

## SUBSTANCE ABUSE WORKING GROUP

### DRAFT - MINUTES OF MEETING

**June 20, 2018–10:00 AM**

*Video Conferenced Between:*

Office of the Attorney General  
Mock Courtroom  
100 North Carson Street  
Carson City, Nevada 89701

Office of the Attorney General  
Conference Room #4500  
555 East Washington Avenue  
Las Vegas, Nevada 89101

#### **Members Present:**

Adam Paul Laxalt, *Attorney General - Chair*

Asheesh Bhalla, *Deputy Attorney General - Board Counsel*

Patty Cafferata, *Special Assistant Attorney General for Law Enforcement Counties and Municipalities, Office of the Attorney General and Proxy for Carol Del Carlo, Regent*

A.J. Delap, *LVMPD - Office of Intergovernmental Services Proxy for Chuck Callaway, Police Director*

Mark Jackson, *Douglas County District Attorney*

Linda Lang, *Executive Director–Nevada Statewide Coalition Partnership*

Dr. Larry Pinson, *Executive Secretary - Nevada State Board of Pharmacy*

David Marlon, *CEO - Solutions Recovery, Inc.*

Denita Smith, *Clinic Director - Adelson Clinic Proxy for Dr. Miriam Adelson*

Stephanie Woodard, *Proxy for Richard Whitley, Director - Dept. of Health & Human Services*

#### **Guests Present:**

Ryan Algate, *Walmart*

Christina Burt, *Federal Bureau of Investigations*

Anna Carr, *Pharmacist - Walmart*

Paul Edwards, *Nevada State Board of Pharmacy*

Agata Gawronski, *Executive Director - Board for Alcohol, Drug, and Gambling Counselors*

Krista Hales, *Director - Integrated Opioid Treatment and Recovery Center Center for Behavioral Health*

Victoria Hauan, *Program Manager/Impaired Driving - Office of Traffic Safety*

Terry Kerns, *Substance Abuse Law Enforcement Coordinator - Office of the Attorney General*

John Kunzler, *Walmart*

Brian Parish, *Department of Health and Human Services*

Julia Peek, *Deputy Administrator – Department of Health and Human Services, Division of Public and Behavioral Health*

Jennifer Snyder, *Executive Director – Join Together Northern Nevada*

Nick Trutanich, *Chief of Staff - Office of the Nevada Attorney General*

Martie Washington, *Grants Project Analyst - Office of the Attorney General*

Cyndi Yenick, *Founder and Executive Director - BubHugs Foundation*  
Ed Yenick, *President - BubHugs Foundation*  
Marcie Zajac, *Senator Dean Heller's Office*

**1. Call to Order and Roll Call of Working Group Members.**  
*Attorney General Laxalt.*

Attorney General Laxalt called the meeting to order. Esmeralda Velazquez called roll. A quorum was present.

**2. Welcome and Self-Introduction of Members.**  
*Attorney General Laxalt.*

General Laxalt thanked the members for their attendance and requested, members and attendees introduced themselves.

**3. Public Comment.**

None.

**4. Approval of October 11, 2017 Meeting Minutes.**

Mark Jackson moved to approve the minutes of the October 11, 2017, meeting. Linda Lang seconded the motion. The minutes were unanimously approved.

**5. 2017 Accomplishments. Incinerators, Naloxone, Youth Prevention Programs, Drug Take Back Days, Law Enforcement Summits, Lawsuit against Pharmaceutical Manufacturer, and Substance Abuse Law Enforcement Coordinator.**

*Nick Trutanich, Chief of Staff, Office of the Nevada. Cyndi Yenick, Founder and Executive Director of BubHugs Foundation.*

Nick Trutanich reported on the completed work by the Attorney General's Office (AGO) in the area of substance abuse. Trutanich recognized the Substance Abuse Working Group (SAWG) for their ideas and efforts because the 2017 accomplishments came from SAWG. He stated the AGO has taken a holistic approach to fighting the opioid epidemic by working on everything from deterrence by partnering with law enforcement, to youth prevention and education by engaging with non-profits throughout the state.

Trutanich stated after obtaining an opioid related settlement a few years ago, the AGO put together a plan to combat the opioid epidemic in Nevada, called the "Prescription for Addiction". This plan allocates over \$2 million of non-taxpayer monies to combating the Opioid problem. The Interim Finance Committee of the Nevada Legislature unanimously approved this plan in October 2017.

Trutanich described the Prescription for Addiction Program as having five key components:

**(1) Incinerators in Nevada:**

The AGO partnered with local law enforcement agencies to assist with the Drug Take Back Programs. Community participation in drug "take-back" programs is only as effective as the State's ability to dispose of the drugs collected.

To date, five incinerators have been strategically placed at various locations throughout the State, including Boulder City, and in the counties of Elko, Mineral, Nye, and Storey. Over the last few months, departments at each location have been preparing to get the incinerators operational by pouring concrete and making all the necessary installation arrangements.

Trutanich recognized the good work of the Nevada Department of Environmental Protection (NDEP) by working with our Deputy Attorneys General to amend the guidelines on air quality enabling the incineration of "take back" and contraband drugs in Nevada.

**(2) Nalaxone Distribution**

The distribution of Naloxone, an opioid inhibitor or blocker, is another key part of the program. The AGO allocated \$250k of non-taxpayer settlement money to the Department of Health and Human Services (DHHS) for the purchase of Naloxone for first responders and law enforcement agencies to use to save lives. HHS has a grant to purchase Naloxone that will expire in approximately the next 90 days, then DHHS will start purchasing Naloxone with the \$250k for these agencies.

Trutanich stated the AGO is a proud part of its participation in the Naloxone distribution efforts, and their assistance in the development of HHS's Virtual Dispensary ensuring Naloxone on the shelves is used before it expires.

**(3) and (4) Education and Prevention**

Trutanich stated the third and fourth components of the Prescription for Addiction involve education and prevention in Nevada.

The Boys and Girls Club(s) were allocated \$500,000 of the non-taxpayer settlement money providing all their locations in Nevada an updated drug prevention program and curriculum named Positive Action. Positive Action is an evidence based drug prevention program putting the Nevada Boys and Girls Clubs on the cutting edge of drug prevention and education in the country.

In an email to the AGO from the Grant Director of the Boys and Girls Club, it stated “We are seeing some great results from the Positive Action program, in attitudes and behaviors of our club members, and the environment it is helping to create at our clubs.”

Trutanich added the Grants Director also noted because summer has started and school is out, they are reaching an additional group of kids attending the Boys and Girls Clubs statewide during the summer.

**(5) Community Coalition**

Trutanich stated a grant of approximately \$675,000 will be allocated to the Community Coalition, and will be transferred as of July 2018 enabling the Coalition to partner with other community coalitions and non-profits throughout the state to address the crisis.

Trutanich reported as part of the Prescription for Addiction Program, the AGO also received approval to hire an investigator to participate in the federal government’s taskforce. The investigator was hired in January 2018 and embedded in the FBI. Trutanich stated this is a great first-time partnership and collaboration.

Trutanich also reported that in addition to the Prescription for Addiction Program, the AGO hired the first statewide opioid coordinator Terry Kerns in 2017, using federal grant money from DHHS. Trutanich stated this is a real win for the State because Kerns is perfect for the job. She is a career FBI Agent and Registered Nurse, and she holds degrees in the medical profession and emergency management. Kerns understands the intersection between law enforcement and

public health. Kerns position is yet another example of the fact the opioid epidemic is both a law enforcement and public health issue.

Trutanich reported April 28, 2018, was Drug Take Back Day in the state of Nevada. The event was successful statewide. Kerns and General Laxalt attended the event at Las Vegas Metropolitan Police Department (LVMPD), a designated take back location with the DEA Special Agent in charge.

Trutanich also reported the AGO filed a lawsuit against Purdue Pharmaceuticals for its role in creating and exacerbating the drug epidemic with respect to opioids in the State. The lawsuit is pending, no further information can be provided at this time. The AGO is also involved in multi-state efforts with respect to other drug manufacturers and distributors.

Trutanich reported Cyndi Yenick of the BubHugs Foundation would be relaying her family's story and the good work of The BubHugs Foundation. Trutanich expressed his encouragement of BubHugs continued success, hopefully using resources from the statewide community coalition.

Trutanich introduced Cyndi and Ed Yenick. The Yenicks reported on the foundation BubHugs, a successful program for prevention among young people. Trutanich expressed that prevention is a goal of the Prescription for Addiction program, to stop addiction before it happens. The Yenicks talked about the statistics they have collected in the last several months in their endeavor to prevent youth from becoming addicted.

Cyndi Yenick stated the first few months of their science based and data driven youth prevention program, "This Is 'Not' About Drugs, was a positive and rewarding experience for her and her husband Ed. Yenick reported it was also emotional and gut wrenching to hear the personal stories of how the opioid drug epidemic has affected so many lives.

Yenick explained that a youth presentation was given to approximately 1,520 students in five cities and towns in Nevada. (*See Attachment One.*) Students were given a survey before and after the presentation, testing their knowledge regarding drug misuse. The survey results reflected a significant increase in the students' knowledge after the presentation. (*Attachment One, p. 9-13.*)

Yenick stated that this data reflects the problem is not only about drugs, but also about educating our youth of the dangers in misusing pain killing prescription opioid drugs. Yenick reported that a shocking 36% of the students who completed

the survey either knew or preferred not to say they knew someone misusing prescription pain medication.

Yenick reported Nevada trended 14.7% higher than the national average of high school students who took prescription pain medicine without a prescription, or who took the drugs differently than prescribed.

Yenick stated the creation of the Nevada Prescription Drug Abuse Prevention Act, Assembly Bill 474 (2017 Legislative Session), made Nevada the leader across the nation. The law expands and updates state laws on the reporting of drug overdoses, provides prescribing protocols for healthcare providers on controlled substances for the treatment of pain, and enacts the Prescribe 365 initiative.

Cindi Yenick stated that they are the administrators for the BubHugs program in the state of Nevada, and they can certify other trainers.

Yenick recommended Nevada expand and continue its proactive stance against the opioid epidemic by mandating Nevada's students attend annually, in the first or second year of high school, a science based and data driven prescription pain pill opioid misuse and abuse training class, such as the BubHugs' presentation, which she reported will receive SAMSA certification in the next few months.

Yenick stated the age range of the students who participated in the presentation and survey were mostly freshmen and sophomores in high school, although they gave a presentation to students in 8<sup>th</sup> grade and even younger during their visits to the Boys and Girls Clubs.

Cindi Yenick stated she feels students believe heroin is dirty and prescription drugs are clean because they come from a doctor. The Yenicks are trying to teach the students that if prescription drugs are abused, they are just as dangerous as heroin. Cindi Yenick stated Linda Lang, from the Nevada Statewide Coalition Partnership, has been working with them on this project.

Mark Jackson inquired why they were targeting 9<sup>th</sup> and 10<sup>th</sup> graders. Ed Yenick stated the information they received from Overdose Lifeline indicates the appropriate age range is 6<sup>th</sup> grade students to freshmen in college however, the Yenicks felt it is key to target incoming high school students.

Jackson stated Douglas County has seen an increase in the amount of drug use in younger juveniles, where they used to see it in middle school aged children.

They are now seeing drug abuse in children as young as eight years old. He associated the drug abuse with the introduction of marijuana in the home.

Lang agreed with Jackson on the increased usage of drugs by children between nine and 13 years of age. She stated with the community coalition dollars, multiple strategies are needed across multiple grade groups to cover elementary schools up through college. Lang stated the presentation was geared toward middle and high school students which in Nevada starts in 6<sup>th</sup> grade. The schools able to schedule presentations of the pilot program were mostly in high schools.

General Laxalt thanked the Yenicks for their work and commended them for being able to take the tragedy that they suffered and turn it into something positive for our state. General Laxalt invited the Yenicks to describe their participation in the DEA Youth Opioid Summit held at the Venetian Hotel in Las Vegas. Approximately 1,000 sophomore students attended and heard guest speakers including General Laxalt. At the Summit, the Yenicks, Chris Angel, and Ryan Leaf, they talked about their personal experiences and the misuse of drugs. Dr. Miriam Adelson presented on the development of the human brain up to age 21 and what the abuse of prescription drugs can do to the brain.

General Laxalt stated the students at the summit were school leaders who volunteered to go back to their schools and be ambassadors. The goal is to offer this summit in Northern Nevada. General Laxalt reported they are also trying to get speakers, who will resonate with young people, such as athletes or entertainers that came from Northern Nevada. Any ideas for speakers are welcomed and can be submitted to Patty Cafferata.

Lang inquired about a planning group for a northern summit and offered to help with resources for getting someone like Chris Angel or another well-known entertainer to participate.

**6. Report on Statewide Partnership on the Opioid Crisis Working Group (SPOC).**

*Terry Kerns, Nevada Attorney General Law Enforcement Substance Abuse Coordinator.*

Terry Kerns described the AGO's Statewide Partnership on the Opioid Crisis Committee (SPOC). Two subcommittees were formed under SPOC, one the Subcommittee on Information Sharing of Real Time Data, and the Coroner Training Subcommittee.

Kerns stated in the subcommittee on Information Sharing on Real Time Data meeting, there were representatives from multiple disciplines, including but not limited to law enforcement, public health, coroners, medical examiners, health care, and non-profit organizations. The goal of this subcommittee is to coordinate law enforcement and health care providers in obtaining real time data to prevent overdose deaths. There was discussion on procedures to coordinate and exchange of information between first responders and public health agencies utilizing a system called ODMAPS, a high intensity drug trafficking area (HIDTA) a free dashboard application that can be downloaded onto a cell phone or tablet. The three data points entered are: 1) whether the overdose was fatal or non-fatal, 2) whether Nalaxone was administered and, if so, the amount, and 3) the location of the overdose. Those who enter this data are Level I users. Level II users receive notification of spikes in overdose deaths and public health, then, analyze this data to confirm the spike. This information is already provided to the Department of Public and Behavioral Health (DPBH) by emergency rooms through a program known as Essence. The subcommittee discussed entering one year's prior data into ODMAP so the system will understand a spike. The subcommittee also discussed Nalaxone administration alone does not mean an overdose. There was some reservation expressed about ensuring analysis of the data before taking action and pushing of the information to the public. The subcommittee discussed how this information can be shared under HIPAA and 42 CFR 2 (2). They also discussed running a trial with Las Vegas Fire and Rescue using ODMAP. That approval is still pending approval from the county. After the meeting Humboldt County and Carson City offered to run pilot programs. Those trials are in the process to obtain approvals and get started.

Kerns stated that the STR grant will be requesting applications (Request for Applications - RFA) for communities to develop a response plan to a spike in overdose deaths. There is \$5,000 to develop a plan, and \$5,000 to implement the plan, for a total grant of \$10,000.

Patty Cafferata stated she along with Kerns and Peek will be meeting with Humboldt County representatives in Winnemucca on June 25, 2018 to discuss running a trial with ODMAP. They will meet with the various agencies such as the hospital and ambulatory service, chief of police, and sheriff's office. Each agency will need to execute its own MOU with HIDTA.

Cafferata stated they already held two meetings with Carson City, a unified government, meaning a MOU with each individual agency will not have to sign an agreement, but Carson City will execute one agreement.



Cafferata stated Keith Carter of HIDTA has been in contact with Washoe County Sheriff to adopt ODMAP. Because they had three overdose incidents in the last ten days, where Nalaxone was administered to two of the three persons that overdosed, the sheriff should be entering this data in ODMAP.

General Laxalt stated that between Douglas and Washoe Counties we should have two more willing agencies, and we should reach out to them as soon as possible. Jackson agreed and stated that the current sheriff and future sheriff should be on board. Cafferata stated she would be in touch with Douglas County.

Kerns noted Julia Peek, though DPBH, sent out a technical bulletin to EMS providers and law enforcement agencies on ODMAP.

Stephanie Woodard clarified the current opioid overdose reporting is actually seven days, as close to real time as possible. An issue with Essence is information is pushed out every 24 hours and it is syndromic surveillance, (using health related data before a diagnosis), so it is less accurate in identifying specific opioid overdoses.

Then, Kerns reported on the second SPOC subcommittee, the Coroner Training Subcommittee. Present at their meeting were representatives from various agencies including law enforcement, coroners, medical examiners, and public health. The main goal of this subcommittee is to attain accurate reporting of opioid overdose deaths. The group discussed communications between the coroner and the rural county sheriff offices on reporting opioid deaths.

Kerns stated during the subcommittee meeting, John Fudenburg of the Clark County Coroner's Office asked if all the suspected overdose deaths are being sent to the corresponding coroner or medical examiner's office for an autopsy. He stated autopsy cost is an issue, and gave the example if a sheriff finds a body in a bathroom with a needle in the arm and foam at the mouth, there are a lot of sheriffs across the country, who will not send those cases in for an autopsy because they think they know the cause of death there is no need to spend the approximately \$2,500 for an autopsy. In some cases, other related costs they do not want to spend an additional \$300-\$500 to obtain a toxicology report. The cost of transporting the body could increase the cost to \$3,000-\$4,000 for a total cost of an autopsy of \$5,000. All law enforcement present at the subcommittee agreed that the cost of an autopsy is a consideration.

The following were discussed at the subcommittee: Washoe County presented information on the different systems for reporting death investigations.

Washoe County is a medical examiners system, Clark County is a coroners system, and in the rural counties a sheriff's office is the coroner.

There was discussion on how to become a certified death investigator through the International Association of Coroners and Medical Examiners or the National Association of Medical Examiners. To learn more about investigating deaths, Fudenberg offered his office to accommodate sheriffs and/or their deputies who wish to spend a week in Las Vegas and shadow their investigators. Washoe County extended this invitation as well. Fudenberg mentioned a Coroner training on July 22-26, 2018 at their office which is POST-certified.

Kerns added Fudenberg stated developing a statewide guide of best practices to investigate deaths would be helpful.

Kerns, Fudenburg, and Knight will work on developing the best practices guidelines for death investigations.

Fudenberg reminded everyone that there was a bill that was passed several years ago which stated that counties may collect \$1 for each death certificate sold in their county. Clark County sells an average of nine certificates per death. The funding can be used to train coroner staff, fund a coroner youth program, and purchase forensic equipment, not funded by county government.

**7. Report on Public Service Announcements (PSAs) Related to Nevada's Opioid Crisis.**

*Linda Lang, Executive Director–Nevada Statewide Coalition Partnership.*

Lang reported completion of Nevada's Good Samaritan Drug Overdose PSA. The PSA is written to reduce the stigma on calling 911 for help if you suspect someone is experiencing medical issues.

The PSA will be ready to be aired at the end of August. Lang and Nevada Attorney General Communications Director Monica Moazez collaborated with the Nevada Broadcasters Association on this PSA. They hope to be able to offer a preview of the PSA at the next Substance Abuse Working Group meeting.

**8. Distribution of DisposeRx packets with Every Acute Schedule II Opioid Prescription Dispensed from WalMart and Sam's Club Pharmacies.** *Anna Carr, Pharmacist–WalMart.*

Anna Carr presented WalMart's DisposeRx program as part of the company's

major safety campaign across the United States. This program is WalMart's proactive measure to be a part of the broader solution to drug abuse. WalMart promotes DisposeRx as the first of its kind opioid disposal program available at no cost at all of its 4,700 pharmacies nationwide. Carr stated DisposeRx offers an effortless way for patients to safely dispose of their unused opioids or prescription medications without ever having to leave their homes.

Lang stated that she has been working with Carr, and WalMart provided her coalition with approximately 400 DisposeRx packets that were distributed statewide.

**9. Legislative Bill Draft Proposals/Ideas for the 2019 Session.**

*Nick Trutanich, Chief of Staff, Office of the Nevada*

Trutanich discussed a possible Real Time Reporting Bill. The intent of this bill would be to authorize emergency medical service providers, first responders, and law enforcement to report certain pre-hospital opioid overdoses into an information technology platform that is as close to real time reporting as possible. A seven day reporting requirement was discussed in the meeting, however the state of Nevada should look into shortening that timeline, closer to real time as possible.

Trutanich stated this bill has the potential to save many lives, and noted that Kerns has been given the task to find a way to bridge the gap between public health and law enforcement. Public health has the ability to disseminate information to the public. For example, if there is a bad batch of heroin or other illegal drug killing people, if the state waited seven days to report the issue, the public would not be aware, and the message of dirty drugs on the street would not getting to the public. Real time information is important so the public health agencies and law enforcement receive the information and make the necessary determinations to target specific areas where deadly drugs may be circulating.

Woodard thanked the AGO for proposing this bill, stating the huge gap in information sharing. She added AB 474 (2017 Legislative Session) was a step in the right direction, but it has been subsequently recognized that seven day reporting is not sufficient.

Woodard stated that EMS is in the process of onboarding a new electronic health record (EHR) with many capabilities including geomapping. Woodard believes that the EMS agencies who are using an EHR may already have a

mechanism for real time reporting.

Woodard noted they have to be conscientious of data integrity and make sure that they are able to de-conflict the data. She explained sometimes they are getting information that needs to be cleaned before it is disseminated.

A.J. Delap stated with these types of measures, they certainly see what can be gained but the weight of detail is always going to be a struggle based on the volume of their work. Research needs to be conducted on exactly what information needs to be reported as their officers are not medically trained.

Trutanich presented the second proposed bill reiterating the efficacy of evidence based drug prevention programs targeted at adolescents and early high school students. The AGO has heard from the public more of these programs are needed. Exploration of the possibility of authorizing and/or mandating middle school and/or high school classrooms to get drug prevention education through an evidence based forum during classroom time is important.

Woodard asked if in the current high school curriculum there are standards already identified to address substance abuse. Lang stated there are current state standards requirements for a drug education.

General Laxalt asked Lang for her collaboration in determining what is currently in place in terms of state requirements and how they are being met, especially since there has been such a high spike in this activity in certain areas. It may be that the current program is outdated and needs to be updated to issues that are a problem for our youth today.

Kerns added Carson City provided her with their curriculum. Kerns reported each school implements a different program, as they see fit to meet the needs of their district.

Lang will provide Cafferata with the NRS regarding the state requirements for review as a starting point.

Woodard suggested using information, such as YRBS, a Youth Risk Behavior Survey, conducted on odd numbered years in middle and high school students. YRBS is the only real school specific data source for the state. YRBS and other information collected by the coalitions can be used to show that we should be data driven in intervention. Woodard stated the opioid crisis may be the issue of the day, but methamphetamines never really went away.

Larry Pinson stated he has amendments to SB 59, (2017 Legislative Session) which would potentially interface law enforcement information with the Prescription Monitoring Program (PMP).

**10. Action Plan for 2018–Possible Goals**

- A. Coordination of drug activities between law enforcement and health care providers.
- B. Implementation of ODMAP Statewide. *See Attachment Four (4).*
- C. Effects of substance abuse on law enforcement, prisons, and other correctional facilities.

Cafferata reported Kerns has been working with the Department of Corrections on drugs in the prisons. Recently, there was a fentanyl death reported in one of the prisons. There was also a confiscation of crystal meth from someone trying to smuggle it into the Ely prison. Kerns has been talking to the prisons on how we can interface to address the drug problem. However, ODMAP is not the program to work with prisons.

Woodard reported working with Department of Corrections' Parole and Probation, Clark County Detention Center, and Clark County Specialty Courts to look at starting a pilot program using Suboxone, one of the long acting buprenorphine products.

Woodard reported many of the correctional facilities hesitate to use medication assisted treatment (MAT) because of the issues and concern around illegal diversion. A partial answer was the implementation of using Vivitrol or Naltrexone, within law enforcement facilities.

Woodard reported by designing a program through the law enforcement sequential intercept model, there is an opportunity to engage individuals and discuss the medications most appropriate by recognizing criminal justice populations are unique. There is a greater opportunity using STR money to purchase FDA approved cost prohibitive medications, bringing these medications to the prisons.

General Laxalt stated that they will continue working on these goals and invited the members to reach out to Cafferata with anything else they would like to present to the group.

**11. Tentative Quarterly Meeting Schedule.**

The next quarterly meeting is Thursday, September 27, 2018.

**12. Public Comment.**

Jennifer Snyder commented on intervention through evidence based prevention programs in schools. She stated this subject was discussed at the last Washoe County Regional Behavioral Health Board meeting. She has researched and discovered some states implement those activities in schools. She has information from the State of Massachusetts she can provide to the working group.

Ed Yenick stated they would support a mandating legislation for evidence based drug prevention programs in our middle and high schools. In the experience of BubHugs, they have found many school administrators do not want to bring this subject into their school. He thinks if the schools accept this type of program, they are admitting that there is an opioid problem in this school.

**13. Adjournment.**

Pinson moved to adjourn the meeting. Jackson seconded the motion. The motion was unanimously passed. The meeting adjourned at approximately 1:36 p.m.

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*Minutes respectfully submitted by:  
Esmeralda I. Velazquez, Legal Secretary II  
Nevada Office of the Attorney General*