



**150 YEARS**  
OF ADVANCING  
**PUBLIC**  
**HEALTH**

# Massachusetts Department of Public Health

## STATEWIDE OPIOID SETTLEMENTS

**SOUTH SHORE COMMUNITY PARTNERS IN PREVENTION (CHNA23)  
VIRTUAL MEETING ON SEPTEMBER 14<sup>TH</sup>**



Catherine Madden  
Project Manger  
Office of the Attorney General



Sarah Ruiz  
Director of Planning &  
Development  
MDPH, BSAS

# Topics

- The AG's Investigations (AGO)
- Statewide Opioid Settlements (AGO)
  - Payment timing and mechanics
- Funds to the Opioid Recovery and Remediation Fund (DPH)
- Municipal abatement funds
  - Abatement strategies, reporting and support (DPH)

# The AG'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.

## The Resulting Tragedy:

This misconduct enabled and perpetuated vast increases in opioid over-dispensing and diversion and multiplied the toll of substance use disorder, overdose, and death that the Commonwealth and its residents continue to suffer.

From 2009 through September 2021, state records show that **18,061** Massachusetts residents died of opioid-related overdoses. More than 68% of those people – **12,372** Massachusetts residents – filled prescriptions for Schedule II opioids written by Massachusetts prescribers.

# Statewide Opioid Settlements

- AG settlements under which Massachusetts municipalities are eligible to receive direct payments in exchange for signing releases.
  - McKesson, Cardinal, AmerisourceBergen, and Johnson & Johnson.
- Nearly all Massachusetts cities and towns are [participating](#).

# State-Subdivision Agreement

- Directs funds from statewide opioid settlements:
  - 40% to the state's municipalities to expend on [approved programs and strategies](#)
  - 60% to the state's [Opioid Recovery and Remediation Fund](#)
- Requires all funds to be used to supplement and strengthen resources for prevention, harm reduction, treatment, and recovery.
- Requires annual reporting to EOHHS by municipalities that receive annual payments of \$35,000 or more.
- Municipalities are encouraged to pool resources and collaborate.

# The Opioid Recovery and Remediation Fund Advisory Council

- Established in January 2020 with Governor Baker's signing into law of Chapter 309 of the Acts of 2020.
- Chaired by the Secretary of Health and Human Services and comprised of a diverse panel of policymakers, public health professionals, legal experts, and clinicians appointed by the Governor and Attorney General.
- Charged with developing recommendations for the expenditure of the Opioid Recovery and Remediation Trust Fund to mitigate the impacts of the opioid epidemic in the Commonwealth.

# The Opioid Recovery and Remediation Fund Advisory Council

To date, the council has:

- Developed initial proposal for Statewide ORRF funding included four key strategies:
  - 1) Expansion of harm reduction services,
  - 2) Increased access to methadone,
  - 3) Expansion of supportive housing programs including low-threshold housing, and
  - 4) Community outreach and engagement
- Engaged a vendor to facilitate a process to develop a 3-year strategic plan to guide statewide ORRF spending
- For questions about the funding, please contact:  
[OpioidRecoveryandRemediationFund@mass.gov](mailto:OpioidRecoveryandRemediationFund@mass.gov)

# Municipal Abatement Funds – Payment Mechanics

- Before payments can flow, [participating municipalities](#) must (1) set up an account in the National Opioid Settlements Portal; and (2) submit a Payment Election Form and W-9.
- 2022 Payments
  - Distributor payment 1 started going out July 15, 2022.
  - Distributor payment 2 expected to go out in September.
  - J&J payments 1-5 expected to go out in September/October.
- Email Adreyan Caldeyro ([acaldeyro@browngreer.com](mailto:acaldeyro@browngreer.com)).



# Payments to Participating Municipalities

	<b>Date</b>	<b>Distributors</b>	<b>J&amp;J</b>
Summer/Fall	2022	Payments 1-2	Payments 1-5*
July/August	2023	Payment 3	
July/August	2024	Payment 4	
July/August	2025	Payment 5	
July/August	2026	Payment 6	Payment 6
July/August	2027	Payment 7	Payment 7
July/August	2028	Payment 8	Payment 8
July/August	2029	Payment 9	Payment 9
July/August	2030	Payment 10	Payment 10
July/August	2031	Payment 11	Payment 11
July/August	2032	Payment 12	
July/August	2033	Payment 13	
July/August	2034	Payment 14	
July/August	2035	Payment 15	
July/August	2036	Payment 16	
July/August	2037	Payment 17	
July/August	2038	Payment 18	

\*We expect J&J Payments 3-5 to be accelerated to 2022 because certain settlement-related contingencies were satisfied.

# Municipal Abatement Strategies

- Abatement funds allocated to municipalities must be used to implement strategies set forth in the [State-Subdivision Agreement](#), *including reasonable workforce costs necessary to support the enumerated programs and strategies.*
- The agreement lays out various programs and strategies designed to support and promote:
  - Opioid use disorder treatment access
  - Support for people in treatment and recovery
  - Connections to care
  - Harm Reduction
  - Meeting the needs of justice-involved individuals
  - Support for Pregnant and Parenting Individuals and their Children
  - Prevention

\*See here for full list of [approved programs and strategies](#)

# Shared Commitment to Abatement in a Manner that:

- Reflects the **input of our communities**, of people who have personal experience with the opioid crisis, of experts in treatment and prevention, and of staff and organizations that are carrying out the abatement work;
- **Addresses disparities in existing services and outcomes** and improves equity and the health of individuals and communities disadvantaged by race, wealth, and stigma, including through efforts to increase diversity among service providers;
- Addresses **mental health conditions, substance use disorders, and other behavior health needs** that occur together with opioid use disorder (“OUD”);
- **Leverages programs and services already reimbursed by state agencies** and programs, including direct care reimbursed by MassHealth and the state’s Bureau of Substance Addiction Services (“BSAS”); and,
- **Encourages innovation, fills gaps and fixes shortcomings of existing approaches;** supplements rather than supplants resources for prevention, harm reduction, treatment, and recovery; includes evidence-based, evidence-informed, and promising programs; and takes advantage of the flexibility that is allowed for these funds.

# Statewide Harm Reduction Resources

## **Bulk Purchasing of Naloxone** through the DPH State Office of Pharmacy Services (SOPS)

- Municipal Police and Fire Departments are welcome to order **fully subsidized** naloxone through SOPS.  
<https://www.mass.gov/service-details/bulk-purchasing-of-naloxone>

## **Community Naloxone Purchasing Program** (CNPP)

- Organizations that work with individuals who may either witness or experience an overdose are welcome to apply to the CNPP and access **fully subsidized** naloxone.  
<https://www.mass.gov/service-details/community-naloxone-purchasing-program-cnpp>

## **Fentanyl Test Strips**

- Fentanyl test strips are now available for free from the DPH Health Promotion Clearinghouse. They are shipped out with an accompanying instructional wallet card.  
<https://massclearinghouse.ehs.state.ma.us/PROG-BSAS-SBIRT/SA5844kit.html>
- Additional educational materials related to harm reduction and overdose prevention are also available to print or order in bulk at no cost.

## **Statewide Contracts**

- Procured and negotiated by the Operational Services Division (OSD) and can be utilized by municipalities
- Healthcare Commodities and Hazardous Waste Disposal contracts would be relevant  
<https://www.mass.gov/buy-from-a-statewide-contract>

# Annual Reporting

- Starting in July 2023, municipalities that receive \$35,000+, whether independently or pooled, in the prior FY will report on their:
  - efforts to pool resources
  - planning process and efforts to incorporate input from experts and people with lived experience
  - expenditures on [approved programs and strategies](#) and administrative costs
  - efforts to address disparities and improve health equity
  - efforts to leverage existing programs and services
  - successes, lessons learned, areas for further progress and barriers
- DPH will be releasing reporting instructions so municipalities can prepare to complete annual reporting requirements.
  - All municipalities will be invited to submit a report
  - All reports will be made public for full transparency

# DPH/BSAS State Support and Technical Assistance

- DPH/ BSAS and the Office of Local & Regional Health (OLRH) will be offering technical assistance on strategy implementation building on existing resources. Website: [Guidance for Municipalities Utilizing Opioid Settlement Abatement Payments](#)
- Municipalities are encouraged to coordinate abatement funds with other funding to address Substance Use and Opioid Use
  - BSAS Prevention funding
  - BSAS CDC Overdose Data to Action (OD2A) municipal funding
  - Other local State and Federal funding
- Email: [OpioidRecoveryandRemediationFund@mass.gov](mailto:OpioidRecoveryandRemediationFund@mass.gov)

# Additional Questions/More Information

For answers to **settlement-related FAQs**, visit the [AGO's website](#) or email [MAOpioidSettlements@mass.gov](mailto:MAOpioidSettlements@mass.gov).

For answers about **abatement strategies, reporting and technical support**, visit [Guidance for Municipalities Utilizing Opioid Settlement Abatement Payments](#) or email [OpioidRecoveryandRemediationFund@mass.gov](mailto:OpioidRecoveryandRemediationFund@mass.gov)

For answers to **local finance law questions** relating to the settlement funds, email the [Division of Local Services](#) at [DLSlaw@dor.state.ma.us](mailto:DLSlaw@dor.state.ma.us). DLS also published answers to FAQs about municipal treatment of opioid settlement funds in its July 7th issue of [City & Town](#).

For **procurement-related guidance** and technical assistance, the Office of the Inspector General (OIG) published **FAQs** about the municipal abatement funds [here](#).

You can contact OIG's [Chapter 30B procurement team here](#).

Also refer to [OSD Statewide Contracts](#).



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**Thank You**