

SOUTH DAKOTA BOARD OF PHARMACY

June 23, 2023
8:00 a.m. CDT
Public Board Meeting

Board members present in the board conference room at 4001 W. Valhalla Blvd, Suite 202, Sioux Falls: Ashley Hansen, Cheri Kraemer, Dan Somsen. Curt Rising and Tom Nelson joined via Zoom.

Board staff present: Kari Shanard-Koenders, Melissa DeNoon, Tyler Laetsch, Carol Smith, Lee Cordell, and Rhea Kontos.

Other parties in attendance: Maimuna Bruce, Gail Elliot, Dan Hansen, Amanda Bacon, Jessica Strobl, Curt Orchard, Sara Hicks, Tyler Turek, Bill Ludwig, MaKenzie Huber, Lori Walmsley, Kyle Heer, Bob Mercer, Jessica Adams, Danielle DiCiolla, Josh Sandholm, Joseph Ahenkorah, RaeAnn Thompson and Khia Walser.

Meeting was called to order at 8:02 am CDT. Mission statement was read, roll was called, and a quorum confirmed. A call for public comment pursuant to SDCL 1-25-1 was made; there was no public comment. A motion to approve the consent agenda was ratified (Hansen/Somsen/unanimous).

Operations Report - Executive Director, Kari Shanard-Koenders

- Dan Somsen's replacement has not been determined by the Governor.
- Pharmacy renewals are going well; currently at 86% for Non-residents, 90% Full-time, & 84% Part-time. Expiration 6.30.23.
- PDMP funding remains an issue. Spending authority goes through Legislation so the deemed amount would be issued July 24.
- Continue to reach out for other PDMP funding such as the Opioid Settlement. The attorney general's office has been reached out to for assistance from consumer protection settlement funds. They said to go to Opioid Settlement funds.
- BOP spending has significantly lowered; from a cash center balance of nearly \$1M in 2019 to 233K in 2023. Annual revenue has been between 888K-914K with the realization that licensing fees need to increase because costs have gone up.
- 36-11 & 36-11A Pharmacies / Pharmacists and Wholesalers need to update by statute & rule.
- The Prep Act has been extended through Sept 30, 2024, for Covid and Flu vaccinations.
- Compounding practicing standards need to be updated USP <795>, <797>, <800>, <825>.

Inspector Reports

Carol Smith

- Controlled substance prescription audits have shown that pharmacies were using the patient's nickname rather than the name on the prescription.
- "Return to stock" medications that were over one year old that were still on the shelf.
- A pharmacy purchased a new software system and stopped signing any form of a verification of controlled substances log
- A "Take Back" receptacle that had come loose from the floor and was no longer properly secured.
- A biennial inventory was completed throughout the day instead of all at beginning or end of business day.
- Auditing pregabalin and the audits are consistently off, because of multiple NDC #s and 90 count bottles.

Lee Cordell

- Fielded many questions regarding compounding, especially semaglutide compounding.
- Faced several issues of getting controlled substance audit information back in a timely manner. Lots of issues with tracking due to numerous NDC changes, sometimes 5 to 10 in just a few months.
- Lots of questions on new USP Guidelines and DSCSA tracking requirements.
- Some pharmacies not documenting temperatures.
- Addressed issues regarding proper disposal of medications.
- Discovered logs that were not signed and no witness on take back log.
- Expired Rx issues, especially with controlled substances.

Tyler Laetsch

- Fielded many questions regarding Adderall emergency phoned prescriptions. DEA has strict rules regarding Adderall / Controlled Substances.
- Inspected nursing home that had AMDD unsanitary condition, however, the problem has been rectified with relocation of AMDD.
- P2 talk at SDSU was presented in April.
- Many calls and questions regarding the particulars of IV Hydration clinics. USP <797> is referenced when assisting. Board members inquired if inspection by BOP or BOM is warranted. Concerns regarding infection post-administration.
- On June 11, 2023, all veterinary antibiotics are now Rx-only products which may lead to access changes especially in rural areas as these products can now only be received from a vet office or pharmacy.
- Department of Corrections moved to their own pharmacy in Yankton which opens late this Summer.

- Responded to fake scripts that were reported.
- Pharmacies reporting that they are lacking in certain drugs.

PDMP Report - Director Melissa DeNoon

- Still no 2021 grant funding due to BJA's interpretation of the vendor relationship.
- Bamboo Health approved a payment plan for the two grant projects that continued until 02.01.23.
- Continued focus on compliance and error correction.
- PDMP presentation given to Sanford USD Medical Residents as part of Resident Orientation on June 20.
- Reviewed PDMP stats (see handout).
- Kari Shanard-Koenders added that Bamboo Health legal is addressing the BJA grant issues and are communicating with affected states.

Complaints, Investigations, Disciplinary Actions, Loss/Theft Reports – Tyler Laetsch

1. DEA Form 106- Coteau des Prairies
2. DEA Form 106- Marshall Co. Hospital
3. DEA Form 106- Avera McKennan
4. DEA Form 106- Lynn's Dakota Mart- Hot Springs
5. DEA Form 106- Avera Heart Hospital
6. DEA Form 106- Avera St. Luke's
7. DEA Form 106- Avera Plaza Pharmacy

SD Pharmacists Association Activity & Financial Reports – Amanda Bacon, Executive Director; Presented by Jessica Strobl

- The Spring District meetings are complete and had a strong turnout.
- Annual SDPhA meeting is set for September 15-16, 2023, at the Lodge in Deadwood, SD. Registration will be ready soon.
- Working on many national-level PBM initiatives such as the Pharmacy Benefit Manager Reform Act.
- The Pharmacy Technician University currently has 14 students. Board members discussed on how to market the program.
- The financial report was included. The board moved to continue providing the SDPhA with 80% of pharmacist renewal dollars per SDCL 36-11--6 (Somsen/Hansen/unanimous). Discussion concurred on how important the organization is for pharmacists and our state.

Other Reports

SDSU College of Pharmacy – Dan Hansen, Pharm.D., Dean and Professor

- The Summer has proved to be a busy one. P1/P2 are doing their initial experience training (IPPE) now May 4 was finals week & P4 are doing their APPE's.
- Thank you to all preceptors across the state. They are instrumental in the education of upcoming pharmacists.
- Reviewed a new program call E. Value after sending out RFP. Found a new "Core" database which has great capabilities and less expensive.
- Moving the location to Sioux Falls on the corner of 33rd & Minnesota. Open in August.

SD Society of Health System Pharmacists (SDSHP) – Khia Walser, Pharm.D., SDSHP President

- SDSHP Annual Conference was held March 31st – April 1st, 2023, in person.
- New board members include; Brianna Jansma Vant Hul, Jessi Henter, and Jenna Lund.
- GVR Golf Classic will be held in Hartford on July 7, 2023. Tyler Turek is organizing.
- Residents across the state will be attending the Conference scheduled for June 14, 2023, at Arrowwood Resort in Oacoma, SD
- Collaborating with Amanda Bacon of SDPhA to explore more involvement in the legislative process.

SD Association of Pharmacy Technicians (SDAPT) – John Thorns, CPhT (no report)

Old Business

Donated Drug Redispensing Program Update – Tyler Laetsch

- The program will hopefully roll out on August 1, 2023. Kari added that Optum is contracting for the BIN/PCN/Group.
- The prescriptions are free, but a fee of up to \$25 may be charged for shipping and handling. Will receive quarterly reports from Optum.
- The list-serve and inspection visits will be utilized to market the program.

Policy Statement Review – Kari Shanard-Koenders & Tyler Laetsch

- Kari reported that due to the DOH website renovation, several policy statements were found to need uniformity and updating.
- Eleven statements have been updated and found under the “Pharmacies” tab on the BOP website.
- The COVID resources were removed from the home page

Update on Rules Review – Kari Shanard-Koenders & Tyler Laetsch

- Kari reported that the intention is to be included in a hearing this Fall. A new step is that the submissions need to get approval through the governor’s office prior to moving forward. Board members may be called for a special meeting soon to review submission.

New Business

Lewis Technician immunization variance request, Sara Hicks, Pharm D

- Sara Hicks presented the request due to the Prep Act extending recommended vaccination administration and the desire of several technicians to be able to administer vaccinations.
- So far 3 certified technicians have gone thru the delivery course and 5 others waiting.
- The program started in IA.
- Motion to grant a variance to allow Certified Technicians to administer vaccinations, to provide the board with quarterly error reports, and to revisit variance in one year. (Hansen/Rising/unanimous).

Technician shadow programs – Tyler Turek, Pharm D., Sanford Health

- Sanford Interns work about 8-10 hours a week for a total of 100 through the semester. Rate of pay is \$12.00 per hour.
- Start Fall or Spring of senior year. Two students are ready to start.
- The cities of Tea, Clarke & Groton are current areas that are engaged in already established high school shadow programs.
- Kari foresees needing to make a change in rule delete requirement of high school graduation.
- Hours would be flexible throughout the entire week.
- When submitting a registration application the applicant will be granted TT status. Extensions beyond the 2-year time would be considered when necessary.
- Motion to approve the Sanford Technician Internship Program with a follow-up after a year. (Kraemer/Nelson/unanimous).

2024 DRAFT Legislation to raise fees – Kari Shanard-Koenders

- A few years ago, rate fee increases were proposed but ultimately rejected. This submission includes language, “not to exceed” in statute and then are defined in rule.
- Kari reviewed several various license and registration fee proposals for initial application, renewal, and late fees. Non-resident pharmacies may not have registration fees greater than resident pharmacies due to SDCL 36-11.19.3
- After sharing numerous projected rate hikes, the board shared that the fees should be higher than the proposed amounts and asked Kari to make changes.
- The draft is due to Department of Health on August 14th.
- A motion was made to have the board research other states’ fees and to make changes and to move these forward in 2024 Legislative Session (Hansen/Somsen /unanimous).

There was no Executive Session per SDCL1-25-2(4) to discuss contract/attorney consultation

Other Business

Future Board Meeting Dates – all held in Sioux Falls Board Room unless otherwise noted

- September 14, 2023, Deadwood, 1pm- 5pm MDT
- December 8, 2023, 9am – 1 pm CST
- April 4, 2024, 1-5pm CDT
- June 21, 2024, 8am-12pm CDT

Upcoming Meetings

- NABP District 5 Annual Meeting, August 9-11, 2023, Medora, ND
- 137th SDPHA Annual Convention, September 15-16, 2023, Deadwood
- SDSHP 48th Annual Conference, April 5-6, 2024, Sioux Falls, SD
- NABP 120th Annual Meeting, May 15-17, 2024, Fort Worth, TX

Motion to adjourn (Somsen/Hansen/unanimous). Meeting adjourned at 11:19 am CDT.