

## SOUTH DAKOTA BOARD OF PHARMACY

January 16, 2025

### Unapproved Draft Minutes

9:00 am CST

Public Board Meeting

Board members present: 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 Lan Van de Rostyne

Other parties in attendance

President Hansen called the meeting to order at 9:07 am CST. Voice roll call was 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.

**Motion** was made to remove the January 16, 2025, agenda from the consent agenda and add item (discipline on complaint 25-0019) to the agenda after the Executive Session (Kraemer / Nelson / unanimous).

**Motion** was made to approve revised consent agenda (Kraemer / Nelson / unanimous).

## REPORTS

### Operations

Tyler Laetsch

- 2026 legislative session started; bills can be viewed at [sdlegislature.gov](http://sdlegislature.gov)
- IGOV contract signed and arrears payment are current
- The request for proposal (RFP) for the board's new licensing software is awaiting Department of Health (DOH) approval. The RFP also includes the development of a new website to replace the board's current website which is managed by DOH.
- Introduction of Lan Van De Rostyne new senior secretary at the board
- Wholesale, other drug distributors and 503B outsourcing facility license renewal period ended 12/31/2025
- Introduced board attorney Megan Borchardt who attended the meeting
- Various state boards met with DOH to discuss discipline of unlicensed practice occurring outside the board's purview. Discussed issue at national and state levels and ways to streamline the process with the Attorney General's office.
- Remotely attended the Opioid Advisory Committee meeting; discussed ways to spend opioid settlement funds
- March 2-3, 2026, will participate in the NABP Law Enforcement on Legislation Committee or Task Force
- Updates to the Professional License Portability for Service Members and Spouses occurred in December. We continue to examine whether changes are needed to South Dakota's pharmacist's reciprocity process
- South Dakota will host the NABP District 5 meeting in 2028. Event research and planning has begun
- Board continues to field calls from fire departments throughout the state requesting after-hours access to pharmacies. South Dakota law prohibits a licensee/pharmacy from providing access (keys) to other parties.

### Inspector Highlights

Carol Smith

#### Findings

- Completed 17 inspections (Q 4 & 1)
- Participated in an official DEA Audit inspection focused on controlled substances only. Audit process was explained.
- At an inspection, asked questions regarding USP 800, P&P and NIOSH list. PIC was well versed in USP 800 requirements but struggled to access the information specific to the pharmacy. Efforts to locate information (assessment of risk [AoR], NIOSH document and company policies and procedures were cumbersome. NIOSH directives not followed as pharmacy stored NIOSH products by pharmacy's sink where employees store personal water bottles.
- Responded to multiple pharmacist inquiries regarding Sharps disposal. Provided [safeneedledisposal.org](http://safeneedledisposal.org) link, Needle Disposal EPA Recommendation flyer and Sharps disposal options in South Dakota
- Found a variety of inappropriate items (pickles, personal beverages, adult beverages) in pharmacy refrigerator comingled with prescription and OTC products
- Instance where pharmacy personnel incorrectly assumed refrigerator temperature recording was not required because pharmacy used medical grade refrigerators
- Two pharmacies who thought they had doctor shoppers. On advice of the board, instructed pharmacies to contact law enforcement; investigations are underway

Lee Cordell

#### Findings

- Completed 11 inspections (7 in Q4 2025 and 4 in Q1)
- Found:
  - a new pharmacy (Genoa) not reporting to SDIIS; working to address issue

- pharmacy that did not have NIOSH hazardous drugs separated or identifiable as hazardous in stock
- tele-pharmacy where pharmacist did not visit every two weeks per their variance; variance was removed and pharmacist visits occurring weekly now; continue to monitor
- controlled substance inventories missing receipts or no documentation of receipt of inventory
- Pharmacy staffing concerns continue, and turnover remains high
- Inspector issued a subpoena pertaining to an inspection conducted at the request of and in conjunction with the Dental Board and findings at a dental practice. Process to occur in February. The larger issue of concern is there are numerous other medical professions/providers (clinics, spas, ...) that stock, dispense, and /or administer medications with no medication inspection oversight.
- Board member Kraemer expressed concern that medication in any facility needs to be under the purview of the Board of Pharmacy and should be inspected by the board. Currently the board has no oversight of or authority to inspect. She suggests the pharmacy board start proactively working with other South Dakota boards with regards to inspections. one knows.

Jenna Heyen

Findings

- Completed 50 inspections total (25 retail)
- Identified a variety of collector status issues – failure to update signature log, not having access to the online portal; continue to address issues and refer to PDMP director when necessary
- Occurrences where NIOSH list was not updated
- Pharmacy partially filled a controlled substance outside the 72-hour allowable window
- Instances where pseudoephedrine products where being stored behind the pharmacy counter but not behind the pharmacy gate; product must be stored so it is inaccessible to the public.
- DEA inventories that did not have their will-call included in their inventory
- Reviewed CPA immunization which was not current (written in 2018). Board does not specify an acceptable CPA update timeline; however, eight years is too long.
- Finding in two separate pharmacies had a multi-dose vaccine (IPOL) open beyond normal the 28-day use window. Sites rationale was CDC article that IPOL is an exception to the rule that can go through the manufacturer's date regardless of the date it was punctured. Conflicting directives from CDC, USP, manufacturer, JACCHO, ... Board continues to discuss / work toward a directive.
- C2 and C3-C5 inventory together on the same document; should separate
- Working with a site to ensure compounding hood and overall compounding space is updated
- Completed an unannounced site visit audit and was joined by the DEA.

Office Topics

- Working on updating prescribing authority document. The utility of the document has come into question and may not be the best method going forward.
- Six hours of continuing education credits are required for non-certified technician renewal in 2026.
- Experiencing a variety of issues with technician applications:
  - technicians trying to register without a pharmacy – L/R must have a South Dakota pharmacy employer to register
  - technicians working outside of a pharmacy (i.e. medical clinics) – L/R immediate supervision by a pharmacist is required to be a technician
  - technicians working outside the immediate supervision of a pharmacist – Law/Rule (L/R) immediate supervision is required
  - technicians trying to register with an out-of-state home address (MO, GA, FL...) – L/R person must be employed in South Dakota in order to register
- Guidance Document - board's technician/intern working from home guidance document contradicts L/R immediate supervision requirement. Suggest document be eliminated. Those who are able to work in a remote capacity based on license can meet items 1-6 of the document. Document statements (items 6-8) that pharmacist can supervise technician/intern electronically directly contradicts rule that immediate supervision is required.

**Motion** was made to remove board's guidance document on pharmacist and other pharmacy staff working from home policy statement 10-12-03 (Kraemer/Nelson/unanimous)

- Board wants to follow L/R and is looking at the definition of "immediate supervision". Updates may be needed to better capture the board's expectations regarding what immediate supervision means. Discussion followed.
- Discussion of definitions - immediate personal supervision (physically present and immediately available; direct supervision) vs. immediate supervision (on site and available; indirect general supervision). Per Megan Borchard, board attorney, if immediate supervision is what is desired then the word personal needs to be removed.
- Concerns and Questions related to non licensed entities that maintain inventory, administer, dispense medications:
  - Issue – job posting by non-pharmacy health care entities trying to hire pharmacy technicians (listing technician registration as a requirement). Technician is not in a pharmacy and not supervised by a pharmacist violating SD pharmacy L/R

- Issue – the board has no authority/oversight over providers (entities like spas, clinics, dental offices...) that dispense medications to individuals. Board member Kraemer strongly suggested that providers that stock/dispense medication should be licensed with the Board of Pharmacy giving the board authority to inspect.
- Issue – Medication handling and storage by providers of all types that is outside the board's purview. The board has no oversight over entities that handle medications and dispense to patients. In Delaware and Ohio, inspectors have authority to go anywhere there is medication.
- Thorough detailed discussion followed with several examples mentioned.
- Support and Expectation expressed by Board members to move forward with actions as needed to allow inspections and actions with sites not currently under the purview of the SD Board of Pharmacy.

#### Prescription Drug Monitoring Program (PDMP) – Melissa DeNoon

##### Educational review of PDMP Program

- Covered PDMP statutory establishment, program goals, dispensing data acquisition/submission, data accuracy/errors, data access, and wrongful disclosure.
- Through Interconnect, South Dakota recently began sharing data with the District of Columbia

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

Refer to audio record for compliant specific information.

- Complaint 2025-0018, Pharmacy
- Complaint 2025-0019, Pharmacy
- Complaint 2025-0020, Pharmacy
- Complaint 2025-0021, Pharmacy
- Complaint 2025-0022, Pharmacy
- Complaint 2025-0023, Pharmacy
- DEA Form 106 - Walgreens Mitchell
- DEA Form 106 - Davis Pharmacy Vermillion
- DEA Form 106 - Lewis Aberdeen
- DEA Form 106 - Safeway Rapid City
- DEA Form 106 - Lewis Madison
- DEA Form 106 - ANDA (Wholesale)
- DEA Form 106 - Walgreens (SF)

## OTHER REPORTS

#### SD Pharmacists Association – Amanda Bacon

- New membership center established, fee structure in place and new SDPhA website launched
- On legislative session day four of 36; association is tracking/supporting a number of bills
- Met with members of legislature discussing the World Health Transformation grant funds from congress that have been allotted to DSS
- On the federal front, association continues to focus on PBMs and actively monitoring John Thune's PBM federal PBM legislation

#### SD Society of Health System Pharmacists – Alyssa Howard

##### Upcoming Events

- SDHSP 50<sup>th</sup> Annual meeting will be held April 17 – 18, 2026 in Sioux Fall at the Ramkota
- Watch for information regarding an after-hours event in February 2026 for networking opportunities

#### SDSU College of Pharmacy - Dan Hansen

- Freshmen (P1) recruitment is underway
- Staff/faculty evaluation being conducted
- Multiple programs under accreditation
- Launched new MLS accelerated track for BS degree
- P4 pharmacy students (program's first small cohort) are participating in residency interviews
- Pharmacist graduating class numbers are low so employment opportunities will be plentiful for graduates
- Faculty searches in progress

#### SD Association of Pharmacy Technicians - Amanda Bacon

- SDPhA continues to actively engage parties interested in re-establishing the technician association

#### SD Health Professionals Assistance Program – Amanda McKnelly

- Currently three participants enrolled in HPAP - two board mandated participants and one voluntary enrollment.

- Two participants completed program and were discharged; both were voluntary participants

## OLD BUSINESS

### Past variances and waivers – Tyler Laetsch

- All remote drop sites must cease activity by the end of April 2026; impacted parties have been contacted
- Working on LCR rules package

## NEW BUSINESS

### Legislative Update - Tyler Laetsch

- Board submitted three bills; legislature picked up one SB 14 (clean-up bill)
- Legislation of significance SB 90 (medical cannabis cardholder data / Senator Nelson)
- HB 1068 is not favorable from the board standpoint as pharmacists are currently able to prescribe by protocol in law

### Election of Officers (President and Vice President)

**Motion** was made to approve Curt Rising as Board President and Tom Nelson as Board Vice President (Hansen / Kraemer / unanimous)

### CE for Board Meetings process – Tyler Laetsch

- Discussed the new continuing education credits offered by the board and available to pharmacists and technicians who attend board meetings in-person only

## EDUCATION

Adding a new component to the board agenda for the purpose of educating and disseminating information on key topics or areas of interest in pharmacy. In the future, these mini-information sessions shared during board meetings may be posted on the website for reference and viewing.

### DSCSA

- DSCSA was enacted in 2013 and through 2025 everyone is expected to be compliant with DSCSA after multiple extensions.
- As of last quarter, 80% of wholesalers reported being DSCSA compliant
- In 2026, small dispensers (25 or less employees) still have an extension until November of this year
- The board developed a DSCSA review guidance document for inspection items (have a list of your wholesale vendors, know how to access your DSCSA data)

### Inspection Readiness

- Board conducts both scheduled and unscheduled inspections and controlled substance audits
- Be audit ready – what can we do to get ready for inspections?
- Build an inspection compliance information binder; keep it current
- Information to include in binder - table of content, all licenses (state & federal), corporate structure, officer list, floor plan, operation times, security system & alarm test, employee list with titles, POA, inventory, controlled substance security, supplier list, reference materials or where to find the material, policies/procedures, inventory records, collector status....
- All items may not fit in the binder. In this circumstance, note in the binder where items that are not in the binder can be found
- Collectors know where documents are (paper or online)
- Inspection may occur when PIC is not working so other team members need to know where to find the required information.

## OTHER BUSINESS

### Recent Meeting News

- NASCSA Annual Meeting, New Orleans, LA, Oct 20-23, 2025
- NABP Executive Officer, Board Member, and Inspector Forum, October 27-30, 2025, Mount Prospect, IL
- ASPL, Fort Lauderdale, November 6-8, 2025

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

- April 10, 2026, 9:00 am
- July 24, 2026, 9:00 am
- October 9, 2026, 9:00 am
- January 15, 2027, 9:00 am

### Upcoming Meetings

- SDSHP 50<sup>th</sup> Annual Conference, Sioux Falls, SD April 17-18, 2026.
- NABP 122<sup>nd</sup> Annual Meeting, Boston, MA May 12-15, 2026.

- District V NAPB/AACP 2026 Meeting: Hastings, MN August 6-8, 2026
- 140<sup>th</sup> SDPhA Annual Convention, September 10-12, 2026, Brookings, SD

**EXECUTIVE SESSION** per SDCL 1-25-2(3)

**Motion** was made to recess meeting to enter executive session (Nelson / Kraemer), time 12:00 p.m.  
Return to Public Meeting, time 12:31 p.m.

**Motion** was made to stipulate and approve the placement of pharmacist Ashley Johnson's license (# 5875) on probation for a period of four years, pharmacist's successful completion of SD Health Professionals Assistance Program and six hours of continuing education credits (Nelson / Kraemer / unanimous).

**Motion** to adjourn (Kraemer / Nelson). Meeting adjourned at 12:34 p.m.