



Annual Opioid Litigation Funding Report

State of Utah
Office of Substance Use and Mental Health
September 30, 2024

To: Health and Human Services Interim Committee, Social Service Appropriations Subcommittee
From: Brent Kelsey, Director, Office of Substance Use and Mental Health
Subject: Opioid Litigation Proceeds Restricted Account Reporting

Purpose

As required by [26B-5-211](#), the Department of Health and Human Services (DHHS) submits the following report regarding funds from opioid litigation:

(6) Beginning October 1, 2023, and on or before October 1 of each year thereafter, the office shall provide a written report that includes:

- (a) the opening and closing balance of the restricted account for the previous fiscal year;*
- (b) the name of and amount received by each recipient of funds from the restricted account;*
- (c) a description of the intended use of each award, including the specific program, service, or resource funded, population served, and measures that the recipient used or will use to assess the impact of the award;*
- (d) a description of any finding or concern as to whether all opioid funds disbursed from the restricted account violated the prohibitions in Subsection (2) and, if applicable, complied with the requirements of a settlement agreement; and*
- (e) the performance indicators and progress toward improving outcomes and reducing mortality and other harms related to substance use disorders.]*

Executive Summary

Utah has passed legislation that outlines basic funding routing mechanisms, with funding decisions at the state level being made by the legislative appropriation process. The funds are allocated through the Social Services Appropriations Committee with recommendations from the Opioid Task Force and the Opioid Settlement Advisory Committee. The Office of Substance Use and Mental Health (SUMH) within DHHS is designated as the entity responsible for reporting on settlement spending. This report outlines the annual allocations of funding to projects, overall expenditures, and collected outcome measures. In addition SUMH has developed a public website that tracks information opioid litigation proceeds projects: [Utah Opioid Settlements](#)

Primary Report

A. Opioid Litigation Proceeds Restricted Account balances

- a. Opening balance: \$26,371,680.24
- b. Closing balance: \$60,942,355.74
- c. Amount expended: \$9,227,700

B. Utilization of funding

Items a-c below represent an accounting of the use of funds awarded to the state. Item d below represents an accounting by the counties for funds awarded to the counties.

a. State Funding Approved in 2022

i. **Treatment Project for Individuals that are Pregnant (PATH) ~ \$2,800,000:**

This program is being run collaboratively by Intermountain Healthcare and Roseman University. A pilot project has been developed to run the Empowered program. This program facilitates delivery of services to individuals who are pregnant or postpartum and are experiencing substance use disorder. The program also provides services for the infants.

b. State Funding Approved in 2023

i. **Jail/Receiving Center Medications for Opioid Use Disorder (MOUD) Implementation Programming ~ \$1,000,000:**

7 areas have applied for funding and the proposals are in the process of being reviewed. These projects will be a collaboration between the local authorities and the county jails. Each project will require matching funds from each county in order to support MOUD services in local jails and receiving centers. Priority will be given to projects that will provide methadone or buprenorphine to incarcerated individuals. The goal of this project is to increase service access and reduce recidivism.

ii. **Emergency MOUD Induction Locations ~ \$1,200,000:**

This project will increase formal community support for people who have had opioid-related health incidents. The funding has been allocated to three locations; Moab Regional Hospital, CommonSpirit/Holy Cross Hospitals, and IHC McKay Dee Hospital.

iii. **FQHC Expansion of Opioid Use Disorder Treatment Access ~ \$1,300,000:**

This project will expand and enhance OUD treatment in rural and underserved communities. This funding will support health centers (Carbon Medical Service Association, Inc., Community Health Centers, Inc., Creek Valley Health Clinic, Southwest Utah Community Health Center, Mountainlands Community Health Center, Utah Partners for Health Wayne Community Health Center, Inc., and Wasatch Homeless Health Care) to provide OUD treatment to more uninsured individuals, develop and expand mobile MAT services, and provide community education and outreach. The

funding will predominantly be used toward staffing and medication costs for uninsured patients.

- iv. **Shifting Efforts Upstream* ~ \$2,184,300:** These projects are funding expanded prevention-based efforts through the Local Substance Abuse Authorities (LSAAs). This specific project is the ongoing effort to increase prevention-based funding and programming over time.
- v. **Primary Prevention** ~ \$443,400:** The LSAAs have been provided with grant funding for primary prevention services. Through this opportunity, local communities will have the flexibility to address the prioritized risk and protective factors in their area for working on upstream efforts. Primary prevention strategies will be locally driven and include strengthening the number of evidence-based programs like Guiding Good Choices and Botvin's Life Skills Training Program to improve communities and their efforts toward opioid use prevention. Eligible entities include non-profits, local governments, tribal entities, and community coalitions.

*Shifting Efforts Upstream and Primary Prevention have been combined to streamline efforts in expanding SUD prevention services and enhance capacity for evidence-based prevention activities. LSAAs were allowed to apply for two levels of funding: a baseline of \$100,000 per year, intended to provide an FTE position or equivalent to implement prevention services. A second level was available to all LSAAs to apply for up to an additional \$150,000 per year for demonstrated additional need, based on opioid use and overdose data. All 13 LSAAs receive the base funding, and 10 receive various amounts of the second-level funding. In their applications, LSAAs demonstrated their ability to address local risk and protective factors, leading to less opioid misuse.

**In addition to LSAAs receiving funding, a competitive RFP was opened for a contract to evaluate the effectiveness of prevention services provided specifically to the Shifting Efforts Upstream and Primary Prevention funds. A comprehensive evaluation plan has been developed and tools implemented to collect data to show how this funding is making a difference in the communities in Utah.

c. State Funding Approved in 2024

- i. **USARA Recovery Community Centers ~ \$500,000/yr for 3 years:** USARA operates Recovery Community Centers in 5 counties across the state. These funds are needed to support the infrastructure costs of the statewide centers and to expand access into Utah Counties. We have grant funding to provide direct services provided by certified peer support specialists, to individuals and communities affected by the opioid epidemic and substance abuse but need these funds to cover the infrastructure costs of operations.
- ii. **Pathway to Recovery from Opiate Use Disorder (PROUD) ~ \$1,120,000/yr for 3 years:** PROUD makes stable housing attainable for low-income people who have completed a residential treatment program for OUD. With support from First Step House case managers over 12-24 months, participants receive rental assistance to move into recovery housing (i.e. sober living), then transition into permanent housing. Participants are required to pay 30%

of their income toward rent and fully engage in treatment, aftercare, and recovery steps as indicated.

- iii. **Expanding Care for Pregnant Patients with Substance Use Disorder (SUPeRAD) ~\$200,000/yr for 3 years:** Expansion of University of Utah's Substance Use & Pregnancy - Recovery, Addiction, Dependence (SUPeRAD) perinatal addiction program to increase the number of pregnant and postpartum patients receiving services.
- iv. **Substance Use Disorder Recovery and Animal Companions (RuffHaven) ~ \$225,000/yr for 3 years:** Ruff Haven Crisis Sheltering offers targeted programming to support individuals and their animal companions during crises such as substance use treatment, domestic violence, and homelessness. Their services include temporary sheltering, case management, and trauma-informed support. Funding goals include expanding organizational reach, offering statewide services, providing comprehensive case management, and ensuring individuals can access necessary substance use treatment with the assurance that their animal companions are cared for until reunification.
- v. **Spy Hop Youth Prevention Services ~\$200,000/yr for 3 years:** Funding will support Spy Hop Productions statewide program portfolio that integrates workforce development, media arts education, and youth development into its project-based and mentor-based curriculum that bolsters protective factors and mitigates risk factors associated with substance misuse disorders among Utah youth ages 12-19.

d. County funding

- i. Of the 29 Utah counties, 27 have reported their intended projects. Projects range from prevention-based strategies and coalition-building efforts to medication-assisted treatment-based services with a focus on jails. All of the proposals reviewed appear to be aligned with the purposes allowed in the settlement agreement.

C. Concerns regarding the distribution of restricted account funding

- a. There are no findings of concern regarding the disbursed restricted account funding. Based on the information reported, the funding and projects do not violate any prohibitions listed in 26B-5-211(2).
- b. Due to the administrative steps required to award this funding (i.e., the request for proposal, contracting, and subcontracting processes), many of the projects that received funding in 2023 are only now beginning project implementation. To this, it would be very helpful to have non-lapsing approval for funding to carry-forward into subsequent state fiscal years, to ensure programs can be built out and expanded upon.

D. Performance indicators and outcomes

a. State Approved Funding 2022

i. Treatment Project for Individuals that are Pregnant:

1. The program was able to utilize the National Institute on Drug Abuse (NIDA) screening at the 3 pilot clinics in Weber County resulting in the screening of 772 pregnant individuals, of which 184 were positive and in need of additional screening through the Alcohol, Smoking and Substance Involvement Screening Test (ASSIST). We were able to complete the ASSIST on 163 of the 184 patients, resulting in 19 patients needing intervention and referral to the program due to their high risk in accordance with the Substance Involvement (SI) score. The updated Roseman agreement, with corrected budget, has been executed. The professional services agreement with Weber Human Services has been executed and their Advanced Practice Provider (APP) is now able to help with case reviews and decrease the barriers for patients needing to utilize Weber Human Services due to their Utah Medicaid PMHP designation. A workflow has also been identified with the Weber Human Services team to ensure these patients do not fall through care gaps.

b. State Approved Funding 2023

i. Jail/Receiving Center Medications for Opioid Use Disorder (MOUD) Implementation Programming

1. Funds have been allocated to 5 catchment areas throughout the state. One of these areas has not been able to begin services in their jail but is on track to start with this state fiscal year's funds. The current projects include funding to pay for staff in the jail to provide counseling and medications to those who are incarcerated. There have been expansions of suboxone mediation programs in two jails.

ii. Emergency MOUD Induction Locations

1. **Moab Regional Hospital:** Since the start of grant activities on May 14th, 2024, marked by the execution of the grant contract, grant activities have focused on background information gathering regarding the current implementation environment, current evidenced based recommendations, experience of current bridge programs as well as development of scheduling and strategies for implementation to support a 'go live' date for Fall 2024.
2. **CommonSpirit:** The contract between Utah DHHS and CommonSpirit Health was fully executed on April 29, 2024. With the project's Program Year 1 being termed for only 2 months (May 2024 – June 2024) there was limited time to implement programming with measurable outcomes. During the 2-month term with the Y24/Program Year 1 of this project, the biggest accomplishment was impacting the culture of care in the Emergency Department.
3. **IHC Compass:** The COMPASS program has a 'go live' deadline for Fall 2024. The team has worked diligently to ensure the community

engagement, insurance and billing, and subcontracting aspects of the program are in place prior to provision of services. They have developed a community partnership with the Weber County Jail, Weber Human Services, established a sub-contract for peer-support services with USARA, and developed a voucher and COMPASS coverage plan through IHC for patients who are uninsured or have a medical plan that will not cover their care.

iii. **FQHC Expansion of Opioid Use Disorder Treatment Access**

1. **Carbon Medical Service Association, Inc.:** Since the start of this contract on July 1, 2023 Carbon Medical has increased their new OUD patients by 23.6% They have an overall goal within the three year contract to increase new OUD patients by 31% overall. They will achieve this by continuing to use these funds to support provider salaries and purchase necessary supplies.
2. **Community Health Centers, Inc.:** Since the start of this contract on July 1, 2023 Community Health Centers has increased their new OUD patients by 77%. They have an overall goal within the three year contract to increase new OUD patients by 20% overall. They hope to increase upon the 77% by continuing to use these funds to support provider salaries and purchase necessary supplies.
3. **Creek Valley Health Clinic:** Since the start of this contract on July 1, 2023 Creek Valley Health Clinic has increased their new OUD patients by 3871% They have an overall goal within the three year contract to increase new OUD patients by 3500% overall. They hope to increase upon the 3871% by continuing to use these funds to support provider salaries and purchase necessary supplies.
4. **Southwest Utah Community Health Center (dba Family Healthcare):** Since the start of this contract on July 1, 2023 Family Healthcare has increased their new OUD patients by 28% They have an overall goal within the three year contract to increase new OUD patients by 32% overall. They will achieve this by continuing to use these funds to support provider salaries and purchase necessary supplies.
5. **4th Wasatch Homeless Health Care (dba Fourth Street Clinic):** Since the start of this contract on July 1, 2023 Fourth Street Clinic has not increased their new OUD patients. They have an overall goal within the three year contract to increase new OUD patients by 70% overall. They will achieve this by continuing to use these funds to support provider salaries and purchase necessary supplies. They have expressed concerns regarding the tracking of these new patients and are working on a way to improve their process.
6. **Mountainlands Community Health Center:** Since the start of this contract on July 1, 2023 Mountainlands Community Health Center has increased their new OUD patients by 26% They have an overall goal within the three year contract to increase new OUD patients by 77% overall. They will achieve this by continuing to use these funds to support provider salaries and purchase necessary supplies.

7. **Utah Partners for Health:** Since the start of this contract on July 1, 2023 Utah Partners for Health has not increased their new OUD patients. They have an overall goal within the three year contract to increase new OUD patients by 100% overall. They will achieve this by continuing to use these funds to support provider salaries and purchase necessary supplies. They have expressed concerns regarding the tracking of these new patients and are working on a way to improve their process.
8. **Wayne Community Health Center, Inc.:** Since the start of this contract on July 1, 2023 Wayne Community Health Center has increased their new OUD patients by 2.7% They have an overall goal within the three year contract to increase new OUD patients by 500% overall. They will achieve this by continuing to use these funds to support provider salaries and purchase necessary supplies.

iv. **Shifting Efforts Upstream**

1. Please see response under D.b.v. Primary Prevention

v. **Primary Prevention**

1. As mentioned above, Shifting Efforts Upstream and Primary Prevention have been combined. LSAA's received funding in the state fiscal year 2024. Each LSAA has been increasing capacity by building the infrastructure, including hiring staff to facilitate services. Statewide, funding has been utilized for hiring at least 10 new prevention and has paid for training opportunities for the new staff, as well as existing staff. Prevention activities that address local risk and protective factors have been funded as well. Some examples of activities include the following:
 - a. Educating children on harmful effects of drug use
 - b. Supporting parents by providing access to resources at community events
 - c. After school programming that teaches children skills, including refusal skills to avoid drug use
 - d. Parenting classes
 - e. Increasing public knowledge of naloxone, including where to get it and how to use it
2. Bach Harrison LLC was selected from the RFP for evaluation services. The contract was signed January 9, 2024. Bach Harrison LLC has developed a comprehensive evaluation plan designed to measure the effectiveness and value of the litigation funds for primary prevention services and the communities impacted by this funding. Initial or baseline interviews have taken place. Processes are put in place to measure performance and change in communities.

- vi. **Prescription Digital Therapeutic pilot:** This program was originally placed on hold, and it has been determined that it will not be implemented.

c. **State Approved Funding 2024**

i. USARA Recovery Community Centers

1. The contract was signed and in place prior to the start of SFY25, allowing contract requirements to begin July 1, 2024. USARA will utilize funding to cover infrastructure costs of operations. These operations will expand the following services to Recovery Community Center locations throughout Utah to provide non-clinical Recovery Support Services to individuals, family members, and communities affected by the opioid epidemic and substance use. The first quarterly report will be available by October 15, 2024.

ii. Pathway to Recovery from Opiate Use Disorder (PROUD)

1. This contract was signed and put into place on July 1, 2024, and has begun services. PROUD will utilize funding to promote financial self-sufficiency, housing stability, and long-term recovery for participants. The first quarterly report will be available by October 15, 2024.

iii. Expanding Care for Pregnant Patients with Substance Use Disorder (SUPeRAD)

1. This contract was signed and put into place on August 5, 2024, and has begun service requirements. From pregnancy through the first year of postpartum, the SUPeRAD clinic will provide integrated prenatal, mental health and addiction care to pregnant persons living with an SUD. The first quarterly report will be available by October 15, 2024.

iv. Substance Use Disorder Recovery and Animal Companions (RuffHaven)

1. The contract was signed and in place prior to the start of SFY25, allowing contract requirements to begin July 1, 2024. Persons throughout Utah, experiencing a substance use crisis, will have a safe, temporary Animal Shelter for their Personal Animals to be cared for so they are able to focus on stabilizing their situation and so they can be successfully reunified with their Personal Animal. Outcomes will include the percentage of Persons living with an OUD receiving Animal Sheltering services who were successfully reunified with their Personal Animal. The first quarterly report will be available by October 15, 2024.

v. Spy Hop Youth Prevention Services

1. The contract was signed on August 12, 2024. Services have just begun with Spy Hop offering the Out of School Time program for up to 44 youth. The program will increase protective factors and decrease risk factors in youth. The first quarter report will be available by October 15, 2024.

Potential Legislative Action/Follow-Up

We recommend the Legislature continue the process of reviewing existing awards and considering new awards based on available funding. We also recommend the Legislature consider providing DHHS with non-lapsing authority for this funding to carry-forward any unspent or underspent

awards into subsequent state fiscal years so programs have sufficient time to be built out and implemented.