

SOUTH DAKOTA BOARD OF PHARMACY

April 4, 2025

Unapproved Draft Minutes

9:00 am CST

Public Board Meeting

Board members present: Shane Clarambeau, Ashley Hansen, Cheri Kraemer, Tom Nelson, and Curt Rising

Board staff present: Tyler Laetsch, Carol Smith, Lee Cordell, Jenna Heyen, Melissa DeNoon, Beth Windschitl, and Dani Melton

Other parties in attendance

Meeting called to order at 9:07 am by President Hansen. Voice roll call taken, mission statement read, a quorum confirmed, and introductions completed. A call for public comment was made pursuant to SDCL 1-25-1 and there was no public comment.

Request to modify consent agenda, none. Motion to approve consent agenda as written (Rising/Clarambeau/unanimous). Kraemer indicated budget discussions would occur during the New Business section of meeting.

EXECUTIVE SESSION – Per SDCL 1-25-2(4) to consult with legal counsel.

REPORTS

Operations

Tyler Laetsch

- Preparing FY 26 contracts for DOH approval. Contracts are for the Prescription Drug Monitoring Platform (PDMP) and licensing platform and cover 6/1/25 to 5/31/26.
- Licensing platform initial RFP contract spans 5-10 years. Vendor is phasing out platform in year eight. A request for proposal (RFP) has been initiated.
- Dani Melton joined the board staff in March replacing Melissa Wipf who resigned in November 2024.
- Board pays over \$20,000 in Merchant credit card charges each year to offer online licensing to applicants. Board is investigating options to reduce costs including passing credit card fee to licensee.
- Full-time, part-time, and nonresident license renewal begins 5/1/25. Current licenses expire 6/30/25.
- Executive Order 2023-07 established the Drug Shortage Workgroup. Workgroup meets quarterly with DOH and includes the board ED.
- Attended Opioid Abuse Advisory Committee meeting. Members meet semi-annually and discuss stigmatizing language.
- SDSU student Aaron Mulvihill completed a five-week P4 rotation with the board. Inspector Jenna Heyen will assume the responsibility of student preceptor.
- GLP-1s, Semaglutide and Terzepitide have been removed from the FDA shortage list. All pharmacies and outsourcing facilities must cease sales of compounded medications as of 4/22/25.
- Department of Corrections is no longer using a Talyst machine to dispense and label inmate medications for administration at four locations. The four pharmacies licenses held by DOC were surrendered. Medication fulfillment is completed at a central location in Yankton.
- Renee Stellagher replaced David McVey as board's Assistant AG representative.
- House Bill (HB) 1016 in Review
 - In 36-11 for pharmacists/pharmacies, changed terms (permit/registration/certificates) to license
 - Changed quorum requirement from two to three members
 - Established a \$50 renewal application late fee for pharmacists, pharmacies, and wholesale
 - Changed wholesale annual application fee to \$500
 - Established a \$50 fee for pharmacist-in-charge transfers

Inspector Highlights

Carol Smith

- Completed 15 retail, 7 hospital, 5 AMDDs and 2 medical gas inspections in Q1. Good weather allowed for more travel.
- Key Findings:
 - Multiple pharmacies with medications and vaccines stored in refrigerator door
 - New "controlled substance ID verification" sign not posted at most retail pharmacies
 - Med gas quarantine area not marked appropriately, and junk stored in the area
 - Asking and verifying pharmacists are finalizing CSOS order; discovered one who is not finalizing theirs
 - Expired posted med gas registration and expired posted FDA documents
 - Pharmacist verification logs not signed by all pharmacists who filled controlled substances on a given day
 - Pharmacist-in-charge admitting a technician-in-training gave immunizations

Lee Cordell

- Completed 6 wholesale and/or med gas, and 16 pharmacy inspections in Q1
- Key Finding:
 - Unable to access the assessment of risk during certain inspections. At several sites, no one but PIC was aware of where to locate these.
 - NIOSH list not available on site. A grace period was provided for the new updates.
 - License Verification - Actual physical licenses not available for inspection; verified licenses by other means
 - At inspection, identified DEA license expiring day of inspection. Prompt renewal avoided issues.
 - Temperature monitors not in rooms housing AMDDs. Follow-up inspection scheduled for 5/1/25 for MH Ortho and Specialty areas, Lynns Dakota Mart RC
 - Observed dirty dishes stored on same shelves with medication - sanitation and safety issue
 - Observed technician-in-training performing immunizations highlighting a need for proper certification and supervision
 - Noted a required controlled substance identification sign was not posted; patient identification not being checked
 - Expired Combat Methamphetamine certificate found; must be renewed if selling pseudoephedrine

Jenna Heyen

- Completed 45 inspections in Q1 - 29 retail, 7 hospital, remaining were wholesale and medical gas
- Key Findings:
 - Occurrences of technicians performing functions outside their scope (.ie. Counseling)
 - Outdates in shelf inventory
 - Educating on non-sterile compounding various issues including equipment, cleaning, training, BUD being applied
 - Issues with repackaging and incomplete labeling
 - Issues with controlled substance management and information retrieval to valid accounts and patients
 - Discovered several entities that did not report 106s to the board
 - NIOSH list discussions
 - Pharmacy required signage/postings - ensure all public facing postings are not expired
 - Humidity issues – site does immediate use compounding but was adjacent to equipment that requires a higher humidity level. Pharmacy inquired if a humidifier could be used in the space. Humidifier could not be used per board.
 - Ensure protect from light items are adequately protected.
 - Reminders: A change of pharmacist-in-charge (PIC) must be reported to board within ten days and inventory needs to be completed with every PIC change
 - A Knox box is a box affixed to the outside of a building that holds a key to allow fire fighters emergency access to the pharmacy. Per law and rule, no one can have access to the pharmacy via a Knox box or otherwise.
 - The Legacy Foundation (aka Owen's Outfitters) is a nonprofit organization that accepts donations of medical devices and supplies for distribution for free or a small fee. Board discovered entity also has prescription medications on its inventory list. Educated the foundation about the Drug Depository program (DDP) and connected them with Lewis Drug a DDP participant who will partner with them to optimize supplies, devices and medications.
 - Discussed ongoing inventory control issues and available action options; at what point does the DEA need to be contacted

Prescription Drug Monitoring Program – Melissa DeNoon

- Set-up interstate data sharing with the state of New York; SD currently shares data with 41 states
- Wrote a PDMP article on data integrity/data accuracy for the April NABP newsletter
- Most common data integrity errors – errors in the data base and errors that are preventing the record from getting into the database.
- Most frequent error - Prescription was submitted under an incorrect DEA number; best practice is to educate technicians to use the DEA number on the prescription to select the correct provider. At final verification, pharmacist verifies provider DEA number on the screen corresponds to the provider DEA number on the prescription.
- Presented to the SDSU P2 class in February
- 2024 program statistics
 - Opioids fill the first three positions on the top ten list
 - Stimulant use is trending up nationally; three on the top ten list
- Drug Takeback Box concerns – boxes are full (not being emptied) or are locked (not accessible for use)
 - PIC is responsible for their store's box – problem task gets handed off to another team member to complete
 - Some locations have a high volume of people dropping off which requires more frequent emptying of box and more box liners
 - Vendor has been slow to issue destruction certificates to pharmacies (waiting four to six months)
 - Direct all PDMP questions to Melissa DeNoon; participating pharmacies should not contact vendor

Complaints, Disciplinary Actions, and Loss/Theft Reports – Board Staff

Refer to audio record for compliant specific information.

- Complaint 2025-0001, Pharmacy
- Complaint 2025-0002, Pharmacy
- Complaint 2025-0003, Pharmacy

- DEA Form 106, Lewis Brandon
- DEA Form 106, Vilas- Eagle Butte
- DEA Form 106, Lewis – Mitchell
- DEA Form 106, Lewis Brandon
- DEA Form 106, Hy-Vee – Sioux Falls

OTHER REPORTS

SD Pharmacists Association – Amanda Bacon

Refer to handout and recording for details.

Highlights:

- Review of HB 1016 and repeal of SDPhA from statute
- SB 154 Contracts between 340B entities and pharmacies
- Other key bills of interest – HB 1223, HB 1152, and HB 1141
- Legislative Days held February 13-14, 2025. Mark your calendar for next year's event February 10-11, 2026
- Coming changes - SDPhA will look different in the future with a mix of different memberships – associate memberships, corporate sponsors, pharmacist memberships and possibly technician memberships

SD Society of Health System Pharmacists – Jenna Lund; handout read by Tyler Laetsch

- Annual SDHSP conference was held April 11-12 in Deadwood. Attendance was good
- SDHSP board held its meeting after the conference and elected Alyssa Howard as their new President
- SDHSP is actively working to provide more CE opportunities for technicians.

SDSU College of Pharmacy - Dan Hansen, Dean

- Board of Regents / College working on FY 2026 budgets.
- Tuition and fees have been flat for the last five years but will increase 2.8% in 2026.
- SDSU is still the most affordable pharmacy school in the nation.
- Calendar Items – Miller Lecture, Public Health Week, Dean's Advisory Counsel
- Admissions – last weekend conducted 50 student interviews for the Early Assurance Program
- Student numbers are looking positive in all programs and freshman students
- Every program in Pharmacy and Allied Health is going through accreditation
- Incoming P1 class should number more than 50 students

SD Association of Pharmacy Technicians (none)

OLD BUSINESS

Wellbeing First Champion Challenge, application updates – Jenna/Tyler/Jeremy Daniel

- Discussed license application questions/terminology to identify and address potential stigmatizing language
- Reviewed proposed modified text options (red/current text, colored/proposed options)
- Final text version to be a melding of the purple and dark blue text options presented
- To date, three states have received the Laura Breen Stamp of Approval

Hy-Vee Distribution Center Variance One Year Update – Judy Zachariasen, PharmD.

- Board required annual variance report / start of variance year two
- Provided handout outlining Hy-Vee Pharmacy Fulfillment Center's 2024-2025 Yearly Error Report (11-month review).
- Total scripts filled per quarter; provided detailed categorized breakdown of near misses.
- Common errors – either sent to a wrong store, refrigerated item put into a non-refrigerated tote.
- Nothing has changed since original variance that was approved for three years.
- 50% of the prescriptions up to 90% are bypassed.
- All technician hand-counted prescriptions are checked by a pharmacist for final verification
- Take two pictures of every prescription regardless of which fulfillment method used (bypass or tech count)
- Fulfilled about 12,000 more prescriptions this year than last year.

Lewis LTC Tech-Check-Tech Update – Jessica Strobl, PharmD

- Variance report – technicians validating the work of other technicians independent of pharmacist review for Lewis LTC
- Program has not been rolled out to date due to personnel turnover and the extensive training required
- Requested extension of granted variance

Motion was made to extend the Tech Check Tech variance for a period of one year from the date of program establishment with a one-year reporting requirement. (Kraemer/Rising/unanimous). Lewis to notify the board of Tech Check Tech program start date.

NEW BUSINESS

Legislative Update -Tyler Laetsch

HB 1016

- Changes take effect 7/1/2026
- Bill cleaned up law language and terms (permit, license, registration)
- LCR recommended quorum requirement change from two to three individuals
- Established a \$50.00 late fee for all pharmacist, pharmacies (full-time, part-time, nonresident), and wholesale for licenses renewed after expiration date
- Established a \$50.00 fee charge for pharmacist-in-charge transfers
- Wholesale application fee (initial and renewal) increased from \$250 to \$500
- 503B outsourcing facilities application fee (initial and renewal) increased from \$200 to \$500
- Discussed bill's progress through legislature (2:10:00 in recording)

Rules Update Planning and Discussion

Potential rule change topics identified by board ED Laetsch and inspector Heyen.

Rules must be modified by September. A public hearing will be held prior. Perhaps in conjunction with the July board meeting.

- Interns and intern hours – currently need 2,000 hours (1740 IPPE and APPE) and (260 external experience work hours). Provided a comparison of hours completion for other states. South Dakota is one of three states that require 2,000 hours. More common requirement 1,500 to 1740 hours. Issue is that SD licensure requires 260 external experience hours for licensure. Licensure requirement (260 hours) is waived for student from out-of-state pharmacy program that do not track intern hours. Unequal to hold SDSU graduates to a higher standard than out-of-state graduates. Question - should requirement be adjusted to what the college requires (1740) at graduation; keep as is; or require out-of-state students to submit external experience hours to the board for tracking? SDSU Dean Hansen provided history of requirement. His recommendation is to go to what ACPE requires and the curriculum which is 1,600 hours total (1440 APPEs and 160 IPPEs) because that will be true for every college regardless of where they graduate assuming they are accredited. If student graduated from a program, they met the hours standard. If new hours standard is 1600 it does not make sense for South Dakota to require 1740. Board determined it will follow the college's hours standard of 1600. Motion not required.
- 20:51:06:10 "sufficient" security measures – address vague language; should, at the least, minimum security standards requirement be defined/established (a camera to detect motion and an alarm); investigate what other states require.
- 20:51:15:11 "sufficient" numbers/services - address vague language; topics discussed - defining the actual number of hours pharmacist must be on site, concerns for patient safety, type of services that require a pharmacist be on site, the abundance of automated dispensing services being used and need for pharmacist on site, is the profession devalued when a pharmacist on site.
- 20:51:15:01 & 20:51:17:03 – AMDD licensing and inspection requirements. Currently, an AMDD requires a pharmacy license; a tacklebox/expanded E-kit requires a variance. Should licenses be required for AMDDs in the future? Should AMDDs and tackle/expanded E-kits have the same requirements and level of scrutiny? DEA has a guidance document on the topic and does not require they obtain a DEA certificate. Law states licensed AMDDs must be inspected monthly. Discussion of controlled substance regulation. Machines are being filled by non-pharmacist personnel. Focus should be on "drug storage". The pharmacy that provides the medication for the AMDD / tackle box is the responsible party; however expanded E-kits contain more controlled substances and medications than allowed by the Department of Health. Clarity is needed and requirements applied consistently across all parties. Perhaps DOH should not have the authority to set medication qualities.
- 20:51:29 established technician continuing education requirements. Board surveyed technician CE requirements in other state (ranges vary from none to up to 30 credits). Certified technicians are required to complete 20 hours of CE every two years to maintain certification. We recommend six hours of continuing education annually for technicians. Technicians who immunize must be certified. Every three years, immunizing technicians are required to complete a refresher course. Certified technicians could track their CE using the NABP CPE monitor. Non-certified technicians do not have access to CPE monitor.
- 20:51:22 Support Personnel – currently there is no registration for pharmacy support personnel (i.e. cashier). Iowa registers all support personnel. Implementing a new registration would require a law change. Support staff have the highest turn over rate. Clear delineation of staff role is necessary. Pharmacist is responsible for the activities of all staff including support staff. No change pursued at this time. Discussed methods one might use to track support personnel that were disciplined / sacked.
- 20:51:19:03 Pharmacist CE – ACPE or board sponsored. Current law can be interpreted two different ways: (1) all pharmacist CE credits must be ACPE accredited or (2) allows for CE credits to be either ACPE or non-ACPE accredited (board sponsored). Go forward, ACPE and board sponsored CE.

- Quality Improvement - Current SD law/rule does not address quality improvement. Is there an interest in addressing topic?
NABP has a samples model rules act we can look at as well as complete a survey of other states position can be investigated.

SDPhA invoice – Tyler Laetsch (Recording at 3:19:00)

- Recap - \$200,000 amendment to HB 1016, payment to be made from state general fund resulting from a meeting between the governor's office and the association. Initially, board was told payment amount was \$100,000. Invoice received was for \$110,000, \$10,000 more than what was conveyed. Payment was a one-time only final payment to the association for services rendered. Board was not a party to the discussions.

Motion was made to approve payment of the SDPhA invoice for \$110,000. (Clarambeau/Rising/pass 4 to 1) (Nelson against)

OTHER BUSINESS

Recent Meeting News

Future Board Meetings – all held in Sioux Falls Board Room unless otherwise noted.

- July 18, 2025, 9:00 am
- October 10, 2025, 9:00 am
- January 16, 2026, 9:00 am
- April 10, 2026, 9:00 am

Upcoming Meetings

- SDSHP 49th Annual Conference, Deadwood, SD April 11-12, 2025
- NABP 121st Annual Meeting, Fort Lauderdale, FL May 13-16, 2025
- District V NAPB/AACP 2025 Meeting: Coralville, IA August 6-8, 2025
- 139th SDPhA Annual Convention, September 19-20, 2025, Deadwood, SD
- SDSHP 50th Annual Conference, Sioux Falls, SD April 17-18, 2026

Motion to adjourn (Kraemer/Nelson/unanimous). Meeting adjourned at 12:56 pm (CDT).

LICENSE SUMMARY**Period 4/1/25 – 6/30/25****PHARMACISTS**

2202 Current Total

28 New Licensees for period

License #	Last Name	First Name	City	State
7240	Groenhagen	Brandon	Sioux Falls	SD
7248	Reinke	Madelyn	Omaha	NE
7249	Manuell	Austin	Sioux Falls	SD
7250	Prokop	Stephanie	Pierre	SD
7251	Hamel	Madison	Lakeville	MN
7252	Van Heek	Hannah	Sibley	IA
7253	Rihanek	Lauren	Omaha	NE
7254	Butzke	Kyle	Fargo	ND
7255	Delahoyde	David	Waverly	NE
7256	Slettedahl	Brittany	Sioux Falls	SD
7257	Huberty	Brooklyn	Sergeant Bluff	IA
7258	Riesgraf	Abigail	Sioux Falls	SD
7259	Wieneke	Tucker	Sioux Falls	SD
7260	Mausbach	Abbigayle	Humboldt	SD
7261	Stegenga	McCall	Luverne	MN
7262	Nielsen	Grace	Morgantown	WV
7264	Songstad	Jillian	Hartford	SD
7265	Jacobson	Race	Sioux Falls	SD
7266	Welch	Joshua	Sioux Falls	SD
R-7239	Jones	Candace	Faith	SD
R-7241	Belanger	Kristine	Rapid City	SD
R-7242	Engel	Sharon	Mills	WY
R-7243	Idowu	Sikiratu	Ellicott City	MD
R-7244	Perez	Krisli Ann	San Antonio	TX
R-7245	Sanders	Asia	Pass Christian	MS
R-7246	Throckmorton	Amanda	Lennox	SD
R-7247	Throckmorton	Luke	Bloomington	IN
R-7263	Austin	Whitney	Cabot	AR

FULL-TIME PHARMACY PERMITS

234 Current Total

2 New FT Permits for period

License #	Business	DBA	City
100-2100	Coborn's Incorporated	dba Kessler Pharmacy	Aberdeen
100-2101	Genoa Healthcare LLC		Yankton

PART-TIME PHARMACY PERMITS

75 Current Total

0 New PT Permits for period

INTERNS

197 Current Total

9 New Registrations for period

License #	Last Name	First Name	City	State
I-3365	Baeza	Paul	Laramie	WY
I-3366	Raba	Tessa	Douglas	WY
I-3367	Mallik	Sohum	Sioux Falls	SD
I-3368	Borchardt	Nicholas	Lawrence	KS
I-3369	Kuntz	Rylee	Rapid City	SD
I-3370	Mack	Rachel	Britton	SD
I-3372	McCartney	Orion	Sioux Falls	SD
I-3373	Gayle	Jaxon	Larchwood	IA
I-3374	Thai	Catherean	Sioux Falls	SD

TECHNICIAN REGISTRATIONS

1637 Current Total

94 New Registrations for period

NON-RESIDENT PERMITS

932 Current Total

37 New NR Permits for period

WHOLESALE PERMITS

1325 Current Total

28 New WH Permits for period

Remaining Authority by Object/Subobject

Expenditures current through 07/05/2025 01:21:30 PM

HEALTH -- Summary

FY 2025 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

09209 Board of Pharmacy - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining		AVL
EMPLOYEE SALARIES							
5101010 F-t Emp Sal & Wages	766,919	423,267	0	0	343,652		44.8
5101020 P-t/temp Emp Sal & Wages	210,005	141,070	0	0	68,935		32.8
5101030 Board & Comm Mbrs Fees	5,432	4,482	0	0	950		17.5
Subtotal	982,356	568,819	0	0	413,537		42.1
EMPLOYEE BENEFITS							
5102010 Oasi-employer's Share	66,873	42,087	0	0	24,786		37.1
5102020 Retirement-er Share	32,855	31,972	0	0	883		2.7
5102060 Health Insurance-er Share	78,009	76,044	0	0	1,965		2.5
5102080 Worker's Compensation	1,232	339	0	0	893		72.5
5102090 Unemployment Compensation	366	90	0	0	276		75.4
Subtotal	179,335	150,532	0	0	28,803		16.1
51 Personal Services							
Subtotal	1,161,691	719,351	0	0	442,340		38.1
TRAVEL							
5203010 Auto-state Owned-in State	3,229	3,899	0	0	-670		0.0
5203020 Auto Priv (in-st.) L/rte	2,600	919	0	0	1,681		64.7
5203030 Auto-priv (in-st.) H/rte	7,090	8,850	0	0	-1,760		0.0
5203040 Air-state Owned-in State	3,000	0	0	0	3,000		100.0
5203100 Lodging/in-state	9,673	5,121	0	0	4,552		47.1
5203140 Meals/taxable/in-state	1,679	1,102	0	0	577		34.4
5203150 Non-taxable Meals/in-st	2,000	2,028	0	0	-28		0.0
5203220 Auto-priv.(out-state) L/r	200	0	0	0	200		100.0
5203230 Auto-priv.(out-state) H/r	1,600	537	0	0	1,063		66.4
5203260 Air-comm-out-of-state	10,000	1,764	0	0	8,236		82.4
5203270 Air-charter-out-of-state	0	806	0	0	-806		0.0
5203280 Other-public-out-of-state	100	81	0	0	19		19.0
5203300 Lodging/out-state	9,900	4,617	0	0	5,283		53.4
5203320 Incidentals-out-of-state	652	393	0	0	259		39.7
5203350 Non-taxable Meals/out-st	900	952	0	0	-52		0.0
Subtotal	52,623	31,069	0	0	21,554		41.0
CONTRACTUAL SERVICES							
5204010 Subscriptions	250	649	0	0	-399		0.0
5204020 Dues & Membership Fees	500	925	0	0	-425		0.0
5204050 Computer Consultant	258,067	228,592	0	0	29,475		11.4

Remaining Authority by Object/Subobject

Expenditures current through 07/05/2025 01:21:30 PM

HEALTH -- Summary

FY 2025 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

09209 Board of Pharmacy - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining		AVL
5204080 Legal Consultant	4,278	288	0	0	3,990		93.3
5204100 Medical Consultant	0	2,000	0	0	-2,000		0.0
5204140 Contract Pymts To St Agen	15,200	0	0	0	15,200		100.0
5204160 Workshop Registration Fee	6,500	5,777	0	0	723		11.1
5204180 Computer Services-state	40,403	34,464	0	0	5,939		14.7
5204181 Computer Services-state	3,919	1,579	0	0	2,340		59.7
5204200 Central Services	9,028	9,124	0	0	-96		0.0
5204202 Central Services	103	11	0	0	92		89.3
5204203 Central Services	103	8	0	0	95		92.2
5204204 Central Services	418	412	0	0	6		1.4
5204207 Central Services	5,638	5,920	0	0	-282		0.0
5204220 Equipment Serv & Maint	600	447	0	0	153		25.5
5204320 Audit Services-private	1,000	0	0	0	1,000		100.0
5204330 Computer Software Lease	500	0	0	0	500		100.0
5204360 Advertising-newspaper	1,000	0	0	0	1,000		100.0
5204430 Publishing	1,000	1,100	0	0	-100		0.0
5204460 Equipment Rental	2,100	601	0	0	1,499		71.4
5204510 Rents-other	250	0	0	0	250		100.0
5204521 Revenue Bond Lease Payment	600	638	0	0	-38		0.0
5204525 Revenue Bond Lease Payment	42,277	40,431	0	0	1,846		4.4
5204530 Telecommunications Srvc	5,200	7,995	0	0	-2,795		0.0
5204550 Garbage & Sewer	400	146	0	0	254		63.5
5204590 Ins Premiums & Surety Bds	2,450	1,961	0	0	489		20.0
5204620 Taxes & License Fees	187,708	120,000	0	0	67,708		36.1
5204960 Other Contractual Service	392,878	110,049	0	0	282,829		72.0
Subtotal	982,370	573,117	0	0	409,253		41.7
SUPPLIES & MATERIALS							
5205020 Office Supplies	4,300	444	0	0	3,856		89.7
5205040 Educ & Instruc Supplies	300	0	0	0	300		100.0
5205310 Printing-state	1,100	0	0	0	1,100		100.0
5205320 Printing-commercial	400	99	0	0	301		75.3
5205330 Supp. Public & Ref Mat	50	0	0	0	50		100.0
5205350 Postage	2,780	897	0	0	1,883		67.7
5205390 Food Stuffs	20	0	0	0	20		100.0
5205980 Procurement Card Purchase	100	0	0	0	100		100.0
Subtotal	9,050	1,440	0	0	7,610		84.1
CAPITAL OUTLAY							

Remaining Authority by Object/Subobject

Expenditures current through 07/05/2025 01:21:30 PM

HEALTH -- Summary

FY 2025 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

09209 Board of Pharmacy - Info							PCT
Subobject		Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
5207901	Computer Hardware	5,764	0	0	0	5,764	100.0
5207960	Computer Software	30,000	0	0	0	30,000	100.0
5207961	Computer Software	0	33	0	0	-33	0.0
Subtotal		35,764	33	0	0	35,731	99.9
52 Operating							
Subtotal		1,079,807	605,659	0	0	474,148	43.9
Total		2,241,498	1,325,010	0	0	916,488	40.9



**South Dakota
Board of Pharmacy**

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Approvals, Variances, and Pharmacy Changes for July 18th 2025, Board Meeting

Approvals

1. Hy-Vee, Watertown – Remote Pick-up sites – Renewal
2. Monument Home Plus, Spearfish – Remote Drop sites -Update
3. Monument Home Plus, Rapid City – Remote Drop Sites -- Update

Variances/Waivers

1. Avera Home LTC - Tech-Check-Tech- Initial Approval
2. Avera Home infusion – Tech-Check-Tech – Initial Approval

New Pharmacies/Closed Pharmacies and New/Closed Wholesale Distributors In-State

1. CHOW – Coborn's, Inc. – Aberdeen 100-2100
2. New – Genoa Healthcare, LLC. – Yankton 100-2101
3. Closed –Lewis Drugs, Inc – Sioux Falls 200-1732
4. Closed – Brown Pharmacy, LLC – Watertown 100-2073

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney, and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC MEMBERS. The South Dakota Open Meeting Commission shall be comprised of five state's attorneys appointed by the attorney general. Each commissioner shall serve at the pleasure of the attorney general. A chair of the commission shall be chosen annually from the membership of the commission by a majority of its members.

1-25-12. DEFINITIONS. Terms used in this chapter mean:

(1) "Political subdivision," any association, authority, board, commission, committee, council, task force, school district, county, city, town, township, or other local government entity that is created or appointed by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign power derived from state law;

(2) "Public body," any political subdivision and the state;

(3) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference;

(4) "Teleconference," information exchanged by any audio, video, or electronic medium, including the internet;

(5) "State," each board, commission,

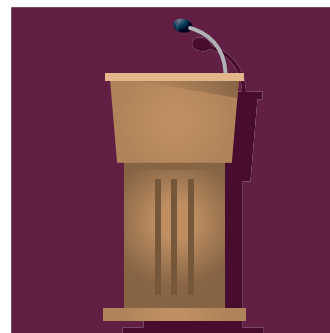
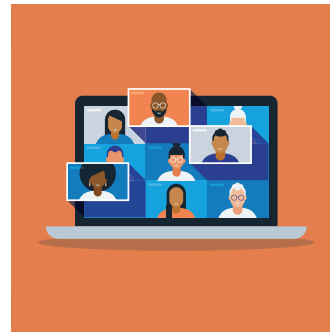
department, or agency of the State of South Dakota. The term, state, does not include the Legislature.

1-27-1.16. MEETING PACKETS AND MATERIALS.

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.



Conducting the Public's Business in Public

A guide to South Dakota's Open Meetings Laws
(Revised 2023)

Prepared by:
S.D. Attorney General's Office
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Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies "of the state and its political subdivisions." SDCL 1-25-1. This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(1). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. In addition,

for teleconferences where less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made

at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

9-34-19. EXECUTIVE SESSIONS (MUNICIPAL AND COUNTIES). Any documentary material or data compiled or received by a municipal corporation, county, or an economic development corporation receiving municipal or county funds, for the purpose of furnishing assistance to a business, to the extent that such material or data consists of trade secrets or commercial or financial information regarding the operation of such business, is not a public record. Any discussion or consideration of such trade secrets or commercial or financial information by a municipal corporation or county may be done in executive session closed to the public.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

PERTINENT S.D. OPEN MEETINGS STATUTES (other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS. The official meetings of the state and its political subdivisions are open to the public unless a specific law is cited by the state or the political subdivision to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the political subdivision may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum shall meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and shall contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment but not so limited as to provide for no public comment.

Public comment is not required at official meetings held solely for the purpose of meeting in executive session, an inauguration, swearing in of newly elected officials, or presentation of an annual report to the governing body regardless of whether or not such activity takes place at the time and place usually reserved for a regularly scheduled meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meet solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a

website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of "local news media" in SDCL ch. 1-25. "News media" is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that "local news media" is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. A public comment period is not required for meetings held solely for the purpose of executive session.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student's participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel

about proposed or pending litigation or contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19. Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances. Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. "pursuant to SDCL 1-25-2(3)." Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state "motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter;" or "motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel." Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken. Board members could be held personally liable for the results of an official vote

taken illegally during an executive session. For example, a contract approved only during an executive session could be found void and the board members could be required to repay any public funds spent under the contract.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void. It could even result in personal liability for members of the governing body involved, depending upon the action taken.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status

of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body. Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute. For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(3) references teleconferences. The definition of a "teleconference" in SDCL 1-25-12(4) includes the exchange of information via the internet or any other electronic medium. The analysis of these two definitions leads to the conclusion that email discussions that include a quorum of a public body and which discuss the official business of that body could be considered "meetings" for purposes of the open meetings laws. Email participation in scheduling or similar activity would not, under this analysis, constitute a public meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days). These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.