



# OFFICE OF THE ATTORNEY GENERAL

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## Statewide Substance Use Response Working Group Meeting

November 16, 2021

1. Call to Order and Roll Call to  
Establish Quorum

## 2. Public Comment

(Discussion only.)

# Public Comment

- Public comment shall be limited to three (3) minutes per person. We will begin with comments from Las Vegas and then invite comments from Carson City, followed by online participants.

## In Person

- Please form a line.
- Before speaking, please state your full name for the record.

# Public Comment

## Attending Online

- Please use the “raise hand” feature to indicate you would like to provide public comment so the host can prompt you to unmute.
- If you are dialing in from a telephone and would like to provide public comment, please press \*9 so the host can prompt you to unmute.
- Before speaking, please state your full name for the record.
- \*Comments can also be emailed to [lhale@socialent.com](mailto:lhale@socialent.com). These comments and questions will be recorded in meeting minutes.

# 3. Welcome and Self- Introduction of SURG Members

(Discussion only.)

Name

Affiliation

Role as an Appointee

(One minute introduction per appointee)

# 4. Election of Working Group Chair and Working Group Vice Chair

(For possible action.)



# 5. History and Overview of the Legislation, including role and mission. (AB374 from the 2021 Legislative Session)

(Discussion only.)

# History and Overview of the Legislation, Including Role and Mission

- Assemblywoman Jill Tolles (Assembly District No 25)
- Christine Jones Brady, Second Assistant Attorney General, Office of the Attorney General
- Stephanie Woodard, PsyD, Department of Health and Human Services Senior Advisor for Behavioral Health

AB374

Statewide Substance Use  
Response Working Group  
(SURG)

81<sup>st</sup> Legislative Session

Jill Tolles, Assembly District 25



# Background

In November of last year, the National Drug Helpline placed Nevada as one of 28 states on “red alert” status for increased risk of death from overdoses from opioids and other drugs.

The COVID-19 pandemic has amplified the existing opioid crisis. According to DHHS, Nevada has seen a 50% increase in opioid and fentanyl-involved drug overdose deaths since the onset of the pandemic.

The National Safety Council reports that overdoses kill more of us than breast cancer, guns, and car crashes combined.

In 2017, 626 Nevadans lost their lives impacting countless brothers, sisters, mothers, fathers, children, spouses and friends.



# Stakeholders

Attorney General's Office

Department of Health and Human Services

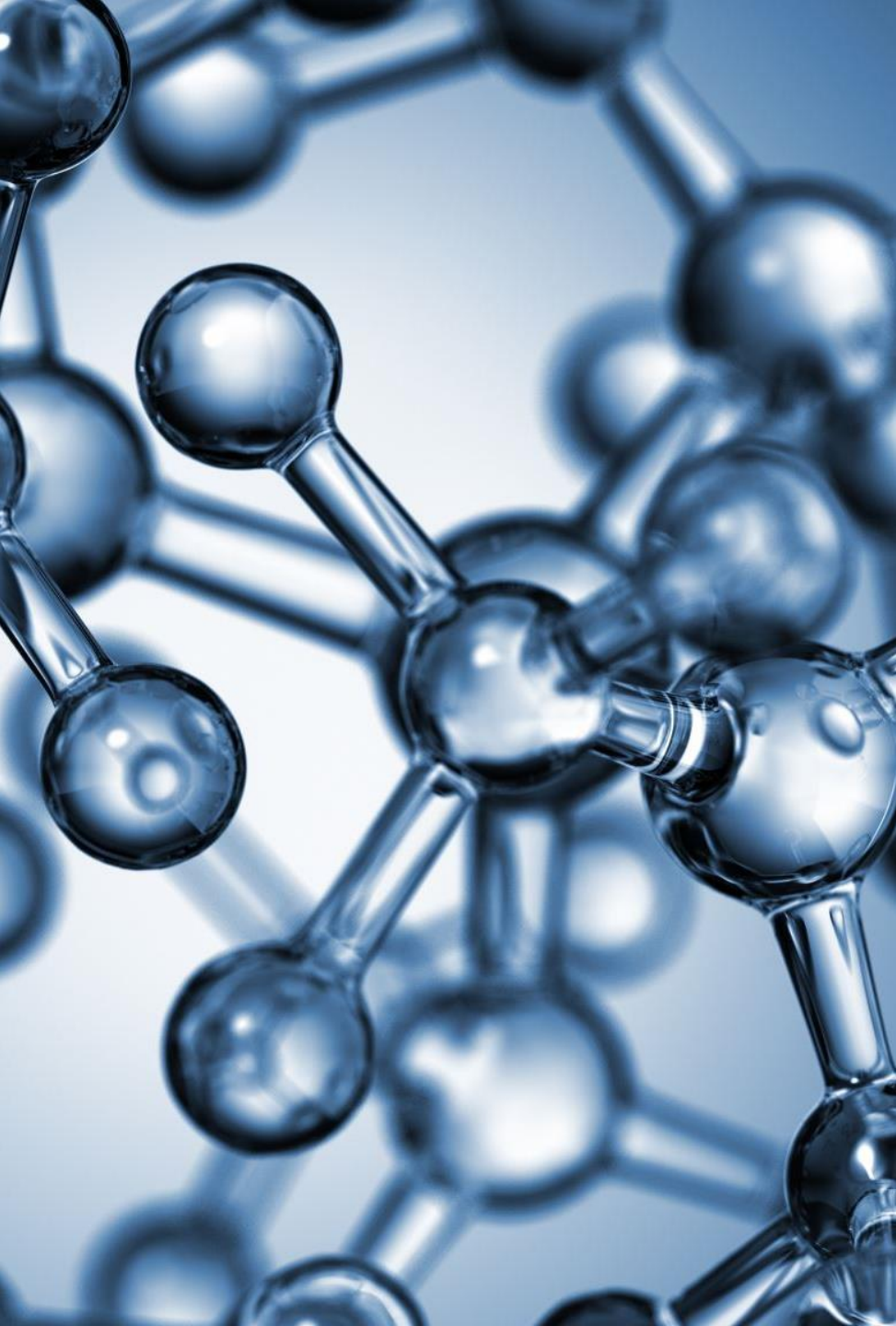
NACO

Shatterproof

Mental Health and Recovery Prevention and Treatment Community

Individuals, Families, and Communities





# Working Group Members

Attorney General or designee

Director of DHHS or designee

Senate Minority and Majority Representatives

Assembly Minority and Majority Representatives

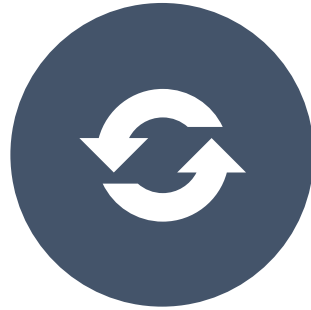
Attorney General Appointees:

- Local Governments (North, South and Rural)
- Health Care Treatment Provider
- NV Sheriff's and Chiefs
- Advocate for Persons with SUD and Families
- Person in Recovery
- Treatment Service Provider
- Coalition Representative
- Harm Reduction Program Representative
- Hospital Representative
- School District Representative

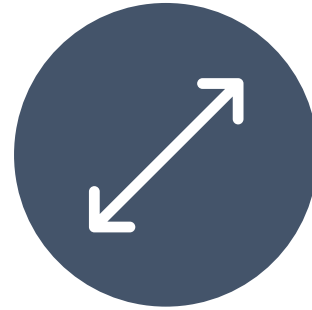
# Duties



EVALUATE



COORDINATE



EXPAND



RECOMMEND

# Evaluate

## Prevention and Treatment Programs

- Assess evidence-based strategies.
- Evaluate existing pathways to treatment and recovery.
- Examine programs for opioid use and co-occurring disorders.

## Criminal Justice System

- Review criminal justice system programs.
- Study effects of substance use disorders on the criminal justice system and correctional facilities.
- Study effectiveness of criminal and civil penalties.

## Additional Factors

- Examine risk factor data and special populations.
- Evaluate economic effects of SUD's.
- Study the sources and manufacturers and methods for preventing trafficking.





# Coordinate

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**Expand**      Expand statewide and local efforts.

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**Improve**      Improve coordination and reduce duplicative data between agencies.

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**Develop**      Develop response and overdose prevention strategies for law enforcement and health agencies.

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**Evaluate**      Evaluate information sharing between agencies.

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# Expand

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Improve and expand evidence-based recovery programs to treat and support.

Study and expand implementation of education and harm reduction programs.

# Recommend

Make recommendations relating to prescriptions to state Boards, the Health Division, Governor and Legislature.

Study, evaluate and make recommendations to DHHS on the use of money received from settlements, civil judgments, gifts, grants or donations, and state and local funds.

- Supplement not supplant existing state or local spending;
- Used for evidence-based interventions;
- Support programs for prevention of SUD's in youth;
- Improve racial equity; and
- Reporting by state and local agencies to the public on program funding.

# Annual Reporting

- Settlement Money
- Civil Judgment Money
- Gifts, Grants, Donations
- State and Local Spending

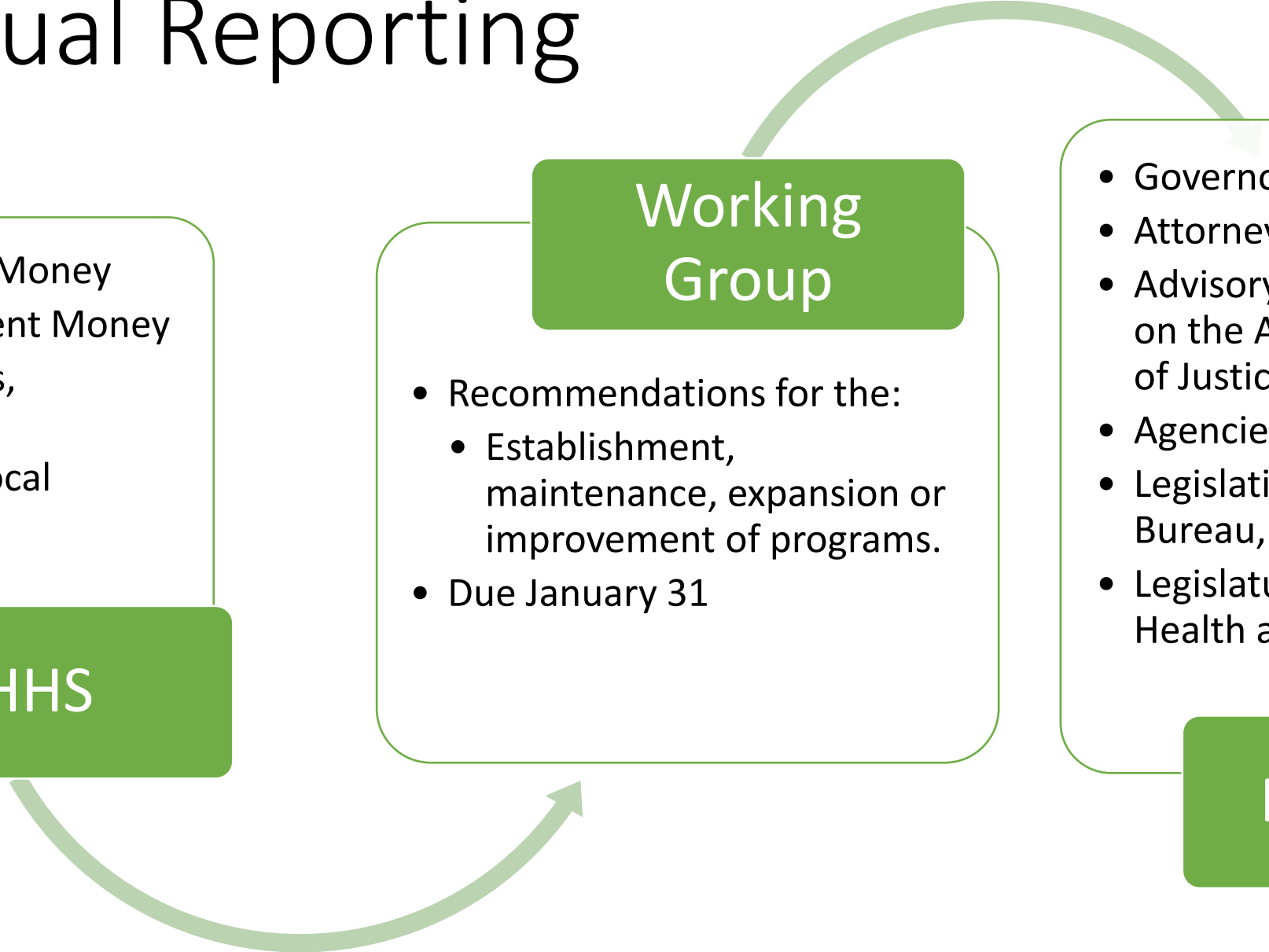
DHHS

Working Group

- Recommendations for the:
  - Establishment, maintenance, expansion or improvement of programs.
- Due January 31

- Governor,
- Attorney General,
- Advisory Commission on the Administration of Justice,
- Agencies,
- Legislative Counsel Bureau, and
- Legislature, Interim Health and IFC.

Recipients



# Questions?

Thank you!

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## **AG's Substance Use Working Group (SURG)**

- Appointees of AG, Legislative leadership
- Not tied to a specific funding stream
- Conducts a review of data, programming, existing funding to establish needs
- Primary goal to develop recommendations for the establishment, maintenance, expansion or improvement of programs to address substance misuse and substance use disorders broadly
- Requires reporting to a number of bodies, including Governor, AG, and Legislature
- DHHS reports to the SURG on the Fund for a Resilient Nevada and all other funds relating to substance misuse and substance use disorders

## **Advisory Committee for a Resilient Nevada (ACRN)**

- Appointees of DHHS, NOMHE, AG
- Specific to the Fund for a Resilient Nevada
- Conducts a review of data, programming, existing funding to establish needs
- Primary goal is to develop recommendations to the DHHS for the allocation of funding through a state plan to address the impacts, risks, and harms of the opioid crisis
- Requires reporting to a number of bodies, including the Governor, AG, and Legislature

# 81<sup>st</sup> Nevada Legislative Session: Senate Bill 390

- Sponsored by the Senate Committee on Health and Human Services
- Championed by Senator's Ratti and Senator Kieckhefer
- Supported by Assemblywomen Jill Tolles
- Passed in Nevada's 81<sup>st</sup> Legislative Session
- Has a reciprocal relationship to the Attorney General's Substance Use Response Group (Tolles; AB 374)
- Signed into law by Governor Sisolak June 4, 2021
- SB 390 also includes key legislation for 988 and the Crisis Response Account

# Assembly Bill 374

- Created the Attorney General's Substance Use Response Group (SURG)
- Sponsored by Assemblywomen Jill Tolles, Co-signers from the Assembly included Gorelow, Hafen, Nguyen, Orentlicher, Peters, Roberts, Summers-Armstrong, Thomas, and Senators Gansert and Ratti
- Establishes the appointments for the SURG
- Sets forth the scope of work for the SURG including the review and recommendations for prevention, early intervention, harm reduction, treatment, recovery, law enforcement/criminal justice, and data surveillance
- Includes all substances use
- Results in recommendations and the development of a state plan



# 6. Opioid Litigation Settlement.

(Discussion only.)

# Nevada's Opioid Litigation

- Christine Jones Brady, Second Assistant Attorney General, Office of the Nevada Attorney General
- Mark J. Krueger, Chief Deputy Attorney General, Office of the Nevada Attorney General, Bureau of Consumer Protection

# Nevada's Opioid Litigation

Resources for Information:

[https://ag.nv.gov/Hot\\_Topics/Opioid\\_Epidemic/](https://ag.nv.gov/Hot_Topics/Opioid_Epidemic/)

Will find:

- Declaration of Findings
- Contingency Fee Contract
- Second Amended Complaint
- One Nevada Agreement on Allocation of Opioid Recoveries

# Nevada's Opioid Litigation

- **Declaration of Findings** – On January 24, 2019, the Governor (in consultation with the Attorney General) declared an opioid epidemic in Nevada requiring assistance of outside counsel for litigation
- **Contingency Fee Contract** – On May 2, 2019, the State of Nevada retains the law firm of Eglet Adams for litigation regarding the opioid epidemic
- **Second Amended Complaint** – Filed on March 9, 2021, the State of Nevada sues defendants to hold them accountable for the opioid epidemic in Nevada
- **One Nevada Agreement on Allocation of Opioid Recoveries** – Effective August 9, 2021, the State of Nevada and ALL litigating local governments enter into an agreement to allocate any recoveries in any of their respective litigations for the purpose of remediating the harms, impact, and risks caused by the opioid epidemic in Nevada.

# Nevada's Opioid Litigation

- **Second Amended Complaint**

- 61 Defendants
- Some defendants have or are going to file bankruptcy
- Comprehensive complex litigation with multiple causes of action
- Unique in the Nation because defendants include manufacturers, distributors, and pharmacies
- Currently in the discovery phase – The State has produced 2,640,681 documents (15,751,269 pages) totaling 3.030 terabytes
- State and Defendants are in the process of taking depositions of witnesses
- Trial Date of April 17, 2023

# Nevada's Opioid Litigation

- **One Nevada Agreement on Allocation of Opioid Recoveries**

- An Agreement between the State of Nevada and ALL litigating local governments
  - Includes all counties (even if they are not litigating) because it is a statewide epidemic
  - Includes all litigating cities
- Important because:
  - It will help with settlement negotiations with any of the defendants in any Nevada opioid case
  - Provides a fair and equitable allocation of recoveries so that each community can use those funds
  - Fairly allocates the cost of the litigation
  - Provides a fair and equitable mechanism for the bankruptcy courts to distribute recoveries to Nevada
- Amount allocated to Nevada is deposited into the Fund for Resilient Nevada
  - Fund for Resilient Nevada allows for cooperation between the State and Counties to remediate the epidemic through evidences based best practices based upon need
  - Opioids epidemic doesn't care about State, County, or City borders or lines – it just kills!

# 7. Overview of Open Meeting Law

(Discussion only.)

# Overview of the Open Meeting Law

- Rosalie Brodelove, Deputy Attorney General, Office of the Attorney General



# Nevada Open Meeting Law 2021 Mini Training

Rosalie Bordelove  
Chief Deputy Attorney General  
Boards and Open Government Division

# Open Meeting Law (OML)

- NRS Chapter 241
- “[P]ublic bodies exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” NRS 241.010.
- Applies to meetings of public bodies, including subcommittees.

# What is a “Meeting”?

- Under the OML, a “meeting” requires:
  - **Quorum + Deliberation *or* Action**
- Quorum means a simple majority of the total body or other proportion established by law.
- Deliberate means collectively to examine, weigh and reflect upon the reasons for or against an action.
- Action means a majority vote of the members present.

# What is a “Meeting”?

- A gathering of a quorum at a social function is *not* a meeting *as long as* there is no deliberation or action.
- Exceptions:
  - Training regarding the legal obligations of the public body, so long as there is no deliberation
  - Attorney client conference regarding pending or existing litigation, can include deliberation

# What is a “Meeting”?

- Electronic communication between a quorum of members can constitute a meeting.
  - Email pitfall: “reply all”
- Serial communications or “walking quorums” constitute a constructive meeting.
  - A constructive quorum can exist with less than a quorum speaking together at any given time if opinions are relayed between members.

# Meeting Notice and Agenda

- Requirements can be found in NRS 241.020
  - Time, place, location of meeting (or remote access information)
  - Clear and complete statements of items
  - Action items denoted as “for possible action”
- Posted no later than 9 AM of the 3rd working day before the meeting.

# Additional Requirements

- Additional notice required for consideration of a person's character, misconduct or competence or to take administrative action against a person.
- An emergency meeting may only be called where the need to act upon a matter is truly unforeseen and circumstances dictate that immediate action is required.
- Supporting material is required to be available to the public at the time it is provided to members.
- Meetings must be recorded or transcribed.
- Minutes must be kept in conformance with NRS 241.035.

# Public Comment

- Minimum requirement:
  - Two options—general or limited to agenda items prior to any action item *or* on each action item after discussion, but prior to vote
  - General public comment period at some time prior to adjournment
- Restrictions must be reasonable time, place, and manner restrictions. NRS 241.020(3)(d)(3)
- The OML does not “[p]revent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.”



# Closed Sessions

- Closed sessions may be held by a public body to consider the character, alleged misconduct, professional competence or physical or mental health of a person. NRS 241.030
  - May also be held to grade examinations.
- Exceptions:
  - Appointment of a member to the public body
  - Consider the chief officer of the body/agency
- Action must still occur during a public meeting.

# Virtual Meetings

- Entirely virtual meetings are now permitted under the OML.
- Additional requirements for entirely virtual meeting:
  - Post agenda and supporting material to website
  - Accept live public comment
  - Offer a call-in number to the public
  - Reasonably ensure that any person non-member, who is otherwise required or allowed to participate is able to participate

# Virtual Meetings

- Members are still permitted to attend virtually without offering virtual options to the public, so long as physical location for public to attend and provide public comment is provided
- Public must be able to hear and observe to the same level as members
  - Pit-fall: chat function in remote technology system



# 8. Review and Adoption of the Bylaws. (For possible action.)

(For possible action.)

# Review and Adoption of the Bylaws

- Terry Kerns, Substance Abuse/Law Enforcement Coordinator, Office of the Attorney General
- Working Group Chair

# 9. Review, Discussion and Possible Adoption of the SURG Meeting Schedule and Priorities for the Upcoming Year to Accomplish the Business of the Working Group.

(For possible action.)

# Review, Discussion and Possible Adoption of the SURG Meeting Schedule and Priorities

- Working Group Chair
- Stephanie Woodard, PsyD, Department of Health and Human Services Senior Advisor for Behavioral Health





# Goals of the Discussion



Use the meeting as the foundation for the SURG annual report for 2021.



Establish a framework for the SURG meetings throughout 2022.



Set agenda topics for the quarterly meetings.



Determine the meeting schedule and agenda for the first quarterly meeting in January 2022.

# Review of Duties of the SURG

- Leverage and expand current efforts across departments and agencies to **prevent and reduce substance use** including, but not limited to heroin, opioid, and stimulant use and identify ways to enhance current efforts through coordination and collaboration.
- Access **evidence-based prevention and intervention efforts** to significantly reduce the burden of substance use, including but not limited to heroin, synthetic and non-synthetic opioids, and stimulants. Recommendations must include:
  - primary, secondary, and tertiary prevention
  - access to harm reduction interventions and
  - overdose prevention strategies.

- **Assess and evaluate existing pathways to treatment and recovery** for those who suffer from addiction including, but not limited to, special populations such as:
  - individuals who are incarcerated
  - youth
  - elderly
  - pregnant women
  - intravenous drug users
  - non-violent drug offenders whose crimes are primarily driven by addiction, and
  - disproportionately impacted populations.
- Work to understand how Nevadans are able to **access treatment and recovery supports from various points on the sequential intercept model**. This includes a full review of Nevada's existing law enforcement diversion, deflection and reentry programs.

- **Improve and expand evidence-based or evidence-informed programs, procedures and strategies** to treat and support recovery from opioid use disorder and any co-occurring substance use disorder particularly in special populations such as:
  - individuals who are incarcerated
  - youth
  - elderly
  - pregnant women
  - intravenous drug users
  - non-violent drug offenders whose crimes are primarily driven by addiction and
  - disproportionately impacted populations.
- **Support systems and programs for persons who are in recovery** from opioid use disorder and any co-occurring substance use disorder.

- **Recommend processes and regulations** to ensure that opioids are prescribed appropriately and in accordance with NRS 639.2391 to 639.23916.
- **Examine qualitative and quantitative data to understand the risk factors that contribute to substance use and the rates of substance use and addiction in the citizens of Nevada** including a focus on:
  - health equity and identifying disparities within racial and ethnic populations, geographic regions, and specific populations including veterans, pregnant women and parents with dependent children, LGBTQ, Youth, individuals who inject drugs, individuals or families involved in the criminal justice, juvenile justice, and child welfare systems, non-violent drug offenders whose crimes are primarily driven by addiction and disproportionately impacted populations.

- Develop strategies and implementation plans between local, state and federal law enforcement entities and public health to **prevent and respond to overdose**.
- Study the efficacy and expand implementation of programs available to **educate youth and families** about the effects of substance abuse, and programs aimed at **reducing harms associated with drug use** and referring to evidence-based treatment.
- Improve coordination between local, state and federal law enforcement agencies and public health entities to **enhance the communication of timely and relevant information and data** and reduce duplicative data reporting and research activities.
- Evaluate the current systems for sharing information between departments and agencies regarding the **trafficking and distribution of licit and illicit substances** including but not limited to stimulants, heroin and opioids.
- Study **the effect of substance abuse on the criminal justice system**, including law enforcement and correctional facilities.
- Study the sources and manufacturers of substances which are abused, as well as **methods and resources to prevent the manufacture, trafficking and sale of substances which are abused**.
- Study **the effectiveness of criminal and civil penalties** in preventing substance abuse and the manufacture, trafficking and sale of substances which are abused.
- Evaluate the **impact of substance use disorder on the economy**.

# Considerations for the Framework for SURG Meetings in 2022

Social Entrepreneurs Inc. will provide support to the SURG for meetings including coordinating presentations with presenters, ensuring all materials are prepared for the meetings, detailing decisions made by the group and drafting the annual reports.

Meeting topics may be grouped by subject matter and include relevant presentations of data and information by subject matter experts.

Data presented must include populations as defined by the legislation, when available.

Subject matter experts must adhere to guidelines to address conflicts of interest.

Each presenter would offer recommendations for the SURG to consider. Recommendations may include but not be limited to policies, practices, and programs.

# Considerations for the Framework for SURG Meetings in 2022

- Substance Use Prevention
- Reducing Harms
- Early Intervention and Treatment
- Recovery Supports
- Criminal Justice
- Data and Information Sharing

Discussion to determine framework for SURG





# Set Agenda Topics for the Quarterly Meetings

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Quarter 1: January 2022

Review and Approve Draft Annual Report

Quarter 2: April 2022

Quarter 3: July 2022

Quarter 4: October

Finalize Recommendations for Annual Report

# 10. Public Comment.

(Discussion only.)

# Public Comment

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## In Person

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## Public Comment

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emailed to  
[lhale@socialent.com](mailto:lhale@socialent.com).  
These comments and  
questions will be  
recorded in meeting  
minutes.

# 11. Adjournment.

(Discussion only.)

# Additional Information, Resources & Updates Available At:

[https://ag.nv.gov/About/Administration/Substance\\_Use\\_Response\\_Working\\_Group\\_\(SURG\)/](https://ag.nv.gov/About/Administration/Substance_Use_Response_Working_Group_(SURG)/)



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