

CHAPTER 50. OPIOID SETTLEMENT PAYMENTS AND ABATEMENT GRANTS

SUBCHAPTER 3. OPIOID ABATEMENT GRANTS

75:50-3-1. Opioid grant application process

- (a) The Board shall provide the Application on the Office of the Attorney General's website. The Attorney General may, acting on behalf of the board, digitize the entire application process.
- (b) Applications will be reviewed by the Board, which will allocate funds consistent with the requirements under the Act ~~and subchapter 2, section 1, subsection c of this chapter.~~
- (c) The Board may delegate review of completed applications to the Office of the Attorney General and to whomever it finds qualified, capable, and possessing necessary capacity.
- (d) Applicants shall sign and return to their completed applications to the Office of the Attorney General via mail or by electronic means as determined by the Office of the Attorney General.
- (e) Public trusts shall submit the most recent copy of their declaration of trust or trust indenture with their application.
- (f) Applicants must submit data correlating to any criteria requested by the Board, ~~including the criteria set forth subchapter 2, section 1, subsection e.~~
- (g) Grant applicants must apply for a grant award using the procedures, forms, and certifications prescribed by the Board. Any incomplete applications or applications lacking in sufficient detail may be returned to the applicant for completion, corrections, or supplementation. In the event an application remains incomplete or lacking in sufficient detail, the Attorney General may deny the application on the Board's behalf. The applicant submitting the denied application may then appeal the decision to the Board pursuant to section 5 of this subchapter.
- (h) Each grant applicant must designate an authorized official and must submit to the Board or its designee, the following:
- (1) a resolution from the grant applicant's governing body that, at a minimum, designates an authorized official to act on the grant applicant's behalf and authorizes the authorized official to submit a grant application;
 - (2) the authorized official's title, mailing address, telephone number, and email address; and
 - (3) the grant applicant's physical address.
- (i) A grant applicant or grant recipient must notify the ~~director~~Board as soon as practicable of any change in the information provided under subsection (a) of this section. If there is a change of authorized official, a grant applicant or grant recipient must also submit to the ~~director~~Board a new resolution from the grant applicant's governing body that, at a minimum, designates an authorized official to act on the grant applicant's behalf.
- (j) Multiple (two or more) applicants may submit a joint application reflecting a collaborative and coordinated effort or project and will be eligible for a joint grant award in an amount as determined by the Board as described in section 3, subsection f of this subchapter and Appendix F.

75:50-3-3. Maximum grant awards

- (a) The amount of a grant award is determined solely in the discretion of the Board. The Board is not required to fund a grant in the amount requested by the Applicant. Maximum grant awards are based on an applicant's population or enrollment as established by the Board for each round of grant funding and will fall into one of three respective tiers, with Tier 1 being for the smallest in population or enrollment and Tier 3 being the largest in population or enrollment.
- ~~(b) Applicant counties shall be eligible for grant award amounts as set forth in Appendix B;~~
- ~~(c) Applicant municipalities shall be eligible for grant award amounts as set forth in Appendix C;~~
- ~~(d) Applicant common education school districts shall be eligible for grant award amounts as set forth in Appendix D;~~
- ~~(e) Applicant technology school districts shall be eligible for grant award amounts as set forth in Appendix E;~~
- ~~(f) If two or more applicants submit a joint application as a collaborative effort or project, the joint effort or project(s) shall be eligible for grant award amounts as set forth in Appendix F;~~
- ~~(g)~~(b) The total population or enrollment for applicants that are public trusts solely benefiting one or more eligible participants shall be eligible based on the subdivision(s) they benefit. If a public trust benefits more than one type of political subdivision, the public trust will be eligible for maximum available funding under the tier appendix for which the majority of its beneficiary-political subdivisions are.
- ~~(h)~~(c) A public trust's population or enrollment will be limited to the population or enrollment of the subdivision(s) that the public trust benefits as set forth in the declaration of trust or trust indenture.
- ~~(i)~~(d) An interlocal cooperative formed under title 70 of the Oklahoma Statutes that is determined to be a local educational agency will be considered a school district, as that term is defined in 51 O.S. § 152.
- ~~(j) The Board reserves its discretion to award an amount greater than the proposed maximum available funding amounts in Appendices B-F under the following circumstances:~~
- ~~(1) An applicant demonstrates extraordinary need for opioid abatement funding resources, warranting a reasonable increase; or~~

~~(2) sufficient funds remain available for increasing award amounts as may be determined by the Board, subject to the Board's due diligence in evaluating applications.~~

75:50-3-4. Application review and disbursement process; allowable costs

(a) Grant applications may be reviewed according to the following process: (1) initial screening, (2) peer review, and (3) Board review and approval. Applications submitted to the Board shall be scored using the scoring system determined by the Board for each round of grant funding ~~rubric in Appendix G.~~

(b) The Board shall conduct disbursement of opioid grant awards from the Revolving Fund.

(c) In awarding opioid abatement grants, the Board shall determine grant awards based the criteria set forth in subchapter 2, section 1, subsection c of this chapter and any other criteria it deems necessary and appropriate for the proper and wise use of opioid funds. This criteria may be included in the scoring rubric system or in the Board-approved application.

(d) Following approval of grant amounts, all recipients shall receive a copy of the Contract, which they must complete and return to the Office of the Attorney General prior to receiving a disbursement of funds. The Contract can be returned by mail or electronic means as determined by the Office.

(e) Recipients shall receive their grant award in the form of equal quarterly distributions.

(f) Applicants may request the first two payments be combined in their application submission to provide start-up funding for their project or abatement plan. The remaining balance of the grant award will disbursed in the same manner set forth in subsection e of this section.

(g) The Board shall set the grant term in a public cast and recorded vote at a properly noticed meeting.

(h) For good cause shown, Recipients in good fiscal and programmatic standing may request the Board to authorize a one-time carryover of up to forty percent (40%) of their grant award distributions following the expiration of the initial grant term. To be considered for a carryover authorization, the Recipient must submit a written request no later than 120 calendar days prior to expiration of the initial grant term, which must include:

- (1) a timeline of events beginning on the date of grant award;
- (2) a detailed explanation why the grant project is not expected to be completed within the grant term; and
- (3) if applicable, supporting documentation demonstrating good cause.

(i) Grant funds may not be used for costs that will be reimbursed by another funding source. The Board may require a grant recipient to demonstrate through accounting records that funds received from another funding source are not used for costs that will be reimbursed by the Board.

75:50-3-7. Grant award quarterly reporting, oversight, and compliance

(a) The grant recipient is responsible for managing the day-to-day operations and activities supported by the grant agreement and is accountable to the Board for the performance of the grant agreement, including the appropriate expenditure of grant award funds and all other obligations of the grant recipient. The grant recipient must maintain a sound financial management system that provides appropriate fiscal controls and accounting procedures to ensure accurate preparation of reports required by the grant agreement and adequate identification of the source and application of grant funds awarded to the grant recipient. Grant recipients must comply with:

- (1) the terms and conditions of the grant agreement;
- (2) all applicable state or federal statutes, rules, regulations, or guidance applicable to the grant award. A grant recipient is the entity legally and financially responsible for compliance with the grant agreement, and state and federal laws, rules, regulations, and guidance applicable to the grant award.

(b) The Attorney General will, on behalf of the Board, maintain oversight and monitor compliance of expenditures by Recipients to ensure that any use complies with approved purposes as defined under the Act. As a part of the oversight and monitoring, the Attorney General and Board may conduct desktop or on-site reviews. During an on-site review, a grant recipient must provide the Board or Attorney General with access to all records, information, and assets that the Board or Attorney General determines are reasonably relevant to the scope of the on-site review.

(c) At a minimum, Recipients will be monitored through a quarterly reporting process.

(d) The Board shall utilize the Political Subdivision Opioid Abatement Grant Award Quarterly Reporting Form ("Form") to maintain oversight and confirm compliance with the Act. All Recipients must submit quarterly reports using the Form in order to continue receiving or using opioid grant award proceeds. ~~The Form shall be provided on the website of the Oklahoma Office of the Attorney General.~~ Completed quarterly reports shall be returned to the Office of the Attorney General via mail or by electronic means as determined by the Office of the Attorney General. Quarterly reports shall be due on the last day of the month immediately following the conclusion of a quarter. If an opioid grant award is received during a quarter, a recipient is not required to submit a report for the remainder of the initial quarter until the conclusion of the next quarter for which reports for the initial quarter and the first full quarter shall be due.

(e) For the purposes of this chapter, quarters shall run by calendar year. January, February, and March shall be Quarter 1; April, May, and June shall be Quarter 2; July, August, and September shall be Quarter 3; and October, November, and December shall be Quarter 4.

(f) At the Board’s discretion and at any time, the Board, may request any additional data and reporting information that the Board deems necessary to substantiate that grant funds are being used for the intended purpose and that the grant recipient has complied with the terms, conditions, and requirements of the grant agreement. Further, at the Board’s discretion and at any time, the Board may request any records from or audit the books and records of a grant recipient or conduct an on-site review at a grant recipient's location to verify that the grant recipient has complied with the terms, conditions, and requirements of the grant agreement, and any applicable laws, rules, regulations, or guidance relating to the grant award. If it is determined that a Recipient is using opioid grant award proceeds out of compliance with Board procedures or has utilized such proceeds for non-approved purposes, the Board authorizes the Attorney General to immediately suspend the Recipient's use of the grant award proceeds and notify the Recipient.

(g) The Board may resume disbursements to the non-compliant recipient once it has determined the recipient has adequately remedied the cause of such suspension.

(h) For the purposes of the Act, an adequate remedy may include, but not be limited to the following:

- (1) refunding an amount equal to the amount spent on nonapproved purposes or a reduction to future disbursements in the amount equal to the amount spent on nonapproved purposes.
- (2) reducing or terminating a grant when the Recipient is found to be noncompliant, the Recipient and Board agree to the reduction or termination of a grant award, when grant funds are no longer available to the Board, or if conditions exist that make it unlikely that objectives of the grant award will be accomplished; or
- (3) other remedies available under applicable laws, rules or regulations.

(i) The Board authorizes the Attorney General to negotiate adequate remedies with non-compliant recipients for presentation and approval by the Board.

APPENDIX B. COUNTY TIERS [REVOKED]

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

APPENDIX C. MUNICIPALITY TIERS [REVOKED]

Tier Number	Population range	Proposed maximum available funding
1	Up to 15,000	\$60,000.00
2	15,001-100,000	\$125,000.00
3	100,001 or more	\$300,000.00

APPENDIX D. COMMON EDUCATION SCHOOL DISTRICT TIERS [REVOKED]

Tier Number	Population range	Proposed maximum available funding
1	Up to 2,000	\$35,000.00
2	2,001-15,000	\$75,000.00
3	15,001 or more	\$150,000.00

APPENDIX E. TECHNOLOGY SCHOOL DISTRICT TIERS [REVOKED]

Tier Number	Population range	Proposed maximum available funding
1	Up to 5,000	\$35,000.00
2	5,001-15,000	\$75,000.00
3	15,001 or more	\$150,000.00

APPENDIX F. COLLABORATIVE MULTI-APPLICANT TIERS [REVOKED]

Tier Number	Population range	Proposed maximum available funding
1	Up to 100,000	\$175,000.00
2	100,001-500,000	\$350,000.00
3	500,001 or more	\$750,000.00

APPENDIX G. SCORING RUBRIC [REVOKED]

Applications should be scored based on their demonstration of evidence provided in each of the criteria. Reviewers should look for evidence that the application will support abatement of the opioid epidemic within the political subdivision. Reviewers should ensure that the proposed use of funds aligns with both the statutorily-approved purposes and the need as expressed in the application. Applications should demonstrate a clear need for opioid abatement, provide a compliment to any existing programs within the community and a plan for ensuring funds are managed, spent and reported transparently and efficiently in accordance with the grant terms and restrictions.

Criteria	Total Points Available	Point Values			
Use of Funds (Question 11)	20 points	0 Narrative shows no use of funds for abatement	10 Weak use of funds for abatement	15 Good use of funds for abatement	20 Strong use of funds for abatement
Demonstrated Need for Funds (Question 12)	25 points	0 No justification	10 Limited justification	18 Adequate justification	25 Strong justification
Capacity for Implementation (Question 13)	15 points	0 No capacity for project management	5 Weak capacity for project management	10 Good capacity for project management	15 Strong capacity for project management
Evidence Base for Proposed Projects (Question 14)	25 points	0 No evidence of future success	10 Weak evidence of future success	15 Good evidence of future success (evidence-informed)	25 Strong evidence of future success (evidence-based)
Community Partnership and Support (Question 15)	15 points	0 No alignment with existing community efforts	5 Weak alignment with community efforts	10 Moderate alignment with community efforts	15 Strong alignment with community efforts
Subtotal points	100 points				

Bonus Points Criteria	Total Points Available	Point Values	
Applicant has received \$0 in opioid settlements or opioid-related litigation (checked "No" on questions 7-10)	5 points	0	5
Applicant proposes a new project (checked first box on question 11b)	15 points	0	15
Applicant has secured 50% or more of maximum available funding in matching funds from other sources	10 points	0	10
Total Points	130 points		