

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

December 15, 2024

The Honorable Jim Pillen
Governor of Nebraska
P.O. Box 94848
Lincoln, NE 68509

Mr. Brandon Metzler
Clerk of the Legislature
P.O. Box 94604
Lincoln, NE 68509

The Honorable Mike Hilgers
Attorney General of Nebraska
P.O. Box 98920
Lincoln, NE 68509

Subject: Opioid Prevention Funds Report

Dear Governor Pillen, Mr. Metzler and Attorney General Hilgers:

Pursuant to Neb. Rev. Stat § 71-2489, the Nebraska Department of Health and Human Services (DHHS) is submitting the following information regarding the use of fund appropriated under the Opioid Prevention and Treatment Act and the outcomes from such use.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Janousek, PsyD".

Dr. Thomas Janousek
Director, Division of Behavioral Health

Attachment

Division of Behavioral Health

Opioid Prevention Funds Report

December 2024

Neb. Rev. Stat. § 71-2489

Overview of Legislative Report

Background

Dating back to the mid-2000s, numerous lawsuits were filed by states, cities, counties, and Native American tribes against opioid manufacturers, distributors, and pharmacies. These legal actions accused these entities of deceptive marketing practices, downplaying the addictive nature of opioids, and flooding communities with prescription painkillers.

As a result, major settlements were reached between the accused parties and various plaintiffs. These plaintiffs included states and local governments, one of which is Nebraska. These settlements aimed to address the financial burden of the crisis on communities and to fund programs for addiction treatment, prevention, and other related services.

Nebraska will receive funds until 2038, with a total of over \$178 million dollars from eight manufacturers and distributors named in the national lawsuits.

The Nebraska Legislature passed the Opioid Prevention and Treatment Act (Neb. Rev. Stat. §§ 71-2485 to 71-2490), outlining the legislative findings of the opioid crisis impact on the state. The Act established the funding provision for the Opioid Recovery Fund to manage funding received by the state.

In 2024, the Legislature reallocated settlement funds from opioid litigation to address the opioid crisis through targeted initiatives. The reallocation provided funding for Regional Behavioral Health Authorities (RBHA), counties, local public health departments, and the Nebraska State Fire Marshal (SFM) to research and enhance treatment and prevention of opioid addiction and strengthen Nebraska's response to the opioid epidemic through strategic use of settlement funds for infrastructure development. The state will receive 85% of the Opioid Recovery Fund, while 15% will be allocated across the 93 counties and 16 municipalities.

The following report outlines expenditures as required by the Act.

Opioid Settlement Activity

Department of Health & Human Services

As of June 30, 2024, the DHHS Division of Behavioral Health (DBH) has expended \$1422.73 to reimburse Nebraska Opioid Settlement Remediation Advisory Committee members' expenses for attendance at the committee meetings. The Committee met five times during the reporting period and continues to work to advise DBH on the needs of Nebraska's communities.

The stipulations of the settlement funds allow for a unique opportunity for the provision of capital construction expenditures for the development of opioid use treatment infrastructure projects. DBH is currently in the process of developing the standardized process and proposal evaluation criteria for the expenditure of infrastructure funds.

Nebraska State Fire Marshal

For FY2024-25, the State Fire Marshal was appropriated \$1,125,000.

The SFM held meetings with various groups within the first responders' communities to determine needed services that would impact the largest population. It was determined that comprehensive service programs, which included both mental health services and financial stressors, were the greatest need for the community.

Local Public Health Departments

The Opioid Prevention and Treatment Act appropriated \$500,000 to the local public health departments of Nebraska to facilitate prevention efforts, educate and train related to opioid use prevention and remediation, and data tracking efforts related to the opioid epidemic.

The distribution of the funds to the local public health departments will occur in December of 2024.

Regional Behavioral Health Authorities (RBHA)

The RBHAs were appropriated \$10,000,000 as designated by the Opioid Remediation Settlement Advisory Committee in June 2023 and have begun working within their geographical areas to address opioid prevention, treatment, and recovery needs.

In July 2024, an additional \$3,000,000 was appropriated to RBHAs as a result of the passage of LB1355 (2024) to address the needs of each region.

The funding totals for the RBHAs are as follows:

	June 2023 Disbursement	July 2024 Disbursement	Total Appropriated Funds	Obligated as of June 30, 2024	Spent as of June 30, 2024
Region 1	\$548,840	\$164,302.65	\$713,142.65	\$676,233.61	\$10,031.45
Region 2	\$516,475	\$153,376.04	\$669,851.04	\$20,000	\$14,662.69
Region 3	\$1,122,430	\$326,946.56	\$1,449,376.56	\$326,000	\$0
Region 4	\$885,945	\$257,499.06	\$1,143,444.06	\$0	\$1,377.21
Region 5	\$2,561,187	\$772,265.84	\$3,333,452.84	\$1,019,022.76	\$101,045.72
Region 6	\$4,365,123	\$1,325,609.85	\$5,690,732.85	TBD*	\$33,988.51
Total	\$10,000,000	\$3,000,000	\$13,000,000	\$2,041,256.37	\$161,105.58

*The amount of "obligated" funds has not been decided yet from Region 6, application and selection process will be occurring in December of 2024, with the project(s) to start in 2025.

RBHA Project Narratives and Outcomes

The RBHAs are at various stages of addressing the opioid crisis within their geographical area. All the RBHAs have gathered coalitions, community members, and health professionals in summits, conferences, and/or meetings in their geographical area to understand the needs of the Region. These needs are created in compliance with the national opioid settlement “Exhibit E” to use the opioid settlement funds effectively to mitigate the crisis.

REGION 1

A. Opioid Settlement Funds Received: \$713,142.65

B. Progress to Date

1. Planning and Priority Setting: Region 1 has partnered with Panhandle Public Health Department to host strategic planning sessions for the Opioid settlement funds. These planning sessions included community members and stakeholders across the Region 1 service area. There was representation from law enforcement, emergency medical services, colleges, probation, mental health and substance abuse service providers, advisory board members, governing board members, and consumers. The planning process identified needs and gaps within the system along with priority areas for the community. Once priorities were established committees met regarding each priority area to identify services to address the needs and gaps. Four areas were identified as priorities for this first round of funding: Crisis Stabilization, Detox, Restorative Justice, and Justice.
2. Funding Distribution Process: Region 1 has developed a grant application, grant guidance, a grant scoring guide and budget for the grant application. They are in the process of getting these documents approved by the grant review committee and developing a timeline to go live with the grant application process for the Opioid Settlement funds.

C. Opioid Settlement Funds Used and/or Distributed: \$10,031.45

REGION 2

A. Opioid Settlement Funds Received: \$669,851.04

B. Progress to Date

1. Planning and Priority Setting: Region 2 is currently in the planning stage of comprehensive activities and implementing smaller initiatives. They attended the Southwest Nebraska Opioid and Stimulant Summit in McCook in September. They are meeting with local leaders to form a partnership to initiate a crisis center and a detox center. This is a need that has been identified at every planning event in the area. The opioid settlement dollars could be the catalyst to help make this happen. They initiated a project with the Lincoln County Jail to ensure inmates detoxing from opiates have access to a medical provider who contracts with the region as a medication assisted treatment (MAT) provider.
2. Funding Distribution Process: Region 2 still in the process of determining this as they want to pursue the crisis center before they initiate a way to distribute smaller amounts. They are considering a mini-grant process if needed.

3. Outcome of Funds: Region 2 would like to use the funds towards creating a detox and/or crisis center in the region. This has been identified as a need across the region. Facilitate health improvement, health promotion, and disease prevention activities.

C. Opioid Settlement Funds Used and/or Distributed:

1. Amount: \$14,662.69
2. Purpose: Consultant fees

REGION 3

A. Opioid Settlement Funds Received: \$1,449,376.56

B. Progress to Date

1. Planning and Priority Setting: Region 3 hosted an Opioid and Stimulant Summit for stakeholders and system partners in the Region 3 service area. Region 3 collaborated with the Opioid Response Network (ORN) in securing facilitators and presenters for the two-day summit. Planning and prioritization were completed on the second day of the summit, and focused on current resources and gaps in prevention, treatment, and recovery. Region 3 also hired a grant coordinator in November 2023. A steering committee was formed from summit attendees to discuss the opioid settlement funds and finalize a grant application.
2. Funding Distribution Process:
 - Application finalized November 2023
 - Application posted on website December 2023
 - Committee will review applications
 - Accepted applications will receive funding

C. Opioid Settlement Funds Used and/or Distributed: \$0

REGION 4

A. Opioid Settlement Funds Received: \$1,143,444.06

B. Progress to Date

1. Planning and Priority Setting: Region 4 has participated in several conversations with the ORN to host a Regional Opioid Summit for stakeholders in Region 4. This summit will be held in the Spring of 2025.
 - The Summit will bring in education on evidence-based practices for opioid response and facilitate a group discussion on resources, challenges, and needs in the area regarding opioids.
 - Region 4 continues to collect data from various stakeholders in the Region regarding Opioid use to help determine needs and gaps in the system.
2. Funding Distribution Process: In development.

C. Opioid Settlement Funds Used and/or Distributed:

1. Amount: \$1,377.21
2. Purpose: Funds were allocated to support the Region 4 Behavioral Health System's Opioid Settlement Funds Summit and associated costs.

REGION 5

A. Opioid Settlement Funds Received: \$3,333,452.84

B. Progress to Date

1. **Planning and Priority Setting:** Region 5 Systems began meeting with the ORN in June of 2023. On July 17, 2023, a job announcement was advertised for the Opioid Program Manager. Interviews were conducted July 21, 2023 – July 25, 2023, and Trina Janis was offered the position on July 27, 2023. August 28, 2023, Trina Janis began the role of Opioid Program Manager. During the months of September 2023 and October 2023, Trina met with numerous community members from Region 5 Systems' catchment area to identify members of the Region 5 Systems' Opioid Steering Committee. This Committee will review project documents including committee charter, Region 5 Systems' Opioid Crisis Response Blueprint, matrix outlining available opioid funding sources in the system. The Committee will also plan for the Opioid Crisis Response Two-Day Summit and identify system gaps and strategies (promotion, prevention, treatment/recovery, and harm reduction) for distribution of funds. Region 5 Systems Opioid Crisis Response Two-Day Summit in March 2024 focused on education and strategic planning for utilization of the funding. Additionally, Region 5 Systems is creating a four-part video series designed to educate on stigma, Narcan (harm reduction), Good Samaritan Law, and treatment/recovery.
2. **Funding Distribution Process:** The Region 5 Systems' Opioid Crisis Response Blueprint as reviewed by the Region 5 Systems' Opioid Steering Committee and approved by the Behavioral Health Advisory Committee and Regional Governing Board will outline this process.

C. Opioid Settlement Funds Used and/or Distributed:

1. Amount: \$101,045.72
2. Purpose: Includes salary and benefits, equipment, travel, and meeting expenses.

REGION 6

A. Opioid Settlement Funds Received: \$5,690,732.85

B. Progress to Date

1. **Planning and Priority Setting:** Region 6 partnered with ORN to facilitate a planning summit for stakeholders representing the five counties in Region 6 in May of 2024. The purpose of the summit was to provide awareness about opioids and related substance use disorders, clarify, and answer questions about the appropriate use of settlement funds, and potentially assist with priority setting for the use of dollars available to Region 6, counties, and municipalities. ORN assisted with covering the cost of a facility for the event, provide facilitators and stipends for participants, and prepare a report and recommendations following the event.

Region 6 is recruiting for an Opioid Settlement Funds Project Manager position that will be responsible for:

- Working with ORN and a small planning group to develop the summit details,
- Assisting with developing priorities for Region 6 settlement funds,
- Developing processes for opioid settlement funds Request for Proposals (RFPs), disbursements, and project/program monitoring and evaluation,

- Creating content, format, and distribution lists for routine and ad hoc reports, and
- Providing technical assistance throughout the Region 6 community, as requested.

2. Funding Distribution Process: The details are not yet developed for the Region 6 funding distribution process. There has been limited, initial discussion with leadership across the six Regional Behavioral Health Authorities about the potential for standardization of certain processes with opioid settlement funds. More conversation is anticipated on that topic.

C. Opioid Settlement Funds Used and/or Distributed:

1. Amount: \$33,988.51
2. Purpose: Directed to Opioid Settlement Funds Summit and Strategic Planning Event and personnel and related expenses, primarily covering employee salaries and fringe benefits.