

# Opioid Settlement Funds

Amy Dolinky

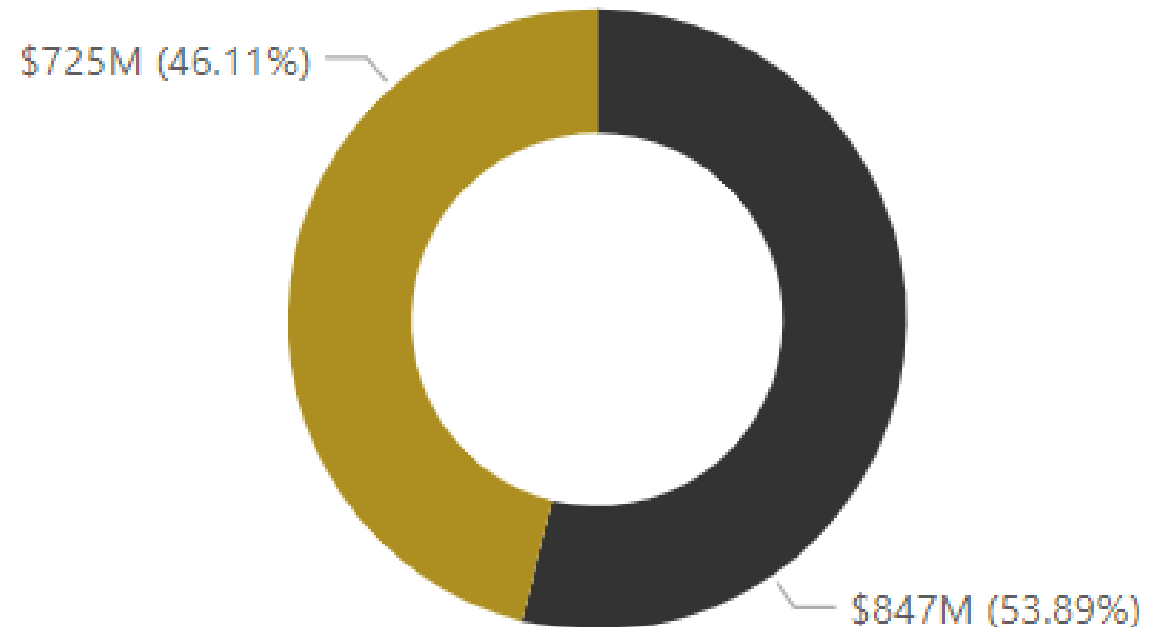
Technical Advisor

Michigan Association of Counties



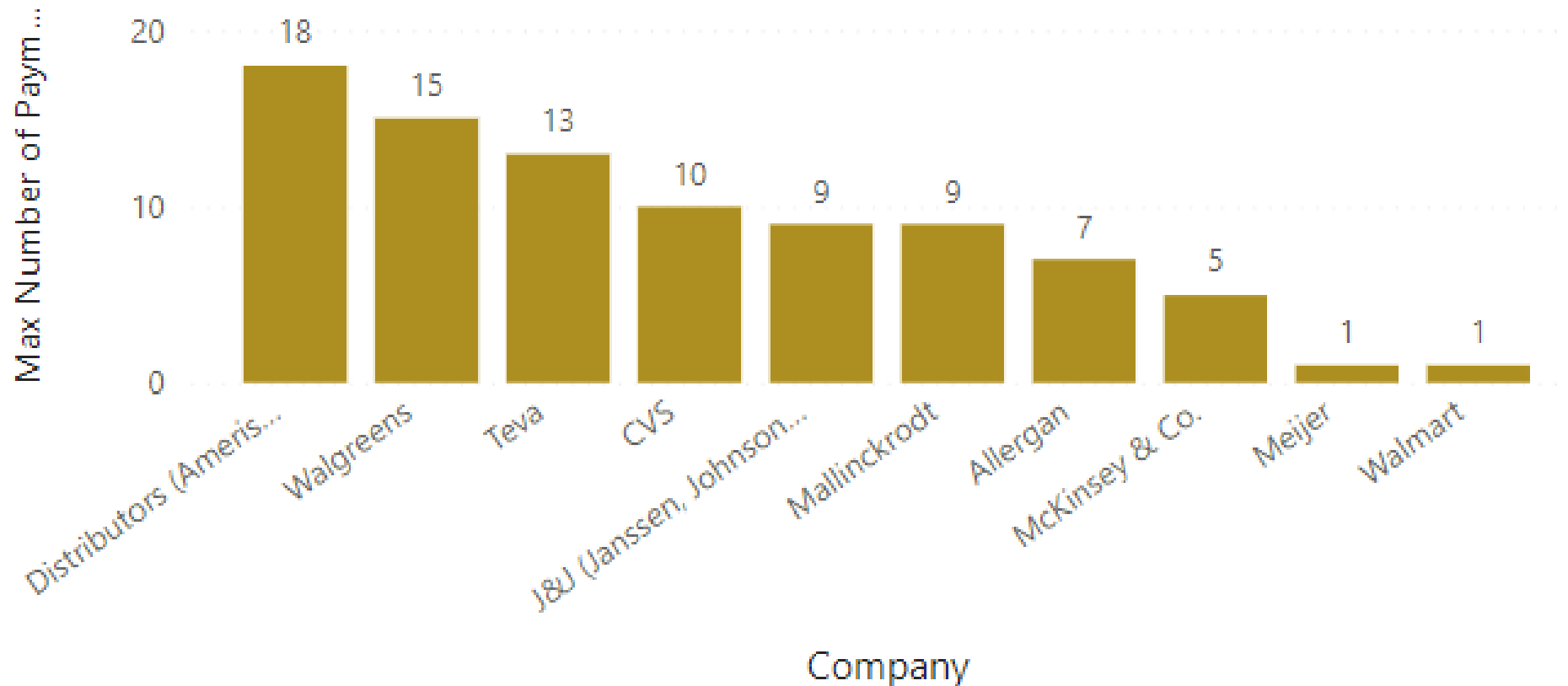
# Opioid Settlements Overview

- Total estimated funds coming to Michigan - **\$1,572,482,366**
  - Total estimated state share - **\$847,440,366**
  - Total estimated subdivision share - **\$725,042,000**
  - Estimated totals from settlements with:
    - Distributors (McKesson, Cardinal Health, and AmerisourceBergen)
    - J&J
    - Walgreens
    - Walmart
    - CVS
    - Teva
    - Allergan
    - McKinsey & Co.
    - Mallinckrodt
    - Meijer



# Maximum Number of Payments

**Maximum Number of Payments by Company**  
(payment amounts will differ and may not be received annually)



# 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
- Fund number 284 is designated for opioid settlement funds and should be used at the local level
  - Sub-funds should be used when there are different allowable uses or reporting requirements

# J&J and Distributors Settlements

- The state of Michigan is slated to receive nearly \$776 million over 18 years from two settlements, Distributors (McKesson, Cardinal Health and AmerisourceBergen) and J&J
- 50% of the settlement amount will be sent directly to county and local governments
- Allocation percentages can be found in Exhibit A of the [Michigan State-Subdivision Agreement for Allocation of Distributor Settlement Agreement and Janssen Settlement Agreement](#)
- Distribution to subdivisions began on January 31, 2023
- Tribal settlements are separate
- **Bi-annual reporting on non-opioid remediation activities**

# Pharmacy and Manufacturer Settlements

- Expected to bring in around \$735 million to Michigan
- Sign-on for settlements with CVS, Walmart, Allergan and Teva are complete
- Local subdivision sign-on for the Walgreens settlement has also been completed
- 50% of the settlement amount will be sent directly to county and local governments
- **Distribution has not started**
- Tribal settlements are separate
- **Bi-annual reporting on non-opioid remediation activities**
  
- Meijer is a separate, non-national, settlement for which 4 counties, 3 cities, and 6 townships received funds during the summer of 2023

# Allowable Uses

- 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
- 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



# Expected Voluntary Reporting

- Anticipate annual voluntary survey from MAC on all spending, including
  - Area in which funds were used (prevention, treatment, recovery, etc.)
  - Percent of funds to each area
  - Percent of 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
    - **Potential to not receive all funds**
    - **Annual reporting on financial and opioid remediation activities**
  - Expected to take place in the future
    - Purdue Pharma
    - Endo
    - Kroger
- Distribution process, requirements on spending and reporting are will differ from other settlements

# Allowable Uses & Reporting Requirements

- Specific to Mallinckrodt:
- Allowable uses in are outlined in [Schedule A](#)
- Reporting requirements available at: [\*National Opioid Abatement Trust II Trust Distribution Procedure\*](#)
- 70% of funds are dispersed to the State of Michigan and will be distributed to [regions](#) based on recommendation from the Michigan Opioids Task Force
- 30% of funds will be used for non-regional opioid spending
- Qualified block grantees are the only local subdivisions that will receive funds directly
  - Kent, Genesee, Wayne, Macomb, and Oakland

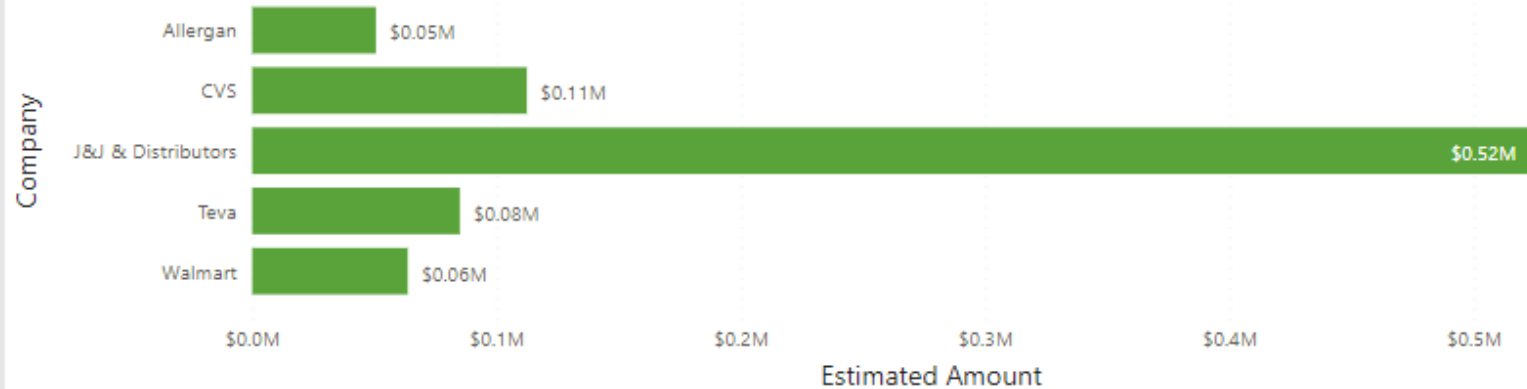
# MAC Settlement Dashboard

## 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

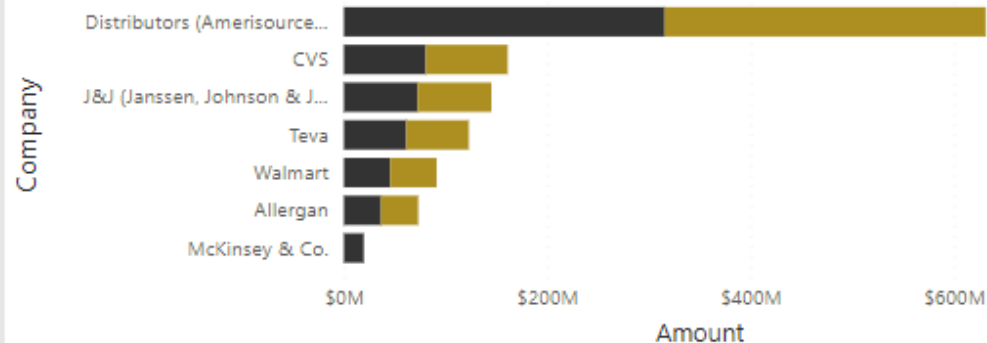


County

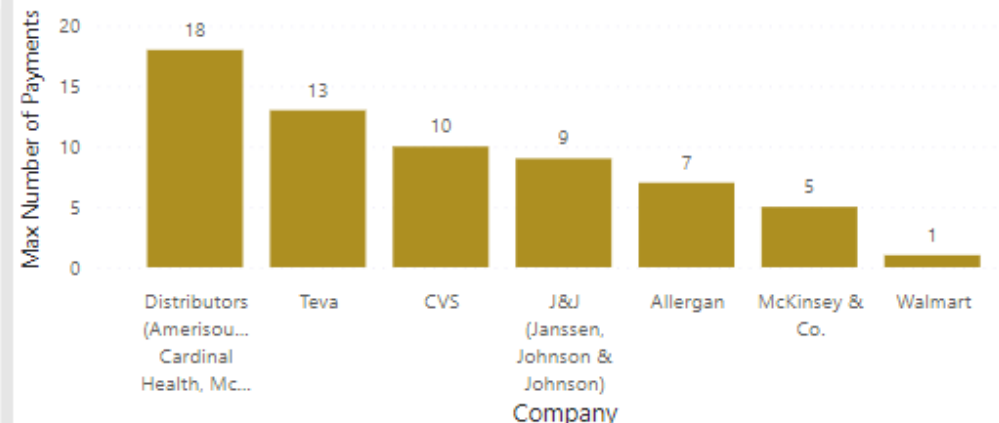
Company	Estimated Amount
Walmart	\$63,653.5
Teva	\$84,977.45
J&J & Distributors	\$523,236
CVS	\$112,405.51
Allergan	\$50,625.52
<b>Total</b>	<b>\$834,897.98</b>

### Michigan Opioid Settlements Overview (hover over bars for more information)

● State Share ● Subdivision Share



### Maximum Number of Payments by Company (payment amounts will differ and may not be received annually)



# Support and Technical Assistance

# Tools for Local Government Use

- Collaborative Opioid Settlement FAQ Documents ([Part I](#)) ([Part II](#))
- [MAC - Opioid Settlement Resource Center](#)
- [MAC - Opioid Settlement Resource Library](#)
- [Michigan Opioid Settlement Funds Toolkit: A Guide for Local Spending](#)
- [Opioid Advisory Commission](#)
- [Michigan Opioids Task Force](#)
- [National Association of Counties Opioid Solutions Center](#)
- [Johns Hopkins - Principles for the Use of Funds From the Opioid Litigation](#)
- No-Cost Technical Assistance

# MAC Opioid Settlement Resource Center

- Includes:
  - Opioid Settlement Dashboard
  - Overview of each settlement
  - Toolkit for local governments
  - Templates for local government use
  - State of Michigan Resources
  - Opioid Settlement Resource Library
  - Technical assistance request form
  - \*Updated in real-time

# 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](#))



# Opioid Settlement Resource Library

## Evidence-based and Promising Practices

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

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

# Michigan Opioid Settlement Fund Toolkit: A Guide for Local Spending

- **Purpose** - The toolkit begins with the purpose of the document, highlighting the intention to assist with planning for, and utilization of, opioid settlement funds.
- **Settlements overview** - The next section provides an overview of the opioid settlements, including information on the state and local agreement, estimated funds per county, future funds and tribal settlements.
- **Statistical overview and local data** - The toolkit describes the scope of the overdose crisis, providing state-level data and where to access local data.
- **Spending principles** – This section provides an overview of the spending principles laid out by Johns Hopkins Bloomberg School of Public Health and FXB Center for Health and Human Rights, as well as indicators for spending readiness from Johns Hopkins.

# Michigan Opioid Settlement Fund Toolkit: A Guide for Local Spending

- **Steps for spending** – This section is the core component of the toolkit and provides a framework for where jurisdictions can begin their process and general steps to follow, including stakeholder engagement, gathering information, determining the process moving forward and monitoring and accountability.
- **Strategies for spending** - In the strategies for spending section, information is outlined providing key strategies from the State of Michigan, Exhibit E of the current settlements and Johns Hopkins.

# Recommended Steps: Stakeholder Engagement

- Utilize existing community resources to ensure that those with expertise are represented when planning for spending (health departments, prevention coalitions, harm reduction providers, behavioral health provider agencies, recovery support providers, etc.)
- Consider additional collaborators, such as surrounding counties and regional entities
- Ensure an equity lens, consider who is not at the table
- Ensure those with lived experience with substance use disorder and people who use drugs are engaged in the process

# Recommended Steps: Gather Information

- Review needs assessments, landscape analyses, gap inventories, reports, plans and other information from stakeholders
- Identify if additional information on community priorities needs to be gathered
- Determine the specific needs of your community, consider new and existing programming
- Utilize the [MAC Opioid Settlement Resource Center Resource Library](#) to explore principles and tracking, evidence-based and promising practices, statewide tools, local government tools, legal resources, equity resources,
  - other toolkits and reports and additional opportunities
  - for funding

# County-level Data

- [Michigan Overdose Data to Action Dashboard including Substance Use Vulnerability Index](#)
  - Data on overdose deaths, emergency department visits, emergency medical services (EMS) calls, access to resources such as syringe service programs and treatment
- [Michigan Department of Health and Human Services Opioids Webpage - EMS Responses](#)
  - “Public Use Dataset EMS Responses to Probable Opioid Overdose”, found under “Overdose Reports”
- [Michigan Substance Use Disorder Data Repository \(SUDDR\) and Data Visualizations](#)
  - Suspected fatal overdoses and emergency medical services naloxone administration data
- [University of Michigan Injury Prevention Center System for Opioid Overdose Surveillance \(SOS\)](#)
  - County-level data on overdose deaths, emergency department visits and emergency medical services (EMS) calls
- [Overdose Detection Mapping Application Program \(ODMAP\)](#)
  - Near real-time tracking of fatal and non-fatal overdoses and naloxone administration by public health and public safety
- [Wayne State University’s School of Social Work Center for Behavioral Health and Justice Dashboard](#)

# Recommended Steps: Determine Process Moving Forward

- Identify where to start (multi-sector strategic planning, strategy selection, spending plan development, etc.)
- Determine where capacity to support spending is present and sustainability of funding and strategies
- Choose strategies that are allowable and align with the needs of your community and take into account sustainability due to polysubstance use and the changing overdose environment
- Ensure equity and lived experience are at the core of
- planning and design



# Recommended Steps: Reporting & Evaluation

- There are no comprehensive reporting requirements for the Distributors and J&J settlements. While additional reporting is not required, it is essential to provide transparency and accountability for the spending process.
- It is recommended that local governments create annual financial and impact reports. These reports may include the amount of funds spent, strategies and programs funded, impact of programs funded, process of strategy selection and dollar amount determinations, and other relevant information.
- Evaluation of the outcomes and effectiveness of funding and programming should also be considered

# Opioid Advisory Commission and Michigan Opioids Task Force

## Opioid Advisory Commission (Legislative)

- Created by Public 84 of 2022 (MCL 4.1851) and charged with establishing priorities to address substance use disorders and co-occurring mental health conditions, for the purpose of **recommending funding initiatives to the legislature.**
- **Reports to legislative leadership**
- Tasked with conducting **statewide needs assessment**; developing **goals and recommendations to reduce disparities in access** to behavioral health services; **assessing use of opioid settlement funds and impact** on abating the opioid epidemic in Michigan
- **Consists of 12 voting members** with experience in prevention, health care, mental health, law enforcement, local government, first responder work, or similar fields. The Director of MDHHS and the Legislative Council Administrator serve as ex-officio members.
- **Required to submit annual report to legislative leadership, chairs of House and Senate Appropriations Committees, the Governor, and the Attorney General**

## Michigan Opioids Task Force (Executive)

- Created by Executive Order 2019-18 and charged with **identifying root causes of the opioid epidemic and implementing response actions**
- Expanded by Executive Order 2022-12 to **include regional and community representation**
- **Reports to MDHHS**
- **Current membership appointed in June 2023**, with membership consisting of reps from State Departments, reps from local governments, and a rep from the Michigan Supreme Court; CME to serve as Chair
- Will be required to **report to Governor regularly** and expected to **issue an annual report**

# Opioid Advisory Commission



- Open virtual monthly meetings – information at <http://council.legislature.mi.gov/Council/OAC>
- Inaugural report covers:
  - Overview of Michigan’s opioid epidemic and national opioid settlements
  - Opioid Advisory Commission: role and activities
  - Promoting better practices with national guidance
  - Recommendations for FY 2023-2024
- Quarterly reports and annual recommendations are expected to follow

**2023 ANNUAL REPORT**  
A PLANNING GUIDE FOR STATE POLICY MAKERS

# Michigan Opioids Task Force

- Next meeting November 1, 2023 in Lansing
  - Meeting information found under “Events” at <https://www.michigan.gov/opioids/nel>
- Will make recommendations on where state funds (settlement or otherwise) are directed and state opioid strategy
- Will make recommendations specific to use of “regional funds” associated with Mallinckrodt settlement and potentially future settlements

# National Association of Counties Opioid Solutions Center

- **Planning Principles Toolkit:** a toolkit with guidance on planning, allocating and managing opioid litigation funds
- **Approved Strategies:** a series of short-form briefs presenting key information about effective substance use prevention, treatment, recovery and harm reduction approaches that are approved uses of the settlement funds
- **County Examples:** a series of case studies and examples describing how states and counties have leveraged their opioid settlement funds to stand up programs and practices that work
- **History of Opioid Settlements**
- **Opioid Solutions Leadership Network**
- **Quick Guide to Needs Assessments**
- **Evaluation and monitoring tools to come**

# Principles for Use of Funds From the Opioid Litigation

- Nationally recognized guidance for all governments
- Coordinated by Johns Hopkins with input from national experts
- Intended to help governments effectively invest opioid settlement funds to save lives
- [Principles for the Use of Funds From the Opioid Litigation](#)
  - Spend the money to save lives
  - Use evidence to guide spending
  - Invest in youth prevention
  - Focus on racial equity
  - Develop a fair and transparent process for determining where to spend the money

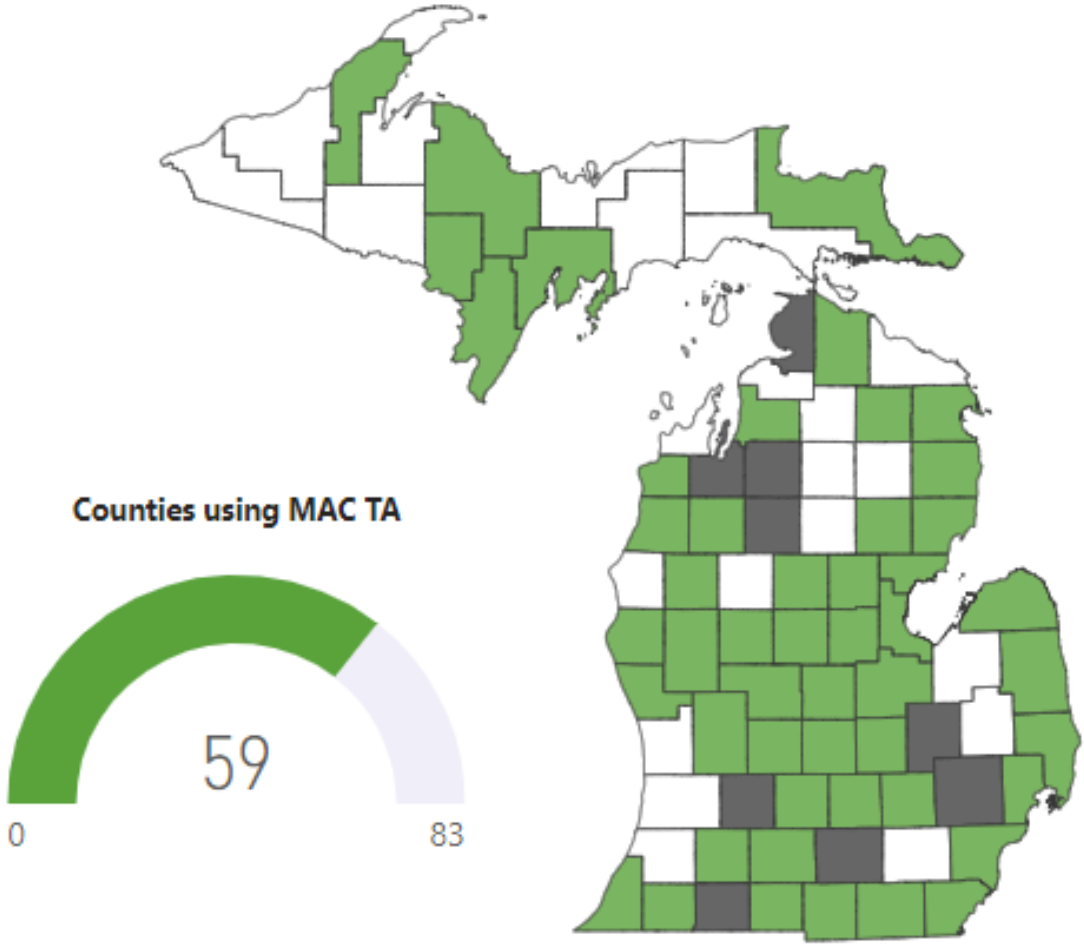
# Supports through MAC

- 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
- Reporting and Evaluation
- Story Sharing, Peer to Peer Learning
- Local Government Learning Community

# MAC Engagement

## Map of MAC Technical Assistance Engagement

Engagement type ● Engaged ● Information Request None





# Contact

Amy Dolinky, MPPA

Technical Advisor, Opioid Settlement Funds  
Planning & Capacity Building

Michigan Association of Counties

[dolinky@micounties.org](mailto:dolinky@micounties.org)

847.309.4340

Michigan Association of Counties Opioid  
Settlement Resource Center

<https://micounties.org/opioid-settlement-resource-center/>

