

Steve Sisolak
Governor



Richard Whitley
Director

State of Nevada
**Department of Health and
Human Services**

Fund for A Resilient Nevada

Overview of Senate Bill 390: Nevada's Opioid
Settlement Litigation Funding Statute



Helping people. It's who we are and what we do.



Opioid Settlement Litigation Laws

- Lessons learned from Big Tobacco Settlements
- Directs the funding to resolving the issues that drive the opioid crisis
- Currently 20 states have some statute 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/>



81st Nevada Legislative Session: Senate Bill 390

- Sponsored by the Senate Committee on Health and Human Services
- Championed by Senator's Ratti and Senator Kieckhefer
- Supported by Assemblywomen Jill Tolles
- Passed in Nevada's 81st Legislative Session
- Has a reciprocal relationship to the Attorney General's Substance Use Response Group (Tolles; AB 374)
- Signed into law by Governor Sisolak June 4, 2021
- SB 390 also includes key legislation for 988 and the Crisis Response Account



Assembly Bill 374

- Created the Attorney General's Substance Use Response Group (SURG)
- Sponsored by Assemblywomen Jill Tolles, Co-signers from the Assembly included Gorelow, Hafen, Nguyen, Orentlicher, Peters, Roberts, Summers-Armstrong, Thomas, and Senators Gansert and Ratti
- Establishes the appointments for the SURG
- Sets forth the scope of work for the SURG including the review and recommendations for prevention, early intervention, harm reduction, treatment, recovery, law enforcement/criminal justice, and data surveillance
- Includes all substances use
- Results in recommendations and the development of a state plan
- First meeting is scheduled for November 16th, 2021 at 9 am



Role of the Nevada Office of Minority Health and Equity (NOMHE)

Nevada Department of Health and Human Services (DHHS), in consultation with NOMHE must:

Conduct a **Statewide Needs Assessment** and update every 4 years

Develop and revise the **State Plan** with allocations of funding

Reports concerning all findings, recommendations, and funding under this bill must be created by the Department of Health and Human Services and Advisory committee and delivered to the Legislature, Governor, Attorney General, and other agencies, as well as the public

When conducting the Needs Assessment and State Plan, DHHS and NOMHE **must consider recommendations** from the Advisory Committee and state, regional, local, and tribal entities in the state whose work relates to opioid use disorder and other substances.



Role of the Nevada Office of Minority Health and Equity (NOMHE)

Identify and develop a tool to support the Advisory Committee in making recommendations.

“**an objective method** to define the potential positive and negative impacts of a priority on the health of affected communities with an emphasis on disproportionate impacts to any population targeted by the priority.”

Support the advisory committee in considering:

- health equity and identifying relevant disparities among racial and ethnic populations, geographic regions, and special populations; and
- the need to prevent overdoses, address disparities, in access to healthcare, and prevent use substance use.

When selecting evidence-based practices, **provide consultation** on possible changes to EBP’s to accommodate for racial and ethnic differences.



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



Principle #1: Spend money to save lives

- SB390 establishes the Fund for a Resilient Nevada within DHHS
- Money deposited in the fund stays in the fund and is used to combat the opioids epidemic
- No more than 8% of deposits can be used for administration costs
- Funding can only be used to supplement, not supplant existing funding
- Reports concerning all findings, recommendations, and funding under this bill must be created by the Department of Health and Human Services and Advisory committee and delivered to the Legislature, Governor, Attorney General, and other agencies, as well as the public
- Regarding grants to regional, county, local, or tribal consideration must be given to recoveries in their own litigation and reimbursement may be required if there are regional, county, local, or tribal recoveries

Principle #2: Use evidence to guide spending

- Expanding access to **evidence-based prevention of substance use disorders, early intervention for persons at risk of a substance use disorder, treatment for substance use disorders and support for persons in recovery from substance use disorders;**
- Programs to **reduce the incidence and severity of neonatal abstinence syndrome;**
- **Prevention of adverse childhood experiences and early intervention** for children who have undergone adverse childhood experiences and the families of such children;
- Services to **reduce the harm caused by substance use;**
- **Prevention and treatment of infectious diseases** in persons with substance use disorders;
- Services for children and other persons in a **behavioral health crisis** and the families of such persons;
- **Housing for persons who have or are in recovery** from substance use disorders;
- **Campaigns to educate and increase awareness** of the public concerning substance use and substance use disorders;



Principle #2: Use evidence to guide spending cont.

- **Programs for persons involved in the criminal justice or juvenile justice system** and the families of such persons, including, without limitation, programs that are administered by courts;
- **The evaluation of existing programs** relating to substance use and substance use disorders;
- **Development of the workforce** of providers of services relating to substance use and substance use disorders;
- **The collection and analysis of data** relating to substance use and substance use disorders;
- **Capital projects** relating to substance use and substance use disorders, including, without limitation, construction, purchasing and remodeling; and
- **Implementing the hotline for persons who are considering suicide or otherwise in a behavioral health crisis** and providing services to persons who access that hotline in accordance with SB390
- Needs assessment is created by using the damages report in the opioid litigation, qualitative and quantitative data, and evidenced based practices



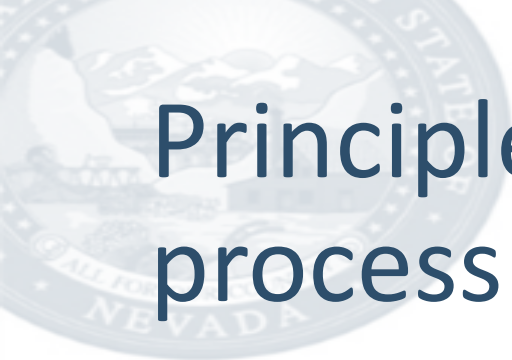
Principle #3: Invest in youth prevention

- Youth prevention is noted in several sections of the bill as a required priority
- Prevention and intervention of Adverse Childhood Experiences (ACE's)
- Strengthening protective factors and reducing risk factors for youth substance use
- Includes primary, secondary, and tertiary prevention efforts
- All prevention programs must be evidence-based
- Programs must undergo evaluation to ensure effectiveness



Principle #4: Focus on racial equity

- Committee for a Resilient Nevada developed to ensure community members are involved in the entire process and members are from diverse backgrounds
- **The Department, in consultation with the Committee,** must create a needs assessment including community outreach, to determine how to create a state plan for combatting the opioids epidemic and setting priorities for funding in the State Plan
- Created using **community-based participatory research** methods to conduct outreach to groups impacted by opioids, including individuals who use drugs, and through outreach to governmental agencies who interact with groups impacted such as public safety, corrections, courts, juvenile justice agencies, etc.
- Legislation requires addressing disparities and disproportional impacts on communities be included as a priority in the state plan



Principle #5: Develop a fair and transparent process for deciding when to spend the funding

- The role of the Committee includes advising the DHHS on the needs assessment, prioritization, and state plan for the allocation of funding
- All Committee meetings are public meetings and offer opportunities for public input
- The needs assessment, prioritization and state plan development will also include input and feedback from the community
- Reports concerning all findings, recommendations, and funding under this bill must be created by the Department and Advisory committee and delivered to the Legislature, Governor, Attorney General, and other agencies as well as the public

Advisory Committee for a Resilient Nevada

- Created as an important committee to advise the Department on the use of recoveries related to combating the opioids epidemic
- Appointment of members by the Attorney General, Department of Health and Human Services, which includes **appointments from the Office of Minority Health and Equity.**
- Representatives include appointees with broad knowledge, skills and experience in areas such as juvenile justice, criminal justice, the surveillance of overdoses, public health, child welfare, treatment, faith-based communities, addiction medicine, peer recovery, prevention, harm reduction, housing, and primary education.
- Representatives also include appointees representing Washoe, Clark, and Rural Nevada with lived experience with substance use disorders, including family members.
- Will advise the Department in the development and conduction of the needs assessment, establishing priorities, and establishment of the state plan.
- First meeting was October 5th, 2021.
- Track meetings and information here:
https://dhhs.nv.gov/Programs/Grants/Advisory_Committees/ACRN/Home/

Statewide Needs Assessment

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

Fund for Resilient Nevada State Plan

- The Department must create a State plan for combating the opioids epidemic which must be based upon the needs assessment
- State plan will be used by the Department for the allocation of funding
- The statewide plan, including allocation of funding, must be approved by the Legislature or Interim Finance Committee (IFC) in order for the Department to distribute the money from the fund
- Department must establish policies and procedures for administration and distribution of the money from the fund
- Department may allocate funds to statewide projects including the 9-8-8 fund
- Department may award grants to regional, county, local and tribal agencies and private-sector organizations whose work relates to combating the opioids epidemic
- If awards are granted to regional, county, local and tribal agencies, the regional, county, local and tribal agencies must develop, with assistance from the department, their own needs assessment and plan and coordinate efforts with the State plan
- Consideration for the grants must be given to regional, county, local or tribal recoveries in their own litigation and reimbursement may be required if there are regional, county, local or tribal recoveries
- The State plan must be updated at least every four years but can be more and when updated the needs assessment must be updated as well





Contact Information

Stephanie Woodard, Psy.D.

DHHS Senior Advisor on Behavioral Health

swoodard@health.nv.gov

(209)747-2486

References

Principles for the Use of Funds from the Opioid Litigation (Johns Hopkins Bloomberg School of Public Health; 2021)

Nevada Senate Bill 390 (NELIS; 2021)