MAC
MICHIGAN ASSOCIATION OF COUNTIES

MICHIGAN OPIOID SETTLEMENT COUNTY REPORTING: DATA OVERVIEW

JUNE 2024

EXECUTIVE SUMMARY

- Between April and May of 2024, MAC released the first annual Opioid Settlement County Reporting Survey and received a 77 percent (77%) response rate.
- Most counties are embedded in planning processes with development of steering committees and community assessments.
- Approximately half of the counties who responded indicated that no funds had yet been spent.
- Counties are primarily funding treatment in carceral settings, primary prevention, and harm reduction activities (naloxone access only).
- The vast majority of counties are not combining funds with other governments and have created a separate fund to ensure settlement funds are not combined with general funds.
- About two-thirds of respondents indicated inclusion of community in determining needs and priorities associated with substance use and drug overdose and less than half have a plan for ensuring funds reach those most profoundly impacted by the crisis.
- The most engaged stakeholder group is public safety and the criminal-legal system. Around two thirds of respondents have engaged those with lived and living experience and their loved ones.
- Recommendations include:
    - Increased education on harm reduction, recovery support strategies, data collection, and treatment for pregnant and parenting people and infants.
    - Increased education around the importance and process of including those with lived and living experience with substance use in planning efforts.
    - Increased education around how to ensure funds reach those most profoundly impacted by substance use and the drug overdose crisis.
    - Increased promotion of the Johns Hopkins Bloomberg School of Public Health Principles for the Use of Funds From the Opioid Litigation and National Association of Counties Opioid Solutions Center.
    - Increased understanding of funding schedules and how to determine average annual amounts for spending or which funding models counties are utilizing.
    - Increased opportunities for collaboration across governments (Tribal, county, city and township).
    - Increased awareness and understanding of how local governments can leverage state opioid settlement funds.

OVERVIEW

Local Reporting on Opioid Settlement Funds

The state of Michigan is slated to receive nearly $1.6 billion from opioid settlements over 18 years with first payments being made to local governments on Jan. 31, 2023. Fifty percent (50%) of funds from most settlements will be sent directly to county and municipalities. Most opioid settlements require 85 percent (85%) of funds to be spent on opioid remediation with 70 percent (70%) of payments for future opioid remediation, or activities which have not yet taken place. Fifteen percent (15%) of funds are unrestricted. Local governments in Michigan are required to report expenditures that do not align with the definition of “opioid remediation” and Exhibit E, the list of allowable uses for purposes of opioid remediation, to BrownGreer, the National Administrator, on a biannual basis. These reports can be found on the Non-Opioid Remediation Use Reporting website. Opioid remediation is defined in the settlement documents as,

> Care, treatment and other programs and expenditures (including reimbursement for past such programs or expenditures except where this Agreement restricts the use of funds solely to future Opioid Remediation) designed to (1) address the misuse and abuse of opioid products, (2) treat or mitigate opioid use or related disorders or (3) mitigate other alleged effects of, including on those injured as a result of, the opioid epidemic.

Baseline Assessment | 2023

In March of 2023, the Michigan Association of Counties (MAC), in partnership with the Michigan Department of Health and Human Services (MDHHS) released a baseline assessment to all Michigan counties. The assessment was voluntary and housed on a survey platform. The goal of the survey was to better understand information on county planning for, and utilization of, opioid settlement funds as well as the technical assistance needs of each county. Both MAC and MDHHS provide no-cost technical assistance to counties and wanted to ensure services met current and anticipated needs. Survey data, along with information from the Michigan Department of Attorney General on expected funds by county and overarching information about each settlement, was used to create the Opioid Settlement Dashboard on the Michigan Association of Counties Opioid Settlement Resource Center website. Completion of the survey did not require engagement with technical assistance efforts. Thirty (30) of the 83 counties, or 36 percent (36%), completed the survey.

First Annual Opioid Settlement County Reporting Survey | 2024

In April of 2024, MAC released the first annual Opioid Settlement County Reporting Survey. The survey was administered through direct emails to county administrators and the survey utilized the SurveyMonkey platform. This survey was intended to capture reporting data from the 2023 calendar year associated with planning efforts and spending of opioid settlement funds at the county level and to determine additional technical assistance needs of each county. The survey was also voluntary and a financial incentive, made possible by MDHHS, for completing the survey will also be made available to counties who completed the designated questions and choose to receive the funds. With the data collected, MAC has updated the MAC Opioid Settlement Dashboard. The dashboard has four sections, or tabs, that have been updated, including engagement, planning, management and strategies, with an additional section added for spending plans. The dashboard illustrates common themes and trends across the state. Completion of the survey did not require engagement with technical assistance efforts. Sixty-four (64) of the 83 counties, 77 percent (77%), completed the survey.

Ongoing Data Collection

MAC intends to administer the survey annually in the spring to capture data and information from the previous calendar year and update the website dashboard.

Technical Assistance

As of June 1, 2024, MAC had engaged in various capacities with 71 of the 83 counties for technical assistance since Nov. 1, 2022, when the technical adviser on opioid settlement funds began. This position was created through a partnership between MAC and Vital Strategies, a global public health organization. Nine (9) of the engaged counties had requested information and 60 had engaged in individualized technical assistance and support. County engagement and technical assistance requests also are documented on the MAC Opioid Settlement Dashboard.

On Jan. 31, 2023, MAC, in partnership with Vital Strategies, released the Michigan Opioid Settlement Funds Toolkit: A Guide for Local Spending.[i] This toolkit is process focused and outlined four primary areas to guide planning efforts related to settlement funds. These sections included,

- Stakeholder Engagement
    - Steering Committee Creation
    - Partnerships and Local Expertise

- Data Gathering
    - Review Existing Data
    - Conduct a Needs Assessment
- Determine Process Moving Forward
    - Strategic and Action Planning
    - Strategy Prioritization
- Monitoring and Accountability
    - Transparency and Reporting
    - Gauging Impact

Since the release of the toolkit, MAC has released numerous other supplemental tools and templates to be used or customized by county governments which can be found on the MAC Opioid Settlement Resource Center.

Between November and the end of December of 2022, MAC fulfilled five (5) technical assistance requests. In 2023, 135 requests were completed and 103 were handled between January and the end of May 2024, totaling 243 requests since the position started. Sixteen (16) counties work with the technical adviser on a regular basis, ranging from weekly to monthly meetings. The technical adviser position has also provided 66 presentations and has developed 40 tools and products. The position has hosted a monthly local government learning community open to townships, cities and counties to provide a space for peer learning in partnership with the Michigan Municipal League and the Michigan Townships Association. This position also participated in 21 media interviews and continues to offer guidance and support to counties seeking assistance with planning and spending efforts related to opioid settlement funds.

SURVEY RESULTS | 2023 CALENDAR YEAR

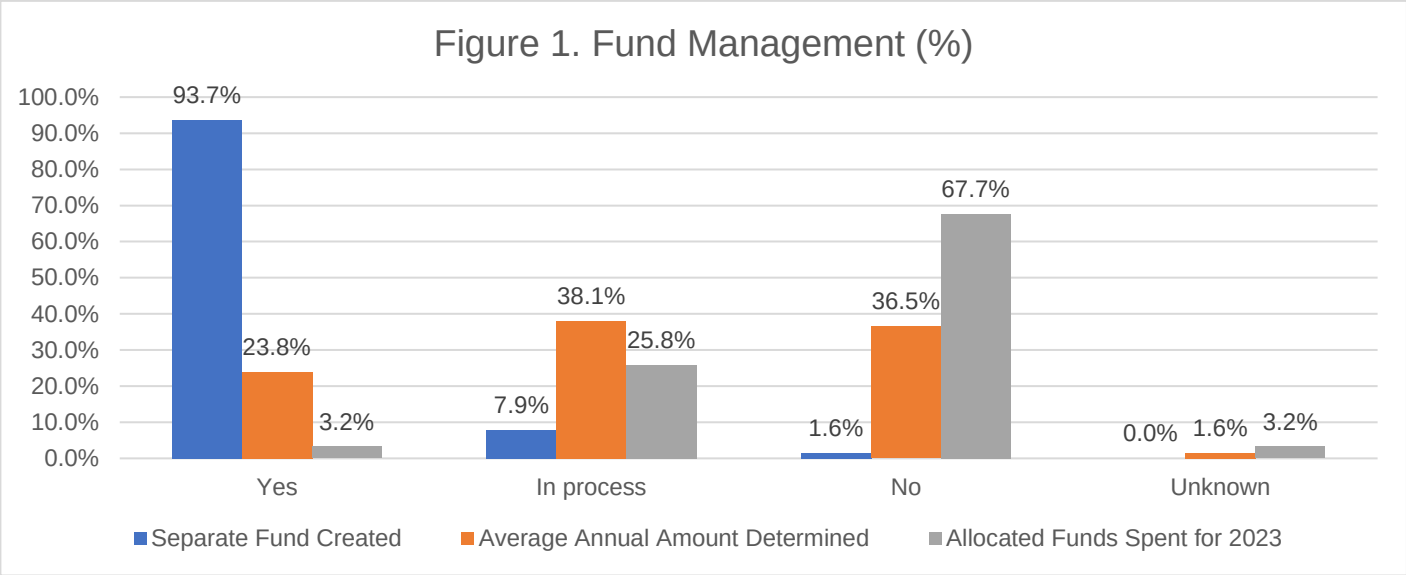
Funding and Fund Management

Of the 64 counties who responded to the survey, 60 shared the total amount of funds received in the previous calendar year. The average was $2,644,721.

Fifty-nine (59) counties (94%) noted they had created a separate fund for their opioid settlement dollars, with one (1) county (2%) stating they did not, five (5) (8%) stating this was in process and one (1) county skipping this question. 2023 data highlighted that 79 percent (79%) of respondents had created a separate fund for their opioid settlement dollars.

Since opioid settlement funds are coming in at different times and in different amounts over an 18-year period, determining an amount of funds to spending annually is a critical aspect of ensuring sustainability of funding throughout the duration of the timeframe. Fifteen (15) counties (23%) answered that they had determined an average annual amount they felt comfortable spending, while 23 counties (36%) had not. Twenty-four (24) counties (38%) were in the process of determining this amount, one (1) county (2%) was unsure and one skipped this question. This data indicates a need for additional information to identify if counties plan to determine an average annual amount, or if a different approach or funding model is being used.

In calendar 2023, two (2) counties (3%) shared that all allocated funds were spent, while 16 counties (26%) shared they were in the process of spending these funds, two (2) (3%) were unsure, 42 (68%) noted not all funds had been spent and two (2) did not respond. Baseline assessment data collected in 2023 indicated 85 percent (85%) of counties that responded had not yet made any investment decisions.

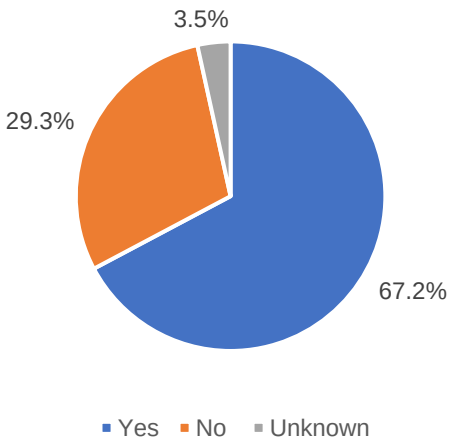


Counties were asked if they were currently combining funds with another government entity and 63 counties responded. Most counties (92%) are not combining funds with another government; however, two (2) counties (3%) were. Response options of types of governments included Tribal, county, city and township. Baseline assessment data showed that, in the previous year, 60 percent (60%) of respondents were unsure if they would combine funds and 37 percent (37%) did not plan to combine funds with another government.

Stakeholder Engagement

In a quickly changing substance use and drug overdose landscape, understanding priorities, assets, gaps and needs within a community is an important aspect to determining where funds may be best utilized. Fifty-eight (58) counties responded on if the community was involved in this process which may have included activities such as conducting a public survey, community assessment, strategic plan, action plan, or other process. Thirty-nine (39) counties (67%) shared that community was involved, 17 counties (29%) stated the community was not involved and two (2) counties (3%) were unsure. For those that did not involve the community, most were currently engaged in planning efforts to involve the community. Data from the previous year showed 38 percent (38%) of respondents were unsure if they would have a community-inclusive needs assessment or strategic planning process and 36 percent (36%) shared they would include community in these activities.

Figure 2. Community Involvement in Understanding Priorities, Needs and Strengths (%)



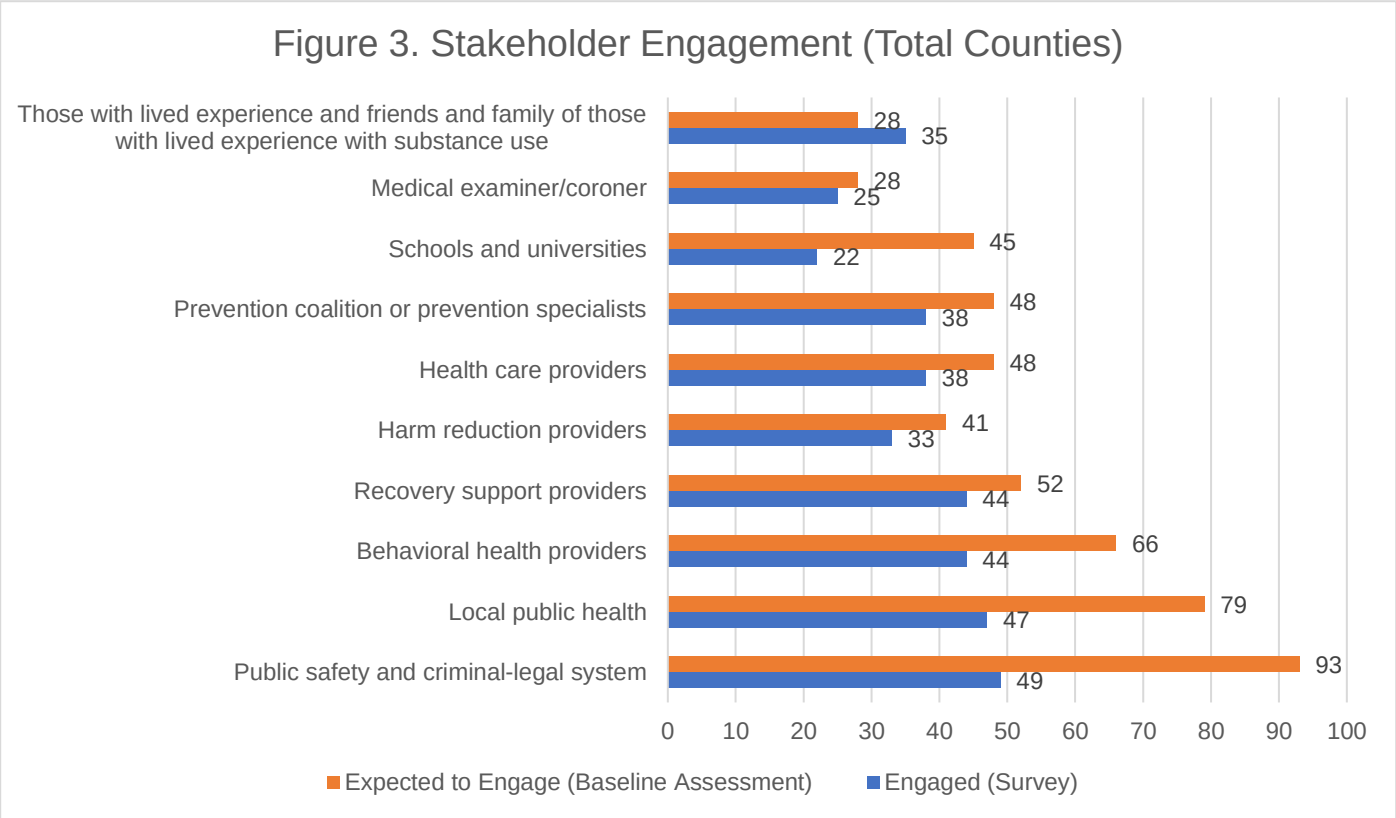
To better understand which stakeholders were involved in the various processes associated with planning for, and utilization of, opioid settlement funds, counties were asked about specific types of stakeholders and their roles. Fifty-three (53) counties responded and were able to choose all responses that aligned with their efforts. Five (5) key areas of activities were identified and included:

1.) Understanding local data and needs
2.) Development of county-wide strategic or action plan
3.) Contributing to recommendations or priorities for areas of funding
4.) Development of a spend plan or determination of specifically where funds are directed
5.) Creation of public-facing reporting and transparency tools

The numerous stakeholder groups identified included:

- Public safety and criminal-legal system
- Local public health
- Behavioral health providers
- Recovery support providers
- Harm reduction providers
- Prevention coalition or prevention specialists
- Schools and universities
- Faith-based communities
- Medical examiner/Coroner
- Those with lived experience with substance use and friends and family of those with lived experience with substance use
- Local business
- Tribal government
- City government
- Township government

Five (5) counties indicated that they did not have a community-inclusive process and 11 counties indicated “other.” For those that identified “other,” their responses highlighted that community assessments were currently under way and that request for proposal processes were made open to the public. The most commonly engaged stakeholder category was public safety and the criminal-legal system, with 49 mentions of their involvement, followed by local public health with 47 mentions. Behavioral health provider and recovery support providers also ranked high with 44 responses each. Tribal government ranked the lowest at 6 responses and local businesses and township government both had 11 responses. This data aligns with data from the previous year, highlighting counties expected to engage public safety (93%) and public health (79%) at the highest rates.



Local and national guidance also prioritizes engaging those with lived experience with substance use as well as family and friends of those with lived experience and the survey results indicated 35 mentions of this group.[ii] Inclusion of this population is higher than the expected inclusion noted from the 2023 baseline assessment which indicated 28 percent (28%) for both those with lived experience of substance use and friends and family of those with lived experience.

Figure 4. Understanding Local Data and Needs (Total Counties)

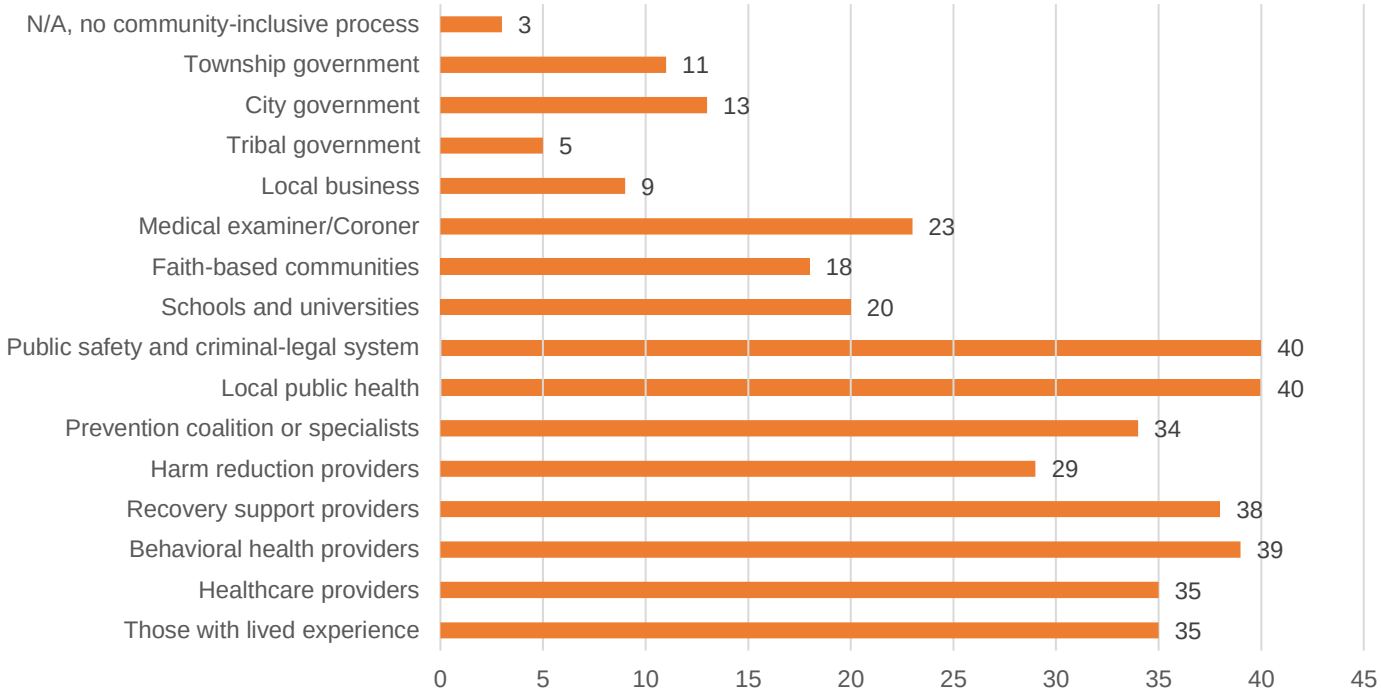


Figure 5. Development of County-wide Strategic or Action Plan (Total Counties)

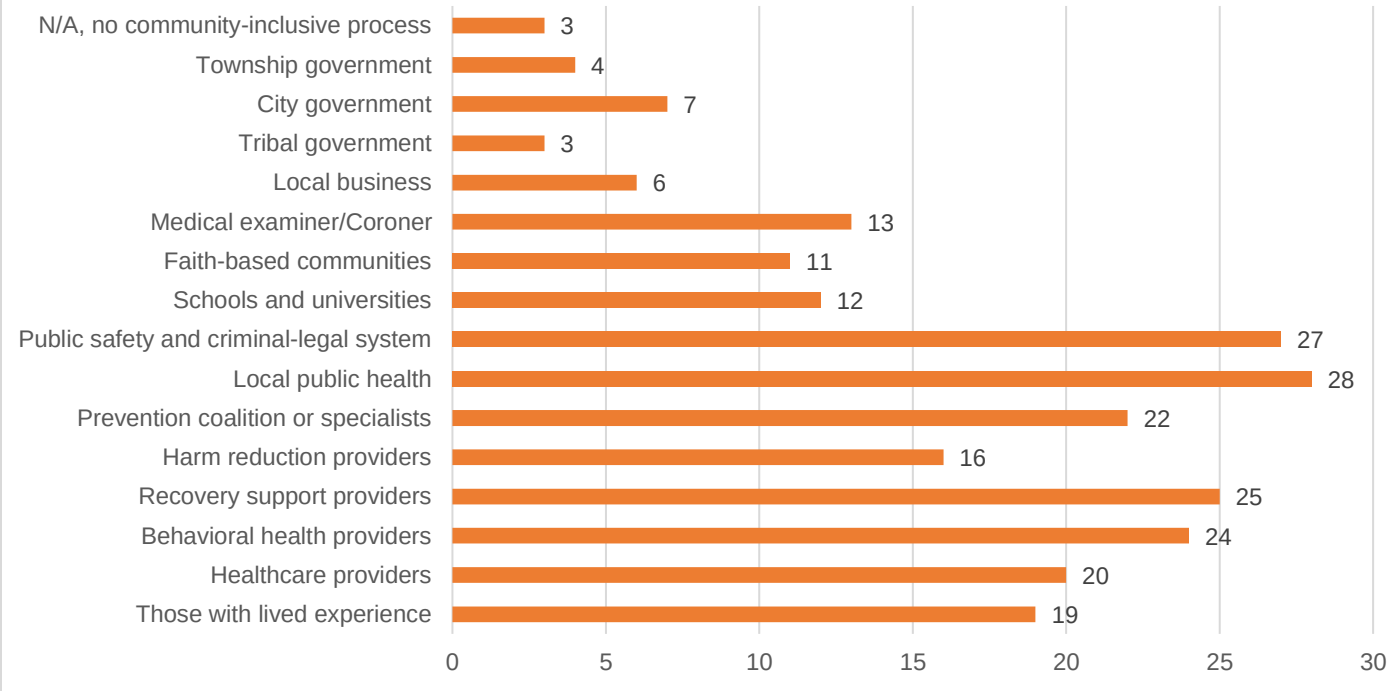


Figure 6. Contributing to Recommendations or Priorities for Areas of Funding (Total Counties)

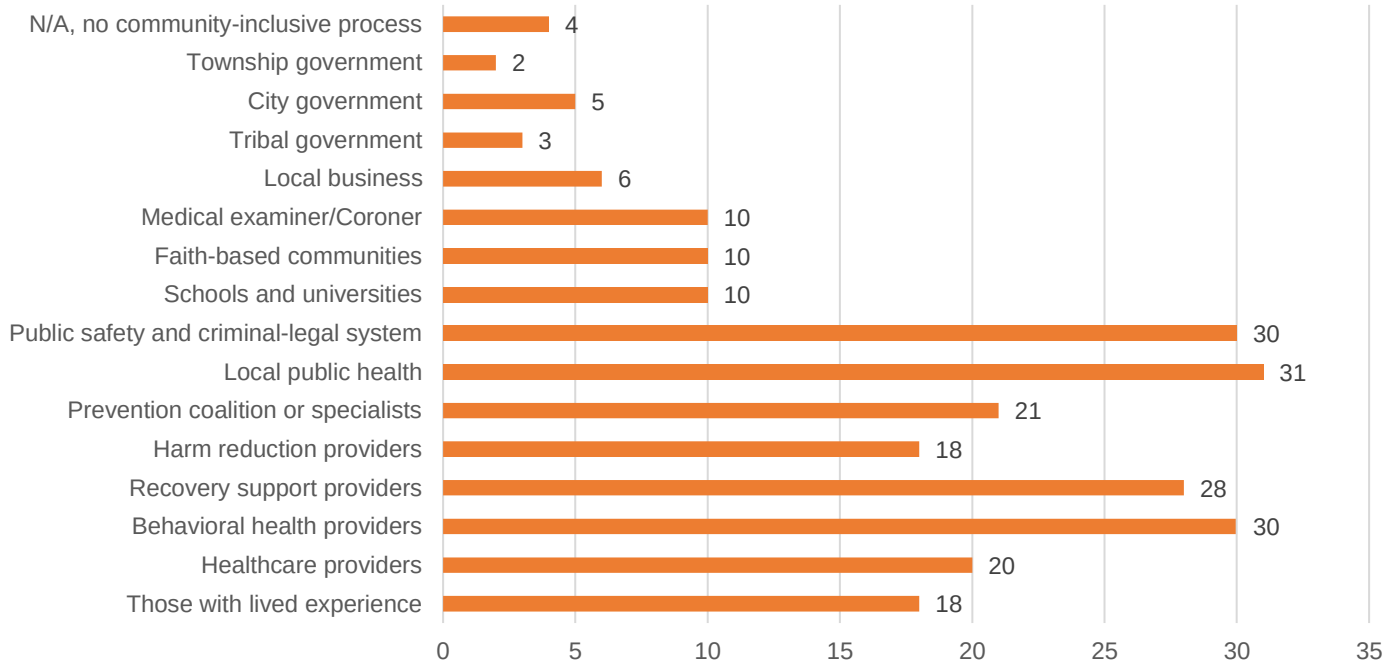
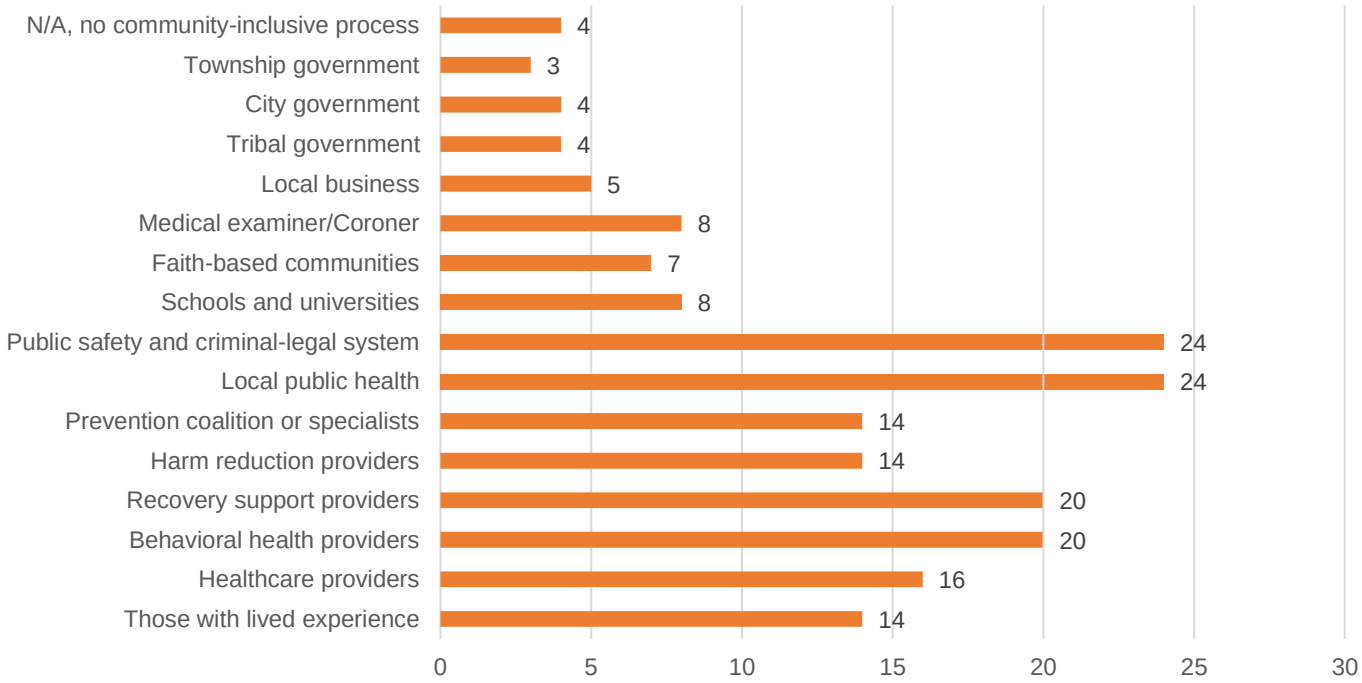
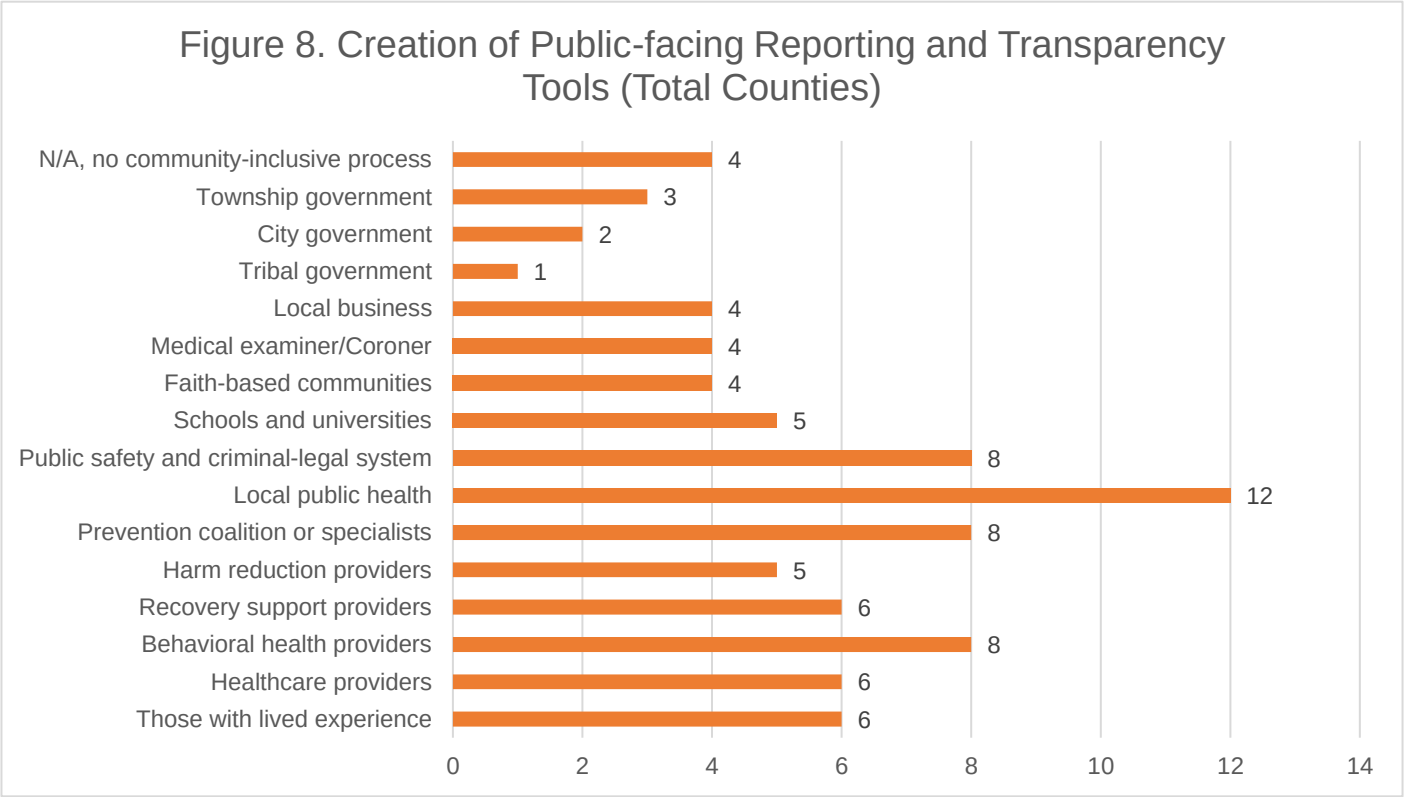


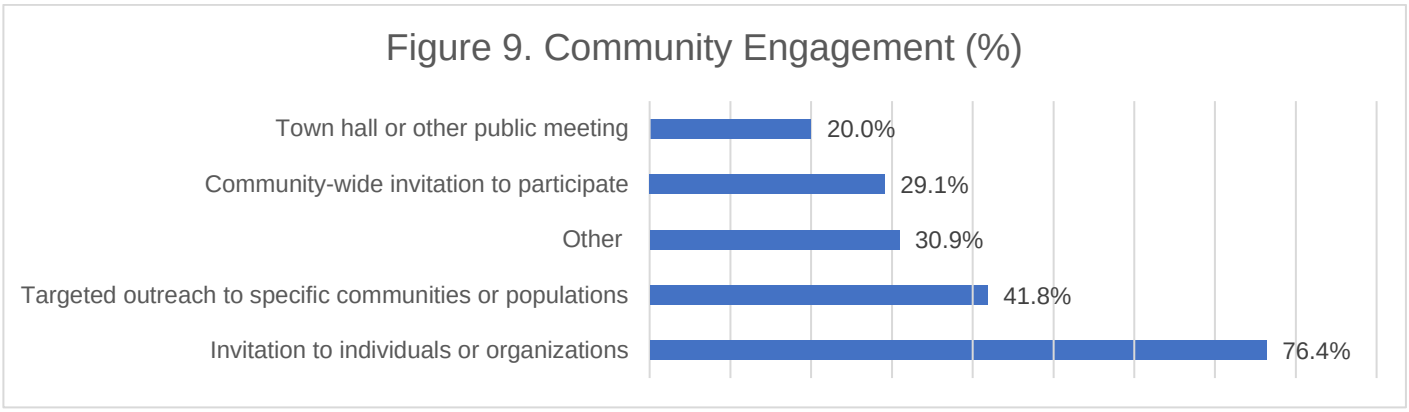
Figure 7. Development of a Spend Plan or Determination of Specifically Where Funds are Directed (Total Counties)



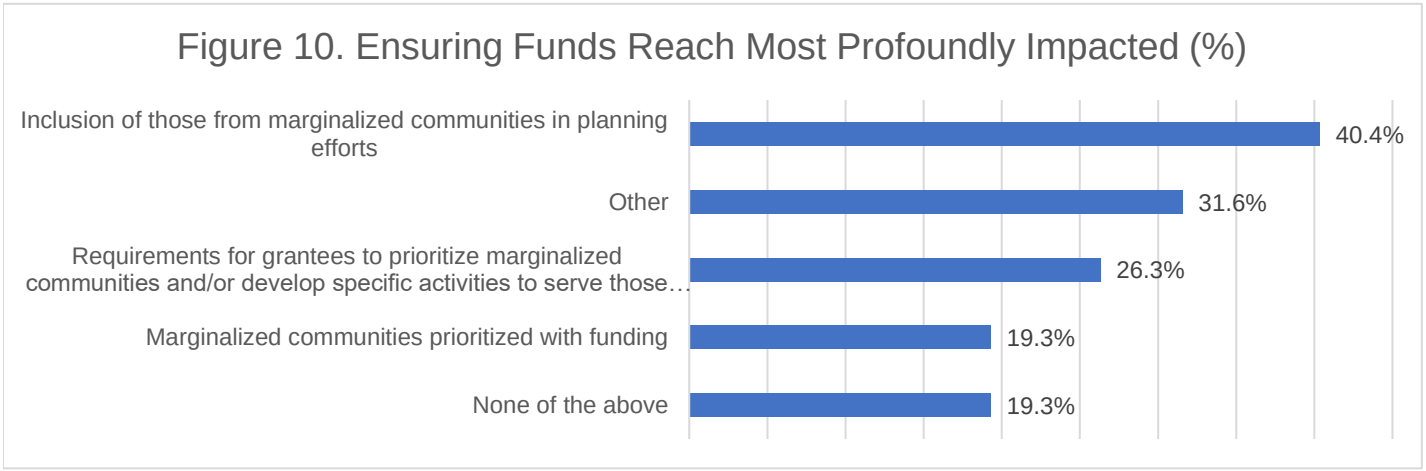


Providing an opportunity for community involvement is a facet of the settlement landscape, as funds have been received based on the harms caused to communities. The majority of settlement funds were allocated based on three specific figures: 1.) prevalence of opioid use disorder, 2.) overdose fatalities and 3.) the amount of opioids in a county. When asked how communities were engaged, 57 counties responded. Counties were able to choose all responses which aligned with their efforts. Forty-two (42) counties (76%) indicated an invitation to individuals and organizations to engage in county planning took place, 23 counties (42%) conducted outreach to specific communities or populations and others had a community-wide invitation to participate (29%) or town halls or public meetings (20%).

Narrative responses to an answer of “other” (31%) indicate communities are currently being engaged through a community assessment process, typically including a survey and sometimes including focus groups and key informant interviews, inclusion of those who serve the community such as substance use disorder providers and court systems, as well as community inclusion on steering committees designed to provide recommendations on where funds are directed to county board of commissioners.

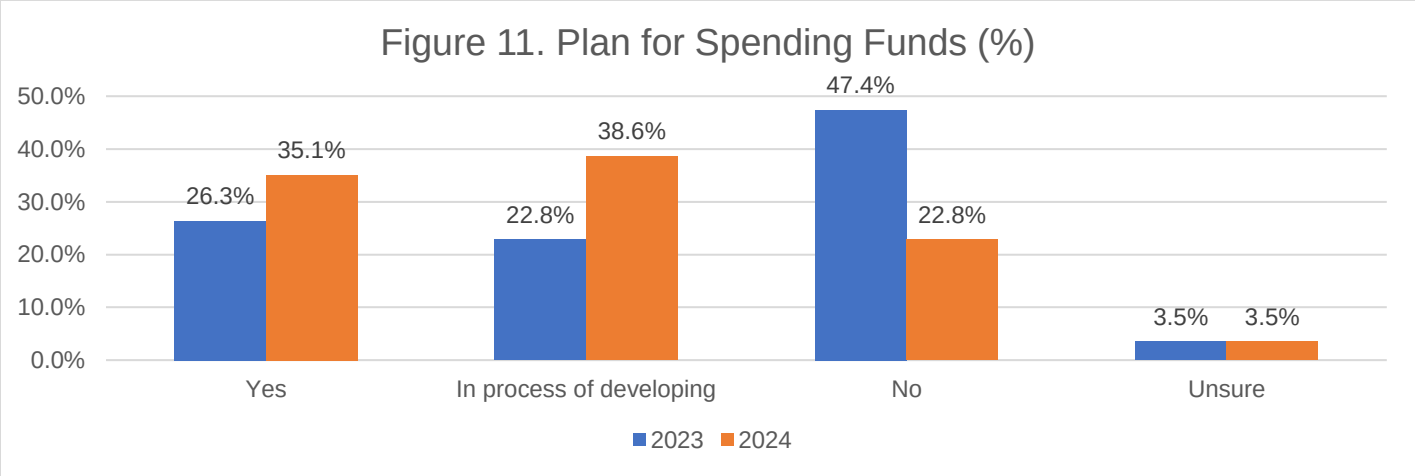


Opioid settlement funds are intended to serve those most profoundly impacted by the drug overdose crisis, with allowable uses focusing on prevention, harm reduction, treatment and recovery and avoiding punitive and coercive practices. Counties were asked how consideration was given to ensuring that funds reached those most profoundly impacted and were able to select multiple options. Fifty-seven (57) counties responded, with 23 (40%) stating they have included, or will include, those from marginalized communities in their planning efforts; 15 (26%) stating they have required, or will require, grantees to prioritize marginalized communities or develop specific activities to serve those populations; 11 (19%) stating that marginalized communities have been prioritized, or will be prioritized, with funding. Additionally, 11 counties (19%) noted none of these options and 18 (32%) chose a response of “other.” “Other” responses focused primarily on engaging community members through a community assessment process and serving those currently engaged in the criminal-legal system by expanding access to medication to treat opioid use disorder within the jail. In the baseline assessment, data indicated 75 percent (75%) of respondents were unsure if they would incorporate an equity lens into their work, with 21 percent (21%) of counties indicating they planned to.

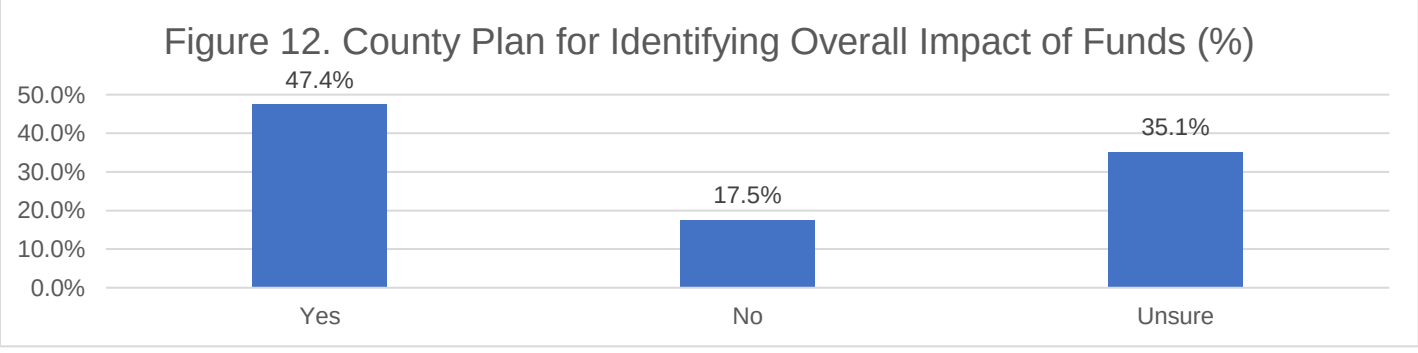


Monitoring and Accountability

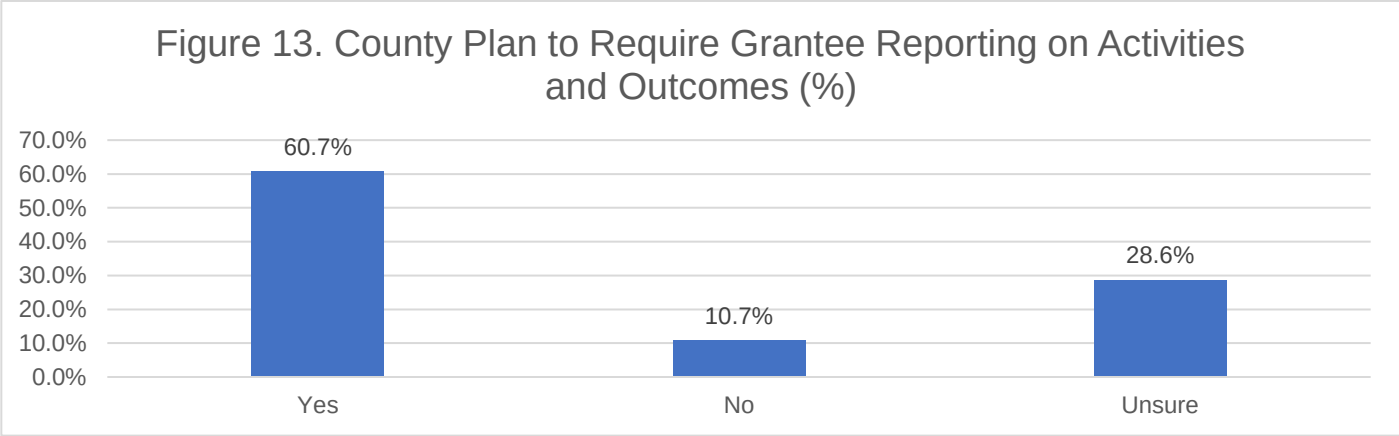
Counties were asked if they had plans for spending for the previous and the current calendar year. For responses regarding the previous calendar year (2023), 26 percent (26%) of respondents identified they had a plan for investing opioid settlement funds, compared to 35 percent (35%) for calendar year 2024 (Jan. 1-May 10). There was a significant increase in the number of counties who were in the process of developing plans for spending of funds between 2023 and May of 2024, noting a change from 23 percent (23%) to 39 percent (39%) of respondents respectively. Counties without plans for spending also changed considerably between 2023 and 2024, from 47 percent (47%) to 23 percent (23%) of respondents. For both the previous and current calendar years, 2 counties (4%) were unsure about plans for expenses and seven (7) counties (4%) did not provide a response. Data from the baseline assessment showed 70 percent (70%) of respondents did not have a plan for investing funds.



Counties were asked if they had a plan for identifying the overall impact of their funds. Fifty-six (56) counties responded, with 27 (47%) having a plan, 10 (18%) not having a plan and 20 (36%) uncertain how to respond.

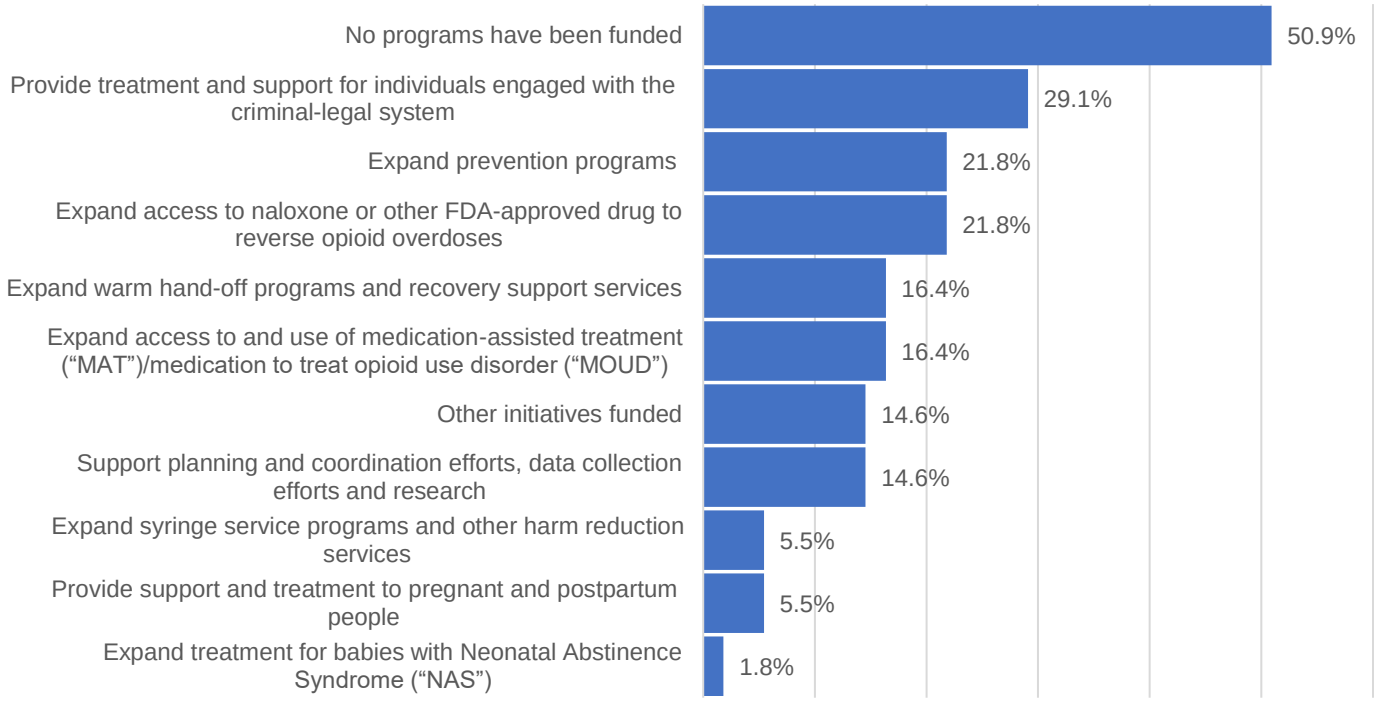


When asked if counties require, or plan to require, reporting on activities and outcomes from grantees of settlement funds, 57 counties responded, with 34 (61%) noting they would require, six (6) (11%) noting no and 16 (29%) unsure. Based on responses throughout the survey, the number of responses in the uncertain categories are not alarming, as many counties note they are in their planning processes. Baseline assessment data indicates 67 percent (67%) of respondents planned to require grantees to report on their activities and outcomes and 85 percent (85%) of respondents did not have a plan to identify the overall impact of the funds.



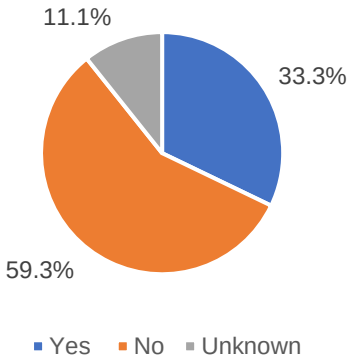
The most commonly asked question in the settlement space is where funds are being directed. Fifty-five (55) counties shared the core strategies (aligned with Exhibit E) of where their funds had been directed so far. Respondents were able to choose all strategies that applied. Twenty-eight (28) counties (51%) indicated they had not yet spent any funds, which aligns with the overwhelming responses throughout the survey which highlight ongoing planning efforts across the state. Three primary areas of spending emerged, though, including providing treatment to those engaged in the criminal-legal system (29%), expanding prevention programs (22%) and expanding access to the overdose reversal drug naloxone (22%). The lowest funded areas include expanding treatment for babies with Neonatal Abstinence Syndrome (2%), support and treatment for pregnant and postpartum people (5%) and expanding syringe service programs and other harm reduction services (5%). Narrative responses to this question included funding specialty courts, pretrial services and education for first responders. Data from the previous year suggests slightly differing spending priorities, with the most significant being the top priority of recovery supports. Treatment and prevention ranked in the same order between 2023 and 2024 surveys.

Figure 14. Strategies Funded in 2023 (%)



One key aspect associated with opioid settlement funds is the desire for transparency of funding coming in, planning processes, funding determinations, and the impact of the funds used. While most counties are still in their planning processes, which may include transparency planning, they were asked if they had publicly accessible information currently available. Fifty-four (54) counties responded, with 18 (33%) saying yes, 32 (59%) stating no and six (6) (11%) sharing they were uncertain. Based on data from the previous year, 70 percent (70%) of respondents did not plan to have public-facing information on settlements.

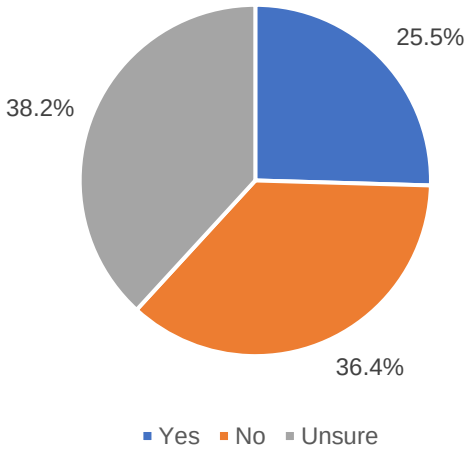
Figure 15. Public-Facing Opioid Settlement Information (%)



Resource Utilization

While opioid settlement funds may seem large, counties understand these funds are suggested to be used over an 18-year period and that with the lack of a clear payment schedule, these funds will not address the drug overdose crisis as a whole. Counties recognize that funds will need to be leveraged and braided with other funding sources, including state and federal funds. Counties were asked if they had been able to leverage state opioid settlement funds. Fifty-four (54) responded. Fourteen (14) counties (26%) were able to leverage state opioid settlement funds, 20 (37%) were not and 21 (38%) were unsure. Those that were not able to leverage state funds noted that they were unaware of opportunities to do so, unaware if local governments would qualify for state settlement funds or they were not yet at a place in the planning process to leverage external funding sources.

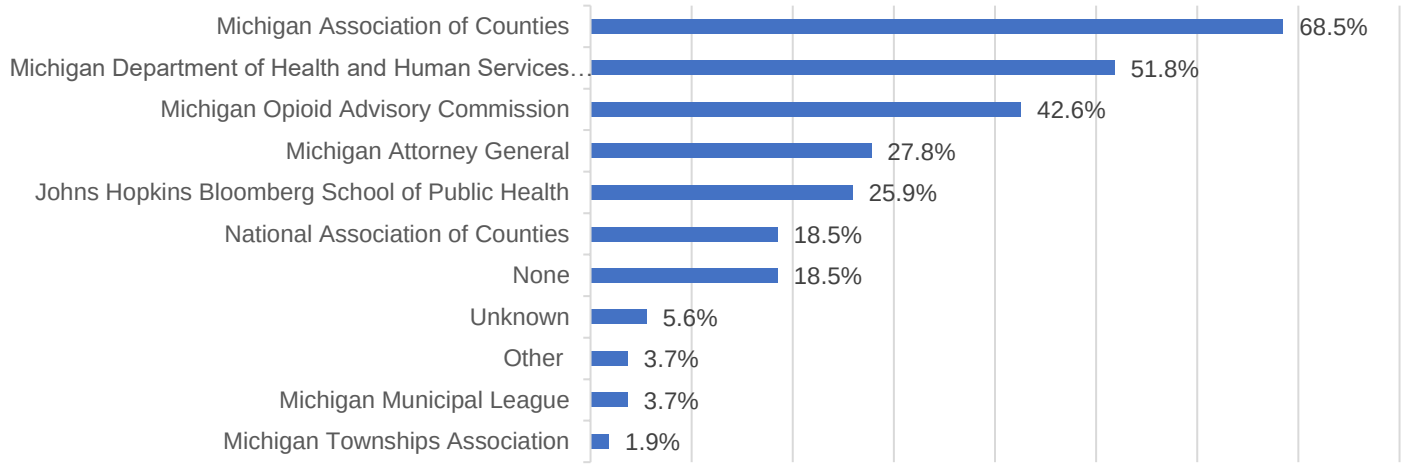
Figure 16. Ability to Leverage State Opioid Settlement Funds (%)



No-cost technical assistance, resources, tools, and guidance continue to be made available to local governments through numerous local and national sources.[iii] Counties were asked which resources they have accessed up to this point in the process and 54 responded. Respondents were able to select all resources they had accessed. The highest accessed resource was the Michigan Association of Counties, with 37 respondents choosing this option, or 69 percent (69%). The second most highly utilized resource was the Michigan Department of Health and Human Services, which included efforts from the Technical Assistance Collaborative (Michigan State University, Waye State University and University of Michigan), with 28 respondents choosing this option, or 52 percent (52%). The third most utilized resource was the Michigan Opioid Advisory Commission, with 43 percent (43%) of respondents

indicating use of their resources and reports. Twenty-eight percent (28%) noted use of the Michigan Office of Attorney General as a resource, as their website houses the Opioid Settlement Payment Estimator tool. Twenty-six percent (26%) of counties indicated use of the Johns Hopkins Bloomberg School of Public Health resources, which includes the Principles for Use of Funds From the Opioid Litigation, and 19 percent (19%) of counties had used the National Association of Counties Opioid Solutions Center, which houses quick guides and strategy briefs.

Figure 17. County Utilized Resources (%)



Limitations

The MAC Annual Opioid Settlement County Reporting Survey is a voluntary survey. The survey was open from April 8 through May 10 of 2024 and was directed to county administrators. Due to the timeframe intended to be captured in the survey, calendar year 2023, data on efforts in 2024 are limited and will be collected and made available through the 2025 annual survey. Turnover within leadership positions in county government also presents a limitation, as there may be vacancies in positions associated with whom the survey was shared with or those coming into positions may not yet be receiving communications from MAC. Some survey respondents also skipped questions throughout the survey, limiting the sample size associated with many questions and potential for inconsistencies across survey questions.

CONCLUSIONS AND RECOMMENDATIONS

The Michigan Association of Counties continues to work to support counties as they navigate this new landscape. Common themes throughout the survey indicate that most counties are deeply embedded in planning processes with development of steering committees and community assessments. County governments recognize the need for local expertise in their efforts and feel that there is much to learn about substance use and the behavioral health field in this process. Over half of the counties who responded indicated that no funds had been spent yet, but for those far enough along in the process for spending, they are prioritizing treatment in carceral settings, primary prevention, and harm reduction activities (naloxone access only). There also seems to be significant interest in funding focusing on specialty courts and first responder training.

Education and Technical Assistance Recommendations:

- **Increased education on harm reduction, recovery support strategies, data collection and treatment for pregnant and parenting people and infants.**
    - The lowest ranked core strategies (determined by Exhibit E) funded in 2023 include warm hand-offs and recovery supports (16%), planning and data collection efforts (15%), harm reduction (excluding naloxone) (5%), treatment for pregnant and postpartum people (5%) and treatment for babies with NAS (2%). Many counties also focused on funding specialty courts and training for law enforcement. With a goal of reaching those most profoundly impacted by the crisis with these funds, increased education on strategies they may be more unfamiliar with may provide a broader diversity of spending.

- **Increased education around the importance and process of including those with lived and living experience with substance use in planning efforts.**
    - While those with lived and living experience as well as their friends and family were not the lowest ranked stakeholder to be engaged (35 responses out of 53 counties), their inclusion in planning and spending efforts is critical. To ensure funds are used effectively, those who utilize the systems and services should be included in determining where barriers and oversights may occur and how to best position services.

- **Increased education around how to ensure funds reach those most profoundly impacted by substance use and the drug overdose crisis.**
    - Forty percent (40%) of respondents indicated marginalized communities were involved in planning efforts and 19 percent (19%) noted no consideration to ensuring funds reached those most profoundly impacted. Inclusion of those impacted in both understanding local needs and inclusion in planning efforts are keys to creating meaningful impact with settlement dollars. To ensure that Michigan receives the highest dollar amounts from settlements, Michigan governments and other entities are barred from future lawsuits against the companies related to opioids (Public Act 228 of 2023). This increases the importance of ensuring use of these funds to impact the crisis.

- **Increased promotion of the Johns Hopkins Bloomberg School of Public Health Principles for the Use of Funds From the Opioid Litigation and National Association of Counties Opioid Solutions Center.**
    - While these resources were not the lowest utilized, they provide the strongest and most comprehensive guidance.

Structural Recommendations:

- **Increased understanding of funding schedules, how to determine average annual amounts for spending or which funding models counties are utilizing.**
    - Many counties expressed concern regarding the lack of frequency of payments through narrative responses. Only 24 percent (24%) of counties had determined an average annual amount for spending, pointing to a need for either greater understanding of funding models or support in determining an amount of funds sustainable for both counties and grantees annually.

- **Increased opportunities for collaboration across governments (Tribal, county, city and township).**
    - With 92 percent (92%) of counties not combining funds with other governments, there may be areas for increased coordination and collaboration, such as inclusion in planning efforts and alignment of expenditures.

- **Increased awareness and understanding of how local governments can leverage state opioid settlement funds.**
    - Thirty-eight percent (38%) of counties were unsure and 36 percent (36%) were unable to leverage state opioid settlement funds. Education and clear pathways for funds are needed to increase awareness and accessibility.

Reference Links

[i] https://micounties.org/wp-content/uploads/Michigan-Opioid-Settlement-Funds-Toolkit-2.pdf
[ii] https://opioidprinciples.jhsph.edu/the-principles/, https://www.naco.org/program/opioid-solutions-center
[iii] https://opioidprinciples.jhsph.edu/the-principles/, https://www.naco.org/program/opioid-solutions-center, https://micounties.org/opioid-settlement-resource-center/