STATE OF MARYLAND
OFFICE OF THE GOVERNOR
OPIOID OPERATIONAL COMMAND CENTER

ROBIN E. RICKARD
EXECUTIVE DIRECTOR

100 COMMUNITY PLACE
CROWNSVILLE, MARYLAND 21032

November 1, 2022

The Honorable Bill Ferguson
President of the Senate
Maryland General Assembly
H-107 State House
Annapolis, MD 21401–1991

The Honorable Adrienne A. Jones
Speaker of the House
Maryland General Assembly
H-101 State House
Annapolis, MD 21401–1991

RE: State Finance and Procurement Article § 7–331 (Chapter 537 of the Acts of 2019) — Opioid Restitution Fund Expenditure Report (MSAR # 14240)

Dear President Ferguson and Speaker Jones:

Pursuant to State Finance and Procurement Article § 7–331 (Chapter 537 of the Acts of 2019) and in accordance with § 2–1257 of the State Government Article, the Opioid Operational Command Center (OOCC) submits the attached report on behalf of the office of the Governor of the State of Maryland providing an accounting of funds allocated to the Opioid Restitution Fund (ORF) and the utilization of those funds during the 2022 fiscal year.

Please contact OOCC Executive Director Robin Rickard by phone at 410-553-7478 or by email at robin.rickard@maryland.gov with any questions.

Sincerely,

Robin E. Rickard
Executive Director

Enclosure

Overview

Pursuant to the language outlined in House Bill (HB) 1274 of 2019, which established the Opioid Restitution Fund (ORF), the Opioid Operational Command Center (OOCC) is required to submit a report annually by November 1 for each fiscal year detailing the utilization of funds received at the state level from prescription opioid-related legal settlements. Specifically, the language requires the OOCC to provide:

- an accounting of total funds expended, from the fund in the preceding fiscal year, by:
    a. use;
    b. jurisdiction (where applicable);
    c. budget program and subdivision; and
        i. the specific outcomes or public benefits resulting from that expenditure, the performance indicators, and progress toward achieving the goals and objectives; and
        ii. the recommended appropriations from the ORF.

To meet this requirement, the OOCC is submitting the following:

- an accounting of funds allocated;
- an overview of the grant program made from the Opioid Restitution Fund; and
- an overview of relevant performance metrics.

Funds Received

In the 2022 fiscal year, the ORF received several appropriations in anticipation of settlement funds. The first appropriation for $12,000,000 was made on July 1, 2021. This appropriation represents the expected total distribution from McKinsey & Company, the total settlement of which is $12,084,129. Of this, $10,016,057 was received in July 2021, and a second distribution of $517,018 was received in July 2022. The OOCC expects the remaining settlement amount ($1,551,054) to be distributed in equal payments of $517,018 in the next three fiscal years, 2023, 2024, and 2025.

At this time, the additional settlement litigation is ongoing. The State-Subdivision Agreement describes the allocation of all settlement funds and designates the following payment appropriations. The Settlement Payment Schedule, prepared by the Office of the Attorney General, reflected two annual payments.

Use of ORF Funds

To date, the OOCC has supported two grant programs using funds received from the settlement with McKinsey & Company. These grant programs will utilize settlement funds in fiscal year 2023 and fiscal year 2024.

- On July 1, 2022, the OOCC announced $7.7 million in grant awards through our new Examination and Treatment Act Grant Program (ETAGP). This program is designed to support local jurisdictions in implementing the requirements of the Opioid Use Disorder Examination and Treatment Act (ETA) of 2019, which requires that all local detention centers implement

programs to screen incarcerated individuals for opioid use disorder (OUD), offer peer recovery specialist services, counseling services to develop re-entry plans for individuals upon release, and to offer all three FDA-approved formulations of medications for opioid use disorder (MOUD), such as methadone or buprenorphine, in their facilities. The grant program will support the state fiscal year 2023 and 2024. The grant awards will support projects in 17 local detention facilities, a summary of which can be found in Appendix A, below.

- On September 16, 2022, the OOCC announced the Access to Recovery Emergency Gap Funds Grant Program. Through this program, the OOCC will distribute $600,000 in funds that can be used to cover emergency expenses, such as transportation to treatment and recovery services, and recovery housing. Organizations that work with individuals in recovery, such as recovery-focused community organizations, recovery residences certified by the Behavioral Health Administration of the Maryland Department of Health, local health departments, and local behavioral health authorities will be eligible to receive funding through this program.

Recommended Uses

The OOCC is currently working with the newly created Center for Applied Analytics at the Maryland Total Human-services Integrated Network (MD THINK) , the Maryland Department of Human Services, and the United States Department of Justice on creating a contract and memorandum to support the Data-Informed Opioid Risk Mitigation (DORM) initiative in the 2023 fiscal year. In 2018, the Maryland General Assembly enacted HB 922,[1] which requires the Maryland Department of Health to produce an annual report examining the prescription and treatment history of individuals in the State of Maryland who suffered fatal overdoses in the preceding four years. The estimated cost to support the DORM initiative through the next fiscal year is $2 million. In order to make sound evidence-based decisions on spending the ORF settlement, it is imperative that the most accurate and robust data analytics be made available to policymakers and grant funding authorities.

Opioid Restitution Fund Settlement Payments Received	
Funding Received	$10,533,075 – McKinsey (year 1 and year 2 payments)
Funding Awarded	$7,691,720 – Examination and Treatment Act Grant Program
Funding Allocated	$600,000 – Access to Recovery Emergency Gap Fund
Proposed Allocation	$2,000,000 – DORM Phase 3
Total Funding Allocated	**$10,291,720**

In 2022, Maryland enacted HB 794, which established the ORF Advisory Council. The advisory council will work to provide recommendations on the use of legal settlement funds that Maryland receives from prescription opioid manufacturers and distributors. The Council will hold its inaugural meeting in

[1] HB 922 was amended in 2022 by Senate Bill 196, which extended the reporting requirement until 2024. https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_223_sb0196T.pdf.

November 2022. Moving forward, the OOCC will work closely with this body to consider recommendations for the future use of ORF funding. Collaboration with the Advisory Council will allow the OOCC to report on recommendations that arise from meetings with substance use treatment and prevention stakeholders, including consumers, individuals, families, and advocates.

Grant Performance

At the time of this reporting, the ETAGP represents the first utilization of ORF funding. The grant program follows the state fiscal year and began on July 1, 2022. Grantees through this program are required to submit reporting on the preceding quarter's performance measures within one month of the end of the quarter. Performance measures for the first quarter of the 2023 fiscal year were due by October 30, 2022. As such, these performance measures related to the use of ORF funding remain unavailable at the time of this report.

To receive funding, the OOCC required each grantee to submit their grant performance measures to track the impact of their respective programs. Examples of the performance measures that will be used to track ETAGP grant implementation are provided below. Grant performance data corresponding to these measures will be provided with the next issuance of this report on November 1, 2023.

<u>Example ETAGP Performance Measures:</u>

- Buprenorphine extended-release injection for opioid use disorder:
    - Overall number of patients who received buprenorphine extended-release injection
    - Number of patients who continued buprenorphine extended-release injection during incarceration
    - Number of patients who initiated buprenorphine extended-release injection during incarceration
    - Number of patients who voluntarily switched to buprenorphine extended-release injection from another MOUD
    - Number of patients who were referred to buprenorphine extended-release injection provider in the community post-release
- Re-entry services for individuals with opioid use disorder:
    - Number of Medicaid-eligible clients enrolled in health insurance coverage by date of release
    - Number of program participants completing a social determinants of health assessment
    - Number of program participants receiving an individualized reentry care plan and successfully supported to meet plan goals during 60-day care coordination period
    - Number of program participants connected to behavioral health recovery programs and MOUD treatment
    - Number of program participants that receive reentry release kits upon release including naloxone kits

- Number of program participants who made their first appointment for MOUD intake in the community for buprenorphine extended-release injection for OUD

Additionally, all detention centers in Maryland, including ETAGP grantees, are required to report to the Governor's Office of Crime Prevention, Youth, and Victims Services on the data requirements of HB 116 (2019).

APPENDIX A: Opioid Use Disorder Examination and Treatment Act Grant Program Fiscal Year 2023-2024 Awards

Organization	Project Summary	Requested Amount
Allegany County Sheriff's Office Detention Center	Support for medication for opioid use disorder (MOUD) treatment and re-entry planning services	**$500,000**
Anne Arundel County Department of Health	Support for MOUD treatment in Jennifer Road Detention Center and staffing for mobile medical services	**$499,991**
Baltimore City Pretrial Facility	Support for long-lasting buprenorphine treatment, transportation, re-entry release kits with naloxone	**$495,677**
Baltimore County Department of Correction	Support for medication for opioid use disorder (MOUD) treatment, peer recovery services, and re-entry planning services	**$303,590**
Calvert County Health Department	Support for peer support services, MOUD, and behavioral health counceling services	**$315,012**
Caroline County Health Department	Support for medication for opioid use disorder (MOUD) treatment, and re-entry planning services, and care coordination	**$346,315**
Carroll County Sheriff's Office/Detention Center	Support for initial assessment and planning to provide treatment, counseling, re-entry counseling services	**$500,000**
Cecil County Health Department	Support for screening services, re-entry planning, peer recovery support, counseling, and care coordination	**$878,985**
Dorchester County Health Department	Support for cognitive behavioral therapy, individual and group counseling, peer support, and MOUD treatment services	**$279,648**
Garret County Detention Center, Board of Garrett County Commissioners	Staffing support for MOUD treatment services	**$224,740**

Organization	Project Summary	Requested Amount
Kent County Detention Center	Support for treatment expansion of recovery programming, including increased staffing, medication access, and telemedicine	**$317,975**
Queen Anne's County Detention Center	Support for care coordination, behavioral health and MOUD treatment services, peer support, and re-entry planning services	**$744,723**
Somerset County Detention Center	Support for ongoing training for criminal justice staff and providers delivering MAT, and the purchase of FDA-approved medications for treatment of MOUD, as well as support for re-entry services and peer support	**$438,870**
St. Mary's County Health Department	Support for purchases of screening equipment and MOUD, as well as support for medical staff, counseling services, and peer recovery services	**$840,914**
Talbot County Department of Corrections	Support for screening, counseling, re-entry, care coordination services and provision of re-entry kits with naloxone	**$352,194**
Washington County Detention Center	Support for medical staff, counseling and peer recovery services, and MOUD treatment services	**$491,374**
Worcester County Jail	Support for MOUD treatment, counseling, and care coordination services	**$204,313**