

Opioid Settlement Funds

Amy Dolinky

Technical Advisor, Opioid
Settlement Funds

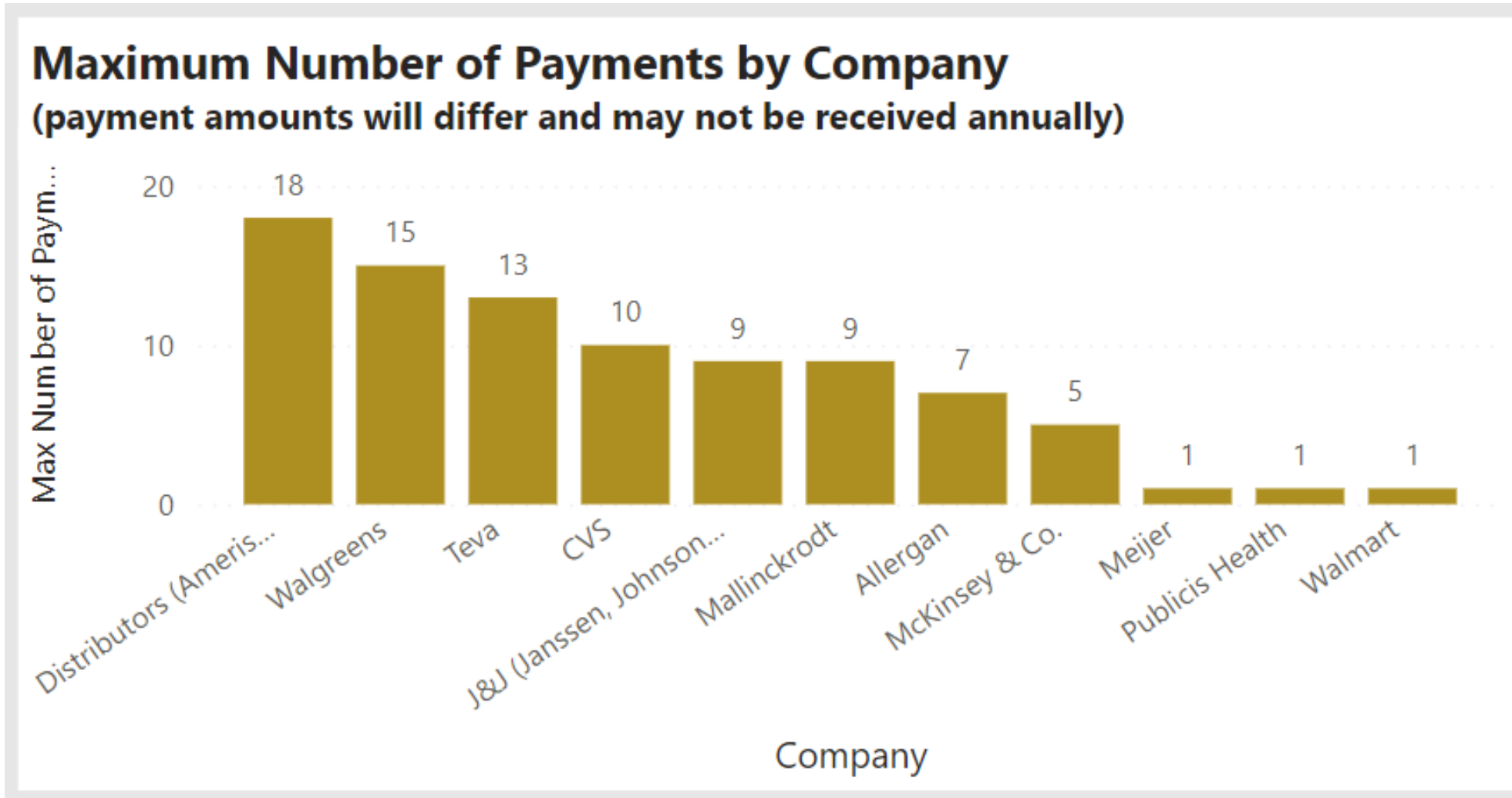
Michigan Association of Counties



Opioid Settlements Overview

- Total estimated funds coming to Michigan - **\$1,612,178,156**
 - Total estimated state share - **\$887,138,261**
 - Total estimated subdivision share - **\$725,039,895**
 - Estimated totals from settlements with:
 - Distributors (McKesson, Cardinal Health, and AmerisourceBergen)
 - J&J
 - Walgreens
 - Walmart
 - CVS
 - Teva
 - Allergan
 - McKinsey & Co.
 - Mallinckrodt
 - Meijer
 - Publicis Health

Maximum Number of Payments



Distribution of Funds

- After initial payments, payments should be made to counties annually in the summer
- Companies can frontload payments and skip payment in years, as long as consecutive years are not skipped
- Payment amounts will differ annually when payments are made

Spending Requirements

- Applies to: J&J, Distributors, CVS, Allergan, Teva, Walmart, & Walgreens
- [Exhibit E](#) provides a non-exhaustive list of opioid remediation activities
- 15% of funds have no requirements for use
- **85% of funds must be used for opioid remediation**
 - 70% of the 85% must be used for future opioid remediation

Spending Requirements

- Opioid Remediation - Definition
 - Care, treatment, and other programs and expenditures (including reimbursement for past such programs or expenditures except where this Agreement restricts the use of funds solely to future Opioid Remediation) designed to
 - (1) address the misuse and abuse of opioid products,
 - (2) treat or mitigate opioid use or related disorders, or
 - (3) mitigate other alleged effects of, including on those injured as a result of, the opioid epidemic.

Reporting Requirements

- Applies to: J&J, Distributors, CVS, Teva, Allergan, Walmart, & Walgreens
- Report bi-annually into BrownGreer payment portal on all expenditures that do not align with “opioid remediation” and/or Exhibit E
 - Cap at 15% of funds
- No additional reporting requirements

MAC Voluntary Reporting

- Anticipate annual voluntary survey from MAC on all spending in March/April, including
 - Area in which funds were used (prevention, treatment, recovery, etc.)
 - Funds used for non-opioid remediation purposes
 - Public-facing information – links to website, reports, etc.
 - Stakeholders engaged in planning processes
 - Types of planning processes used

Additional Settlements

- Settlements pursuing bankruptcy plans
 - Mallinckrodt is expected to bring in \$37 million to Michigan
 - First payments made in May 2023, second payments in January 2024
 - **Potential to not receive all funds due to second bankruptcy**
 - **Annual reporting on financial and opioid remediation activities**
 - Expected to take place in the future
 - Purdue Pharma
 - Endo
- McKinsey and Co. and Publicis Health settlements will direct all funds to the state
- Kroger settlement expected to be open for sign-on in the near future
- *Distribution process, requirements on spending and reporting may differ from other settlements*

Allowable Uses of Funds

Exhibit E Overview – Core Strategies

- Settlements outline specific strategies for utilization of funds, including:
 - Core Strategies:
 - Naloxone or other FDA-approved drug to reverse opioid overdoses
 - Medication-assisted Treatment (MAT) distribution and other opioid-related treatment
 - Address needs of pregnant and postpartum women
 - Expanding treatment for Neonatal Abstinence Syndrome (NAS)
 - Expansion of warm hand-off programs and recovery services
 - Treatment for incarcerated population
 - Prevention programs
 - Expanding syringe service programs
 - Evidence-based data collection and research analyzing the effectiveness of the abatement strategies within the state

Exhibit E Overview – Approved Uses

- Approved Uses – Treatment:
 - Treat Opioid Use Disorder (OUD)
 - Support people in treatment and recovery
 - Connect people who need help to the help they need (connections to care)
 - Address the needs of criminal justice-involved persons
 - Address the needs of pregnant or parenting women and their families, including babies with NAS

Exhibit E Overview – Approved Uses

- Approved Uses – Prevention:
 - Prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids
 - Prevent misuse of opioids
 - Prevent overdose deaths and other harms (harm reduction)

Exhibit E Overview – Approved Uses

- Approved Uses – Other Strategies:
 - Support first responders
 - Leadership, planning and coordination
 - Training
 - Research

Determination of Allowability

- Determination of allowability can only be determined by Corporation Counsel
- MAC can provide analysis of funding proposals to determine if activities are recommended and provide resources for evidence-based or promising practices
- Impacts:
 - County-to-county funding may have different allowable uses
 - Cities and townships may also have different allowable uses than the counties in which they are located
 - No standardized guidance or suggested uses specific to Michigan

Spending Principles

Strategies for adopting the Spending Principles

Principle 1: Spend money to save lives

- Establish a dedicated fund
- Supplement rather than supplant existing funding
- Don't spend all the money at once
- Report to the public on where the money is going

Principle 2: Use evidence to guide spending

- Direct funds to programs supported by evidence
- Remove policies that may block adoption of programs that work
- Build data collection capacity

Principle 3: Invest in youth prevention

- Direct funds to evidence-based interventions

Principle 4: Focus on racial equity

- Invest in communities affected by discriminatory policies
- Support diversion from arrest and incarceration
- Fund anti-stigma campaigns
- Involve community members in solutions

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

- Determine areas of need
- Receive input from groups that touch different parts of the epidemic to develop a plan
- Ensure that there is representation that reflects the diversity of affected communities when allocating funds

County Support

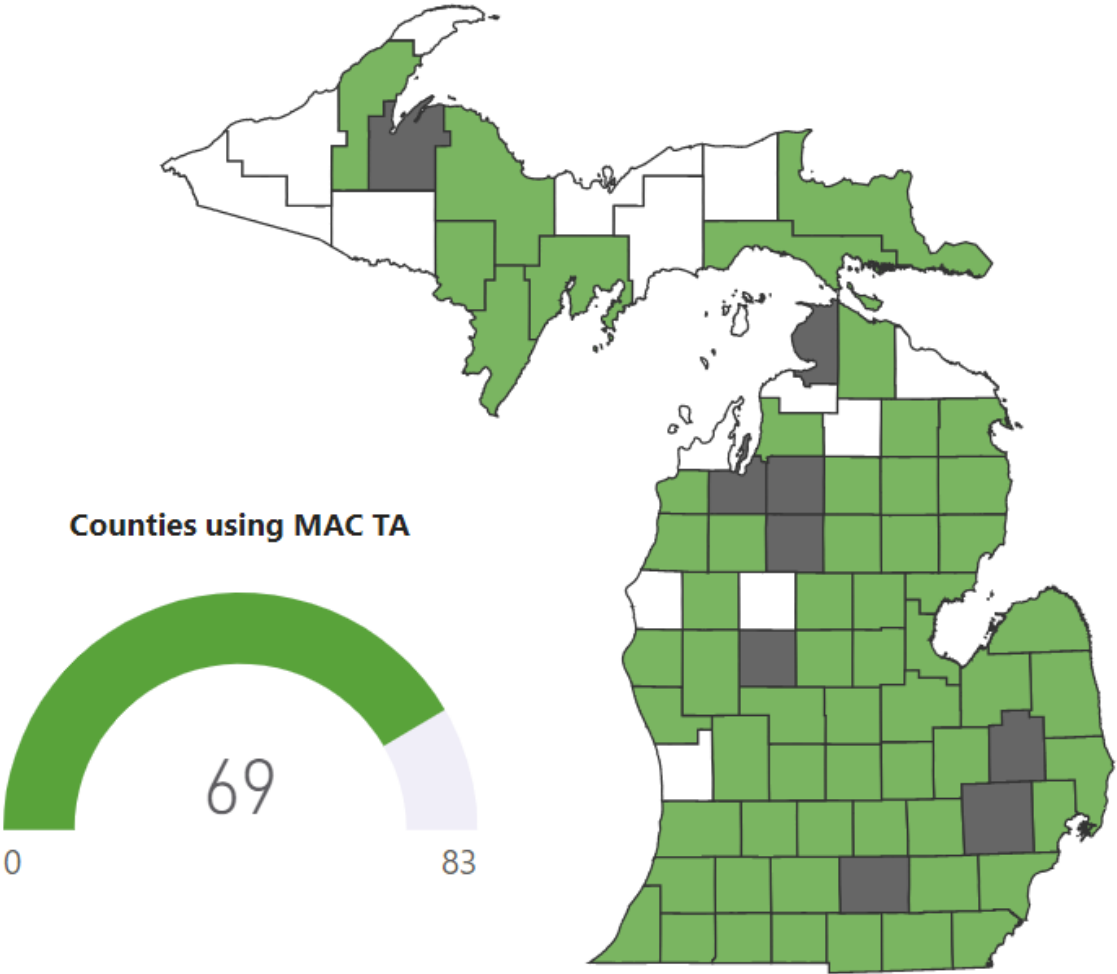
Supports through MAC

- General Settlement Questions and Settlement Landscape Assistance
- Strategic Planning
- Advising on Allowable Uses
- Spending Plan Development and Review
- Request for Proposals Development and Scoring
- Policy Analysis
- Resource Linkage
- Resource Library
- Monitoring and Accountability
- Peer to Peer Learning – Local Government Learning Community

MAC Engagement

Map of MAC Technical Assistance Engagement

Engagement type ● Engaged ● Information Request None



MAC Settlement Dashboard

MAC Opioid Settlement: Home Page



Funds provided are estimates and are subject to change

Funds

Technical Assistance

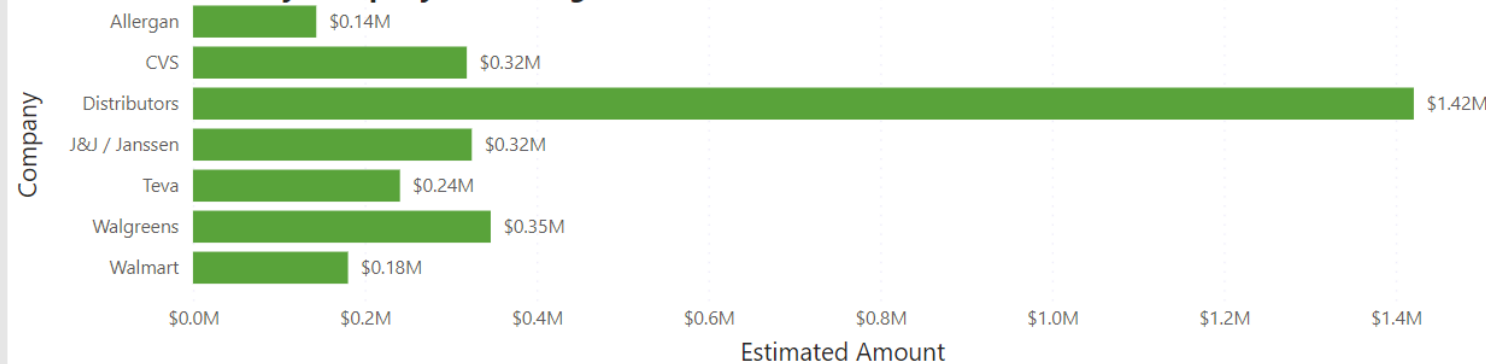
Engagement

Planning

Management

Strategies

Settlement Funds by Company for Michigan Counties



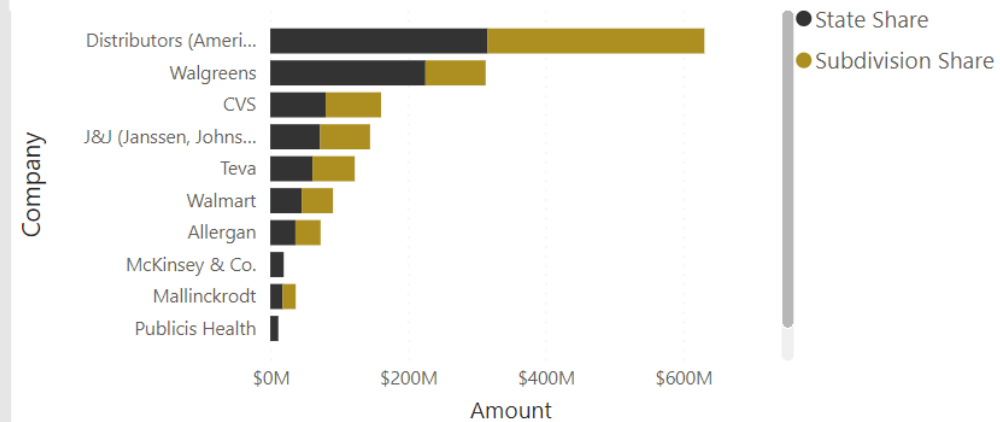
County

Tuscola

Company	Estimated Amount
Allergan	\$143,551.821
CVS	\$318,732.8356
Distributors	\$1,421,111.738
J&J / Janssen	\$324,548.0924
Teva	\$240,959.0295
Walgreens	\$346,588.5805
Walmart	\$180,402.4601
Total	\$2,975,985.5661

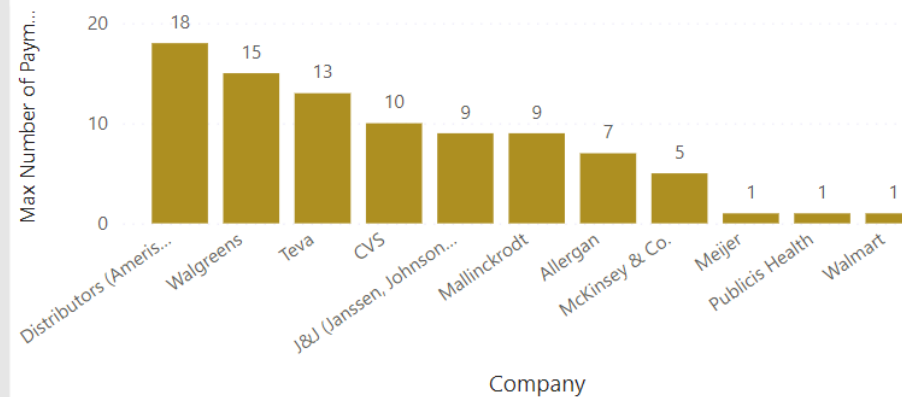
Michigan Opioid Settlements Overview

(hover over for more information)



Maximum Number of Payments by Company

(payment amounts will differ and may not be received annually)



Opioid Settlement Resource Library

Evidence-based and Promising Practices

Resource	Resource Type	Link
• Rand – Strategies	Report	https://www.rand.org/health-care/centers/optic/tools/fund-allocation.html
• Evidence Based Strategies for the Abatement of Harms	Report	TheOpioidEbatement-v3.pdf (Iac.org)
• Johns Hopkins – Preparing to Spend	Report	https://americanhealth.jhu.edu/news/preparing-states-and-local-governments-opioid-settlement-money
• Milbank – Pack – Optimizing Funds	Report	https://www.milbank.org/quarterly/articles/maximizing-public-benefit-from-opioid-settlement-resources/
• O’Neill Institute – Maximizing Impact	Report	https://oneill.law.georgetown.edu/projects/maximizing-the-impact-of-opioid-litigation-settlements/
• Evidence-based Strategies – CDC	Report	https://www.cdc.gov/drugoverdose/pdf/pubs/2018-evidence-based-strategies.pdf
• Evidence-based Strategy Research	Journal Article	https://www.ncbi.nlm.nih.gov/books/NBK458653/
• AMA – Toolkit for Patient Care	Toolkit	https://www.manatt.com/Manatt/media/Documents/Articles/AMA-Toolkit-Resources-January-2022_f_FOR-WEB.pdf
• UMich – Strategies & TA	Toolkit	https://www.mha.org/Issues-Advocacy/Opioid-Epidemic/#Keystone
• MSU – Resource Center	Toolkit	https://mcrh.msu.edu/resources/opioid-resources
• LAPPa – Performance Measures for MAT in Correctional Settings	Toolkit	https://legislativeanalysis.org/performance-measures-for-medication-assisted-treatment-in-correctional-settings-performance-measures-for-medication-assisted-treatment-in-correctional-settings-a-framework-for-implementation/
• LAPPa – Peer Support Services in Justice and Public Safety Settings	Toolkit	https://legislativeanalysis.org/peer-support-services-in-justice-and-public-safety-settings-a-planning-and-implementation-toolkit/

- Explores principles and tracking, evidence-based and promising practices, local government tools, legal resources, equity resources, other toolkits and reports and additional opportunities for funding.

Michigan Opioid Settlement Fund Toolkit: A Guide for Local Spending

Michigan Opioid Settlement Funds Toolkit

A Guide for Local Spending

— January 2023

The Michigan Opioid Settlement Funds Toolkit: A Guide for Local Spending is a roadmap for local governments to assist with planning for, and utilization of, opioid settlement funds.

The toolkit is intended to provide direction on process and linkage to existing resources provided by local and national entities and to assist with creation of targeted efforts from any starting place.

https://micounties.org/wp-content/uploads/Michigan-Opioid-Settlement-Funds-Toolkit_Executive-Summary.pdf

Michigan Opioid Settlement Fund Toolkit: A Guide for Local Spending

- **Stakeholder Engagement**
 - Steering Committee Creation
- **Data Gathering**
 - Existing Data
 - Needs Assessment
- **Determine Process Moving Forward**
 - Strategic Planning
 - Strategy Prioritization
- **Monitoring and Accountability**
 - Website Development
 - Transparency / Reporting

Templates for Local Government Use

- Spending Plan Template ([PDF](#)) ([Excel](#))
- PowerPoint Presentation Template (March 2023) ([PDF](#)) ([PowerPoint](#))
- PowerPoint Presentation Template (July 2023) ([PDF](#)) ([PowerPoint](#))
- Annual Report Template ([PDF](#)) ([Word](#))
- Request for Proposals and Associated Budget Template ([PDF](#)) ([Word](#)) ([Excel](#))
- Request for Proposals Scoring Template ([PDF](#)) ([Excel](#))
- Vendor/Contractor Agreement ([PDF](#)) ([Word](#))
- Pass-through Entity Agreement ([PDF](#)) ([Word](#))
- Public-facing Planning Process Document ([PDF](#)) ([Word](#))
- Overdose Awareness Day and Recovery Month Proclamation (August 31 and September) ([PDF](#)) ([Word](#))

Contact

Amy Dolinky, MPPA

Technical Advisor, Opioid
Settlement Funds Planning &
Capacity Building

Michigan Association of Counties

dolinky@micounties.org

847.309.4340

Michigan Association of Counties
Opioid Settlement Resource Center

[https://micounties.org/opioid-
settlement-resource-center/](https://micounties.org/opioid-settlement-resource-center/)