

## MEETING NOTES

### Statewide Substance Use Response Working Group Meeting

Wednesday March 9, 2022

10:00 a.m. – 11:41 a.m.

#### Meeting Locations:

Offices of the Attorney General

- Carson Mock Courtroom, 100 N. Carson St., Carson City
- 4500 Conference Room, Grant Sawyer Building, 555 E. Washington Blvd., Las Vegas

#### Zoom Webinar ID:

984 2910 2173

#### Members Present in Las Vegas

Dr. Lesley Dickson, Jessica Johnson, Debi Nadler, and Assemblywoman Claire Thomas

#### Members Present in Carson City

Shayla Holmes, Erik Schoen, Assemblywoman Jill Tolles, and Dr. Stephanie Woodard

#### Members Present via Zoom or Telephone

Chelsi Cheatom, Senator Fabian Donate, Attorney General Aaron Ford, Jeffrey Iverson, Lisa Lee, Gina Flores O'Toole, Christine Payson, and Senator Heidi Seevers-Gansert

#### Members Absent

Barbara Collins and Steve Shell

#### Mercer Staff via Zoom

Jordan Bublik, Dr. Courtney Cantrell, and Kathy Nichols

#### Attorney General's Office Staff

Rosalie Bordelove, Dr. Terry Kerns, and Ashley Tackett

#### Social Entrepreneurs, Inc. Support Team

Crystal Duarte, Laura Hale, Deanna Lyons, Kelly Marschall, Sarah Marschall, and Emma Rodriguez

#### Members of the Public via Zoom

JS Adler, Sarah Adler (Silver State Government Relations), Trey Abney, Taylor Allison, Linda Anderson (NV Public Health Foundation), Abigail Bailey, Sarah Bradley, Lea Case (Belz & Case Government Affairs), Rhonda Fairchild (Tinhil Las Vegas), Morgan Green (CASAT), Hayley Jarolimek (City of Henderson), Madalyn Larson (UNR), Stefaine Maplethorpe (City of Las Vegas), Caitlin Martinez (The Fearless Kind), Marco Mendez (SNHD), Anne-Elizabeth Northan, Darcy Patterson, Jamie Ross (Drug Free Las Vegas), Ariana Saunders, Dorian Stonebarger, Tammie Shemanski (Churchill Coalition), Lea Tauchen (Abney Tauchen Group), and Kadie Zeller (Churchill Community Coalition)

## 1. Call to Order and Roll Call to Establish Quorum

Chair Ford called the meeting to order at 10:01 a.m. Emma Rodriguez called the roll and announced that a quorum was established.

## 2. Public Comment

Ms. Nadler described a student poster competition project at West Tech Academy with *Students Against Substance Abuse*. They hope to get all 1,500 students involved and Ms. Nadler's organization is donating \$1,750, including first, second and third place prizes. She also referenced International Overdose Awareness Day, where grieving moms make most of the contributions. She asked, *what kind of compensation is there for family members who have lost loved ones?* She lost her son to this epidemic, and she is seeing a psychiatrist for PTSD (Post-Traumatic Stress Disorder), and there are thousands of grieving family members, including suicide victims. The lawsuit against pharmaceutical companies cited the death and overwhelming losses of victims' family members. She sees the resources for prevention and treatment, but where is the compensation for grieving families?

The funeral for Ms. Nadler's son cost \$40,000, and they spent \$150,000 on rehabilitation services that exacerbated addiction with heroin and oxycontin. She asked for help in getting more education and information into the classrooms so that they don't have to pay out-of-pocket. She explained that the Department of Health and Human Resources was to pay for a billboard, but now they don't have the funds. She doesn't want Moms Against Drugs on the billboard, but she wants the kids to have pride of ownership for the work they are doing.

Chair Ford thanked Ms. Nadler for her testimony and appreciated her for sharing her vulnerability. Unfortunately, no action can be taken under public comment. Meeting participants and members, including legislators are hearing her loud and clear, as well. He advised Ms. Nadler to consider offline conversations around this issue.

Lisa Lee thanked those who participated in the Prenatal Substance Exposure learning series, Part 1, including licensed professionals and paraprofessionals, as well as foster parents, biological parents, and adoptive parents. She invited everyone to future events including Part 2, a screening of *The Wisdom of Trauma* on May 17<sup>th</sup> at 5:30 p.m. Then Part 3 is on May 18<sup>th</sup> and 19<sup>th</sup>; Washoe County Human Services Agency will partner with the Arizona Trauma Institute for training on the impact of in utero substance use and childhood exposure and how to support these children going forward. Her email address is [lclee@washoecounty.gov](mailto:lclee@washoecounty.gov) for more information.

Rhonda Fairchild thanked attendees at the *Black Monday* event and the *There is no Hero in Heroin* event. The community was thrilled that Attorney General Ford was there and supporting the event. She referenced the proposed subcommittee assignments and suggested that criminal justice reform should have its own subcommittee. It would also encompass the Nevada Department of Corrections, the jails, and parole and probation.

Christine Payson, Nevada HIDTA reported youth education presentations at schools with four different assemblies each day, noting recent overdoses including five children at a middle school, where one child was lost. They are working with the Las Vegas Metro Public Information Office to get out a video to help with messaging to all schools.

Chair Ford thanked Ms. Fairchild for referencing the *Black Monday* and *No Hero in Heroin* events. He went to another event hosted by the Siegels at Westgate Resort, with testimony from families who have lost children. Chair Ford acknowledged the heavy death toll among school-age kids, and he speaks to his own son about kids who have died from pills laced with fentanyl, emphasizing that *one pill can kill*.

## 3. Review and Approve Minutes for January 19, 2022 SURG Meeting

Chair Ford requested a motion to approve the minutes.

- Mr. Schoen asked for an amendment to correct the spelling of his name to *Erik*, from *Eric*.

- Mr. Schoen made a motion to approve the minutes as amended.
- Ms. Nadler seconded the motion.
- The motion passed unanimously.

**4. Appointment of new SURG members: Senator Heidi SeEVERS-Gansert, to serve as a member appointed by the Senate Minority Leader, and Gina Flores-O’Toole, Interim Executive Director, Ridge House, to serve the remaining term as a person who provides services relating to the treatment of substance use disorders.**

Chair Ford confirmed with Ms. Bordelove that the appointments could be made under a single motion, and he asked for a motion to approve the appointments.

- Ms. Lee moved to approve the appointments.
- Ms. Nadler seconded the motion.
- The motion passed unanimously.

Senator SeEVERS-Gansert said Vice Chair Tolles invited her, and she was happy to join the SURG and expressed her thanks for the opportunity.

Ms. Flores-O’Toole said she is very honored to be on the SURG and looks forward to it.

**5. Review and Approve Subcommittee Member and Chair Assignments, Roles, and Responsibilities.**

Vice Chair Tolles explained that three subcommittees were created for Prevention, Treatment and Recovery, and Response. There are cross-cutting requirements for each subcommittee, such as serving special populations.

The Prevention Subcommittee will have a comprehensive view including primary, secondary, and tertiary activities, plus harm reduction. Required activities include everything from leveraging and expanding efforts by state and local government agencies to reducing the use of substances, and making recommendations to the Pharmacy Board, other professional licensing boards and licensed practitioners. They will evaluate the effect of substance use disorders on the economy, study advocacy and expand the implementation of programs.

Vice Chair Tolles thanked Ms. Nadler for bringing the mother’s perspective and her work on prevention efforts. There will be assessment of evidence-based strategies for substance use prevention, as well as quantitative and qualitative data to understand risk factors, and study, evaluate, and make recommendations to the Department of Health and Human Services (DHHS) concerning the use of funds as established in the legislation.

The Treatment and Recovery Subcommittee will be assessing and evaluating existing pathways for effective utilization and identify gaps to improve access for treatment and recovery. They will develop strategies with law enforcement and public health agencies to respond to and prevent overdoses and reduce harms while referring people to evidence-based treatment.

The Response Subcommittee will recommend strategies to improve coordination between local, state, and federal law enforcement and public health agencies, with representation from those different agencies. Information sharing regarding trafficking and distribution of legal and illegal substances will be reviewed. The effects of substance use disorders on the criminal justice system will include a deep dive into the sources and manufacturers of substances, and the effectiveness of criminal and civil penalties, with attention to shared responsibility.

Subcommittee member and chair assignments, as provided in the [meeting documents](#), were based on survey responses. The legislative requirements from Section 10 of [AB374](#) are also in the SURG bylaws and are mapped to the different subcommittees, with cross-cutting elements and special populations identified.

Vice Chair Tolles reviewed [slides](#) with responsibilities for Subcommittee Chairs and members, with the expectation for monthly meetings targeting two or three subcommittee meetings between the quarterly SURG meetings. Subject matter experts (SME) will present to each subcommittee, then a template will be sent out to members to enter their recommendations and the corresponding fields including requirements, justification, actions, impact and comments. Each subcommittee will then review and prioritize the recommendations to include

in the State Plan. Subcommittee members can recommend additional resources, including links for research or model programs for expenditure of funds, legislative bill draft requests, or other programs. Legislative recommendations that might include a fiscal note should be identified as early as possible. Chairs can also modify the process for collecting and receiving recommendations.

Lisa Lee thanked Vice Chair Tolles for the resource tool, noting that it came in handy for her work with the Interagency Council on Homelessness to Housing. She also wanted to note for the record that she does see a lot of requirements related to law enforcement.

Ms. Lee does not see requirements related to the child welfare system, which is a huge component for this systems approach, with tools such as the [CARA Plan of Care](#) and the Family First Prevention Act which allows child welfare agencies to go upstream for interventions on parental substance use and prenatal exposure. She is also concerned about requirements that reference *other populations disproportionately impacted by substance use disorders*. Statewide data from Nevada and nationally both show racial disparities that need to be addressed with strategic interventions and intercept points within our system.

Chair Ford shared he has heard comparable requests from community members and legislators.

Vice Chair Tolles appreciated Ms. Lee's concerns that distinct groups should not be glossed over. Substance use impact to children and families will be addressed within each item. That is written throughout the law that we are examining that data and addressing it.

Chair Ford added that every legislator he speaks with is sincere in their dedication to address the issues that Ms. Lee raised. They will be deliberate and delineate each individual interest group to make it clear.

Ms. Lee thanked Chair Ford, noting the importance of intentional and direct language, especially when defining special populations such as [LGBTQI](#), [BIPOC](#) and others to call out specific groups for adequate representation rather than reading between the lines. She also asked to change language in the bylaws referencing "intravenous drug users" to "people who use drugs."

Vice Chair Tolles agreed to use specific references for special populations on the template, rather than letters; they will list out the specific populations each time.

Chair Ford suggested using copy/paste for full definitions and thanked Vice Chair Tolles for a fantastic job. He also read zoom-chat comments into the record:

*10:47:32 From Rhonda Fairchild to Everyone*

*"Thank You Lisa, Language DOES matter!"*

*10:48:02 From Lisa Lee (she/her/ella) to Rhonda Fairchild and all panelists:*

*Thanks. I always feel like a pain in the patootie but it matters*

Ms. Nadler asked if subcommittee requirements would include specific services provided to victims for loss of family members. This would include mental health support for grief counseling and victim compensation.

Vice Chair Tolles said she was moved by Ms. Nadler's public comments. She suggested that the provision of community resources could land in any subcommittee, but it certainly comes under the Response Subcommittee, and she is committed to having that conversation. She recommended that other subcommittees consider this as well, and then they would then come back to the larger SURG to ensure they haven't left any gaps.

Chair Ford said that Vice Chair Tolles had read his mind with these suggestions. It is important to have concrete recommendations with practical applications.

Ms. Johnson thanked Vice Chair Tolles and asked if there would be someone with a medical background on the Prevention Subcommittee to address Item G, to make recommendations to the state board of pharmacy.

Chair Ford suggested that others could join the subcommittee.

Vice Chair Tolles said maybe someone would volunteer to serve on two subcommittees, as there is a limited number of members to divide the work among the three subcommittees, and members with medical background are also needed for the Treatment and Recovery subcommittee. They can also work with SME and stakeholders within the broader community.

Mr. Schoen is assigned to the Prevention Subcommittee and is a treatment provider who has served on the Board of Examiners for 12 years, and he also works for a treatment agency. He asked Ms. Johnson if that would be a comfortable approximation to fill those shoes.

Ms. Johnson said it was just an observation and appreciated the input.

Dr. Dickson is assigned to the Treatment and Recovery Subcommittee and has substantial experience with licensing boards. She does not want to volunteer for two subcommittees, but she is willing to be an advisor on that issue.

Ms. Nadler knows a mom who wants to help with the subcommittees. She has a psychiatry degree and is more than willing to help.

Chair Ford asked Ms. Nadler to provide contact information to Dr. Kerns.

Vice Chair Tolles will add specific categories of special populations, including children, into the template to keep disparity and equity issues in mind across all subcommittees. Dr. Dickson will be noted as an advisor for the Prevention Subcommittee. Dr. Woodard will also serve as an advisor to all subcommittees.

Chair Ford credited the work of Vice Chair Tolles in developing this subcommittee process, and he asked for a motion to approve the subcommittee structure, as amended:

- Dr. Woodard made a motion to approve;
- Vice Chair Tolles seconded the motion;
- The motion passed unanimously.

Vice Chair Tolles credited the tremendous amount of work from Social Entrepreneurs, Inc (SEI) to materialize the subcommittee process.

Chair Ford said with absolute assurance they would not be able to have this high quality without that support, as an umbrella compliment for everything going on here.

## **6. Review Updated Findings and Provide Feedback for the Statewide Needs Assessment for the Advisory Committee for Resilient Nevada.**

Courtney Cantrell, PsyD, Mercer explained that the Needs Assessment they are drafting is required under [Senate Bill 390](#) and will be used to develop a State Plan. They are finishing up the first draft of the Needs Assessment with comprehensive feedback from both the [ACRN](#) (Advisory Committee for a Resilient Nevada) and the SURG, expanding topics and areas accordingly, such as regional level data stratification, expansion of Medically Assisted Treatment (MAT), with federally qualified health centers and rural health centers. They also have mental health disease specific rates with comorbidity between opioids and particular diseases, as well as more data about juveniles, youth, and adolescents with substance use and opioid overdose rates and risk factors. Findings related to childhood trauma, harm reduction services, education resources, and accessibility to care are also included.

Dr. Cantrell continued to review the [slides](#), with seven sections, each one including information that addresses disparities and equities and access and special populations. She noted there is additional detail on methodology to review scoring. Recommendations will come back to members with a scoring rubric to prioritize the recommendations themselves.

Ms. Lee thanked Dr. Cantrell for a beautiful presentation and was especially interested in the trauma issue. Indian boarding schools in Nevada are a source of historical trauma that resulted in intergenerational alcoholism and substance use. Migrant populations also have historical trauma issues, and the cultural framework plays a part with increased risk factors.

Ms. Johnson asked Dr. Cantrell about next steps and an estimated date for completion.

Dr. Cantrell referred to her colleague, Jordan Bublik, who is the Project Manager for Mercer. Ms. Bublik explained that the next steps would be to finalize the draft with the DHHS over the next month or so. She deferred to Dr. Woodard for a timeframe.

Dr. Woodard said they would review all data and information, including qualitative and quantitative data for the Needs Assessment to ensure individual voices with lived experience are included in the process. They slowed down the process to ensure ample opportunities for sufficient outreach with UNLV Mental Health Equity Coalition and community-based participatory research. They are looking at May for the final draft and then they will launch into developing the State Plan.

Chair Ford reported another \$50 million in settlement funds coming in the next month or so to help advance this work.

Ms. Lee shared that she received a request for participation a day in advance of the focus group sessions, which was not enough time for people dealing with the chaos of substance use. A little more lead time for qualitative data collection would be much appreciated. There may be issues with adequate access to technology, including Wi-Fi, etc.

Vice Chair Tolles said the draft report is amazing and she can't wait to read it. She asked Dr. Woodard to explain the SURG and ACRN roles under Section 7 recommendations: *Details that will support priorities: prevention of overdoses, addressing disparities in access to health care, and the prevention of substance use among youth based on the gaps identified throughout the report.*

Dr. Woodard said the two pieces of legislation for the ACRN, DHHS and the SURG go hand in hand. Recommendations will go to DHHS for additional consideration for the State Plan and a prioritization process. Staff will review the State Plan with SURG members in June, with the intentional synergy between the two groups, and an opportunity for input and influence, incorporating feedback in a timely manner.

Ms. Nadler thanked Dr. Cantrell for the Needs Assessment presentation and asked if there are specific recommendations related to the impact of fentanyl, particularly for 12–15-year-old kids we are losing in Nevada. She believes the number has more than tripled since 2019; *kids and parents don't know the danger of fentanyl.*

Dr. Cantrell confirmed recommendations around harm reduction in general, targeted to specific groups, and fentanyl is a big part of those recommendations for harm reduction.

Ms. Bordelove clarified to Chair Ford that action for this item was permissible but not required.

## 7. **Review and Provide Feedback for Revised Bylaws for the SURG**

Dr. Kerns acknowledged Ms. Lee's comment about changing "intravenous drug users" to "people who use drugs." She will make sure that change is made in the Bylaws.

Dr. Kerns reviewed [slides](#) reflecting proposed amended bylaws. Article 4, Section 1 would be amended to reflect staggered terms, as specified under [AB374](#), Section 12.5 with the first 11 member terms ending January 1, 2023 and the last 7 member terms ending January 1, 2024<sup>1</sup>. Article 5, Section 8 would be amended to support up to three subcommittees, with updated roles consistent with the required work, including SME presentations.

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<sup>1</sup> Under AB374 the first 10 members end in 2023, and the last 8 members end in 2024. This can be amended in the future.

On the advice of counsel, an additional change will be made under Article 5, Section 8, Item D. to remove the sentence, *These SMEs may serve as non-voting members of the subcommittee*, because that could create a problem for achieving a quorum of members.

Participants serving in a proxy role cannot vote for the member they are representing, and would not be considered for a quorum.

Chair Ford asked for a motion to approve the Bylaws as amended:

- Ms. Payson made a motion to approve;
- Mr. Iverson seconded the motion;
- The motion passed unanimously.

## **8. Review and Consider Items for June 7, 2022 SURG Meeting**

Dr. Woodard reviewed possible items for the next quarterly meeting, including subcommittee reports based on the first one or two meetings, an update on the final Needs Assessment, a review of the drafted State Plan for feedback, and any additional updates from the ACRN.

Chair Ford asked to include an update from his office regarding the opiate litigation, settlement funds, and distribution. By June there should be additional funds available for distribution and information should include funding by county and the substantial benefits anticipated.

Ms. Nadler read somewhere that only 44% of the funds would come to Nevada. She asked if funds were going somewhere else and how much is going to attorneys.

Chair Ford acknowledged that there are allowable attorney fees associated with the recovery, but 44% is not the gross that they received. The attorney fees are capped by statute and by the state contract, or for municipalities that retained lawyers, as well.

Ms. Nadler asked if the state had settled with Purdue Pharma.

Chair Ford explained that Purdue Pharma is now bankrupt. A handful of states appealed the original settlement with Purdue, so they went back to the drawing board. There is now an additional billion on top of the initial settlement with the Sackler family, but there were objections from some states regarding how to divvy up the funds.

Ms. Lee reminded members of background resource materials, including: [Unsettled, by Ryan Hampton](#) and [Dopesick, by Beth Macy](#) which was made into a movie, available on Hulu.

Ms. Cheatom asked about SME presentations to the subcommittees coming back to the full SURG.

Chair Ford recommends letting the subcommittees get started before coming back to the larger SURG.

Dr. Woodard referred members to the [February 17, 2022 meeting](#) of the Interim Committee on Health and Human Services that included several SURG members presenting as SMEs with extensive testimony. These [recordings](#) include recommendations that can support SURG subcommittee work, without needing to repeat the testimony.

Vice Chair Tolles appreciated the homework assignments, adding that subcommittees would also hear presentations from SME, then go through recommendations and report back to the SURG with summary information. The quarterly SURG meetings need to be focused on action steps, as opposed to having all-day-long meetings to review all the details.

Dr. Kerns asked Dr. Woodard about getting an update from the ACRN regarding the 9-8-8 Crisis Response hotline effort in Nevada. Dr. Woodard said that would be a separate agenda item, as the ACRN is not directly involved with that effort.

Dr. Woodard advised there is an upcoming meeting of the Interim Committee on Health and Human Services on [March 24, 2022](#) that will address children's behavioral health issues, including data and information from UNR on Adverse Childhood Experiences (ACEs), substance use prevention and treatment. Many shared topics will be covered. Dr. Kerns will distribute information to the SURG members.

## 9. Public Comment

Rhonda Fairchild would like to be included in the subcommittee meetings when they talk about criminal justice: She also asked where to find out about meetings of the [Interim Health Committee](#), and she said as someone who is boots on the ground 24/7, her heart was touched by the empathy showed by SURG members.

Chair Ford noted that [committee meeting schedules](#) are available on the legislative website and SURG materials are available on the website for the AG's office 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)/)

Ms. Nadler asked about ten states that banned Kratom as a very dangerous substance. Dr. Kerns explained that the Board of Pharmacy is looking into this issue.

The meeting was adjourned at 11:41 a.m.

### Zoom Chat Record

0:05:38 From Sarah Marschall, SEI (she/her) to Everyone:

If you are online and have public comment, please raise your hand. We will take online comments next.

10:47:32 From Rhonda Fairchild to Everyone:

Thank You Lisa, Language DOES matter!

10:48:02 From Lisa Lee (she/her/ella) to Rhonda Fairchild and all panelists:

Thanks. I always feel like a pain in the patootie but it matters.

11:40:44 From Rhonda Fairchild to Everyone:

Thank You!