



INDIGENIZING OPIOID LITIGATION SETTLEMENTS: CO-CREATING TRIBAL PRINCIPLES

March 12, 2024
Hope in Healing Native
Opioid Summit

Andrea Medley, Jaad ahl' Kiiganga, MPH



MARCH 2024

AGENDA



1. Welcome
2. Brief Recap: Reviewing the Tribal Opioid Litigation Settlements
3. Tribal Principles
4. Q & A

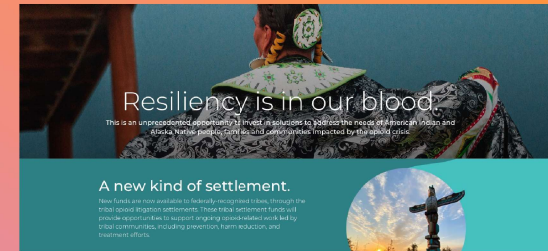




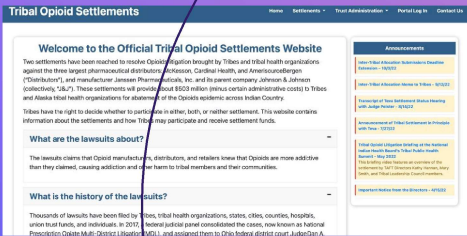
ICEBREAKER ACTIVITY

- Turn to the person next to you, and in groups of 2-3, introduce yourselves (hopefully it's someone new to you!) Things you may want to include:
 - Name, Spiritual/Ancestral Name, Nation/Tribe, Pronouns, Anything Else we Want to Mention
 - Please share about **one piece** of work you are doing in your community that you are proud of/excited about?

TRIBAL OPIOID SETTLEMENT OVERVIEW



Tribal Opioid Settlements Work



Directors of the tribal opioid settlement trust

Tribal Principles Project Team

Legal teams representing tribal communities

Tribes and Tribal Health Organizations*

Tribal Opioid Litigation Indigenous Advisory Comm.

Tribal Principles

The New York Times

Tribes Reach \$590 Million Opioid Settlement With J. & J. and Distributors

Money from the tentative deal would go toward addiction and treatment and would be overseen by Native American tribal leaders.

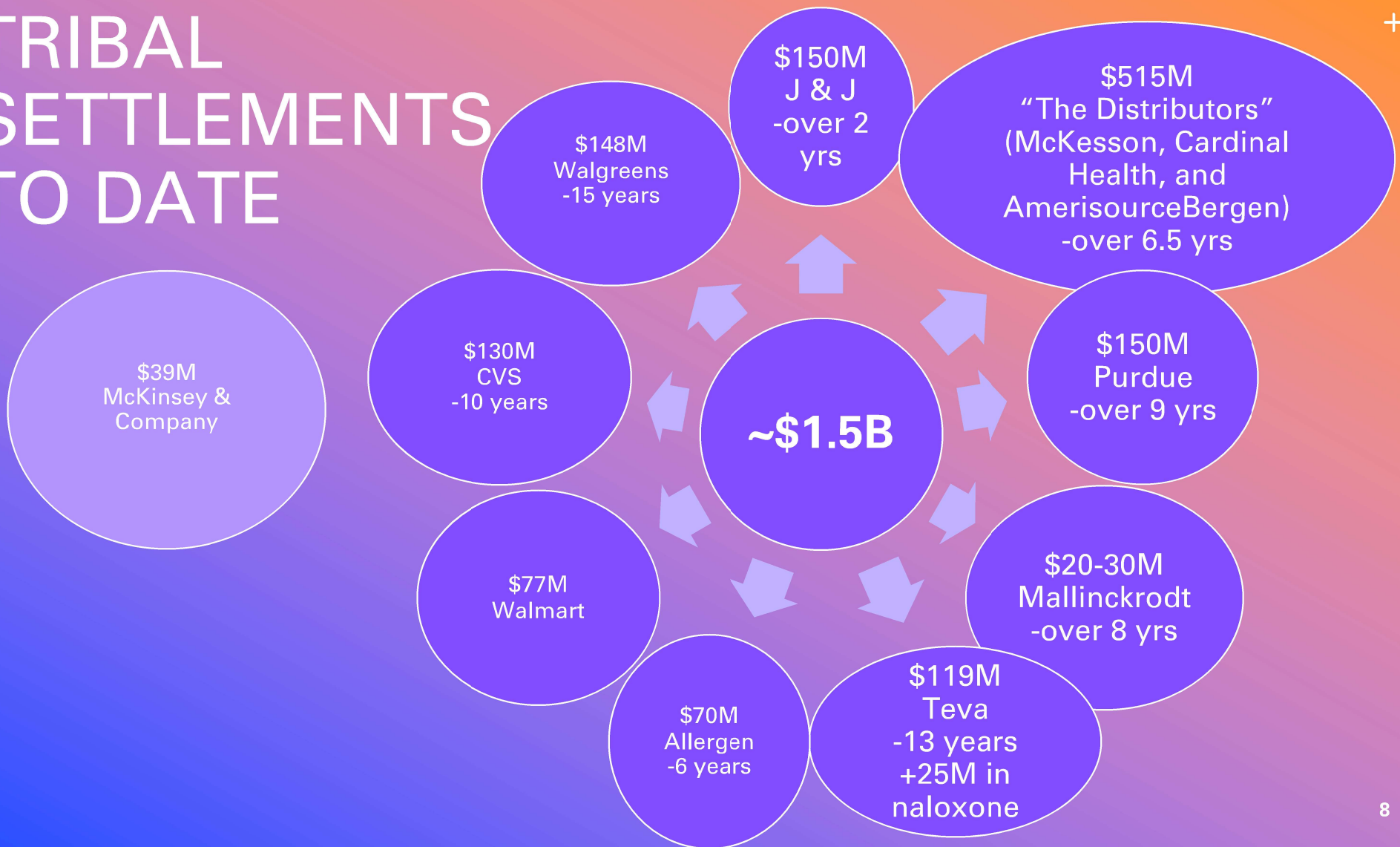
Give this article



SHARING THE STORY

- Announced early Feb 2022 that Tribes are receiving \$590 million in opioid litigation settlements
- It's new work: Tribes were excluded from the tobacco litigation settlements in the 1990s

TRIBAL SETTLEMENTS TO DATE



TRIBAL SETTLEMENTS TEAM

The screenshot shows the homepage of the Tribal Opioid Settlements website. The header includes navigation links: Home, Settlements, Trust Administration, Portal Log In, and Contact Us. The main content area is divided into two columns. The left column features a welcome message, a detailed paragraph about the settlements, and two expandable sections: 'What are the lawsuits about?' and 'What is the history of the lawsuits?'. The right column contains an 'Announcements' section with five items, each with a date: 'Inter-Tribal Allocation Submissions Deadline Extension - 10/3/22', 'Inter-Tribal Allocation Memo to Tribes - 9/12/22', 'Transcript of Teva Settlement Status Hearing with Judge Polster - 8/14/22', 'Announcement of Tribal Settlement in Principle with Teva - 7/27/22', and 'Tribal Opioid Litigation Briefing at the National Indian Health Board's Tribal Public Health Summit - May 2022'. A final announcement at the bottom reads 'Important Notice from the Directors - 4/15/22'.

- 3 Indigenous Trustees appointed Directors of the Tribal Settlement Trusts by U.S. Judge Dan Polster who oversees the Opioid Litigation to assist in implementing the Settlements
- The Directors are each enrolled members of federally recognized Tribes and have experience with Tribal matters
- Trustees will need to report that Tribes used the money for the 'Approved Uses'
- The allocation of funds is separate

<https://www.tribalopioidsettlements.com/>

How the \$\$ is divided: A Note on the Allocation of Funds

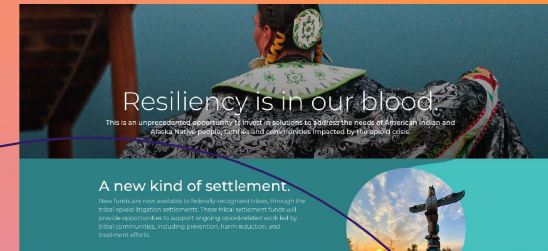
- Tribal Allocation Appointee permitted Tribes and their counsel to submit alternate allocation plans
- Ended up using the 'Purdue Allocation' method:
 - (1) MMEs (morphine milligram equivalents) imputed to each Tribe, based on ARCOS data from 2006-2014;
 - (2) drug and prescription opioid overdose rates imputed to each Tribe, based on county-level data from the National Center for Health Statistics for 2003-2017;
 - (3) Indian Health Service (IHS) user population for each Tribe, based on IHS data for 2018;
 - (4) citizenship population for each Tribe, based on the CARES Act population list and other sources;
 - (5) relative poverty rates imputed to each Tribe, based on US Census SAIPS data for 2018; and
 - (6) relative cost of living imputed to each Tribe, based on the C2ER Cost of Living Index for Health Care expenses for 2020.

How can we spend the \$\$? 'Approved Uses'

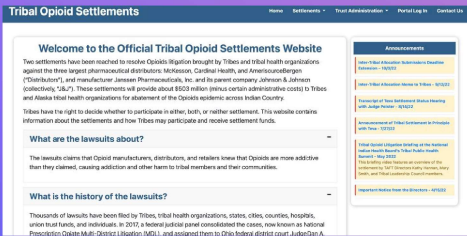
- The money received “must be spent for tribal programs, services and activities to address the opioid crisis in that tribe’s community”
- The **Tribal Opioid Settlement** website features a list of activities that Tribes can enact under '**Approved Uses**', **Schedule B and D**
- **Schedule B** includes three main sections: treatment, recovery and other strategies
- **Schedule D** of the Approved Uses document provides Tribes additional actions, and include traditional activities associated with cultural identity and healing, culturally competent integrated treatment models, culturally grounded community prevention, peacekeeping and wellness courts, and community workforce development and training

The list of **Approved Uses** is on the website,
www.tribalopioidsettlements.com

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Tribal Principles

TRIBAL PRINCIPLES PROJECT TEAM

Andrea Medley (Jaad ahl' Kiiganga)
she/hers | Haida Nation

Dr. Melissa Walls (memigwans) she/hers |
Bois Forte and Couchiching First Nation,
Anishinaabe

Dr. Myra Parker she/hers | Mandan and
Hidatsa tribe

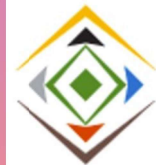
Dr. Maya Magarati she/hers | Magar

Jessica Kipp she/they | Blackfeet

Meenakshi Richardson she/hers | Haliwa-
Saponi Tribe



CENTER FOR
INDIGENOUS HEALTH



SEVEN DIRECTIONS
A CENTER FOR INDIGENOUS PUBLIC HEALTH

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“Indeed, American Indians have suffered the highest per capita rate of opioid overdoses,” said court documents filed by the Tribal Leadership Committee in the national lawsuits.

“For this reason, Tribal governments across the United States have had to spend considerable Tribal Funds to cover the costs of the opioid crisis, including **increased costs for health care, social services, child welfare, law enforcement, and other governmental services that Tribal governments provide to their citizens,**” said a motion.

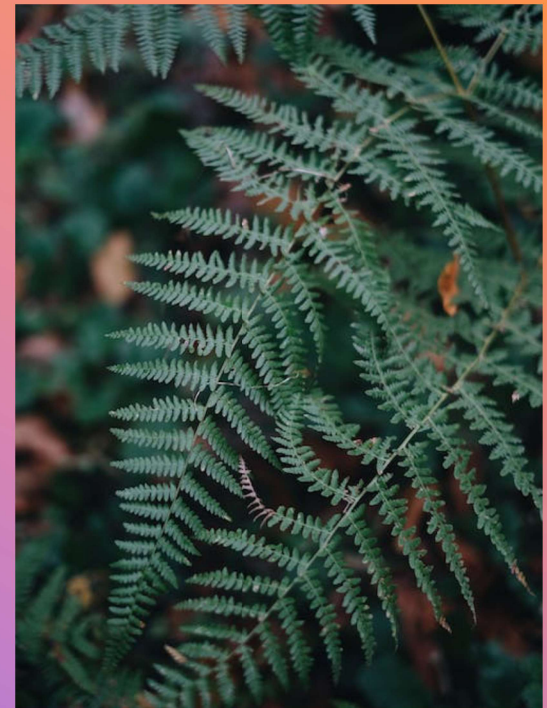
-Indian Country Today

**PROJECT
OVERVIEW:
CO-CREATING
TRIBAL
PRINCIPLES**



SHARING THE STORY

- JHBPSH had been working on national guidance for states, counties and local governments
- Found that less than 3% of tobacco control efforts went to tobacco cessation programs
- Provided funding to work on resource with tribal communities to complement existing work



NATIONALLY RECOGNIZED

PRINCIPLES FOR THE USE OF FUNDS FROM THE OPIOID LITIGATION

Developed by a coalition of organizations across the spectrum of the substance use field including physicians, addiction medicine specialists, recovery, treatment, and harm reduction. The Principles for the Use of Funds From the Opioid Litigation provide planning and process level guidance for state and local policymakers.

[EXPLORE THE PRINCIPLES](#)

The Principles

1. Spend money to save lives
2. Use evidence to guide spending
3. Invest in youth prevention
4. Focus on racial equity
5. Develop a fair & transparent process for deciding where to spend funding

Why Tribal-Specific Principles?

- Sovereign rights of Tribal communities
- Previously excluded from earlier national settlements (e.g., tobacco)
- Differential impacts of overdose crisis on American Indian and Alaska Native (AI/AN) communities
- Cultural supports and healing approaches



PROCESS FOR CREATING TRIBAL PRINCIPLES

Will be informed by:

1

NATIONAL INDIGENOUS TRIBAL ADVISORY COMMITTEE

2

LISTENING SESSIONS AT GATHERINGS RELEVANT TO SU/OPIOIDS/HR IN INDIGENOUS COMMUNITIES

3

COMPILATION OF CASE EXAMPLES OF PROMISING PRACTICES

4

HOST GATHERING GROUNDS SESSION THROUGH 7 DIRECTIONS

INDIGENOUS ADVISORY COMMITTEE



Annette Hubbard



Arlene Brown, BA, BSCJ



Coleman Cox



Danica Love Brown



Hannah Warren



Jessica Leston



Kim Ford



Lee Torres



Lisa Sockabasin, MS, RN



Mo Mike



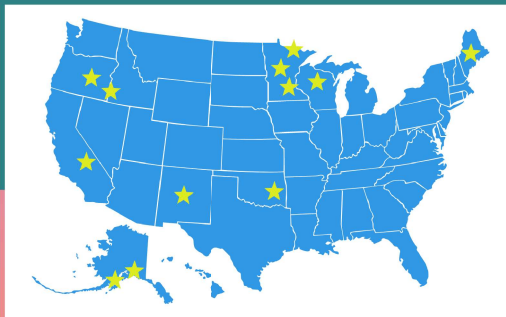
Pamela Hughes



Shirley Cain, JD



Stevi Rae Angasan



1. Establish National Indigenous Advisory Committee

- Gather tribal perspectives on community needs, gaps in services, community supports, and priorities for addressing the opioid epidemic
- Advisory committee composed of Indigenous experts in culturally-based substance use work
- Inclusive of a variety of lived experiences (community, legal, academic, frontline), region and perspectives



2. Listening Sessions

- Share information at relevant conferences to gather input on the Tribal Principles
 - Southern Harm Reduction Conference, August 2022
 - National Harm Reduction Conference, October 2022
 - Rx Summit, April 2023
 - NIHB National Tribal Health Conference, April 2023
 - Seven Directions Our Nations, Our Journeys, June 2023
 - GLITEC Journey Toward Wellness, June 2023
 - National Native Harm Reduction Summit, July 2023
 - NPAIHB National Tribal Opioid Summit, August 2023



3. Compilation of Promising Practices

- Summarize data and information from relevant stakeholders who have been involved in this work, including:
 - 1) a scoping review of Indigenous harm reduction in the US and, and
 - 2) case examples
 - Many resources featured on our website:

<https://www.tribalprinciples.cih.jhu.edu/>



4. Host Gathering Ground Sessions

- Webinars hosted through the Seven Directions Indigenous Public Health Institute to:
 - discuss tribal priorities for the opioid litigation settlements,
 - to inform communities and gather feedback
- Sessions held Nov 1, 2022, May 2, 2023 and,
- **March 26, 2024:** Putting the Tribal Principles to Work: Indigenous Community Members Perspectives on the Tribal Opioid Settlements



Prevention



Support



Treatment

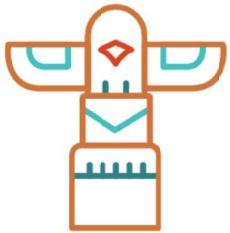


Harm Reduction
Cultural Safety

“We are on a healing journey together. The path of the healing journey has been started and we are changing for the better.”

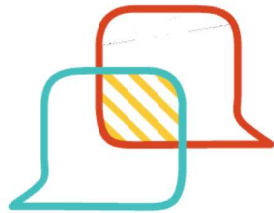
TRIBAL PRINCIPLES

Indigenous Advisory Committee Member



Culture first:
Support cultural and traditional healing in your community.

[Read more](#)



Invest in reciprocal learning and partnerships across tribes.

[Read more](#)



Healing support for families: Invest in parent, caregiver and elder resources.

[Read more](#)



Sustain and enhance substance use services for youth.

[Read more](#)

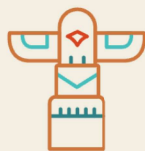


Create opportunities for holistic well-being.

[Read more](#)

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**“CULTURE IS THE BIGGEST
TOOL ON THE PATH TO
LOVING YOURSELF”**

**-INDIGENOUS ADVISORY
COMMITTEE MEMBER**



PRINCIPLE 1

Culture first: Support cultural and traditional healing in your community.

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1. Use the Tribal Abatement Strategies to craft spending plans that include cultural and traditional activities for prevention, harm reduction and treatment services, programs and approaches for opioid use
2. Allocate funds toward researching and documenting wise practices
3. Utilize different types of evidence when creating opioid-spending plans (e.g. cultural, experiential, academic, etc.) and build evidence-base with data sovereignty principles



PRINCIPLE 2

Invest in reciprocal learning and partnerships across tribes.

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1. Maximize funding opportunities
2. Create partnerships for shared work
3. Learn more about programs and services that other tribes have created to fund and share messaging



PRINCIPLE 3

Healing support for families: Invest in parent, caregiver and elder resources.

1. Direct funds toward parent, caregiver and Elder resources centered on opioid use prevention, harm reduction and treatment
2. Support parenting and family support programs
3. Create opioid-related education and training specifically for Elders



PRINCIPLE 4

Sustain and enhance substance use services for youth.



1. Support creation and funding of culture-based youth programming
2. Provide education, workshops and resources on youth substance use created specifically for AI/AN youth
3. Offer youth-focused mental health services and programming



PRINCIPLE 5

Create opportunities for holistic well-being.



1. When creating opioid use programming, education and resources, focus efforts across prevention, harm reduction and treatment

“Address the whole person’s needs, not just one part.”

– Indigenous Advisory Committee



Prevention



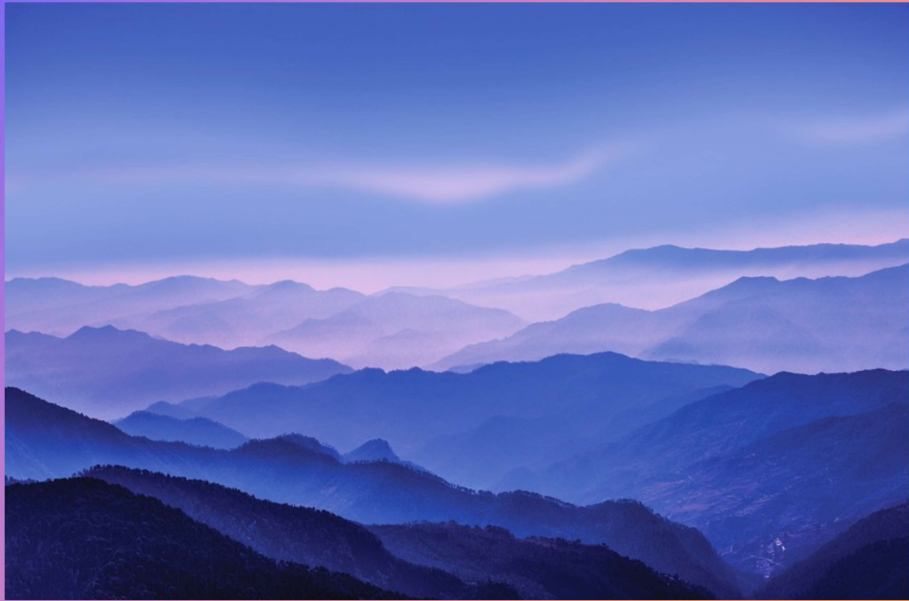
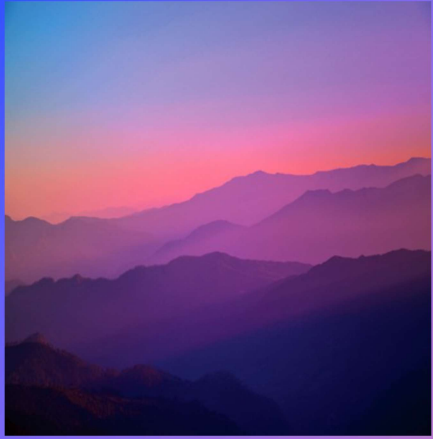
Support



Treatment



Harm Reduction
Cultural Safety



Summary

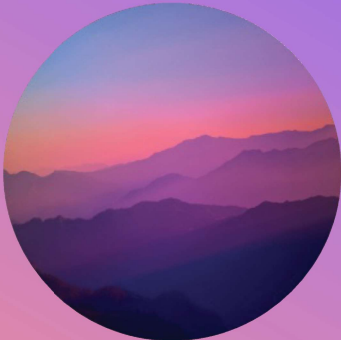
- Questions, comments, anything else?

- Let's stay connected:

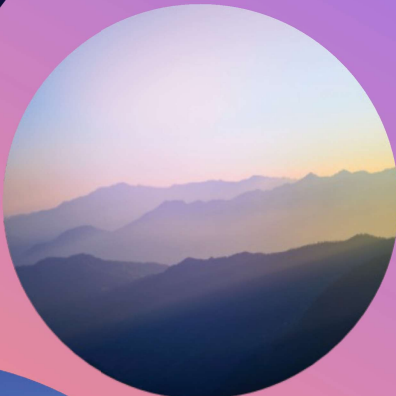
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