

Proposed Amendment to SB390

Submitted by: Senator Julia Ratti

1. Technical Amendments

Intent: Change the language to align with broad behavioral health crisis and existing definitions for crisis stabilization center in NRS 444.0915 and to proposed a new name of the fund in Section 9.

- **Amendment to Sections 3 and 4**: Replace mental health crisis with behavioral health crisis throughout sections.
- **Amendment to Section 3; subsection 4**: Reference existing definition for crisis stabilization center in NRS 449.0915.
- **Amendments to Sections 7-9**: Replace Capital Fund for Behavioral Health to the Nevada Fund for Healthy Communities

2. Amendment to replace Section 9, subsection 1 (a) – (c), and further amendments to Section 9, subsection 1(f), 1 (g) and 1 (h) as set forth below

Intent: Replace Section 9 subsections 1(a) through 1 (c) of the original bill with the language below, to require the State to provide for a plan for allocation of funding from the behavioral health capital fund based on a needs assessment, community outreach in collaboration with regions, counties, and tribes. The amendment also proposes reporting to the Governor interim Legislative Committee on Health Care, to DHHS and to

Section 9; subsection 1 (a)-(c)

1. The Department shall administer the Fund to remediate the harms, impacts, and risks caused by the opioid epidemic to the State of Nevada and to its residents. In order to administer the Fund, the Department shall:

- (a) Conduct a comprehensive needs assessment on the harms, impacts, and risks caused by the opioid epidemic to the State of Nevada and to its residents. **The needs assessment must be evidenced based and created with consideration of expert damages reports created through comprehensive and effective**

litigation as determined by the Governor's Declaration of Findings Pursuant to NRS 228.1111(1)(a) entered on January 24, 2019. The needs assessment must include analysis of impacts to the state taking into consideration regional and county analytics, resources, and programs. To the extent that data and resources are available, the needs assessment described in this section must be conducted in partnership with regions and/or counties using quantitative and qualitative data to examine the risk factors that contribute to opioid use, substance use, and the rates of opioid use disorder, substance use disorders, and co-occurring disorders on the citizens of Nevada. The needs assessment shall include a focus on health equity and identifying disparities across all racial and ethnic populations, geographic regions, and specific populations including veterans, pregnant women and parents with dependent children, LGBTQ, youth, and individuals or families involved in the criminal justice, juvenile justice, and child welfare systems. Coordination and support with regions and/or counties must be available to conduct the regional, and/or county level portions of the needs assessment.

- (b) To the extent that data and resources are available, the needs assessment shall establish statewide, regional, and/or county level priorities and plans for these funds within a report developed based on available data, analysis of the disparate impacts on communities of color, community and stakeholder input, consultation with subject matter experts, and established best practices including but not limited to the expert report referenced in section (1)(a).
- (c) Ensure community outreach to groups impacted by the opioid crisis, including, but not limited to individuals who use drugs, individuals and families impacted by opioid use and substance use, treatment providers, prevention coalitions, recovery communities, harm reduction providers, law enforcement and criminal justice systems, child welfare systems, social services, faith-based organizations, public health agencies, healthcare providers and systems, Nevada Statewide Substance Use

Response Group (Response Group), and individuals from diverse communities who have been disproportionately impacted by opioid use and substance use. Statewide, regional, county and tribe priorities and plans must demonstrate efforts solicit and integrate broad feedback. This must include community outreach using **community based participatory research methods, or similar methods**, to ensure such a plan meets the needs of the community. No less than 3 public hearings must take place to solicit feedback on the plan and the plan must be made available for public comment for no less than 30 days. The plan must include a summary of public comment and a review of any changes or adjustments made to the plan based on public comment.

2. At the conclusion of the needs assessment, including requirements described in section 1, the Department, regions, counties and tribes, to the extent resources are available, shall develop a plan for funding the plan developed in section 1 as described in the community needs assessment. Plans from the regions, counties, and tribes shall be submitted to the State for consideration and review. Plans are required to be developed only to the extent resources are available. Coordination and support with regions, counties, and/or tribes must be available from the Department to create the plan. Plan must include:
 - (a) priorities established through the needs assessment, a detailed description of the projects to be completed through this fund to address identified priorities, a timeline for the projects to be conducted, the establishment of a competitive process to allocate the funding for the priorities and projects, a detail of the funding a resources to be applied, and a detailed plan for fiscal and programmatic oversight of the funds. **Plans must include strategies to address overdose prevention, disparities in access to care, and youth prevention.** All projects proposed must be based on the needs assessment and demonstrate evidence to support the implementation of the projects. Evaluation reports including expenditures and program

outcomes must be submitted by the region, county or tribe in accordance with requirements set forth by the Department for inclusion in the Department annual report.

- (b) Any portion of the Fund shall be retained by the Department to fund projects based upon the State needs assessment, priorities, and plan. Subject to legislative authorization and accordance with procedures developed in Section 8 (?) the Department may award grants from the Fund for statewide projects identified in the plan to include but not limited to workforce development, data collection and analysis, capital projects to include but not limited the construction, purchasing, remodeling, and equipment.

3. The Department shall also take into consideration counties' plans and county specific resources when allocating funding from the Fund created in Section 8. Any funding allocated under this section shall be allocated by a formula to be developed by the Department comprised of a base calculation multiplied by a factor based on the county or tribal population and/or impact of the opioid crisis. Counties and tribes that receive opioid recoveries shall inform the Department and the Department shall take these recoveries into consideration in developing and approving the funding. Plans must be updated no less than every three years.

Intent: Add language to clarify monies from the Fund may be used by the Department to carry out its duties in Section 9, and retain the language regarding 8% of the grant may be used for administrative and other indirect costs.

Section 9; subsection f: Funding from the Fund may be used by the Department to complete any of the above requirements outside of the 5% administrative cap. A condition of any such grant must be that not more than 8 percent of the grant may be used for administrative expenses or other indirect costs.

Intent: Align language to reflect changes to preceding sections.

Section 9; subsection g: In awarding grants pursuant to paragraphs 2(b) and 3:

- 1) The Department will develop, solicit, and accept applications for grants;
- 2) Review and consider recommendations from the Nevada Statewide Substance Use Response Group (Response Group);
- 3) Conduct annual evaluations of programs to which grants have been awarded.

Intent: Add the Nevada Statewide Substance Use Response Group (Response Group) to the list of recipients for the report from DHHS on the findings, recommendations and any award of funding.

Section 9; subsection h: On or before January 31 of each year, the Director shall submit a report that includes, without limitation, findings and recommendations made and funding awarded pursuant to this section to

- (a) The Governor;
- (b) Nevada Statewide Substance Use Response Group (Response Group).;
- (c) The Commission on Behavioral Health;
- (d) Each Regional Behavioral Health Board; and
- (e) Any other committees or commissions the Director of the Department deems appropriate.
- (f) The Director of the Legislative Counsel Bureau for transmittal to:
 - (1) In an even-numbered year, to the Legislative Committee on Health Care and the Interim Finance Committee; and
 - (2) In odd-numbered years, the next regular session of the Legislature.

3. Retain Section 9, subsection 2 and delete Section 9, subsection 3

Intent: Retain Section 9, subsection 2 without change. This subsection is reprinted below for ease of reference.

Section 9, subsection 2:

The Department may adopt any regulations or take any such other actions as are necessary to carry out its duties pursuant to the section.

Intent: **Section 9, subsection Section 3:** Remove this subsection in its entirety as it required the Grants Management Advisory Committee to report to DHHS. With the foregoing amendment, this report is no longer necessary.

