

SD Board of Pharmacy Meeting Minutes
Wednesday, January 4, 2017; 4:00 p.m. CST
Special Teleconference Meeting
Board of Pharmacy Conference Room
4001 W. Valhalla Blvd, Sioux Falls, South Dakota 57106

Board Members via Teleconference: President Diane Dady, Lisa Rave, Lenny Petrik, Dan Somsen, and Tom Nelson

Board Staff via Teleconference: Executive Director Kari Shanard-Koenders and Secretary Beth Windschitl

Attendees via Teleconference: Susan Sporrer (SD DOH), Sue Schaefer (SDPhA), Trisha Hadrick (Faulkton Drug), Eric Grocott (Salem Community Drug), Rob Loe (Lynn's DakotaMart), Erica Bukovich (Health Management Partners of SD), Lori Ollerich (Pharmacy Specialties & Clinic), Jane Mort (SDSU College of Pharmacy), Burnie Hendricks (SDSU College of Pharmacy)

A. Call to Order and Introductions

At 4:05 p.m., President Diane Dady called the meeting to order, welcomed attendees, and requested teleconference attendee complete introductions. For clarity and recordkeeping purposes, call attendees were instructed to state their name prior to speaking.

B. Review Meeting Purpose / Agenda

President Dady reviewed agenda topics noting the addition of item F (an official vote of approval for an immunization administration policy statement). Executive Director Shanard-Koenders explained the Board assumed an official vote on the policy had occurred during the Board's April 2, 2016 meeting; however, meeting minutes do not reflect a vote outcome.

C. Review Proposed Bills for Revisions to SDCL 36-11 and 36-11A (including proposed changes to 36-11)

Executive Director Shanard-Koenders briefly reviewed specific proposed legislative revisions to SDCL 36-11 and 36-11A that have garnered concern and are therefore being discussed with stakeholders to obtain suggestions in order to finalize the bills for legislative consideration. Bill changes will be provided to the Legislative Research Committee by Susan Sporrer.

D. Discuss Removal of Section 3 of the Proposed Legislation - Motion

Susan Sporrer provided background regarding Governor Daugaard's Red Tape Repeal Initiative and why the Board of Pharmacy introduced the proposed revisions to SDCL 36-11 and 36-11A. The Governor's Initiative directs all State agencies to review governing statutes/rules for the purpose of updating as necessary. Section 3, the repeal of 36-11-3 was proposed because of the perceived conflict of interest and not a reflection on the Association or their work. Per Executive Director Shanard-Koenders, she understood Section 3 to be part of the DOH mandate.

Board members voiced concern over removing Section 3 as it would allow the legislature to take action to address the topic as they desire resulting in an outcome the Board would not control. The bill, sponsored by the House Health Committee at the request of the Board of Pharmacy, will be introduced by Representative Steinhauer but the Board retains authority to amend the proposed bill as it is not sponsored by a legislative member. From a State perspective, the recent Federal ruling in North Carolina has created greater concern and uncertainty for States. If the Board makes a decision that leans toward the Association, the Board's actions could appear to be improper because the Association is the professional advocacy group. Several individuals urged the

Board to maintain the current statute/rule as they do not see a direct correlation between the situation in North Carolina and South Dakota.

Kari Shanard-Koenders suggested the Board remove Section 3 from the bill for 2017 giving the Board and Pharmacist's Association time to collaboratively work toward a viable solution to implement next year as the conflict of interest issue still exists and is a concern that will need to be addressed. Sue Schaefer confirmed the Association and the Board would discuss the topic this summer.

President Dady asked for a motion. Lenny Petrik made a motion to remove Section 3 from the proposed bill. Motion was seconded by Dan Somsen. Board member roll call vote was completed (Rave - nay, Dady - yea, Nelson - yea, Petrik - yea, and Somsen - yea).

E. Discuss Approving Bill Revisions to go to 2107 Legislative Session - Motion

Attendees discussed specific bill revisions to 36-11 including the following changes:

- Section 1, 36-11-2(4): change term "Physicians" to "Practitioners" – suggestion accepted.
- New Section 17 (SDCL 36-11-11): giving the Board rulemaking authority as it pertains to the requirements for pharmacy practice with collaborative practice agreements and authority to delineate specifically who is allowed to sign an agreement.
- Section 9, 36-11-7: the Board may employ "a person" who is not a member of the board to serve as executive director; (person does not have to be a pharmacist) – Susan Sporrer said that we should not do this in statute.
- Section 17, 36-11-16: change term "Compounded" to "Prepared" – suggestion accepted
- New Section 59, 36-11: suggested rewording of Section 59 line 8 & 9 to include verbiage "Pharmacist may dispense a one-time emergency supply (of up to seven days) of the prescribed medication" in order to avoid setting specific quantities and insurance issues with the term "refill" – suggestion accepted. In 36-11-2(23) add the word "electronic" to written and oral order options. In 36-11-10 (5) to the statement, is mentally or physically incompetent to handle duties add "set forth in statute or administrative rule."

Dan Somsen made a motion to approve all suggested revisions to 36:11 as recorded by Susan Sporrer who will report the changes to the LRC. The motion was seconded by Lenny Petrik. Board member roll call vote was completed (Rave - yea, Dady - yea, Nelson - yea, Petrik - yea, and Somsen - yea). Motion to approve all revisions to 36:11 passed unanimously (5-yea, 0 nay).

Attendees discussed specific bill revisions to 36-11A including the following changes:

- Association suggested removal of word "Pharmacy" from pharmacy transaction
- Section 1, 36-11A-1(16): striking the terms "at retail"

Lisa Rave made a motion to approve all suggested revisions to 36:11A as recorded by Susan Sporrer who will report said changes to the LRC. The motion was seconded by Tom Nelson. Board member roll call vote was completed (Rave - yea, Dady - yea, Nelson - yea, Petrik - yea, and Somsen - yea). Motion to approve all revisions to 36:11A passed unanimously (5-yea, 0 nay).

F. Official Vote of Approval for Immunization Administration Policy Statement from Board Meeting 4/1/2016

Attendees discussed the best method to address the omission of an official vote, regarding the Immunization Administration Policy Statement, in the April 1, 2016 meeting minutes. Board members did not recall completing an official vote. As such, Tom Nelson made a motion to reflect it was the Board's intention to approve the Immunization Administration Policy Statement during the April 1, 2016 Board meeting as disclosed on the SD Board of Pharmacy website and approve it retroactive to April 1, 2016. Motion was seconded by Petrik. Board member roll call vote was completed (Rave – yea, Dady – yea, Nelson – yea, Petrik – yea, Somsen – abstained). Motion passed

G. Adjourn - Motion

Sue Schaefer thanked the Board for holding today's meeting and looks forward to working with the Board going forward; Director Shanard-Koenders thanked Ms. Schaefer for working with South Dakota Pharmacist Association members; President Dady thanked all attendees for the collaborative discussion.

Nelson moved the Board adjourn. Seconded by Somsen. Meeting adjourned at 5:14 p.m.