

Tennessee Opioid Abatement Council Emergency Meeting		
Date	January 23, 2025	
Time	4:30 p.m. CST- 5:50 p.m. CST	
Location	Microsoft Teams – Virtual Meeting	
<b>Council Members Attending via Microsoft Teams:</b> Stephanie Vanterpool, Karen Pershing, Mike Flynn, Shayne Sexton, Tommy Farmer Clay Jackson, Lisa Tipton, Stephen Loyd, Wayne Wykoff, Armando Fontes, Brian Buuck, Tim Fournet, Casey Cox, Charme Allen, Ken Moore		
<b>Council Members Not in Attendance:</b> Commissioner Marie Williams, ex officio member)		
<b>Guest Attending via Microsoft Teams:</b> Numerous members of the public joined the meeting.		
<b>Staff Attending via Microsoft Teams:</b> Mary Shelton, Shawn Smith, Ella Reding, Elizabeth Rickman-Vaden, Debbie Bresee, Melissa Gilbert, Marie Rucker Magras, Mark Carrillo, J.P. Urban, Sam Boukli, Sophia Massey, Sam Boukli, David Sappington		
Presenter	Topic	Discussion
S. Loyd M. Shelton	<b>Welcome, Introductions &amp; Roll Call</b>	S. Loyd called the meeting to order, welcomed everyone, and introduced himself and Executive Director M. Shelton, S. Smith, J.P. Urban and S. Boukli.  S. Loyd advised there is a quorum to proceed with the meeting.
M. Shelton	<b>Emergency Meeting Necessity Statement &amp; Motion</b>	M. Shelton read the Council's Emergency Meeting Necessity Statement to explain the reason the meeting was being held was to expedite the planning and design of the county funding and community grant applications process to meet the expected tasks and activities.  S. Loyd requested a motion.  <b>Motion:</b>  Will the Council consider a motion to approve the determination of necessity?  W. Wykoff made a motion.  C. Cox seconded the motion.  S. Loyd advised hearing no discussion roll call vote to be conducted.

		<p>M. Shelton conducted roll call vote as follows:</p> <p>Armando Fontes-yes  Brian Buuck-yes  Casey Cox-yes  Charne Allen-yes  Clay Jackson-yes  Karen Pershing-yes  Ken Moore-yes  Lisa Tipton-yes  Mike Flynn-yes  Shayne Sexton-yes  Stephanie Vanterpool-yes  Steve Loyd-yes  Tim Fournet- yes  Tommy Farmer-yes  Wayne Wykoff-yes</p> <p>S. Loyd advised <b>motion carried.</b></p>
S. Loyd M. Shelton	<b>Our Why</b>	<p>S. Loyd mentioned a colleague who was requesting for clemency from Governor Bill Lee.</p> <p>He advised he and K. Pershing were able to testify before the parole board on the individual's behalf.</p> <p>The parole board unanimously recommended her for clemency.</p>
S. Loyd M. Shelton	<b>Agenda</b>	<p>M. Shelton advised the agenda items and requested motion and vote for the following items:</p> <ul style="list-style-type: none"> <li>• Publicis Settlement Payment</li> <li>• SAS 2<sup>nd</sup> year funding</li> <li>• UT Memphis -revised contract and budget</li> <li>• MTSU and Hustle -revised contract</li> </ul>
M. Shelton	<b>Publicis Settlement Payment &amp; Motion</b>	<p>M. Shelton discussed the Publicis Settlement Payment:</p> <ul style="list-style-type: none"> <li>• States-only settlement with all abatement funds directed to the Opioid Abatement Fund</li> <li>• As with the McKinsey payments, there is no requirement for 35% of the payment to be directed to the counties</li> </ul>

		<ul style="list-style-type: none"> <li>• The Council has the discretion to do as it likes</li> </ul> <p>M. Shelton updated the Council on total disbursements to the counties as follows:</p> <ul style="list-style-type: none"> <li>• 2023: \$31,425,153</li> <li>• 2024: \$31,073,223</li> <li>• 2025 with Publicis \$27,689,706</li> <li>• 2025 without Publicis \$24,462,584</li> </ul> <p>M. Shelton advised that the staff has been doing a rolling three-year projection for the county payments but that this will continue to go down over the next 15 years due to the front-loaded payments.</p> <p>Options for the Publicis Settlement Funding:</p> <ul style="list-style-type: none"> <li>• All settlement funding to the Community Grants</li> <li>• 35% (or a different %) to the Counties</li> <li>• Pay for SMART Initiative with Publicis settlement funding <ul style="list-style-type: none"> <li>-and then the rest to Community Grants</li> <li>-and a % to the counties</li> </ul> </li> </ul> <p>M. Shelton requested direction from the Council before finalizing the Letter of Agreement.</p> <p>M. Shelton requested the following motion to be considered:</p> <p><b>Motion:</b></p> <p>Will the OAC consider a motion to direct the OAC Office on how to disburse the Publicis settlement funding?</p> <p><b>Discussion from Council:</b></p> <p>C. Jackson asked if the Executive Director would remind the Council of what their obligation is to SMART Initiative that has been agreed upon.</p>
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M. Shelton	<b>SAS 2<sup>nd</sup> Year Contract &amp; Motion</b>	<p>M. Shelton discussed SAS 2<sup>nd</sup> year contract.</p> <p>Below are the updates to the Council:</p> <ul style="list-style-type: none"> <li>• Projected costs for SAS operations over 3 years with the OAC was shared back in December 2023</li> <li>• 2<sup>nd</sup> year costs didn't include "service hours" – just the costs for using their system</li> <li>• This was new information until the OAC Office was reviewing the amendment to the SAS contract for Year 2</li> <li>• Additional costs for 2025 service hours expected to be \$155,426.25</li> <li>• Since 1/1/2025, the SAS operations have essentially halted until the amendment is signed</li> <li>• For 2024, all service hours were not used and approximately \$111,968.75 was not spent</li> </ul> <p>M. Shelton showed the slide from the December 2023 meeting and explained that although this is not what necessarily approved by the Council this was the information that was shared.</p> <p>She felt that this was the expectation of what was spent with SAS.</p> <p>S. Vanterpool asked if the funds not spent is still in the Opioid Abatement Council Trust.</p>

		<p>M. Shelton advised the funds were still in the Trust.</p> <p>T. Fournet asked where the increase with SAS would put the administrative costs.</p> <p>W. Wykoff advised to subtract the cost from last year to this year to determine the new cost for SAS.</p> <p>S. Vanterpool advised it would be approximately a \$43,000 difference in cost.</p> <p>M. Gilbert advised M. Shelton of the cost and determined that the difference will be \$43,457 with a 3.92% administrative percentage.</p> <p>S. Loyd entertained a motion.</p> <p>T. Fournet made a motion to approve the SAS funding for next year.</p> <p><b>Motion:</b></p> <p><b>Will the OAC consider a motion to approve funding for the 2<sup>nd</sup> year of service hours for SAS?</b></p> <ul style="list-style-type: none"> <li>• <b>The difference is \$43,457</b></li> <li>• <b>3.92 administrative cost</b></li> </ul> <p>Motion was seconded by A. Fontes.</p> <p>There being no discussion, M. Shelton proceeded with the roll call vote as follows:</p> <p>Armando Fontes-yes  Brian Buuck-yes  Casey Cox-yes  Charne Allen-yes  Clay Jackson-yes  Karen Pershing-yes  Ken Moore-yes  Lisa Tipton-yes  Mike Flynn-yes  Shayne Sexton-yes  Stephanie Vanterpool-yes</p>
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		<p>Steve Loyd-yes  Tim Fournet- yes  Tommy Farmer-yes  Wayne Wykoff-yes</p> <p>S. Loyd advised <b>motion carried.</b></p>
S. Smith	<b>UT Memphis &amp; Motion</b>	<p>S. Smith presented the following:</p> <p>UT Memphis</p> <ul style="list-style-type: none"> <li>• In the OAC meeting on December 13, 2024, the Council did not approve the motion to allow UT Memphis' 10-year contract term request</li> <li>• Based on the Council's decision, UT Memphis has revised its budget plan on a three-year contract term</li> <li>• The related three-year budget plan was shared with the Council in advance of the 1/23/24 Emergency meeting for review and consideration</li> </ul> <p>S. Smith asked the Council to consider the following <b>motion</b>:</p> <p>Will the OAC consider a motion to approve the path forward for contracting and invoicing for UT Memphis based on a three-year contract term?</p> <p>S. Loyd asked if there are any questions before the Council votes.</p> <p>T. Fournet stated that it looks as if the majority of the funding is to pay for two salaries that one salary is approximately \$300,000 and the 2<sup>nd</sup> salary was \$250,000</p> <p>A. Fontes had concerns about the salaries as well with the majority of the funding going to the salaries.</p> <p>He would prefer that it go towards treatment.</p> <p>T. Farmer also stated this was a concern for him as well and stated that the amount being requested is not a full dedication towards the grant application.</p>

		<p>S. Smith explained the following from what was presented from UT Memphis in their application:</p> <ul style="list-style-type: none"> <li>• Monthly salary</li> <li>• Percentage of month working on program</li> <li>• Number of months working</li> <li>• Salaries allocated for program</li> <li>• Taxes and benefits as percentage of salary</li> <li>• Taxes and benefits allocated for program</li> </ul> <p>T. Farmer advised that some of the information the Council received increased.</p> <p>C. Jackson advised he is a volunteer faculty member of the University of Tennessee and would like to recuse himself from voting.</p> <p>He advised he has no financial relationship with the university.</p> <p>S. Vanterpool stated the same to recuse her from voting as she is a faculty member of the University of Tennessee Health Science Center.</p> <p>S. Loyd entertained a motion.</p> <p>T. Fournet made a motion that the Council does not move forward approving this funding request.</p> <p>C. Cox seconded the motion.</p> <p>S. Loyd asked if there was any discussion; hearing none, M. Shelton proceeded with the roll call vote.</p> <p>Armando Fontes-yes  Brian Buuck-yes  Casey Cox-yes  Charme Allen-yes  Clay Jackson-Recuse (conflict of interest)  Karen Pershing-yes</p>
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S. Smith	<b>MTSU and Hustle Recovery &amp; Motion</b>	<p>S. Smith presented on MTSU and Hustle Recovery as follows:</p> <p>MTSU &amp; Hustle Recovery – Three-year Grant Period:</p> <ul style="list-style-type: none"> <li>• <b>Expand Capacity for Respite Housing</b> <ul style="list-style-type: none"> <li>➤ -Acquire housing facilities that can accommodate up to 8 participants in each site with a men’s and women’s house in each of the Tennessee Grand Region</li> <li>➤ Six (6) vans to be used exclusively to transport respite housing clients and manage the various day-to-day transportation needs of the respite program staff related to grant-funded services</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Expand infrastructure and Service Capacity for Residential Aftercare Program <ul style="list-style-type: none"> <li>➤ To expand infrastructure and capacity for the Residential Aftercare Program to address transportation barriers, expanding supportive and transitional housing for individuals participating in recovery services, increasing staffing for patient navigators and client care coordinators</li> <li>➤ Four (4) vans to transport clients to and from outpatient treatment, to and from residential treatment facilities, as well as transportation to and from employment.</li> </ul> </li> </ul> <p>MTSU's procurement and legal staff has determined that MTSU's policy will not allow the University purchase vans due to issues with liens.</p> <p>He further discussed the following in reference to MTSU and Hustle Recovery:</p> <p>MTSU &amp; Hustle Recovery</p> <ul style="list-style-type: none"> <li>➤ MTSU's Office of Prevention Science and Recovery will provide project management, data collection and analysis and reporting duties for this project.</li> <li>➤ Hustle Recovery will provide all direct services and data entry. Hustle Recovery will manage the logistics of identifying suitable housing in each of the grand divisions that can accommodate the on-site staff and respite residents.</li> <li>➤ The OAC Office has a plan to work with Hustle Recovery and MTSU for the</li> </ul>
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		<p>purposes of contracting with the OAC Office for the vans and other related services.</p> <ul style="list-style-type: none"> <li>➤ Any contract executed between the OAC Office, Hustle Recovery or MTSU will be sent to the TN Comptroller and Attorney General's Office for their review.</li> <li>➤ Should there be additional concerns during the contracting phase, the OAC Office will bring these concerns back to the Council for discussion</li> </ul> <p>S. Smith asked the Council if they would approve a way forward to work with MTSU and Hustle Recovery.</p> <p>S. Loyd requested if K. Moore would assume chairmanship and lead the discussion for this vote to S. Loyd's conflict.</p> <p>K. Moore requested clarification before proceeding with the motion.</p> <p>K. Moore asked if the cost of the vans were already included in the grant.</p> <p>S. Smith advised he does not believe the vans are included because they have not been purchased yet.</p> <p>S. Smith had M. Carrillo to confirm if the budget includes the cost of the vans.</p> <p>S. Smith advised yes the budget does include the cost of the vans.</p> <p>W. Wykoff asked who will own and insure the vans under the plan.</p> <p>S. Smith advised it would probably be Hustle Recovery, but that will be determined once a process is developed.</p>
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		<p>But he did remind the Council about the policy that MTSU had that does not allow them to hold liens on the vans.</p> <p>T. Farmer stated that even if MTSU is the fiduciary for Hustle Recovery , then they will be subject to purchasing guidelines.</p> <p>T. Farmer further stated, if it is legal for MTSU are recommending that they cannot purchase these vehicles under the guidelines, he was not sure if the MTSU being the fiduciary and Hustle Recovery being the subrecipient if the Council could go directly to Hustle recovery as a recipient and not include MTSU.</p> <p>T. Farmer advised that he is not sure if this would be a good idea and could see problems arising.</p> <p>S. Smith wanted to clarify for the Council that there was a total of 10 vans. He advised four (4) for one contract and (2) for the other contract.</p> <p>K. Moore requested for M. Shelton to share the screen for reading of the motion.</p> <p>K. Moore asked if the motion asking for consideration from the Council to consider a motion to approve the path forward for contracting with Hustle Recovery or MTSU.</p> <p>S. Smith advised this was correct.</p> <p>K. Moore then stated that the motion gives the Council a pathway to negotiate some of the things T. Farmer had mentioned.</p> <p>S. Smith advised this was correct. He further stated that if any barriers or concerns were identified he would want to bring that back to the Council for discussion.</p> <p>K. Moore asked if there was a motion to move forward for contracting with Hustle Recovery and MTSU with the understanding that this</p>
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		<p>would be a negotiation on the contract and clarification of who will hold the title, insurance etc.</p> <p>K. Moore advised seeing no motion to move forward the item fails to move forward.</p> <p>M. Shelton asked if there is there a path forward for Hustle Recovery and MTSU.</p> <p>K. Moore advised that his understanding is that MTSU still has their contract and they have a subrecipient, but this matter is in reference to the vans and legal may need to weigh in for clarification.</p> <p>A. Fontes stated that it seems the concern is about who owns the van so once the Council receives clarification from the legal staff it may be easier to decide.</p> <p>J.P. Urban advised that because as a subrecipient there is no contract between the Council and Hustle Recovery, there would be no way for the Council to ensure that Hustle Recovery keep their obligation to the contract.</p> <p>He further stated that the reason to bring the matter back to the Council was to protect the Council's interest and ensure accountability.</p> <p>S. Boukli noted that the Council also would not be able to secure the lien because Hustle Recovery purchased the vans and there is no contract with them.</p> <p>S. Boukli advised that one option, which is what was presented today, was possibly contracting directly with Hustle Recovery for those vans, while the rest of the services under the contract with MTSU would still move forward.</p> <p>M. Shelton advised that the Council Office and the legal staff have spoken with MTSU and feels that this is the option that the Council</p>
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		<p>Office has proposed but request direction from the Council.</p> <p>W. Wykoff asked if legal sees any path forward from the legal view.</p> <p>S. Boukli advised that there is a possibility that there could be a contract with both entities, but he had reservations and used discretion when wording the motion due to this.</p> <p>He further stated that the same conversations with those parties were discussed with the Attorney General and Comptroller's Office as well.</p> <p>A. Fontes asked if the Council had an approval of the Attorney General and a Comptroller asking them to review and approve if all legalities were met, if this would provide a path forward.</p> <p>M. Shelton advised before contracting, the Council Office would send the proposed language to the Comptroller or Attorney General's Office for review, but this cannot take place without the approval of the Council.</p> <p>W. Wykoff asked if it has been made clear to MTSU and Hustle Recovery that if this cannot be resolved that the Council has reservations about the entire project.</p> <p>S. Smith advised, yes and that the Council Office has had several discussions with MTSU about this matter.</p> <p>He further stated that this was a good faith effort to explore ways we could possibly move forward with contracting with Hustle Recovery and or MTSU.</p> <p>W. Wykoff asked if S. Smith sees a path forward.</p> <p>S. Smith advised yes and it is worth the effort to explore the path, but that the Council Office</p>
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		<p>was hoping to get guidance from the Council first to better understand the best path forward.</p> <p>C. Jackson advised that the challenge was that the Council is being asked to vote to approve a matter that they do not know all the details and they could not vote and approve the motion on the date of the meeting because of this.</p> <p>He felt the staff did not want to enter negotiations that they are not authorized to do so.</p> <p>C. Jackson felt that the motion should be crafted to give the Council Office the explicit authorization to negotiate with Hustle to cover their end of the contract, and then once they've negotiated they may present something to the Council that can be reviewed and then present the Council to vote on.</p> <p><b>Motion:</b></p> <p>C. Jackson then made a motion that the Council approve the OAC staff to negotiate directly with Hustle Recover to provide certain services of the proposed MTSU contract and after that discussion, Hustle Recovery present a proposal that the Council can then review, approve or disapprove.</p> <p>S. Vanterpool seconded the motion.</p> <p>K. Moore opened the floor for discussion.</p> <p>T. Farmer stated his concern was that some issues may be presented if the OAC has received a grant that has been reviewed and approved and then made a motion to negotiate with the sub recipient of the grant.</p> <p>He felt the precedence could be significant.</p> <p>W. Wykoff asked if the motion could be amended to say negotiate with Hustle and</p>
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		<p>MTSU because he believed MTSU would be part of the final solution in this issue anyway.</p> <p>W. Wykoff stated the above as a friendly amendment.</p> <p>C. Jackson and S. Vanterpool accepted the friendly amendment.</p> <p><b>Amended Motion:</b></p> <p><b>Move that the OAC approve for the staff to negotiate with Hustle Recovery and MTSU to provide certain services of the MTSU contract, after that discussion.</b></p> <p><b>Hustle Recovery will provide a proposal that the OAC will approve or disapprove.</b></p> <p>K. Moore requested M. Shelton to conduct a roll call.</p> <p>M. Shelton proceeded as follows:</p> <p>Armando Fontes-yes  Brian Buuck-yes  Casey Cox-no  Charne Allen-yes  Clay Jackson-yes  Karen Pershing-yes  Ken Moore-yes  Lisa Tipton-no  Mike Flynn-yes  Shayne Sexton-yes  Stephanie Vanterpool-yes  Steve Loyd-ABSTAIN  Tim Fournet- yes  Tommy Farmer-no  Wayne Wykoff-yes</p> <p>K. Moore advised <b>motion carried.</b></p> <p>J.P. Urban informed the Council that the Attorney General released a press before the Council meeting that Tennessee will receive over \$90 million from the Purdue Sackler settlement.</p>
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S. Loyd	<b>Public Comment</b>	<p>S. Loyd advised the floor is open for public comment.</p> <p>There was one public comment by Amy Brown.</p>
S. Loyd	<b>Next Council Meeting</b>	<p>S. Loyd advised the next Council meeting would be held on March 3, 2025 at the following location:</p> <p>AIM Center 772 W MLK Blvd. Chattanooga, TN 37402</p>
S. Loyd M. Shelton	<b>Meeting Adjourned &amp; Motion</b>	<p>Armando Fontes-yes Brian Buuck-yes Casey Cox-yes Charme Allen-yes Clay Jackson-yes Karen Pershing-yes Ken Moore-yes Lisa Tipton-yes Mike Flynn-yes Shayne Sexton-yes Stephanie Vanterpool-yes Steve Loyd-yes Tim Fournet- yes Tommy Farmer-yes Wayne Wykoff-yes</p> <p>S. Loyd advised <b>motion carried.</b></p>