



## **Oklahoma Opioid Abatement Board Abatement Grant Frequently Asked Questions (FAQs)**

### **General**

#### **1. What is the Oklahoma Political Subdivisions Opioid Abatement Grants Act?**

The Oklahoma Political Subdivisions Opioid Abatement Grants Act establishes the Oklahoma Opioid Abatement Revolving Fund (the “Abatement Fund”) and the administration, accountability, and operation of the Abatement Fund. [74 O.S.2021, § 30.3-30.8.](#)

#### **2. What is the Oklahoma Opioid Abatement Revolving Fund?**

The Abatement Fund consists of certain funds obtained through settlements or judgments entered on behalf of the State of Oklahoma relating to opioid litigation that involves pharmaceutical supply chain participants. Funds may either be designated for deposit in the Fund or appropriated to it by the Legislature.

#### **3. What is the Abatement Fund used for?**

The Oklahoma Opioid Abatement Board (the “Board”) is responsible for authorizing disbursements from the Abatement Fund as grants to eligible political subdivisions.

#### **4. How much is in the Abatement Fund?**

The fund currently contains upwards of \$27,000,000.00.

#### **5. What is the role of the Board?**

The Board is responsible for developing and implementing procedures for the disbursement of opioid grant awards to eligible participants. For additional information relating to who is eligible to apply for a grant award and how funds can be used, see below. The Board also has responsibility for the following:

- Developing an opioid grant application, and a process for the submission and evaluation of grants;
- Establishing an appeals process for eligible participants to contest denials of an opioid grant application or specific fund use requests;
- Maintaining oversight of the expenditure of opioid grant awards to ensure grants are used exclusively for approved purposes; and
- Suspending allocations of grant awards found by the Board to be out of compliance.  
[74 O.S. § 30.7\(C\)](#)

**6. Who are the members of the Board?**

The Board’s membership can be found [here](#).

**7. When does the Board meet?**

Information relating to Board meetings can be found [here](#).

**8. Who may apply for the grant funds?**

Any “political subdivision,” as defined in [51 O.S. § 152](#)(11)(a-d), that has been impacted by the opioid crisis may apply for a grant funded from the Oklahoma Opioid Abatement Revolving Fund. The definition includes any municipality, school district, inclusive of a technology center school district, county, and a public trust where the sole beneficiary or beneficiaries are a city, town, school district, or county. Depending on the trust indenture of a public trust, this may include a county jail trust authority.

**9. Can a non-profit or other non-political subdivision apply for the grant funds?**

No. The law limits applicants to only political subdivisions, as defined in in [51 O.S. § 152](#)(11)(a-d).

**10. How are community service organizations or non-profits impacted by the grant program?**

The Board cannot award funds to these organizations directly. These organizations, however, may partner with an eligible political subdivision that they serve for purposes of implementing a specific approved opioid abatement project.

**11. How does an eligible political subdivision apply for a grant?**

To be considered for a grant award, an eligible political subdivision must submit a completed application to the Board. The submitted application must be timely submitted and comply with all requirements in law, administrative rule and Board procedures. On August 28, 2023, the Board issued a [Notice of Funding Opportunity](#), setting forth the specifications, technical requirements and deadlines for submitting an application for a grant. The deadline was extended twice, with the final deadline as November 8, 2023. Subsequent to the posting of the application, the Office of the Oklahoma Attorney General will host webinars and other information sessions to provide further guidance and answer questions from attending eligible political subdivisions.

**12. Is an eligible participant required to provide matching grant funds?**

No.

### **13. What action must an eligible participant take prior to applying for a grant award?**

An eligible political subdivision must demonstrate a commitment to abating the opioid crisis in order to be considered for an award. First, an eligible political subdivision must memorialize in a resolution or the equivalent governmental action the approval to utilize a grant award or expend grant funds. [74 O.S. § 30.7\(D\)](#). The resolution or its equivalent are required components of the application for a grant award. Then, an eligible political subdivision must have submitted a letter of intent to apply for a grant of funds. Additionally, the political subdivision must identify and engage a group of local stakeholders, such as a governance committee or advisory council, to coordinate assessment, planning, implementation and evaluation activities according to established principles of the Board. Under this requirement, a political subdivision must engage in meaningful consultation with local health departments, hospitals, schools, public safety service providers, Certified Community Behavioral Health Clinics, prevention specialists, treatment providers, first responders, individuals and families impacted by the crisis and other subject matter experts and provide the opportunity for public comment. As a part of the meaningful consultation, a political subdivision must also provide evidence that it conducted a needs assessment to examine local data and identify community needs pertaining to opioids. Based on the needs assessment, an eligible political subdivision will then formulate a plan that becomes part of a submitted application for a grant award.

Furthermore, to receive grant funds, an eligible political subdivision may be required to authorize, approve and execute a release of claims. The release of claims, along with terms and conditions are anticipated to be a part of, and fully incorporated into, the grant agreement. *Purdue Settlement Agreement*; [74 O.S. § 30.7\(E\)](#)

### **14. What documents must be submitted with a grant application?**

Please see find a checklist available [here](#). The checklist will be uploaded after January 1, 2024.

### **15. Can a membership organization or other representative outside of the eligible political subdivision submit a grant on behalf of the political subdivision?**

Yes, the application allows a designated representative to submit an application on behalf of an eligible political subdivision. However, as a part of submitting the application, the designated representative must provide a signed or adopted resolution (or the equivalent) from the political subdivision's governing body evidencing an authorization for the application. Further, the designated representative swears and affirms that the representative is authorized to submit the application.

### **16. How many applications can an eligible political subdivision submit?**

For the first round, an eligible political subdivision that submitted a timely letter of intent will be limited to submitting one (1) application. Payments from the opioid settlements will continue to trickle on over the next fifteen (15) years. Consequently, the Office of the Attorney General

anticipates that the Legislature will continue to appropriate funds to the Opioid Abatement Board for future opioid abatement grants.

Any political subdivision that did not submit a letter of intent in Round 1 will be able to submit a letter of intent or application in subsequent rounds of grant funding.

**17. In what amounts are grants made?**

Grant amounts will be tiered based on the size of the respective political subdivisions. Tiers and respective grant amounts may be found in appendices B-F of the Board’s emergency rules.

**18. Is there a limit on the amount of funding that can be requested?**

Yes. Applicants may only apply for the maximum amount available for their respective population size. Requests for funding above those limits will not be considered, subject to two exceptions provided in the emergency rules, *including a showing of extraordinary need*. The following are tiers and amounts as set forth in emergency rules:

<b>County Tiers</b>		
<b>Tier Number</b>	<b>Population range</b>	<b>Proposed maximum available funding</b>
1	Up to 25,000	\$75,000.00
2	25,001-75,000	\$150,000.00
3	75,001 or more	\$300,000.00

<b>Municipality Tiers</b>		
<b>Tier Number</b>	<b>Population range</b>	<b>Proposed maximum available funding</b>
1	Up to 15,000	\$60,000.00
2	15,001-100,000	\$125,000.00
3	100,001 or more	\$250,000.00

<b>Common Education School District Tiers</b>		
<b>Tier Number</b>	<b>Enrollment range</b>	<b>Proposed maximum available funding</b>
1	Up to 2,000	\$35,000.00
2	2,001-15,000	\$75,000.00
3	15,001 or more	\$150,000.00

<b>Technology School District Tiers</b>		
<b>Tier Number</b>	<b>Enrollment range</b>	<b>Proposed maximum available funding</b>
1	Up to 5,000	\$35,000.00
2	5,001-15,000	\$75,000.00
3	15,001 or more	\$150,000.00

<b>Collaborative Multi-Applicant Tiers</b>		
<b>Tier Number</b>	<b>Population or Enrollment range</b>	<b>Proposed maximum available funding</b>
1	Up to 100,000	\$175,000
2	100,001-500,000	\$350,000
3	500,000 or more	\$750,000

A public trust with a city, school district or county as its sole beneficiary or beneficiaries is also an eligible political subdivision. The emergency rules dictate

**19. Are funds awarded by the Board on an up-front or reimbursement basis?**

The Board will be distributing grant awards through equal quarterly disbursements.

**20. How will payments be made?**

The Board, by and through the OAG, will make payments directly to the political subdivision that receives a grant. For good cause shown, the Board may authorize a different payment schedule for an eligible political subdivision.

**21. Can a grant recipient carryover funds?**

Yes, but the Board is considering a maximum carryover amount of 40% of the total grant award.

**22. May an eligible political subdivision submit a multi-year proposal?**

Yes. Based on the applications received, the Board will determine the term of the contract. Thus, applicants should submit a proposal with a term that best suits their project. OAG staff will be recommending a grant term (cycle) of at least twelve (12) months.

**23. If an application is recommended and approved for funding, what then happens?**

Upon approval of a grant application, the Board (through staff) will notify a successful applicant. The notice of award will include the following: 1) the amount of the grant award; 2) dates for reporting to the Board; and 3) an agreement that sets forth the terms and conditions applicable to the grant.

**24. How will the Board monitor a political subdivision’s use of funds?**

At a minimum, a political subdivision that receives an award of funds will be required to report the use of funds and related performance measures every quarter. Additionally, the Board may conduct random and periodic audits of any grantee’s use of funds or other activities related to the grant award. Periodic performance reviews may also be conducted to ensure projects are furthering the mission and purpose of the Oklahoma Political Subdivisions Opioid Abatement Grants Act.

**25. Are indirect costs authorized as a part of a political subdivision’s implementation of a grant?**

Yes. Indirect costs are permitted but may not exceed 5% of the total grant award.

**26. How long does a grant recipient need to maintain documents relating to the grant program?**

The Recipient is required to maintain all books, records, accounts and other documents, including property, personnel and financial records relative to the grant for seven (7) years after receiving the final payment.

**Use of Funds**

**27. What are the authorized purposes of the Abatement Fund?**

Grants must be used for an evidence-based, forward-looking strategy, program or service used for the prevention, treatment or other strategy concerning opioids. The full list of approved purposes is detailed in the provisions of [74 O.S. § 30.5](#). It is important to note that grant funds cannot be used retroactively for strategies, programs or services that occurred prior to January 1, 2015. 74 O.S. § 30.5. Additional resources relating to approved purposes include those from the Healthy Minds Policy Initiative’s *Guidance for Oklahoma political subdivision use of opioid settlement funds*, located on the Oklahoma Attorney General’s website.

**28. What are evidence-based practices?**

Evidence-based practice (EBP) in substance use prevention, intervention, treatment and recovery is an approach that uses research to guide clinical decision-making. It focuses on using techniques proven effective through research rather than personal preferences or anecdotal reports.

Please use links below to explore EBPs. These are not all inclusive.

- <https://www.samhsa.gov/resource-search/ebp>
- <https://www.samhsa.gov/find-help/harm-reduction>
- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2916744/>
- <https://health.ri.gov/Master List of EBP>
- <https://www.healthymindspolicy.org/policy/guidance-for-oklahoma-communities-use-of-opioid-settlement-funds>

**29. What drugs are considered opioids?**

Please see the [Johns Hopkins Medicine](#) information on opioids. The list is at the bottom of the article.

**30. Is a political subdivision authorized to supplant existing funds with funds awarded by the Board?**

Yes, but only for abatement strategies, programming and services that started on or after January 1, 2015. For example, if a political subdivision were to decide to reduce or replace previously allocated funds with Board-awarded grant funds to support an existing abatement program, this would be supplanting and is not prohibited under the Act. However, the Legislature in passing the Act has expressed its intent and encourages “forward-looking” strategies, programming and services and the expansion of availability of the same. Therefore, *supplanting is discouraged* as the grant award funding available through the Opioid Abatement Board may be one-time funding. However, supplementing, adding to, expanding, or enhancing programs or services starting on or after January 1, 2015 *is allowable*.

### **31. Are staff salaries considered abatement?**

Possibly. Use of abatement funds for staff salaries would have to be directly tied to abatement efforts (treatment, education/prevention, criminal justice involved, recovery, harm reduction). Further, a political subdivision using abatement funds for staff may only do so by creating new positions or funding additional hours for existing staff that are directly related to opioid abatement services or programs created after January 1, 2015.

### **32. Can the funds be used for law enforcement interdiction efforts?**

No. Use of abatement funds for police salaries would have to be directly tied to abatement efforts (treatment, education/prevention, criminal justice involved, recovery, harm reduction) and not for interdiction (patrol, investigation, and arrest activities).

### **33. Is the hiring of school counselors (K-12) considered an authorized use of funds?**

Possibly. In addition to opioid use disorder, Oklahoma law references co-occurring substance use disorder or mental health conditions in multiple areas of the [list](#) of approved purposes. The applicant should ensure the project results in outcomes with performance measures that relate to opioid use disorder in addition to the co-occurring conditions.

### **34. How can the funds be used in public schools to address the impact of opioid use on youth?**

Examples of how funds can be used in public schools include the following:

- Evidence-based prevention programs in schools;
- Create or support school-based contacts that parents and guardians can engage with to seek services for their child;
- Supporting greater access to mental health services and supports for youth, including school nurses, behavioral health workers or other school staff;
- Increased availability and distribution of naloxone for first responders in schools;
- Training and education regarding naloxone and other drugs that treat overdoses.

**35. Can an eligible political subdivision provide funds to a community service board or other non-profit organization in exchange for the provision of goods or services?**

Yes. Eligible political subdivisions may enter into written agreements for purposes of a third-party being a partner in an abatement program. It is the responsibility of the political subdivision to ensure the compliance of any partnering third-party with the requirements of the grant award.

**36. Are expanding existing abatement programs an authorized use of funds?**

Yes, expansion of programs or services that were available starting on or after January 1, 2015 (*see* Question 24), is permissible.

**37. Is providing Narcan/Naloxone and related education considered abatement?**

Yes.

**38. Would a recovery coordinator position qualify as abatement?**

Yes, as long as there is a focus on opioid use, abuse or disorder. Oklahoma law references co-occurring substance use disorder or mental health conditions in multiple areas. However, the applicant should ensure the project results in outcomes with performance measures that relate to opioid use, abuse or disorder in addition to any co-occurring conditions.

**39. Can funding be used to develop a drug court docket and supportive services to reduce incarceration rates?**

Yes, as long as there is a focus on opioid use, abuse or disorder. Oklahoma law references co-occurring substance use disorder or mental health conditions in multiple areas. However, the applicant should ensure the project results in outcomes with performance measures that relate to opioid use disorder in addition to any co-occurring conditions.

**40. Can abatement funds be used for a crisis receiving center?**

Yes, as long as there is a focus on opioid use, abuse or disorder. Oklahoma law references co-occurring substance use disorder or mental health conditions in multiple areas. However, the applicant should ensure the project results in outcomes with performance measures that relate to opioid use disorder in addition to any co-occurring conditions.

**41. Does providing opioid use disorder treatment qualify as abatement?**

Yes.

**42. Does providing materials for programming (ex: printouts, pamphlets, literature, etc.) qualify as abatement?**

Yes, as long as the materials focus on opioid use, abuse or disorder.



**43. Can funds be used to hire a grant writer or consultant relating to grant opportunities?**

No.

**44. Can the funds be used for capital improvements related to the opioid public health crisis?**

No, capital improvements are not authorized by the Abatement Act. Furthermore, capital improvements often take longer than one year to complete and the size of the grant award is unlikely to make a significant investment in a capital improvement so as to provide a direct and immediate opioid abatement service return on the investment.

**45. Can eligible political subdivisions pool grant funds in support of regional projects?**

Yes. Partnerships among eligible subdivisions are encouraged in order to maximize the effect of grant awards. Further, the Abatement Act specifically authorizes grant funds to be used to “support efforts to provide leadership, planning and coordination to abate the opioid epidemic through...regional intergovernmental efforts and not-for-profit agency support.” [74 O.S. § 30.5\(1\)\(q\)](#).