory boards



Expand Workforce

- MA Repay loan repayment grants for SUD providers
- Paid internship program



Harm Reduction Services

- Distribution of naloxone, fentanyl test strips, and other supplies statewide
- MA Overdose Prevention Helpline
- Harm Reduction Vending Machines



Treatment Expansion

- Walk-in clinics and addiction specialists at hospitals
- Stimulant treatment expansion



Supportive Housing

- Expanded capacity for supportive housing
- New low-threshold housing units



Support for Families

- Community investments in families impacted by SUD
- Grief support for families touched by overdose



Data Collection and Analysis

- The DPH Substance Use Disorder data dashboard
- Ongoing expansions of available data



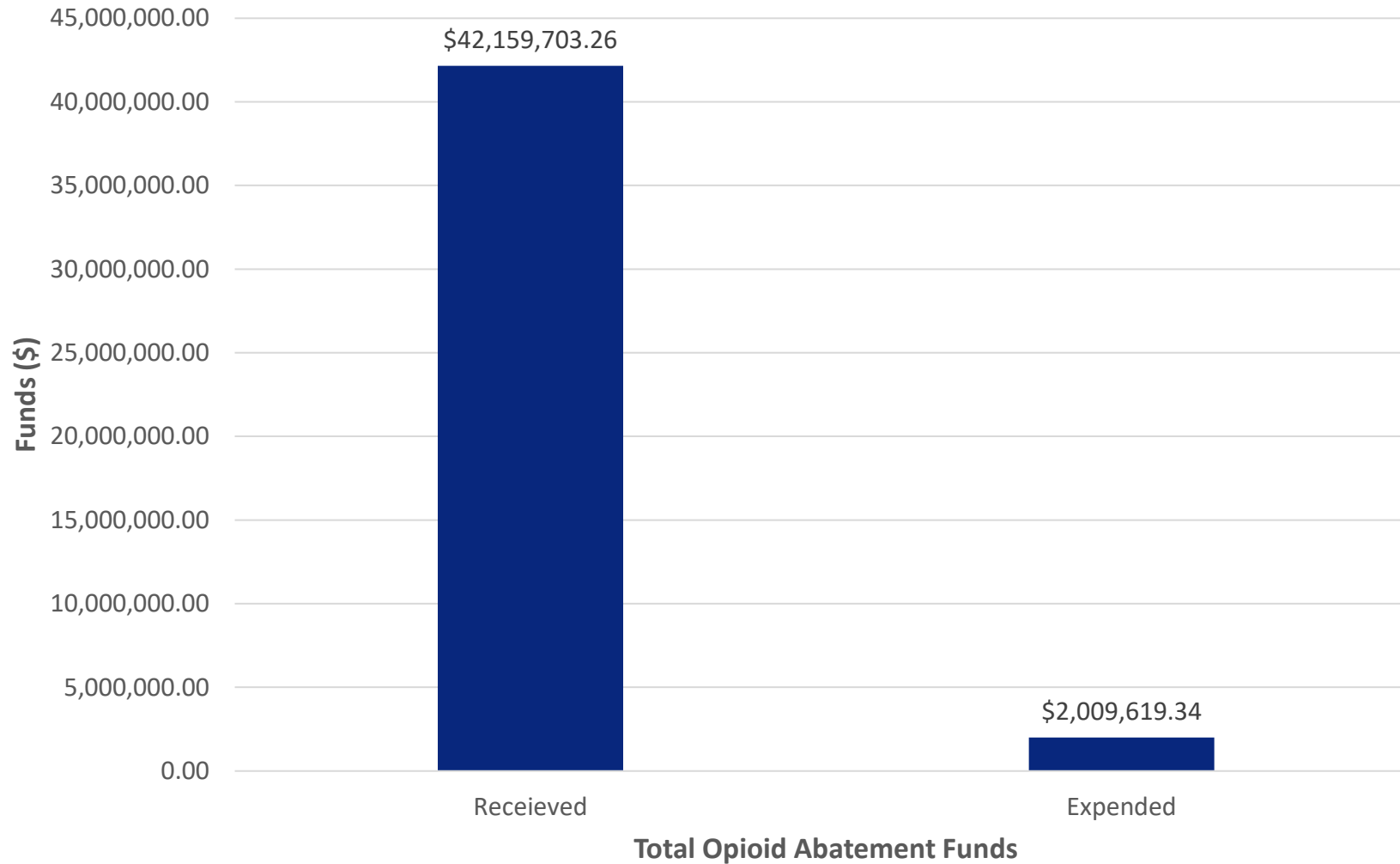
Medication for Opioid Use Disorder

- Mobile Methadone Delivery programs
- Medication units in houses of correction



Now, we want to support you.

FY23 Municipal Expenditure Reports





We encourage you to:

Pool Your Funding

- Build regional coalitions!
- Work with neighboring municipalities to build more substantive programming through pooled funding.

Focus on Specific Local Needs

- Build on the statewide ORRF work by focusing your investments on specific local needs.
- ORRF and municipal investments should compliment each other.

Use the Resources Available

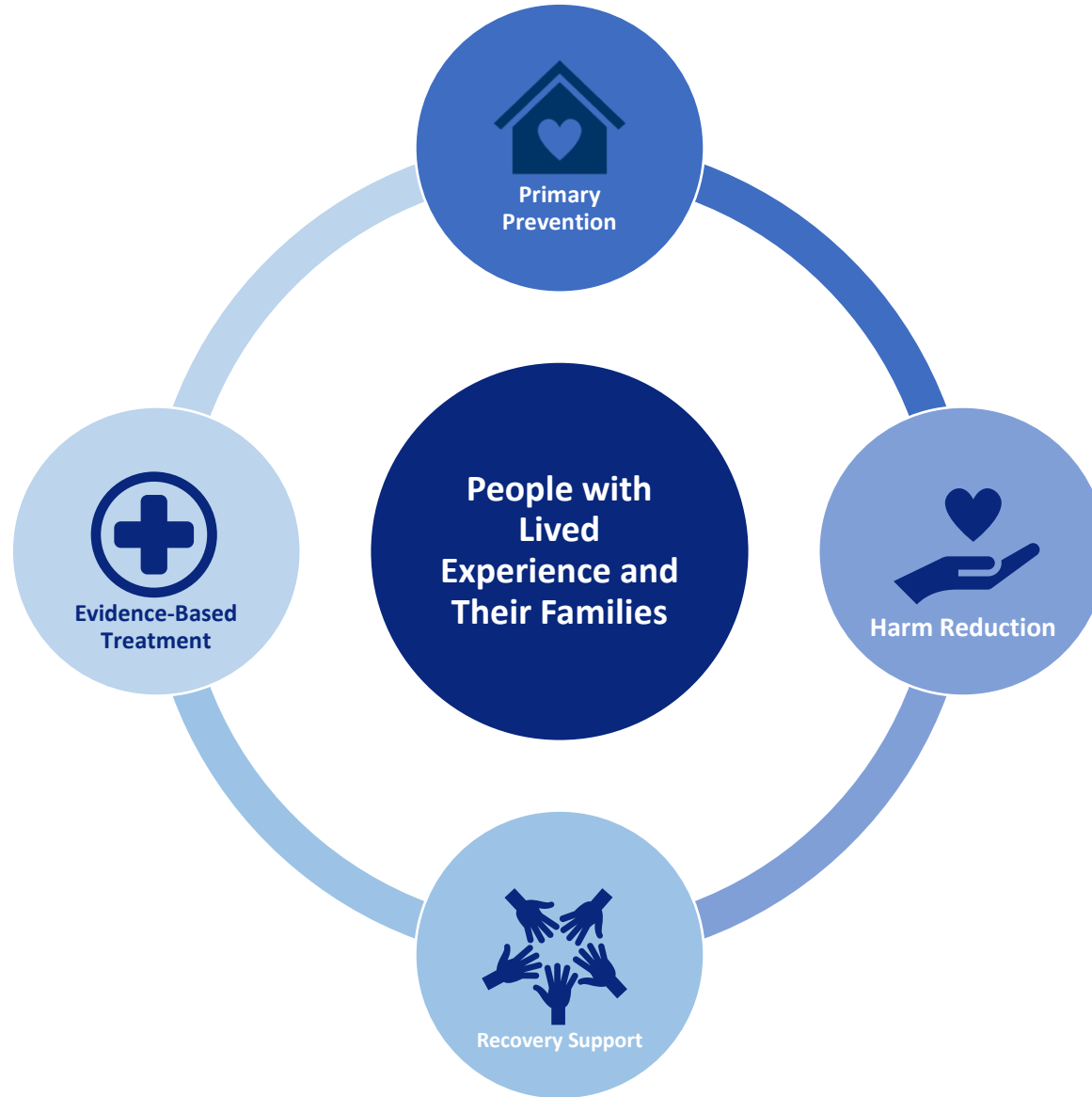
- Put some of the funding toward putting a plan together, hiring staff, building capacity, etc.
- Lean on CARE Mass for training and technical assistance.

Center Lived Experience

- Listen to your community for suggestions on key investments.
- Prioritize investments in community-based programming rather than the institutions that contributed to this crisis.



And always follow a public health-based approach



GOV VIDEO



Day One Overview

Session One: Understanding the Opioid Abatement Settlement Funds Initiative

Session Two: Promoting Collaboration Within and Across Municipalities



Session One: Understanding the Opioid Abatement Settlement Funds Initiative

9:50am-10:05am

Sarah Ruiz
Moderator



Opioid Settlements Update

Municipal Abatement Conference
March 19, 2024

Sandra Wolitzky
Chief, Health Care Division
Office of the Attorney General



The Attorney General's Investigations

Key findings:

Opioid Manufacturers used unfair and deceptive sales tactics to aggressively promote prescription opioids, including through tens of thousands of in-person sales calls to Massachusetts prescribers, resulting in a flood of inappropriate prescriptions.

Opioid Distributors failed to implement adequate suspicious order monitoring systems, ignored red flags and shipped thousands of suspicious orders to pharmacies across the state.

Pharmacies across the state dispensed opioid prescriptions without sufficient regard for their legitimacy, in violation of their corresponding responsibility.



Statewide Opioid Settlements

- Statewide Opioid Settlement: a settlement in which MA municipalities are eligible to receive direct payments in exchange for signing releases.
- Statewide Opioid Settlements have been finalized:
 - With McKesson, Cardinal, AmerisourceBergen, and Johnson & Johnson
 - With Walmart, Walgreens, Teva, and Allergan
- The CVS Statewide Opioid Settlement will be finalized soon.
- One Statewide Opioid Settlement in principle is pending nationwide AG sign-on:
 - With Hikma Pharmaceuticals (\$150M national settlement)
 - Municipal notice and sign-on process has not begun



Allocation of Settlement Funds

Funds from Statewide Opioid Settlements are allocated as follows:

- 60% to the state's Opioid Recovery and Remediation Fund
- 40% to Massachusetts municipalities to spend on approved programs and strategies, as described in the State-Subdivision Agreement



Settlement Payment Updates

- In February 2024, municipalities received notice from the settlement administrator of the first-year payment amounts from Teva, Allergan, CVS, Walgreens, and Walmart and the second-year payment amount for Walgreens.
 - The Teva, Allergan, Walgreens, and Walmart payments were disbursed to municipalities on March 15, 2024.
 - The CVS Year 1 Payment will go out to municipalities soon.
- In February 2024, municipalities also received notice from the settlement administrator that two of the settling Distributors (Cardinal and AmerisourceBergen) had prepaid in 2024 a portion of payments due in 2027.
 - These pre-payments were disbursed to municipalities on March 15, 2024.
 - Updated estimated maximum annual distributions to participating municipalities are available on the [AGO's website](#).



Information on AGO Website

<https://www.mass.gov/info-details/learn-about-the-ags-statewide-opioid-settlements-with-opioid-industry-defendants>

- Detailed information by settlement on estimated payments to participating municipalities;
- Total payments to each participating municipality from all Statewide Opioid Settlements;
- Copies of the settlement agreements, consent judgments, and State Subdivision Agreement; and
- Frequently asked questions and answers.



Questions for AGO

If you have questions about the Statewide Opioid Settlements, please contact the AGO at:

MAOpioidSettlements@mass.gov



Massachusetts Department of Public Health

State Subdivision Agreement

Massachusetts Municipal Opioid Abatement Conference

Deirdre Calvert, LICSW

Director

Bureau of Substance Addiction Services

STATE SUBDIVISION AGREEMENT



**Shared
Commitment**



**ORRF Advisory
Council Statute**



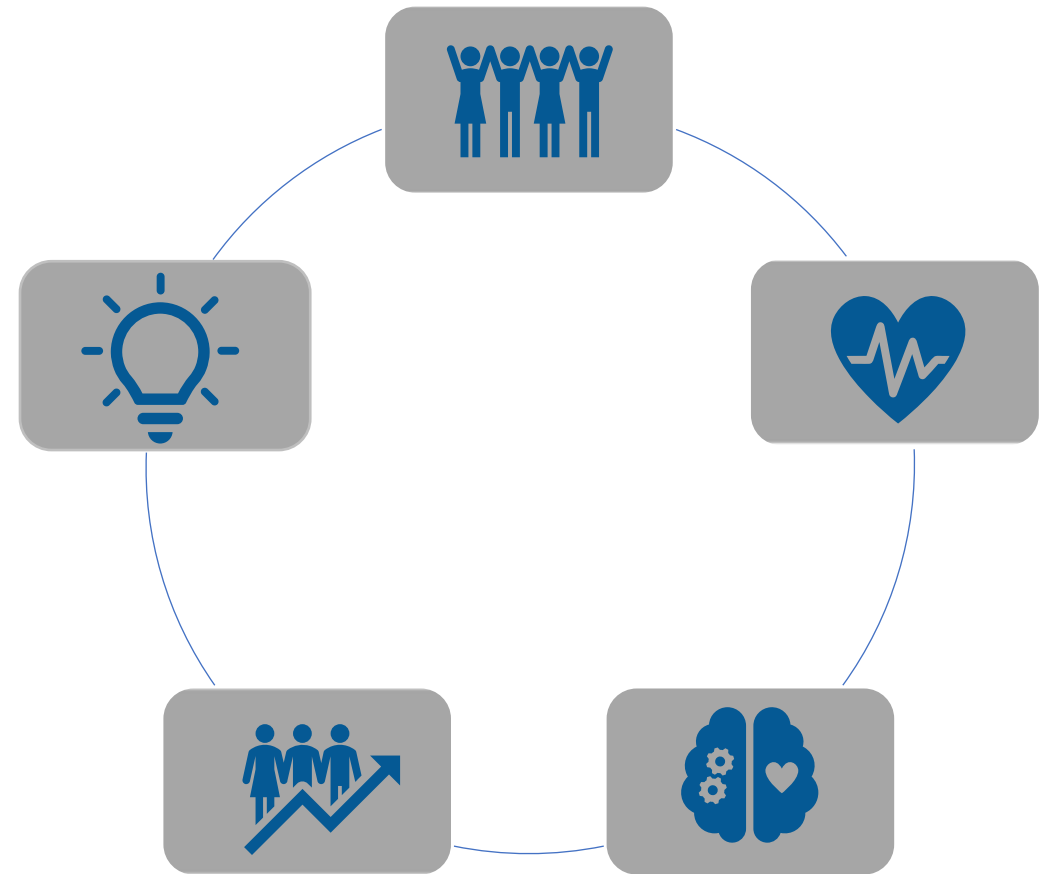
**Municipal
Strategies**



**Reporting
Requirements**

Shared Commitment

“The Commonwealth and its municipalities have a shared commitment to using abatement funds recovered by opioid settlements to supplement and strengthen resources available to Massachusetts communities and families for substance use disorder prevention, harm reduction, treatment, and recovery...”



State Statute

Opioid Recovery & Remediation Fund (ORRF)

Executive Office of Health & Human Services (EOHHS)

**Sec. of
EOHHS**

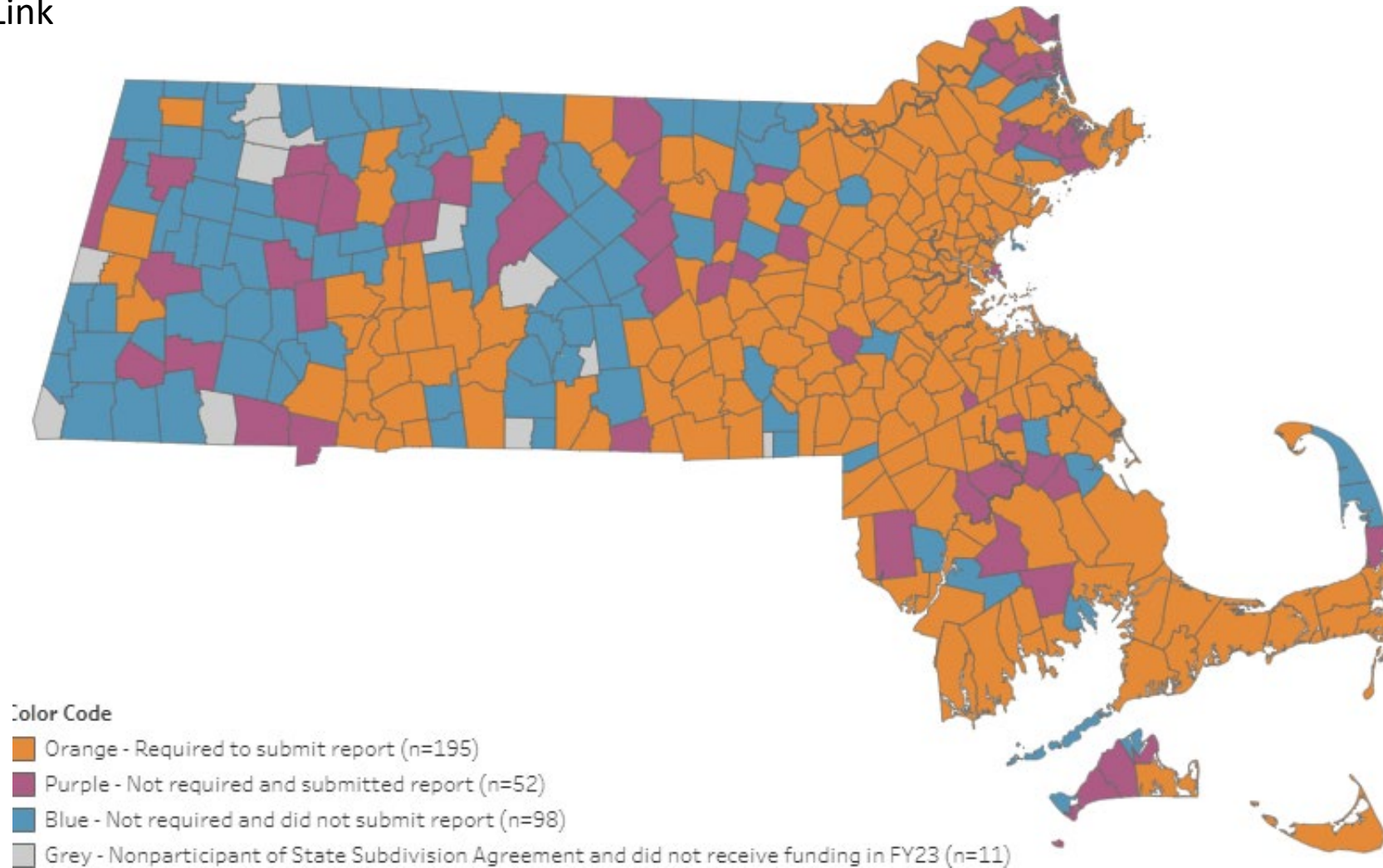
ORRF Advisory Council

Municipal Strategies

- 1 Opioid Use Disorder Treatment
- 2 Support People In Treatment & Recovery
- 3 Connections to Care
- 4 Harm Reduction
- 5 Needs of Criminal-Justice-Involved Persons
- 6 Support for Pregnant or Parenting Woman
- 7 Prevent Misuse of Opioids & Implement Prevention Education

Reporting Requirements

Dashboard Link



Commonwealth of Massachusetts



Supporting a Commonwealth of Communities

Accounting for Opioid Settlement Proceeds

Municipal Opioid Abatement Conference
March 19, 2024



Opioid Settlement Proceeds

Two questions:

1. What to do with opioid settlement proceeds in fiscal year 2024 and after?
2. What to do with opioid settlement proceeds received prior to fiscal year 2024?



What do I do with Opioid Settlement Proceeds my city or town receives during Fiscal Year 2024 under Chapter 77 of the Acts of 2023?

Chapter 77 of the Acts of 2023 provides an exception to the general rule under [G.L. c. 44, § 53](#), which states that all receipts are to be recorded as general fund revenue:

“(4) non-recurring, unanticipated sums received by multiple cities, towns or districts and not otherwise provided for by general or special law, may, upon the approval of the director of accounts, be expended at the direction of the chief executive officer without further appropriation only for the singular purpose for which the monies were received”



Bulletin 2023-7



The Director of Accounts has determined that cities and towns that have received or will receive funds in Fiscal Year 2024, or thereafter, pursuant to settlement agreements entered into by the Commonwealth with opioid distributors and opioid-makers for prevention, harm reduction, treatment, and recovery, may place said funds into a special revenue fund. The proceeds can then be expended, without further appropriation, at the direction of the chief executive officer only for the purpose identified in said settlement agreements.

G.L. c. 44, § 53 C

TO: Local Officials
FROM: Deborah A. Wagner, Director
DATE: December 2023

This guidance supersedes BUL-2023-6 and *Treatment of Opioid Settlement Payments*.

On December 4, 2023, Governor Healey signed [Chapter 77B](#) which provides, in part, for the following exception to the general rule that monies received are to be recorded as general fund revenue per [G.L. c. 44, § 53](#):

“(4) non-recurring, unanticipated sums received by municipalities, cities, or towns, or districts and not otherwise provided for by general or special law, upon the approval of the director of accounts, be expended at the direction of the chief executive officer without further appropriation only for the purpose identified in said settlement agreements which the monies were received” (emphasis added)

The Director of Accounts has determined that cities and towns that have received or will receive funds in Fiscal Year 2024, or thereafter, pursuant to settlement agreements entered into by the Commonwealth with opioid distributors and opioid-makers for prevention, harm reduction, treatment, and recovery, may place said funds into a special revenue fund. The proceeds can then be expended, without further appropriation, at the direction of the chief executive officer only for the purpose identified in said settlement agreements.

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Who is the Chief Executive Officer (CEO)?:

- City – The CEO is the Mayor or City Manager.
- Town- The CEO is the Selectboard or the Town Manager, if delegated by the Selectboard.



What do I do with Opioid Settlement Proceeds my city or town received before December 4, 2023 (Chapter 77 of the Acts of 2023)?



Section 197 of the Act further allows a community to consolidate all monies previously received for this purpose into the special revenue fund, mentioned above, in the following ways.

1. If prior year settlement funds have not otherwise been reserved (i.e., dedicated to a stabilization fund) or become part of certified free cash, then those funds may be placed directly into the special revenue fund.
2. If already dedicated to a stabilization fund, said dedication can be revoked at any time by vote of the legislative body. Upon revocation, all statewide opioid settlement receipts previously received may be placed in the special revenue fund.
3. If a community has settlement funds in a stabilization fund but did not dedicate future settlement receipts, the money currently in stabilization can be placed directly into the special revenue fund.
4. Settlement funds that have become part of free cash may be appropriated into the special revenue fund by vote of the community's legislative body.

In the case of #2 or #3 above, once funds are moved from the stabilization fund, by virtue of having no remaining balance the stabilization fund can be removed from the balance sheet.

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Geoffrey E. Snyder
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

Bulletin

BUL-2023-7

G.L. c. 44, § 53 Clause 4: Opioid Settlement Receipts

TO: Local Officials
FROM: Deborah A. Wagner, Director of Accounts
DATE: December 2023

This guidance supersedes BUL-2023-6 and the July 7, 2022 edition of *City and Town, Ask DLS: Treatment of Opioid Settlement Payments*.

On December 4, 2023, Governor Healey signed [Chapter 77 of the Acts of 2023](#), Section 9 of which provides, in part, for the following exception to the general rule that all receipts are to be recorded as general fund revenue per [G.L. c. 44, § 53](#):

“(4) non-recurring, unanticipated sums received by multiple cities, towns or districts and not otherwise provided for by general or special law, may, upon the approval of the director of accounts, be expended at the direction of the chief executive officer without further appropriation only for the singular purpose for which the monies were received” (emphasis added)

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February 1st, 2024

Ask DLS: Chapter 77 of the Acts of 2023

[How are opioid settlement funds impacted?](#)



Contact:

Debbie Wagner

Director of Accounts,
Division of Local Services

Cell Phone: 857-303-3108
Email: wagnerd@dor.state.ma.us

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Chapter 30B and the Use of Opioid Abatement Funds



Procurements Under Chapter 30B

- Generally, Chapter 30B applies to the procurement of supplies or services paid for with public funds
- Exemptions that may apply to the use of abatement funds
 - Ambulance services
 - Local health department procurements
 - Intergovernmental agreements between two or more local jurisdictions
 - Medical and other related licensed professionals
 - Services provided by employees of a local jurisdiction
 - Building and public works construction materials and services
 - Grant agreements with non-profit or individual outside of Chapter 30B
- May use identified services included under existing contracts up to 25% (same service/same unit price)
- Real property transactions, including lease agreements for shelters included in Chapter 30B

OIG: Technical Assistance Provided

- Call:
 - 617-722-8838
- Email:
 - 30BHotline@mass.gov
- File an online form:
 - <https://www.mass.gov/forms/chapter-30b-technical-assistance-form>
- Consider a training with the OIG Academy:
 - <https://www.mass.gov/info-details/oig-academy-schedule-and-class-information>

Questions?