

# Opioid Abatement Council Emergency Meeting

- Thank you for joining the Opioid Abatement Council's 100% virtual Emergency meeting.
- All are welcome.
- **Guests**, please turn off your video and mute your microphone.
- **Council members**, please leave your camera on and mute your microphone when not speaking
- This meeting is being recorded.

# Introductions & Role Call

- **Dr. Stephen Loyd** - Chair, Opioid Abatement Council
- **Mary Shelton**, Executive Director, Opioid Abatement Council

# Introductions

- **Sejal West**, Deputy Director, OAC
- **Sam Boukli**, Counsel to the OAC
- **Andrew Coulam**, Deputy Attorney General, Public Interest Division

# Emergency Meeting Necessity Statement

- The Opioid Abatement Council is holding this 100% virtual emergency meeting to expedite the planning and design of the community grant applications process to meet the expected tasks and activities.
- The OAC finds that these matters to be considered require timely action by the Council, that physical presence by a quorum of the members is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic or other means of communication is necessary.

# OAC Office Staff Update

- The OAC Office is excited to announce that Ella had her baby on Saturday, April 20<sup>th</sup>
- Tucker John Reding, 7lbs 12oz, 19inches 48cm
- Baby and Momma are doing well!



# Agenda

<b>Agenda Item</b>	<b>Does this require a motion and a vote by the Council?</b>
Comptroller of the Treasury Performance Audit	
Transparency and Community Grant Applications	will need motion and vote
Community Grant contracting, payment and monitoring processes	will need motion and vote

The logo consists of a red square containing the white letters 'TN' in a serif font. Below the red square is a thin white horizontal line, and below that is a thin dark blue horizontal line. A registered trademark symbol (®) is located at the bottom right corner of the dark blue line.

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**OAC Performance Audit**

# Performance Audit – Comptroller’s Office

- The Opioid Abatement Council is currently under a Performance Audit by the Tennessee Comptroller of the Treasury



- A performance audit is an independent examination of the extent to which agencies and departments of state government are faithfully carrying out their programs. <https://comptroller.tn.gov/office-functions/state-audit/types-of-audits/state-agency-audits.html>
- This is to ensure we comply with the Tennessee Governmental Entity Review Law & to prepare for our Sunset Hearing in Fall 2024
- At the November 2022 Sunset Hearing, the OAC was continued for 2 years of operation



# Performance Audit - Update

- Since December 2023, the OAC Office responded to 7 requests (plus several clarification requests) for documents and clarification on processes
- Provided upwards of 45 documents to the auditor
  - These were reviewed and approved by both Sam and Deputy Commissioner Heather Gunderson prior to sending to the auditor
- Met with auditors 3 times to explain OAC processes

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Community Grants &  
Transparency

# Community Grants & Transparency

- The OAC Office is committed to our culture of transparency and plans to continue with proactively sharing information
- The OAC Office proposes publishing abbreviated information for each of the awarded Community Grants
  - Agency Name
  - Strategy
  - Project Narrative
- We've also received questions and requests for information related to the Community Grant applications

# Discussion & Decision Point

- Does the OAC approve publishing an abbreviated version of the approved Community Grant applications?

**Motion  
&  
Council Vote**

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# Community Grant Overview

# National Opioid Settlement Funds



Tennessee will receive \$1.1 billion over 18 years



15%



15%



Tennessee State Government

70%



Opioid Abatement Council

35%



65%

GRANT MONEY

Must use the Remediation List

# 2024 Community Grant Awards Summary

- Approximately \$81 million for 2024
- 116 Grant Awards
- 85 Distinct Organizations/Grantees
- Approximately \$235 million over 3 years
- 1-3 year projects

**Next Steps??? CONTRACTING**

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**Community Grant Contract**




# Community Grant Contracting Process

- OAC sought consultation with TDMHSAS, Attorney General's Office, Finance & Administration, Office of the Comptroller, and Central Procurement Office.
- OAC to use the TDMHSAS State grant contract template (with some changes)
- Community Grant contracts will be entered in the State of Tennessee Edison system
- OAC to use the TDMHSAS Budget, Contracts, and Monitoring System (BCMS) for contract and payment management. BCMS interfaces with Edison.

# Community Grant Contract Details

- Contract to be between the Opioid Abatement Council and Grantee
- Target start date: July 1, 2024
- Contract is posted on OAC website

<https://www.tn.gov/oac/meeting-schedule.html>

 <b>TENNESSEE OPIOID ABATEMENT COUNCIL COMMUNITY GRANT CONTRACT</b>			
Begin Date	End Date	Agency Tracking #	Edison ID
Grantee Legal Entity Name			Edison Vendor ID

**GRANT CONTRACT  
BETWEEN THE TENNESSEE OPIOID ABATEMENT COUNCIL,  
AND  
GRANTEE NAME**

This Grant Contract, by and between the State of Tennessee, Tennessee Opioid Abatement Council, hereinafter referred to as the "Opioid Abatement Council" or "State" and **Grantee Legal Entity Name**, hereinafter referred to as the "Grantee," is for the provision of **Scope of Service Caption**, as further defined in the "SCOPE OF SERVICES."

The Grantee is a/an [SELECT ONE of the following: Individual, For-Profit Corporation, Non-Profit Corporation, Special Purpose Corporation Or Association, Partnership, Joint Venture, Or Limited Liability Company]

Grantee Place of Incorporation or Organization: Location [if contract is with an individual, delete this line]  
Grantee Edison Vendor ID # Number

**A. SCOPE OF SERVICES AND DELIVERABLES:**

- A.1. The Grantee shall provide the scope of services and deliverables ("Scope") as required, described, and detailed in this Grant Contract.
- A.2. Definitions.
- a. Opioid Abatement Fund for the purposes of this Grant Contract means the designated repository of funds that are either dedicated to Opioid Abatement or Remediation or are otherwise directed to abatement or remediation and that are received by the state pursuant to a judgment on opioid-related claims, a recovery in bankruptcy on opioid-related claims, or a settlement of opioid-related claims as specified under Tenn. Code Ann. § 9-4-1304.
  - b. Opioid Abatement Council for the purposes of this Grant Contract means the council created pursuant to Tenn. Code Ann. § 33-11-101 et seq., and who is responsible for disbursing funds from the Opioid Abatement Fund for proceeds received from a statewide opioid settlement agreement with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Allergan Finance, LLC, CVS Health Corporation, Teva Pharmaceutical Industries Ltd., Walgreen Co., Walmart Inc., or K-VA-T Food Stores, Inc. or affiliates or subsidiaries of these entities that are deposited in the Opioid Abatement Fund, as outlined in Tenn. Code Ann. § 33-11-103(p). The Opioid Abatement Council operates as a state entity and is therefore an extension of the State of Tennessee.
  - c. Opioid Abatement and Remediation for the purposes of this Grant Contract means purposes that are specifically approved by the Opioid Abatement Council and include activities on the list of approved programs created by the Opioid Abatement Council, as specified under Tenn. Code Ann. § 33-11-103 © and are specified on Attachment 3 of this Grant Contract.
  - d. Grantee's Application for purposes of this Grant Contract means the application submitted by the Grantee to the Opioid Abatement Council specifying the activities or services this Grantee seeks to perform in return for receiving funding from the Opioid Abatement Council

# Community Grant Contract Details

- **Section A - Scope of Service and Deliverables**
  - Grant Application
  - Definitions
  - Data Collection and Reporting Requirements – Semi-annual Reports
  - Payer of last resort
  - Programmatic and Fiscal Monitoring
  - Capital Projects - Restrictive Covenant and Grant Notes for property purchase
- **Sections B – Term of Grant Contract**
- **Section C – Payment Terms and Conditions**
- **Section D – Standard Terms and Conditions – including but not limited to:**
  - Termination for Cause
  - Subcontracting
  - Conflicts of Interest
  - Subject to Funds Availability
  - Motor Vehicle Acquisition
- **Section E – Special Terms and Conditions**

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# Community Grant Payments

# Community Grant Payment Process

- Cost based reimbursement contracts with minimum quarterly invoicing (no more often than monthly)
- Invoices will be submitted to OAC office
  - Agency submits to OAC office
  - OAC office reviews and approves or contacts grantee with questions w/in 2 business days
  - TDMHSAS fiscal approves w/in 1 business day
  - F&A approves w/in 3 days
  - Payment goes out 1-2 days
- Request for pre-payment will be available in very limited circumstances and reviewed by Executive Director and OAC office to determine if appropriate



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# Community Grant Monitoring

# Community Grant Monitoring Process

Contract language:

A.7. The Grantee shall be subject to programmatic and fiscal monitoring on an annual basis or as otherwise determined by the Opioid Abatement Council. The results of this monitoring shall be reported publicly to the Opioid Abatement Council during quarterly meetings and shall be discussed publicly by the Opioid Abatement Council during these quarterly meetings. The Grantee's compliance with their Application, Attachment 2 and the other measures of the Grant Contract shall be considered as part of the monitoring of the Grantee.

# Community Grant Monitoring Plan

Still under development.....

Preliminary plan:

- OAC Monitoring Team
  - 2 Program Monitors and 2 Fiscal Monitors-(to be hired 8/1/24) – will use TDMHSAS process as a guide and resource to perform both fiscal and programmatic monitoring
- Monitoring plan and schedule to be based on Risk Assessment of Grantees
- Monitoring will be combination of on-site visits, virtual visits, and desktop review
- Monitoring results will be reviewed with OAC during quarterly meetings



# Discussion & Decision Points

- Does the OAC approve the Community Grant Grantee Contract?

**Motion  
&  
Council Vote**

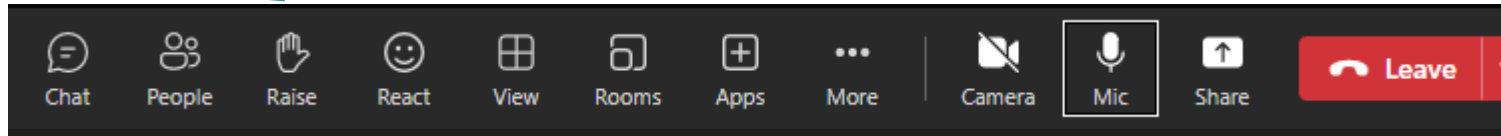
# Discussion & Decision Points

- Does the OAC authorize the Executive Director to amend and negotiate contracts in consultation with legal and without further approval by the OAC except for material changes to the funding amount or term of the contract?

**Motion  
&  
Council Vote**

# Public Comment

- Does anyone wish to comment or address the Opioid Abatement Council?
- If you wish to speak, please click the “**raise your hand**” icon located on the top menu bar (3<sup>rd</sup> from the left)



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Thank you