

**SD Board of Pharmacy Meeting Minutes**  
**Friday, June 8, 2018; 8:00 a.m. CST**  
**South Dakota Board of Pharmacy Conference Room**  
**4001 W. Valhalla Blvd Suite 202, Sioux Falls, SD 57106**

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

**Board Staff Present:** Executive Director Kari Shanard-Koenders; Inspectors Tyler Laetsch, Paula Stotz, and Carol Smith; South Dakota State University P4 student Austin, Oyen; and Secretary Beth Windschitl.

**Attendees Present:** Amanda Bacon (SDPhA), Aaron Larson (SDSHP), Justin Manning (Hy-Vee), Chad Sherard (Cigna), Cheri Kraemer (Pharmacy Specialties & Clinic), Lucas Kraemer, and Gary Karel.

**A. Call to Order and Introductions**

At 8:00 a.m. the meeting was called to order by President Dady. The Board of Pharmacy mission statement was read followed by introductions of Board Members, Board Staff and meeting attendees. Roll call was taken; a quorum was present.

**B. Consent Agenda**

Executive Director Shanard-Koenders briefly reviewed the components of the consent agenda noting that any item could be removed from the consent agenda for discussion. A motion to approve the consent agenda was made by Board Member Lisa Rave and seconded by Board Member Dan Somsen. Roll call vote was taken; motion carried unanimously.

**C. Staff Reports**

**1. Operations Report – Kari Shanard-Koenders, R.Ph., Executive Director**

- a. The Executive Director introduced Austin Oyen a SDSU P4 student completing his last day of a five-week intern rotation with the Board of Pharmacy. Austin participated in retail, hospital, and tele-pharmacy inspections, helped draft new inspections forms for future use in the field, researched topics and composed articles for inclusion in the Board of Pharmacy newsletter.
- b. Update – NABP rolled out a new (paperless) online platform. System glitches continue to be addressed. The paperless platform slightly changed the registration process for both the NAPLEX and MPJE. The new process requires a registrant to purchase/pay an upfront registration fee of \$100.00. Once the SD Board approves the individual to test, the registrant re-accesses the NABP system to pay the remainder of the registration cost.
- c. Former inspector Gary Karel represented the South Dakota Board of Pharmacy at the SDSU Pharmacy Hooding ceremony held May 4, 2018.
- d. The State of SD Bureau of Human Resources is examining pharmacist salary market values and making adjustments.
- e. PDMP Director Melissa DeNoon recently submitted a proposal for \$750,000.00 in grant funds to cover the cost of two projects: (1) NARXCARE, a PDMP patient scorecard to assist doctors in assessing substance use disorder potential and (2) statewide integration with PDMP through APPRISS. The grant would pay integration fees for two years for all pharmacist and all prescribers to have one click access.
- f. A recent press release announced the establishment of a new DEA division in Omaha, Nebraska serving Iowa, Minnesota, North Dakota, South Dakota, and Nebraska. The office will be managed by Special Agent

in Charge (SAC), Matthew R. Barden, who was assistant SAC in the St Louis DEA office. Not sure at this point whether we will still have Sarah Boblenz to work with or not.

- g. President Dady requested an update regarding the Board's e-licensing platform initiative. The Executive Director reported the project with the vendor (I-Gov Solutions) is in the initial stages. The Board hopes to be processing Wholesale license renewal applications using the new online platform starting November, 2018 with the capability allowing end-user to print their license. In addition to licensing, the online system has both inspection and complaint modules. Aircards were purchased so inspectors will have wi-fi access in the field.

## 2. Inspector Reports

### a. Tyler Laetsch, Inspector

Reported the following items/observations/occurrences:

- Outdated meds that are unavailable to reorder are in with other meds
- IV overwrap open on IV's with no date open or expiration date
- Retail pharmacies with injectable meds not stored correctly (epi – out of the light)
- Technology use increasing – compounding rooms with pictures of process, use of Eyecon and other counting devices, and bar coding increased use in retail and hospital
- Wholesale security – lack of cameras/alarms and temp/humidity tracking
- Improper clean rooms – construction errors, non-existent
- Retail pharmacy with staff beverages in med fridge
- Licenses with wrong address on the DEA vs State of South Dakota license
- Nursing homes consistently not having date open or expiration date on multi-dose items
- Questions about establishing drop sites and the requirements
- Not signing daily printout or logbook as per DEA requirements  
*(Meeting attendees requested an article regarding logbook usage be placed in an upcoming newsletter.)*
- PDMP being used by more than one pharmacist/staff member
- Drug shortages especially in the hospitals
- Most places are doing little or nothing for USP 800/NIOSH list; prep is low
- Techs and support staff not wearing name tags in pharmacies
- Counseling for all new scripts not always occurring

### b. Paula Stotz, Inspector

Reported the following items/observations/occurrences:

- The inspectors are reviewing/updating all inspections forms before implementing e-licensing.
- NABP offers a free app that helps pharmacists with dual licensing keep on top of licensing requirements.
- USP also has an app for USP <800>, for a nominal fee. It is a useful app for those that handle hazardous drugs. Look for: <800>hazrx

### c. Carol Smith, Inspector

Reported the following items/observations/occurrences:

- On May 22, 2018, SD Board of Pharmacy inspectors attended a one-day workshop presented by AT Analytical.
- Inspection findings – 1) a hood cleaning not documented by technician performing the task; 2) an expired R.Ph. license – individual made a copy of license then misplaced it; 3) power of attorney was not revoked for a CEO who was no longer employed at hospital, current CEO not added to POA, Pharmacist-in-Charge was only person with POA.

d. Austin Oyen, P4 Regulatory Rotation Intern

Reported on the following:

- Firvanq, the first FDA approved compounding kit available and how we cannot compound commercially available products.

3. PDMP Report

Executive Director Shanard-Koenders referred attendees to the handout and reported the following updates:

- a. Opioid prescriptions, in South Dakota, are trending downward while PDMP queries continue to increase
- b. On June 7<sup>th</sup>, the Executive Director presented at the YAMWI Annual Conference (Yankton Area Mental Wellness Inc.) for Melissa while she traveled to a National Association of Model State Drug Laws meeting.
- c. The MedDrop Drug Take-Back Program is now operating in nine locations (Milbank, Chamberlain, De Smet, Madison, Sioux Falls, Pierre, Viborg, Webster, and Redfield). Invitations are pending in six more counties.

**D. Complaints, Investigations, Disciplinary Actions, Loss/Theft Reports**

The following were reported by Tyler Laetsch, Paula Stotz, and Carol and discussed.

1. DEA Form 106 – Bon Homme Pharmacy
2. DEA Form 106 – Mylan Pharmaceuticals; in transit loss, later found and returned
3. DEA Form – Bennett County Hospital
4. DEA Form – Multiple sites shortages on amphetamine salt combo XR shortage by manufacture in sealed bottles. Short one capsule per bottle not considered a significant reportable loss by the DEA; no DEA Form 106 needed.

**E. SD Pharmacists Association – Amanda Bacon, SDPhA**

1. Activity Report

- a. Spring District Meetings have concluded. Attendee feedback included requests to increase Association communications and greater use of social media. The Association will maintain its public presence and plans to add a group page (with push notices going directly to Association members' phones) in an effort to connect with/engage younger pharmacists.
- b. SDPhA President Eric Grocott met with South Dakota's congressional delegates in Washington to discuss national and state level pharmacy issues.
- c. The Annual SDPhA Convention will be held in Sioux Falls September 21-22 at the Best Western Plus Ramkota Hotel and Convention Center. Register online at [www.sdpha.org](http://www.sdpha.org).
- d. The Association continues to serve as an administrator enrolling individuals for Pharmacy Technician University's (PTU) technician certification training program. SDPhA recently renegotiated the terms of their contract with PTU and can now register an *unlimited* number of technicians for the certification program. Program costs for the online training are \$350 per person and can be paid by the technician or employer.

Attendees noted, Southeast Technical Institute is the only in state institution that offers a pharmacy technician program in a classroom setting. Western Dakota Technical Institute in Rapid City recently discontinued its pharmacy technician program citing low enrollment, transfers out of the program, travel, and location issues. Board Executive Director Shanard-Koenders thanked the Association for taking the lead on technician certification efforts after changes to PTU's enrollment practices (no longer allowing individual enrollees.)

- e. The SDPhA Board voted to join a coalition of parties opposing Initiated Measure 26 (IM26) which caps the amount state agencies can be paid for reimbursement.

## F. Other Reports

1. SDSU College of Pharmacy – Jane Mort, Pharm D., Acting Dean and Professor, College of Pharmacy and Allied Health Professions Department
  - a. PharmD Program
    - Revised curriculum has been approved with implementation fall, 2018
    - Avera Health and Science Practice Labs remodel is underway; the Compounding and Pharmacy Patience Care labs remodels will be complete by the start of fall semester.
  - b. MPH Program
    - Work continues on the self-study for CEPH accreditation for the MPH program. A CEPH consultant is providing accreditation guidance and the approved revised curriculum will be implemented this fall.
  - c. MLP Program
    - This fall, the MLS program achieved full enrollment for the first time (24 students).
  - d. Faculty Updates
    - Jane Mort named Dean of the College on April 11, 2018
    - Staff additions – Kyle Schaefer (Grant Proposal Specialty), Jordan Baye (Ambulatory Care Pharmacist at Sanford's Imaginetics Clinic), and Sharrel Pinto (Hoch Family Endowed Professor, Community Pharmacy Practice). Welcome to all.
  - e. Search
    - Recruitment is underway for the following positions: Haarberg Chair in Oncology Research, Avera Brookings Clinic Ambulatory Care, MLS Program Director, and Assistant to the Dean.
  - f. Acknowledgements
    - Three Gamma Kappa brothers graduated at the top of their class in 2018 and qualified for the Kappa Psi Scholarship Key Award
    - The following staff awards were bestowed by the College of Pharmacy and Allied Health Professions:
      - i. Dr. Josh Reineke – Excellence in Research
      - ii. Dr. Teresa Seefeldt – Excellence in Teaching
      - iii. Ms. Pam Rieger – Pharmacy Staff Award
      - iv. Dr. Shafiqur Rahman – Community Engagement Award
      - v. Dr. John Kappes – College of Pharmacy Students' Association Teacher of the Year
2. SD Society of Health System Pharmacists – Aaron Larson, President
  - a. The SDSHP Annual Conference was held April 23-24 at the BW Ramkota in Sioux Falls. About 150 pharmacy professionals attended; 12 hours of continuing education credits were available. The Conference included:
    - Award Winner Recognition - Joyce Meisenhelder (Technician of the Year), Misty Jensen (Pharmacist of the Year) and Dennis Hedge (Gary W. Karel Lecture Award).
    - 2018-19 Board of Director induction – Jessica Harris (Past President), Aaron Larson (President), Joe Berendse (President Elect), Gary Van Riper (Secretary), Anna Delzer (Treasurer), Kristina Peterson and Rose Fitzgerald (Board Members at Large), Jenna Welu (Resident Board Member), Jodi Sterrett (Technician Board Member), and Scott Dingus and Alyssa Boesche (Student Board Members).
    - A strategic planning meeting was held after the annual meeting. The 2018-2019 strategic plan was approved.
  - b. The 17<sup>th</sup> Annual Gary Van Riper Society Open Golf Classic will be held at the Central Valley Golf Course in Hartford Valley Golf Course on Friday, July 27, 2018. Event is open to everyone. You do not need to be a pharmacist or member of SDSHP to participate. Registration information can be found at SDSHP.com.
  - c. The 6<sup>th</sup> Annual SDSHP Statewide Residency Conference will be held on Friday, July 13, 2018 at Cedar Shores Resort in Oacoma, South Dakota.



- d. SDSHP recently held two spring social events at Remedy Brewing Company and the Lost Cabin Beer Company. An October event, to celebrate pharmacist's month, is in the works.
  - e. SDSHP is working on its re-affiliation documentation for submission to ASHP this summer.
3. SD Association of Pharmacy Technicians – Jerrie Vedvei, CPhT
    - Annual meeting is scheduled for October 6, 2018 in Pierre, South Dakota.

## G. Old Business

1. USP <795> Comment Period Open (Austin Oyen)
  - a. Comment period open through July, 2018. Rollout is schedule for December, 2019 to coincide with USP 800.
  - b. Highlighted changes include required gloving, designated space, a hood requirement if compounding with powder, removal of the terms simple and complex compounding, going forward there is no differentiation and the all-inclusive term "compounding" will be used.

Per Cheri Kraemer (Pharmacy Specialties & Clinics) setting standards, clear boundaries and clarifying existing information is good for patients and the profession. Patients receiving compounded prescriptions need to be made aware of the Beyond Use Date (BUD). The water quality requirements for compounding (i.e. non-sterile compounding (14 days), sterile compounding (24 hours), annual water inspections, and annual compound processing validation for all technicians and pharmacists) are extensive. Guidelines regarding disposal of compounding waste are still unknown.

2. USP <797> Proposed Revisions – Update (Tyler Laetsch, Paula Stotz, and Carol Smith)
  - UPS <797> possible September, 2018 release for comments
3. UPS <800>, NIOSH 2016
  - New NIOSH list possible September , 2018 release
4. Rules – Need approval to send to stakeholders, potential hearing on morning of next Board Meeting
  - a. ARSD 20:51:32 Prescription Drug Monitoring Program – revisions
  - b. ARSD 20:67 Wholesale Drug Distributors – revisions
  - c. ARSD 20:51:33 Complaint Procedures – new chapter

Board members were provided copies of Administrative Rule changes to review and approval for distribution to stakeholders (Associations, other Boards, etc.) to solicit feedback for July rules hearings.

## H. New Business

1. Board Code of Conduct – Kari Shanard-Koenders, R.Ph., Executive Director
  - a. During a meeting of Executive Directors in Pierre, the Department of Health rolled out a document addressing Code of Conduct and Conflict of Interest Policy for Boards, Commissions and Committee Members. It was suggested that the document could be added to new Board members packet with a request they sign it. Current Lay Board member Tom Nelson stated he is the only member of the Board who *does not have a conflict of interest* and that asking individuals to sign such a document is a bit of an affront.
  - b. The Department of Health requires all Boards add a Public Comment Section/opportunity to their agendas.
2. Discipline

- a. Board member Lisa Rave made a motion to approve the voluntary surrender of pharmacist license number #3708, Barbara Bloxsom. Motion was seconded by Lenny Petrik and unanimously passed by Board members.

### 3. Variance Request - Hoffman Drug, Pierre

Bret and Tiffany Maydew submitted a variance requesting the approval of a waiver of certification, as required in SD Rule 20:51:29:03, for pharmacy technician employee Constance Peterson (TT-5068). This technician was grandfathered in this store prior to having a lapse in her employment with them. The request and specific facts for consideration are included in the Board meeting packet.

Board members Rave, Petrik and Somsen expressed concern that granting such a variance could result in a waterfall effect of ongoing requests being submitted to the Board with no way of knowing how many more individuals will seek similar exceptions.

President Dady acknowledged their concerns and stated there is a shortage of good, qualified technicians. They are difficult to find, not many of them available, and not convenient education methods to get them to rural settings.

Tom Nelson made a motion to approve the variance request to waive the certification requirement for pharmacy technician Constance Peterson. Dan Somsen seconded the motion. A role call was taken (Dady-aye, Somsen-aye, Nelson-aye, Rave-nay, and Petrik-nay) and the motion passed 3 to 2.

### 4. Cannabidiol (CBD) Oil Discussion – Austin Oyen

Per the Executive Director, the information below is shared for discussion purposes only as individuals are asking for direction.

The State of South Dakota has not defined CBD oil or extract. However, it has defined hash oil. Definitions vary based on the component/source – stalk, resin, extract, oil .... CBD is currently being sold in South Dakota. The Attorney General's Office is aware of CBD oil sales in the state at gas stations, Walmart.... For products with THC content, percentages are unknown. During the last legislative session a bill was unsuccessfully introduced (SB 95) to grow Hemp in the state. The big question remains, is it legal in South Dakota. According to Board of Pharmacy DEA contact Sarah Boblenz, it is illegal but the DEA is not confiscating items due to potential public backlash. As a pharmacist what would you do if someone has THC/marijuana? The suggested action was to treat it as personal property, send it home, and if not appropriate, lock it up in the pharmacy, and return it to the individual at time of discharge.

Cheri Kraemer asked the Board members if she can sell CBD oil hemp <.03%. Response, the AG's Office says hemp (all kinds) is not legal in South Dakota and not FDA approved.

It is a conundrum for discussion and further clarification is needed.

## I. Other Business

### 1. Recent Meeting News

- a. SDSHP 2018 Annual Meeting, March 23-24, 2018, Sioux Falls, BW Ramkota
- b. NABP Annual Meeting, May 5-8, 2018, Hyatt Regency Denver – Diane Dady Highlights

- Topic medical marijuana – only four states with no medical marijuana legislation; South Dakota is one of them. The Louisiana Model has tight restrictions on usage – has to be a medicine of last resort, must be medical grade, tested for pesticides, have child resistant packaging, and reported to the PDMP.
- NABP speaker Kevin Sabot, an anti-marijuana advocate, thinks we are not serving the next generation properly by taking a pro-marijuana stance as it has not been studied, there has been no evidence based research to determine efficacy, and is unregulated by the FDA. No one knows what is in the product.
- The NABP held a USP meeting. They are still confused and are changing rules to Standard of Care to make them ageless. NABP continues to move toward simplification reducing the number of State laws and rules and looking to establish Federal Laws to proceed.

## 2. Future Board Meeting Dates

- a. September 20, 2018, in conjunction with SDPHA, 1 pm – 5 pm
- b. December 7, 2018, 8 am – 12 pm
- c. March 8, 2019, 8 am – 12 pm
- d. June 7, 2019, 8 am – 12 pm
- e. September 12, 2019 Deadwood in conjunction with SDPHA, 1 pm – 5 pm

## 3. Future Meetings

- a. District Five NABP/AACP, August 1 – 3, 2018, Saskatoon, Saskatchewan
- b. SDPHA 2018 Annual Meeting September 21 – 22, 2018, Sioux Falls BW Plus Ramkota

## J. Adjourn

Dan Somsen made a motion to adjourn. Lenny Petrik seconded the motion. Meeting adjourned at 11:24 a.m. CST

## SOUTH DAKOTA BOARD OF PHARMACY MEETING

### Agenda

*The mission of the South Dakota State Board of Pharmacy is to protect the health and welfare of South Dakota consumers by administering licensure and inspection of retail and hospital pharmacies, to ensure that all licensed pharmacy practitioners conform to South Dakota Laws and Board of Pharmacy rules; to ensure that all licensed outlets conform to South Dakota Laws and Board of Pharmacy rules; to perform initial licensure of pharmacy practitioners by examination or reciprocity and ensure that all licenses are renewed properly, and, to administer the licensure and inspection of wholesale drug distributors and non-resident pharmacies delivering prescription drugs to South Dakota.*

**DATE/TIME** June 8, 2018; 8:00AM - 12:00PM CST

**LOCATION** South Dakota Board of Pharmacy Conference Room  
4001 W Valhalla Blvd, Suite 202  
Sioux Falls SD 57106-3315  
Tel: (605) 362-2737

### MEETING AGENDA

- 8:00 AM A. Call to Order, Mission, and Introductions – President Diane Dady, R.Ph., Roll Call
- 8:05 AM B. Consent Agenda: *The consent agenda allows the board to approve all these items together without discussion or individual motions. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the assembly.*<sup>1</sup>
1. June 8, 2018 Agenda
  2. March 22, 2018 Board meeting minutes
  3. New Licenses and Registrations – License Summary
  4. Approvals and Variances
  5. Financial Report
- 8:10 AM C. Staff Reports
1. Operations Report – Kari Shanard-Koenders, R.Ph., Executive Director
  2. Inspector Reports –Paula Stotz, R.Ph.; Carol Smith, R.Ph., Tyler Laetsch, Pharm D; Austin Oyen P4 Regulatory Rotation Intern
  3. PDMP Report – Melissa DeNoon, R.Ph.
- 08:50 AM D. Complaints, Investigations, Disciplinary Actions, Loss / Theft Report –Paula, Carol, Tyler
1. DEA Form 106 – Bon Homme Pharmacy
  2. DEA Form 106 – Mylan Pharmaceuticals
  3. DEA Form 106 – Bennett County Hospital
  4. DEA Form 106 – Multiple sites shortages on amphetamine salt combo XR shortage by manufacture in sealed bottles
- 09:15 AM E. SD Pharmacists Association – Amanda Bacon, SDPHA
1. Activity Report
  2. Financial Report
- 9:30 AM F. Other Reports
1. SDSU College of Pharmacy – Dean Jane Mort, Pharm D. - report
  2. SD Society of Health System Pharmacists – Aaron Larson, Pharm D, BCPS
  3. SD Association of Pharmacy Technicians – Jerrie Vedvei, CPhT
- 9:45 AM Break
- 10:00 AM G. Old Business
1. USP <795> - comment period open – Austin
  2. USP <797> proposed revisions – Update – Tyler, Paula, Carol
    - i. Possible July 2018 release



3. USP <800>, NIOSH 2016 – Tyler, Paula, Carol
  - i. NIOSH possible new list in September 2018 release
4. Rules – Need approval to send to stakeholders – potential hearing on morning of next Board Meeting
  - i. ARSD 20:51:32 Prescription Drug Monitoring Program - revisions
  - ii. ARSD 20:67 Wholesale Drug Distributors revisions – revisions
  - iii. ARSD 20:51:33 Complaint Procedures – new chapter

10:45 AM

H. New Business

1. Board Code of Conduct – Kari - motion
2. Discipline - motion
3. Variance request from Hoffman Drug, Platte – motion
4. Cannabidiol (CBD) oil discussion - Austin

11:30 AM

J. Other Business

1. Recent Meeting News
  - i. SDSHP 2018 Annual Meeting, March 23-24, 2018, Sioux Falls, BW Ramkota
  - ii. NABP Annual Meeting, May 5-8, 2018, Hyatt Regency Denver - Diane
2. Future Board Meeting Dates
  - i. September 20, 2018, in conjunction with SDPHA, 1pm – 5pm
  - ii. December 7<sup>th</sup>, 2018, 8am – 12pm
  - iii. March 8, 2019, 8am – 12pm
  - iv. June 7, 2019, 8am – 12pm
  - v. September 12, 2019 Deadwood in conjunction with SDPHA, 1pm – 5pm
3. Upcoming Meetings
  - i. District Five NABP/AACP, August 1-3, 2018; Saskatoon, Saskatchewan
  - ii. SDPHA 2018 Annual Meeting September 21-22, 2018, Sioux Falls Ramkota

11:35 AM

K. Public Comment

11:45 AM

L. Executive Session: per SDCL 1-25-2; legal issues

12:00 PM

M. Adjourn

Please note: The South Dakota State Board of Pharmacy may address items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency of the meeting.

Public comment is welcomed by the Board, but will be heard only when that item on the agenda is reached and will be limited to five minutes per person. The Chairperson may allow additional time given to a speaker as time allows.

**NOTE:** *This meeting is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/367-7781) in advance of the meeting to make any necessary arrangements.*

<sup>1</sup> Adapted from [http://www.wgcc.edu/CMS/fileadmin/PDF/Learning\\_Center/Consent\\_Agenda\\_FAQ.pdf](http://www.wgcc.edu/CMS/fileadmin/PDF/Learning_Center/Consent_Agenda_FAQ.pdf)

**LICENSE SUMMARY****March 1, 2018 – May 31, 2018**PHARMACISTS

2011 Current Total

11 New Licensees for period

License #	Prefix	Last Name	First Name	City	State
6554	R	HUDEK	CHARLES	OMAHA	NE
6555	R	RECTENWALD	JODENE	WHITEWOOD	SD
6556		COLLINS	LANDI	SPEARFISH	SD
6557		REYNOLDS	TESSA	MOUNT HOPE	KS
6558		SHAFAI	SANAA	WALTHAM	MA
6560		HEIMAN	RICK	SIOUX FALLS	SD
6559	R	JOHNSON	COLBY	RAPID CITY	SD
6561	R	BREEMS	KAYLA	DAKOTA DUNES	SD
6564	R	BOYD	ANNA	SALINA	KS
6562		MILLER	SHANNON	HARTFORD	SD
6563		STECKLER	TRACE	RAPID CITY	SD

PHARMACY INTERNS

342 Current Total

10 New Registrations for period

FULL-TIME PHARMACY PERMITS

259 Current Total

1 New FT Permits for period

PART-TIME PHARMACY PERMITS

61 Current Total

1 New PT Permits for period

TECHNICIAN REGISTRATIONS

1512 Current Total

62 New Registrations for period

WHOLESALE PERMITS

1180 Current Total

35 New Permits for period

NON-RESIDENT PHARMACY PERMITS

811 Current Total

27 New Permits for period

Pharmacy Name	Address	City	State
POSTMEDS INC	3121 DIABLO AVE	HAYWARD	CA
PROMISE PHARMACY LLC	31818 US HWY 19 N	PALM HARBOR	FL
SANFORD PHARMACY MEDICAL CENTER FARGO	5225 23RD AVE S	FARGO	ND
PHARMCO INC	381 VAN NESS AVE STE 1506, 1509	TORRENCE	CA
MXP PHARMACY	416 S TYLER	AMARILLO	TX
ARJ INFUSION SERVICES INC	1847 1ST AVE SE STE 100	CEDAR RAPIDS	IA
K&C PHARMACY DEPOT INC	5686 SILVER HILL RD	DISTRICT HEIGHTS	MD
FRANKO PHARMACY INC	400 S DIXIE HWY STE 17	LAKE WORTH	FL
HPC LLC	63 S ROYAL ST STE 800	MOBILE	AL
TRUSTEDMEDRX LLC	6971 N FEDERAL HWY STE 203A	BOCA RATON	FL
JOHN'S PHARMACY IN ALBANY LLC	29148 MONTPELIER	ALBANY	LA
LYNCHBURG DRUG STORE LLC	47 MECHANIC ST	LYNCHBURG	TN
AMERICAN TRADING LLC	10401 OLD GEORGETOWN RD STE 205	BETHESDA	MD
ALTA RX LLC	9883 S 500 WEST	SANDY	UT
KB EMPIRE LLC	11003 ANTOINE DR STE F	HOUSTON	TX
DRUG HUT	10831 LANHAM SEVERN RD	GLENN DALE	MD
AMERICAN SERVICE AND PRODUCT INC	16612 107TH COURT	ORLAND PARK	IL

MAH PHARMACY LLC	4600 N HANLEY RD STE C	ST LOUIS	MO
HILLCREST PHARMACY LLC	781 E FORT UNION BLVD	MIDVALE	UT
RARX II LLC	1911 CHRUCH ST STE 206	NASHVILLE	TN
PROCARE PHARMACY LLC	9555 KINGS CHARTER DR STE D	ASHLAND	VA
CLERMONT COMMUNITY PHARMACY INC	290 CITRUS TOWER BLVD STE106	CLERMONT	FL
TEE PHARMACY INC	3333 FRANCIS LEWIS BLVD	FLUSHING	NY
HRX PHARMACY LLC	4227 S HIGHLAND DR STE 6	HOLLADAY	UT
IMPERIAL RX LLC	182 ROCKINGHAM RD UNIT 2	LONDONDERRY	NH
MEDCRAFTERS RX PHARMACY LLC	3348 2 12 MILE RD	BERKLEY	MI
EAGLE LAKE PHARMACY	5245 US HWY 98 N STE A	LAKELAND	FL

			May	May	YTD	YTD
Activity Reports	New	Renewal	2018	2017	This Year	Last Year
<b>Pharmacy Permits</b>						
Full Time (SD)	0	106	106	101	111	113
Part Time (SD)	0	28	28	16	37	27
Non-Resident	13	307	320	383	511	548

#### Pharmacist Licenses

South Dakota	5	0	5	1	1255	1243
Non-Resident	3	0	3	5	748	737

Technician Registration	19	10	29	21	1510	1411
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Pharmacy Interns	4	1	5	7	367	349
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#### Wholesale Permits

South Dakota	0	0	0	0	62	62
Non-Resident	15	3	18	9	1192	1251

#### Inspections

Pharmacy Inspections			29	47	317	314
Wholesale Inspections			2	4	16	28
Other Pharmacy Visits/Meetings			34	34	339	311
Controlled Drug Destruction			4	0	15	5
PDMP Visits			18	30	173	166

#### Verifications

Pharmacist			8	6	106	157
Wholesalers			8	8	310	326
Pharmacies			40	19	271	191
Technicians / Interns			6	4	45	58



# Remaining Authority by Object/Subobject

Expenditures current through 06/02/2018 10:21:16 AM

HEALTH -- Summary

FY 2018 Version -- AS -- Budgeted and Informational

FY Remaining: 7.9 %

09209 Board of Pharmacy - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL	
<b>EMPLOYEE SALARIES</b>							
5101010 F-t Emp Sal & Wages	313,727	313,913	0	0	-186	0.0	
5101020 P-t/temp Emp Sal & Wages	102,646	118,024	0	0	-15,378	0.0	
5101030 Board & Comm Mbrs Fees	1,342	1,080	0	0	262	19.5	
<b>Subtotal</b>	<b>417,715</b>	<b>433,017</b>	<b>0</b>	<b>0</b>	<b>-15,302</b>	<b>0.0</b>	
<b>EMPLOYEE BENEFITS</b>							
5102010 Oasi-employer's Share	29,062	30,466	0	0	-1,404	0.0	
5102020 Retirement-er Share	18,500	23,311	0	0	-4,811	0.0	
5102060 Health Insurance-er Share	42,516	62,850	0	0	-20,334	0.0	
5102080 Worker's Compensation	1,000	776	0	0	224	22.4	
5102090 Unemployment Compensation	300	194	0	0	106	35.3	
<b>Subtotal</b>	<b>91,378</b>	<b>117,597</b>	<b>0</b>	<b>0</b>	<b>-26,219</b>	<b>0.0</b>	
<b>51 Personal Services</b>							
<b>Subtotal</b>	<b>509,093</b>	<b>550,614</b>	<b>0</b>	<b>0</b>	<b>-41,521</b>	<b>0.0</b>	
<b>TRAVEL</b>							
5203010 Auto-state Owned-in State	6,600	4,724	0	0	1,876	28.4	
5203020 Auto Priv (in-st.) L/rte	600	713	0	0	-113	0.0	
5203030 Auto-priv (in-st.) H/rte	6,000	5,131	0	0	869	14.5	
5203040 Air-state Owned-in State	0	1,759	0	0	-1,759	0.0	
5203100 Lodging/in-state	7,489	3,135	0	0	4,354	58.1	
5203140 Meals/taxable/in-state	1,100	644	0	0	456	41.5	
5203150 Non-taxable Meals/in-st	2,000	1,886	0	0	114	5.7	
5203220 Auto-priv (out-state) L/r	200	0	0	0	200	100.0	
5203230 Auto-priv (out-state) H/r	1,600	0	0	0	1,600	100.0	
5203260 Air-comm-out-of-state	10,000	4,784	0	0	5,216	52.2	
5203280 Other-public-out-of-state	100	232	0	0	-132	0.0	
5203300 Lodging/out-state	6,400	5,304	0	0	1,096	17.1	
5203320 Incidentals-out-of-state	152	271	0	0	-119	0.0	
5203350 Non-taxable Meals/out-st	900	1,143	0	0	-243	0.0	
<b>Subtotal</b>	<b>43,141</b>	<b>29,726</b>	<b>0</b>	<b>0</b>	<b>13,415</b>	<b>31.1</b>	
<b>CONTRACTUAL SERVICES</b>							
5204010 Subscriptions	250	0	0	0	250	100.0	
5204020 Dues & Membership Fees	500	300	0	0	200	40.0	
5204050 Computer Consultant	298,567	66,000	298,000	0	-65,433	0.0	
5204140 Contract Pymts To St Agen	20,000	18,000	0	0	2,000	10.0	

# Remaining Authority by Object/Subobject

Expenditures current through 06/02/2018 10:21:16 AM

HEALTH -- Summary

FY 2018 Version -- AS -- Budgeted and Informational

FY Remaining: 7.9 %

09209 Board of Pharmacy - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining		AVL
5204160 Workshop Registration Fee	4,000	3,269	0	0	731		18.3
5204180 Computer Services-state	10,075	15,058	0	0	-4,983		0.0
5204181 Computer Services-state	3,619	35	0	0	3,584		99.0
5204200 Central Services	5,985	5,294	0	0	691		11.5
5204202 Central Services	102	18	0	0	84		82.4
5204203 Central Services	102	95	0	0	7		6.9
5204204 Central Services	411	317	0	0	94		22.9
5204207 Central Services	3,579	4,062	0	0	-483		0.0
5204220 Equipment Serv & Maint	600	1,266	0	0	-666		0.0
5204320 Audit Services-private	1,000	0	0	0	1,000		100.0
5204360 Advertising-newspaper	1,000	0	0	0	1,000		100.0
5204430 Publishing	1,000	0	0	0	1,000		100.0
5204440 Newsletter Publishing	0	465	0	0	-465		0.0
5204460 Equipment Rental	1,100	1,635	0	0	-535		0.0
5204490 Rents-private Owned Prop.	18,277	30,639	0	0	-12,362		0.0
5204510 Rents-other	250	0	0	0	250		100.0
5204530 Telecommunications Srves	5,200	5,275	0	0	-75		0.0
5204550 Garbage & Sewer	50	114	0	0	-64		0.0
5204590 Ins Premiums & Surety Bds	1,450	1,797	0	0	-347		0.0
5204620 Taxes & License Fees	176,708	195,900	0	0	-19,192		0.0
5204960 Other Contractual Service	7,528	14,770	0	0	-7,242		0.0
<b>Subtotal</b>	<b>561,353</b>	<b>364,309</b>	<b>298,000</b>	<b>0</b>	<b>-100,956</b>		<b>0.0</b>

## SUPPLIES & MATERIALS

5205020 Office Supplies	2,300	2,352	450	0	-502		0.0
5205040 Educ & Instruc Supplies	300	0	0	0	300		100.0
5205210 Medical Supplies	0	11,400	0	0	-11,400		0.0
5205310 Printing-state	1,100	896	0	0	204		18.5
5205320 Printing-commercial	400	18	0	0	382		95.5
5205330 Supp. Public & Ref Mat	50	0	0	0	50		100.0
5205350 Postage	4,900	3,963	0	0	937		19.1
<b>Subtotal</b>	<b>9,050</b>	<b>18,629</b>	<b>450</b>	<b>0</b>	<b>-10,029</b>		<b>0.0</b>

## CAPITAL OUTLAY

5207450 Office Furn & Fixtures	1,000	0	0	0	1,000		100.0
5207491 Telephone Equipment	0	0	871	0	-871		0.0
5207495	500	0	0	0	500		100.0
5207901 Computer Hardware	4,264	646	1,422	0	2,196		51.5

## Remaining Authority by Object/Subobject

Expenditures current through 06/02/2018 10:21:16 AM

HEALTH -- Summary

FY 2018 Version -- AS -- Budgeted and Informational

FY Remaining: 7.9 %

09209 Board of Pharmacy - Info							PCT
Subobject		Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
5207960	Computer Software	30,000	0	0	0	30,000	100.0
5207961	Computer Software	0	38	143	0	-181	0.0
<b>Subtotal</b>		<b>35,764</b>	<b>684</b>	<b>2,436</b>	<b>0</b>	<b>32,644</b>	<b>91.3</b>
<b>OTHER</b>							
5208080	Refund Of Prior Yrs Rev	0	521	0	0	-521	0.0
<b>Subtotal</b>		<b>0</b>	<b>521</b>	<b>0</b>	<b>0</b>	<b>-521</b>	<b>0.0</b>
<b>52 Operating</b>							
<b>Subtotal</b>		<b>649,308</b>	<b>413,869</b>	<b>300,886</b>	<b>0</b>	<b>-65,447</b>	<b>0.0</b>
<b>Total</b>		<b>1,158,401</b>	<b>964,483</b>	<b>300,886</b>	<b>0</b>	<b>-106,968</b>	<b>0.0</b>





Board of Pharmacy - Inspection Report			2nd Quarter 2018	
Kari Shanard-Koenders				
Date	Destination	City	Purpose	PDMP/ Narc Destruction etc.
04/03/2018	Sanford Hospital	Sioux Falls	Routine Inspection	PDMP/ Narc Destruction
04/04/2018	Linda Young - SDBON and KSK	Sioux Falls	Discussion	
04/04/2018	SDSU College of Pharmacy	Brookings	P2 Lecture	PDMP
04/04/2018	Lewis Drug	Brookings	Visit	
04/04/2018	Brothers Pharmacy	Brookings	Visit	
04/04/2018	Jackrabbit Pharmacy	Brookings	Visit	
04/04/2018	Hy-Vee Pharmacy	Brookings	Visit	
04/05/2018	Inspection Forms Revisions Paula, Carol, Gary and Tyler	Sioux Falls	Conf Call	
04/11/2018	Program Service Committee for HPAP	Sioux Falls	Meeting	
04/13/2018	Inspection Forms Revisions Paula, Carol, Gary and Tyler	Sioux Falls	Conf Call	
04/16/2018	Inspection Forms Revisions Paula, Carol, Gary and Tyler	Sioux Falls	Conf Call	
04/17/2018	NABP e-Profile Training	Sioux Falls	training	
04/18/2018	HPAP - Amanda McNelly	Sioux Falls	Meeting	
04/18/2018	Licensee meeting	Sioux Falls	Meeting	
04/19/2018	Safety M&M Talk for Sanford	Sioux Falls	Presentation	
04/24/2018	iGov Solutions Project Kickoff	Sioux Falls	Conf Call	
04/24/2018	Katie Mallery AG BOP	Sioux Falls	Monthly Meeting	
04/27/2018	Inspection Forms Revisions Paula, Carol, Gary and Tyler	Sioux Falls	Conf Call	
04/27/2018	Mark Geerdes, Tyler and RPH Avera LTC	Sioux Falls	Meeting	
05/08/2018	FDA DDI Webinar DSCSA	Sioux Falls	Webinar	
05/14/2018	ED Meeting	Pierre	Meeting	
05/15/2018	Safety M&M Talk for Sanford	Sioux Falls	Panel Presentation	PDMP
05/17/2018	Pharmacy Specialties and Clinic	Sioux Falls	NABP Model Blueprint Inspection	
05/17/2018	Sara Boblenz, DEA, Tyler, Austin, Paula Melissa	Sioux Falls	Meeting	
05/18/2018	Inspection Forms Revisions Paula, Carol, Gary and Tyler	Sioux Falls	Conf Call	
05/21/2018	Arnie Anderson, Tyler, Austin, Kari re: Keystone	Sioux Falls	Meeting	
05/24/2018	Bob Morris, Atty; Melissa, Kari	Sioux Falls	Lawsuit Review	
05/30/2018	AG/BOP Monthly meeting	Sioux Falls	Meeting	
05/31/2018	NASCSA Education Committee	Sioux Falls	Conf Call	
	iGov Project Manager Meeting Call - Mr. Roy, Prasad, Gokul, Melanie			
06/01/2018	Gokul, Melanie	Sioux Falls	Conf Call	
06/05/2018	Appriss NarxCare Meeting	Sioux Falls	Conf Call	
06/05/2018	Susan Sporrer	Sioux Falls	Meeting	
06/07/2018	Presentation at YAMWII	Yankton	Presentation	
06/08/2018	SD Board of Pharmacy Quarterly Meeting	Sioux Falls	Meeting	

Board of Pharmacy - Inspection Report				2nd Quarter 2018	
Melissa DeNoon					
Date	Destination	City	Purpose		PDMP/ Narc Destruction etc.
04/04/2018	Linda Young - SDBON and KSK	Sioux Falls	CNP/CNM Admin Rules Discussion		
04/05/2018	Appriss Health	Sioux Falls	Prescriber Reports Conference Call		
04/05/2018	CMS	Sioux Falls	Webinar on MU Registries		
04/17/2018	DDPI Yr 3 Work Plan with OA Team	Sioux Falls	Conference Call		
04/17/2018 -			Part of Opioid Panel - PDMP		
04/18/2018	SD Police Chiefs/Sheriffs Assoc Spr Conf	Deadwood	Presentation		
04/19/2018	Appriss Health	Sioux Falls	Bimonthly Tech CC		
04/23/2018	OA Team	Sioux Falls	Monthly CC		
04/25/2018	Josh Clayton and Amanda Nelson - SD DOH	Sioux Falls	Opioid Data Meeting		
05/02/2018	Appriss Health	Sioux Falls	Bimonthly Tech CC		
05/04/2018	SD Funeral Directors Association Annual Mt	Sioux Falls	Part of Opioid Panel - PDMP		PDMP
05/08/2018	NASCSA	Sioux Falls	Presentation Webinar		
05/08/2018	Jake Drolzman - Yankton Medical Clinic	Sioux Falls	PMP Gateway Licensee Conf Call		
05/15/2018	BJA	Sioux Falls	Webinar on 5/8/18 announced grant		
05/16/2018	Appriss Health	Sioux Falls	Bimonthly Tech CC		
05/17/2018	Sarah Boblenz - DEA; KSK, Tyler, Paula	Sioux Falls	Informational Staff Visit		
05/18/2018	SD Dental Association Annual Session	Sioux Falls	PDMP Presentation		PDMP
05/24/2018	Bob Morris, Attorney and KSK	Sioux Falls	Lawsuit Review		
05/30/2018	Appriss Health	Sioux Falls	Bimonthly Tech CC		
05/30/2018	TTAC	Sioux Falls			
06/04/2018	OA Team	Sioux Falls	PDMP Admin Forum Webinar		PDMP
06/05/2018	Lara Irvin - Appriss Health	Sioux Falls	Monthly CC		
06/06/2018	NAMSDL PDMP Resource Group	Madison, WI	NarxCare Enterprise Demo Webinar		
06/07/2018	NAMSDL PDMP Resource Group	Madison, WI	PDMP Administrator Meeting		
06/08/2018	NAMSDL PDMP Resource Group	Madison, WI	PDMP Administrator Meeting		

Board of Pharmacy - Inspection Report			2nd Quarter 2018	
Tyler Laetsch				
Date	Destination	City	Purpose	PDMP/ Narc Destruction etc.
04/03/2018	Sanford Hospital	Sioux Falls	Inspection	PDMP/ Narc Destruction
04/04/2018	SDSU College of Pharmacy	Brookings	P2 Lecture	PDMP
04/04/2018	Lewis Drug	Brookings	Visit	
04/04/2018	Brothers Pharmacy	Brookings	Visit	
04/04/2018	Jackrabbit Pharmacy	Brookings	Visit	
04/04/2018	Hy-Vee Pharmacy	Brookings	Visit	
04/09/2018	Avera LTC pharmacy	Sioux Falls	Inspection	PDMP
04/10/2018	Lewis Drug	Brandon	Inspection	PDMP
04/11/2018	Sanford Canton-Inwood Hospital	Canton	Inspection	USP 795
04/12/2018	Avera Hand Co. Memorial Hospital	Miller	Inspection	Narc Destruction
04/12/2018	Lewis Family Drug	Mitchell	Inspection	PDMP, Narc Destruction
04/13/2018	Avera Dermatology Pharmacy	Sioux Falls	Inspection	PDMP, Narc Destruction
04/17/2018	Scotland Pharmacy	Scotland	Inspection	PDMP, Collector status, Narc
04/17/2018	LJMH	Scotland	Inspection	Narc Destruction
04/18/2018	Avera Heart Hospital	Sioux Falls	Inspection	Narc Destruction
04/19/2018	Cigna Home Delivery	Sioux Falls	Inspection	Narc Destruction
04/20/2018	Avera 7th Ave Pharmacy	Sioux Falls	Inspection	PDMP
04/20/2018	Shopko Pharmacy #2101	Sioux Falls	Inspection	PDMP
04/24/2018	Roger's Family Pharmacy	Yankton	Inspection	PDMP
04/24/2018	Yankton Medical Clinic	Yankton	Inspection	PDMP
04/25/2018	Walgreen's	Mitchell	Inspection	PDMP
04/26/2018	Nelson Drug	Arlington	Inspection	PDMP
04/26/2018	AlixRx	Arlington	Inspection	PDMP
04/26/2018	AlixRx	Lake Norden	Inspection	
04/27/2018	Avera LTC pharmacy	Sioux Falls	Meeting for AMDD in NH	
05/01/2018	Sanford Oncology Clinic Pharmacy	Sioux Falls	Inspection	PDMP
05/03/2018	Avera DeSmet Memorial Hospital	DeSmet	Inspection	USP 797, Narc Destruction
05/03/2018	Lewis Family Pharmacy	DeSmet	Inspection	PDMP, Collector status
05/07/2018	Pioneer Memorial Hospital	Viborg	Inspection	USP 797, Narc Destruction
05/08/2018	Haish Pharmacy	Canton	Inspection	USP 795, PDMP
05/09/2018	Midwest Respiritory Whole Sale	Sioux Falls	Inspection	
05/10/2018	Walmart 85th and Minnesota	Sioux Falls	Inspection	PDMP, Collector Status



05/11/2018	FDA Medical Gas Webinar		Sioux Falls		Class	Medical Gas revision
05/15/2018	Avera Flandreau Municipal Hospital		Flandreau		Inspection	USP 797, Narc Destruction
05/15/2018	Lewis Family Drug		Flandreau		Inspection	PDMP, USP 795
05/16/2018	Rafferty Robbins		Howard		Inspection	PDMP, USP 795
05/16/2018	Northside Pharmacy		Huron		Inspection	PDMP, Drop Site USP 795
05/17/2018	Pharmacy Specialties and Clinic		Sioux Falls		NABP Blueprint Inspection	USP 797, USP 800, USP 795
05/17/2018	Meeting with DEA Sarah Boblenz		Sioux Falls		Meeting	
05/21/2018	Haish Pharmacy		Sioux Falls		Meeting for Treatment	
05/22/2018	AT Analytical Class		Sioux Falls		USP 800 Clean rooms	
05/23/2018	Avera McKennon Home Infusion Serv		Sioux Falls		NABP Blueprint Inspection	USP 797, Narc Destruction
05/23/2018	Wal-Mart Louise St		Sioux Falls		Inspection	USP 795, PDMP,
05/24/2018	Sanford Vermillion		Vermillion		Inspection	USP 797, USP 800
05/24/2018	Wal-Mart Yankton		Yankton		Inspection	USP 795, PDMP
05/25/2018	Avera E Pharmacy		Sioux Falls		Inspection	USP 797, USP 800, PDMP
05/30/2018	Wal-Mart Vermillion		Vermillion		Inspection	USP 795, USP 800 PDMP
05/30/2018	Walgreen's Yankton		Yankton		Inspection	USP 795, USP 800 PDMP
06/01/2018	Avera Dialysis Wagner-site		Wagner		Inspection	
06/01/2018	James Drug		Wagner		Inspection	USP 795, USP 800 PDMP
06/05/2018	Hyvee 10th St		Sioux Falls		Inspection	USP 795, USP 800 PDMP
06/05/2018	Children's Care H&S Pharmacy		Sioux Falls		Inspection	
06/06/2018	Lewis Family Drug		Wessington Springs		Inspection	USP 795, USP 800 PDMP
06/06/2018	Avera Wesskota Memorial Medical Center		Wessington Springs		Inspection	USP 797, USP 800
06/08/2018	Board Meeting		Sioux Falls		Meeting	



Board of Pharmacy - Inspection Report												
Paula Stotz												
Date	Destination						City	Purpose	PDMP/ Narc Destruction etc.			
4/2/18	AlixarX - Prairie Hills						Rapid City	E-Inspection				
4/3/18	AlixarX - Meadowbrook						Rapid City	E-Inspection				
4/4/18	AlixarX - Black Hills						Rapid City	E-Inspection				
4/4/18	AlixarX - Bella Vista						Rapid City	E-Inspection				
4/5/18	Retail Inspection form -revisions					KSK	CS TJL	Conference Call				
4/11/18	Lynns Dakotmart Pharmacy					KSK	CS TJL	E- New/Construction				
4/16/18	Retail Inspection form -revisions						Rapid City	Conference Call				
4/17/18	Regional Health Hospice House						Rapid City	E-Inspection				
4/18/18	Regional Health Behavioral Health						Rapid City	E-Inspection				
4/19/18	SDPhA Black Hills District Mtg						Rapid City	Meeting				
4/26/18	Plastic Surgical Center Pharmacy						Rapid City	E-Inspection				
4/27/18	Retail Inspection form -revisions					KSK	CS TJL	Conference Call				
4/27/18	Lynns Dakotmart Pharmacy						Hot Springs	Visit				
4/30/18	Lakota Enterprises						Hot Springs					
5/2/18	Apria Healthcare						Rapid City	Wholesale Inspection				
5/3/18	BH Surgical Hospital Pharmacy						Rapid City	Wholesale Inspection				
5/5/18	NABP Annual Convention						Rapid City	E-Inspection				
5/6/18	NABP Annual Convention						Denver CO	Convention/meeting				
5/7/18	NABP Annual Convention						Denver CO	Convention/meeting				
5/8/18	NABP Annual Convention						Denver CO	Convention/meeting				
5/8/18	Medical Gas Webinar						Rapid City	Webinar				
5/17/18	Pharmacy Specialty Services						Sioux Falls	NABP Inspection				
5/17/18	Sarah Boblenz -DEA Regional Supervisor					KSK	TJL	Informational Visit				
5/22/18	AT Analytical Workshop						Sioux Falls	Education/Training				
5/23/18	Martin Drug						Sioux Falls	E-Inspection				
5/23/18	Bennett County Hospital Pharmacy						Martin	E-Inspection				
5/24/18	GE Associates						Martin	E-Inspection				
5/30/18	Rushmore Compounding						Martin	Wholesale Inspection				
5/30/18	BH Staple & Spice, Grassroots, Hemporium						Rapid City	E-Inspection				
6/7/18	Mission Community Pharmacy						Rapid City	Visit				
6/8/18	Quarterly Board of Pharmacy Meeting						Mission	E-Inspection				
6/8/18	Quarterly Board of Pharmacy Meeting						Sioux Falls	Meeting				

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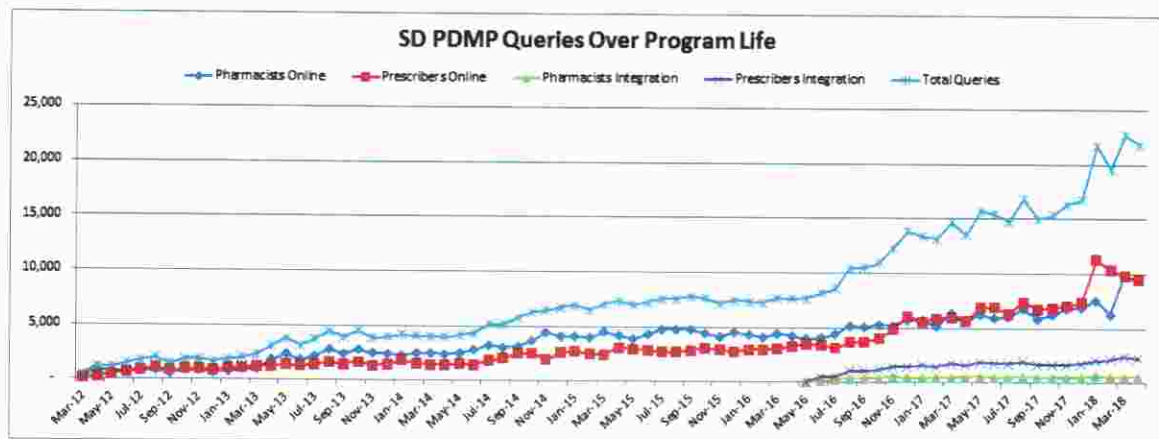
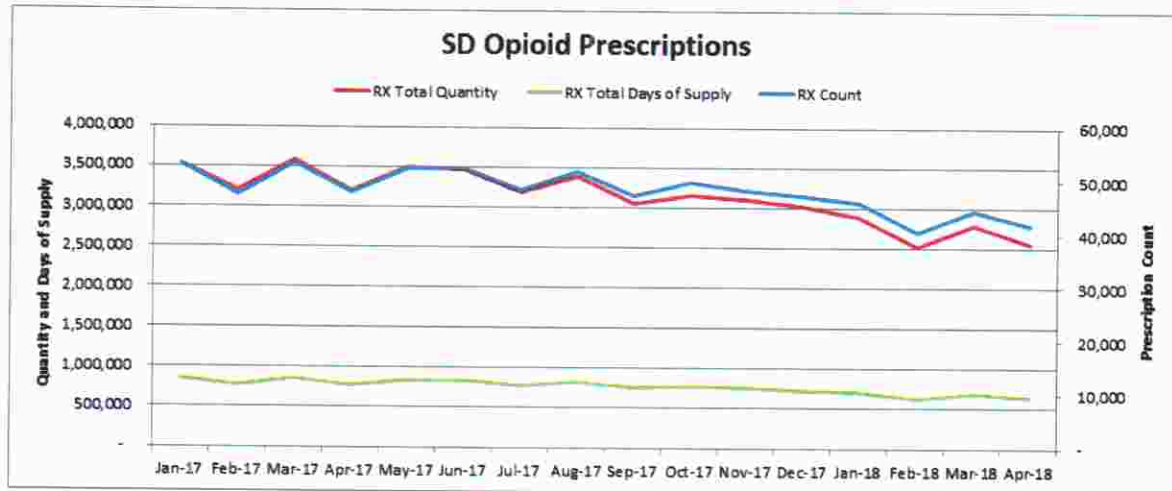
Board of Pharmacy - Inspection Report		2nd Quarter 2018			
Gary Karel					
Date	Destination	City	Purpose	PDP/ Narc	Destruction etc.
04/03/2018	Sanford Hospital	Sioux Falls	Routine Inspection	PDP/ Narc	PDP/ Narc
04/04/2018	SDSU College of Pharmacy	Brookings	P2 Lecture	PDP/ Narc	PDP/ Narc
04/04/2018	Lewis Drug	Brookings	Visit	n/a	n/a
04/04/2018	Brothers Pharmacy	Brookings	Visit	n/a	n/a
04/04/2018	Jackrabbitt Pharmacy	Brookings	Visit	n/a	n/a
04/04/2018	Hy-Vee Pharmacy	Brookings	Visit	n/a	n/a

## South Dakota Prescription Drug Monitoring Program Update June 8, 2018

April Most Prescribed Controlled Substances (CS)	RXs	Quantity	Days of Supply	Quant/Rx
HYDROCODONE BITARTRATE/ACETAMINOPHEN	16,102	987,629	203,658	61
TRAMADOL HCL	10,326	719,661	181,893	70
DEXTROAMPHETAMINE SULF-SACCHARATE/AMPHETAMINE SULF	7,187	375,964	247,771	52
LORAZEPAM	7,135	329,785	162,473	46
ZOLPIDEM TARTRATE	7,083	242,094	241,373	34
CLONAZEPAM	5,329	324,515	168,406	61
ALPRAZOLAM	5,041	294,102	140,686	58
METHYLPHENIDATE HCL	4,894	249,191	168,680	51
OXYCODONE HCL	4,202	303,181	70,450	72
LISDEXAMFETAMINE DIMESYLATE	3,706	129,442	127,019	35

*\*VA reporting began in Dec 2014*

Opioid Prescriptions	RXs	% of all CS RXs	Quantity	Days of Supply
January 1, 2018 - January 31, 2018	45,977	39.74%	2,874,914	713,528
February 1, 2018 - February 28, 2018	40,384	39.30%	2,522,581	627,205
March 1, 2018 - March 31, 2018	44,562	39.23%	2,775,526	688,635
April 1, 2018 - April 30, 2018	41,642	39.27%	2,557,317	639,636





**Presentations Given**

- SD PDMP/PMP AWARe Presentation at DOH's CDC DDPI Grant Site Visit - Pierre
- SD Police Chiefs and Sheriffs Associations Spring Conference Opioid Panel Presenter – Deadwood
- SD Funeral Directors Association Annual State Convention Opioid Panel Presenter – Sioux Falls
- SD Dental Association Annual Convention SD PDMP Presentation – Sioux Falls

**Upcoming Events**

- YAMWI Annual Conference SD PDMP Presentation – Yankton
- NAMSDL PDMP Resource Group Meeting – Madison, WI
- NABP PMP InterConnect® Steering Committee Meeting – Chicago, IL

**Project Updates**

- Sanford Health Integration
- Regional Health Integration
- MedDrop Drug Take-Back Program
  - Lewis Family Drug – Milbank
  - Lewis Family Drug – Chamberlain
  - Lewis Family Drug – De Smet
  - Lewis Drug – Madison
  - Lewis Drug Southgate – Sioux Falls
  - Lynn's Dakotamart – Pierre
  - Lewis Family Drug – Viborg
  - Cornwell Drug – Webster
  - Randall Pharmacy – Redfield
  - Invitations pending in 6 more counties – grant project will place 15 total
- 2018 COAP Harold Rogers PDMP Enhancement Grant application submitted

**Working together is a must to find a “cure” for our nation’s opioid epidemic.**



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## SDPhA Update

*Submitted May 30, 2018*

### **Spring District Meetings**

South Dakota Pharmacists Association Board members and staff attended meetings all across South Dakota this Spring. We provided an update on Association activities, a recap of this past legislative session and visited about additional state and federal legislative efforts. I enjoyed getting out to as many districts as I could to continue to meet our pharmacists and hear more about the issues they're facing and discussing where the association may be able to assist where appropriate.

### **Congressional Fly-In**

In April, Eric Grocott, SDPhA President, represented SDPhA in Washington D.C. and met with our congressional delegation regarding pharmacy issues – both on the national and state level. Direct and Indirect Remuneration (DIR) fee issues continue and have begun to escalate for many pharmacists and pharmacies in South Dakota, and work continues on pharmacist-based services (provider status). In addition, the issue of pricing transparency, which South Dakota addressed this past legislative session through SB 141, continues to draw much attention nationwide. Also a topic of conversation, the opioid crisis and how pharmacists are poised to, and already are, making a difference.

### **National Drug Take Back Day**

SDPhA assisted in advertising and awareness campaigns for National Take Back Day April 28, 2018 and were thrilled to hear the DEA report of this as the most successful take back day in the history of the program. Across South Dakota, pharmacists continue to step up and take the lead making permanent options available around-the-clock for people to safely dispose of unwanted or expired prescription medications.

### **SDPhA Annual Convention**

The SDPhA Annual Convention returns to Sioux Falls this year – Sept. 21-22. You will find us at the Best Western PLUS Ramkota Hotel and Convention Center, and we are looking forward to a full slate of great continuing education as always, and even a hot topics panel discussion. All speakers have been secured and we are in the process of securing all the vendors and sponsors, working out site logistics and all the details that go into planning such a large event. As always, we work for this event to have something for everyone. You can see the complete lineup and register online at [www.sdpha.org](http://www.sdpha.org).

### **SDSU APhA- ASP Chapter**

We continue to work closely with SDSU, and with the student pharmacists. The student liaisons have done an amazing job keeping us apprised of activities, and the SDPhA board remains committed to supporting the students in every way possible, with activities such as convention attendance (free of charge), rooms for convention and Legislative Days, and support for the Back-to-School Picnic, Pharmacy Days, and American Pharmacists Month activities. We commend them on the very well done, "More Than a Count" campaign, and will continue to work with them on messaging and communication.

### **Pharmacy Technician University and SDAPT**

We are pleased to have now secured a distributorship from PTU, which allows us to continue to offer their online training module at a reduced rate for pharmacy technicians in our state. Our prior agreement with them limited the number of technicians we could enroll; however, this new agreement allows us to enroll an unlimited number. Since the new agreement was reached in mid-April, we have enrolled 12 new students to the program, and are also working with the DIAL Virtual School - which will allow them to continue to offer their pharmacy technician program. With the technician program closing at Western Dakota Tech in Rapid City, the board feels very strongly about spreading the word about PTU. We have had very good feedback from those who have participated thus far. Pharmacy technicians are a vital part of our team, and the board remains committed to continue to them, as well as SDAPT as much as possible.



**Initiated Measure 26 (IM 26)**

The SDPhA board has voted to join the large coalition of veterans, healthcare workers and others in opposing IM26, which is slated to appear on the general election ballot in November.

**The National Scene - Bills****H.R. 3528 – Every Prescription Conveyed Securely Act**

This bill would amend title XVIII of the Social Security Act to require e-prescribing for coverage under Part D of the Medicare program of prescription drugs that are controlled substances. This bill was introduced in the House 7/28/2017. Amended by the Committee on Energy and Commerce 5/9/2018. This bill has 49 co-sponsors.

**H.R. 4275 – Empowering Pharmacists in the Fight Against Opioid Abuse Act**

This bill requires the Drug Enforcement Administration (DEA) to develop and disseminate training programs and materials on: (1) the circumstances under which a pharmacist may refuse to fill a controlled substance prescription suspected to be fraudulent, forged, or indicative of abuse or diversion; and (2) federal requirements related to such refusal. The DEA must seek input from relevant stakeholders. This bill was introduced 11/7/2017. It was amended by the committee on Energy and Commerce 5/9/2018. The bill currently has 11 co-sponsors.

**S. 2553 – Know the Lowest Price Act**

This bill would prohibit Part D plan sponsors and contracted PBM's from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals. The bill was read twice and referred to the Committee on Finance 3/14/2018. The bill currently has seven co-sponsors.

**S. 2554 - Patient Right to Know Drug Prices Act**

This legislation would prohibit gag clauses in Health Insurance Marketplace plans as well as Employee Retirement and Income Security Act (ERISA) plans—employee benefit plans offered by private sector employers. The bill was read twice and referred to the Committee on Health, Education, Labor and Pensions 3/14/2018. The bill currently has four co-sponsors.

**H.R. 592/S. 109 Pharmacy and Medically Underserved Areas Enhancement Act**

Amends Title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services. Introduced 1/12/17. Referred to the Subcommittee on Health 2/1/2017. Senators Thune and Rounds have graciously agreed to co-sponsor this important legislation, as has Representative Noem.

**H.R. 1038 / S. 413 (similar/companion) - Improving Transparency and Accuracy in Part D Drug Spending Act**

This bill deals with DIR fees and was introduced on 2/14/17. Senators Thune and Rounds have agreed to co-sponsor this legislation.

**H.R. 244 - MAC Transparency Act**

Introduced by Congressman Doug Collins (R-GA). This legislation was previously introduced in the 113th Congress as H.R. 5815. Congressman Dave Loebsack (D-IA) joined Rep. Collins in reintroducing the legislation, vitally important to improving fairness and transparency in reimbursements to independent and community pharmacists. The last action on this bill was a referral to the Subcommittee on Military Personnel 6/25/2015

**Prescription Drug Abuse** Nationwide, pharmacists are engaging in the work to prevent prescription drug abuse with the knowledge that real solutions must balance the need for patient access to medications for legitimate medical purposes with the need to prevent diversion and abuse. Pharmacists are in a unique position to combat this epidemic due to their expertise and accessibility. President Trump announced new initiatives March 19, which include a plan to cut opioid prescriptions by a third over three years, asking the Justice Department to seek more death-penalty cases against drug traffickers under current law, and federal support to increase the availability of naloxone. Here at home, Steve Lee represents SDPhA on the South Dakota Opioid Abuse Advisory Committee. This committee meets quarterly.

**Practice Act Workgroup**

The Practice Act Workgroup continues its work, and most recently worked with the BOP in developing a workgroup charter, which has been distributed to all workgroup members for feedback. Dana Darger, Secretary/Treasurer, SDPhA is leading this effort, working with pharmacists from all practice areas as well as additional stakeholders.

**Health Professional Assistance Program**

Our association continues to support the HPAP program. A pharmacist may access the program by self-referral, board referral, or referral from another person or agency, employer, coworker or family member.

**C&L Fund**

**The importance of your donations to the Commercial and Legislative Branch of SDPhA cannot be overstated.** We need strong and continuous representation to protect the interests and concerns of pharmacists in South Dakota. We can't retain our Lobbyist, Bob Riter, without donated support. This year's donations again fell far short of our needs. To help keep pharmacy vibrant and protected, log on to support the C&L fund: [www.sdpha.org](http://www.sdpha.org).

**SDPhA Office Update**

This written report is submitted just prior to our meeting in which the board will finalize the budget for this fiscal year, as we will determine goals and objectives for the coming year. You'll find an increased emphasis on communication – with pharmacists and the public via social media and other tools, as well as continuing to encourage the use of the PDMP – providing a link on our website and promoting the program through social media. I'm happy to provide verbal updates to the Board of Pharmacy on those and any other items at the June 8 meeting. We have been grateful to Sue Schaefer who will conclude her role as transitional advisor with SDPhA after a long tenure as executive director. We thank her for the work she has done on behalf of pharmacists and the profession in this state—we wish her nothing but the best in her next venture.

Respectfully Submitted,

*Amanda*



**SD Pharmacists Association**  
**Profit & Loss Budget vs. Actual**  
 July 2017 through June 2018

	Jul '17 - Jun 18	Budget	% of Budget
Ordinary Income/Expense			
Income			
Membership			
SD Board of Pharmacy Transfer	195,900.00	193,000.00	101.5%
Associate Member	600.00	300.00	200.0%
District Dues			
District 8 - Watertown	20.00		
District 7 - Sioux Falls	80.00		
District 6 - Rosebud	-80.00		
District 1 - Aberdeen	-10.00		
Total District Dues	10.00		
Student Membership	2,022.00	1,800.00	112.3%
Total Membership	198,532.00	195,100.00	101.8%
Corp Endorsements			
NASPA-PQC Endorsement	450.00	450.00	100.0%
Career Center Endorsement	254.00		
PAAS Endorsement	240.00	300.00	80.0%
PMG Endorsement	12,602.00	16,000.00	78.8%
Total Corp Endorsements	13,546.00	16,750.00	80.9%
Advertising/Marketing			
Advertising - Journal	25.00	300.00	8.3%
Total Advertising/Marketing	25.00	300.00	8.3%
Interest/Dividends	1,405.27	1,500.00	93.7%
Other Income	50.00		
Convention Income			
Convention Sponsor	2,000.00		
Exhibitors	14,150.00	20,000.00	70.8%
Registrations	11,315.00	12,500.00	90.5%
Student Sponsorship	175.00		
Total Convention Income	27,640.00	32,500.00	85.0%
Total Income	241,198.27	246,150.00	98.0%
Gross Profit	241,198.27	246,150.00	98.0%
Expense			
American Pharmacists Month	1,850.00	1,850.00	100.0%
Accounting/Tax Prep	4,084.28	3,834.00	106.5%
Salary & Benefits			
Payroll Taxes	6,935.20	10,500.00	66.0%
Payroll Expense	72.72	100.00	72.7%
Executive Director	88,156.11	100,750.00	87.5%
Executive Director Bonus	2,500.00		
Insurance	15,528.26	16,920.00	91.8%
Retirement	5,439.27	9,000.00	60.4%
Total Salary & Benefits	118,631.56	137,270.00	86.4%
Advertising	1,705.30	3,000.00	56.8%
Dues/Subscriptions	2,565.00	3,300.00	77.7%
Technology/Net/Software	5,498.01	3,000.00	183.3%
Furniture/Copier/Assets	2,235.79	2,000.00	111.8%
Hlth Professionals Assist Prog	10,000.00	10,000.00	100.0%
Insurance (D&O, Office)	3,546.00	3,500.00	101.3%
Legal/Professional	4,659.46	4,000.00	116.5%
Merchant Card Fees	1,824.97	2,000.00	91.2%
Phone/Internet	4,536.05	5,200.00	87.2%
Postage	106.64	150.00	71.1%
Office Supplies	1,249.68	1,500.00	83.3%
Scholarships	150.00	1,000.00	15.0%
Rent	4,356.00	4,400.00	99.0%
Board Travel & Meetings	26,210.90	20,000.00	131.1%
Staff Travel			

SD Pharmacists Association  
Profit & Loss Budget vs. Actual  
July 2017 through June 2018

	Jul '17 - Jun 18	Budget	% of Budget
In-State	3,139.37	5,000.00	62.8%
Out-of-State	6,010.40	6,000.00	100.2%
Total Staff Travel	9,149.77	11,000.00	83.2%
Convention Expense	29,488.64	30,000.00	98.3%
Education Grant	5,000.00	5,000.00	100.0%
Misc Expense	482.73	500.00	96.5%
Total Expense	237,330.78	252,504.00	94.0%
Net Ordinary Income	3,867.49	-6,354.00	-60.9%
Other Income/Expense			
Other Income			
PTU Pass Thru Income	4,900.08		
C/L Contributions Pass Thru			
Corporation/Business C/L Contr.	1,750.00		
Individual C/L Contr.	525.00		
Total C/L Contributions Pass Thru	2,275.00		
Total Other Income	7,175.08		
Other Expense			
PTU Pass Thru Exp	3,600.00		
Total Other Expense	3,600.00		
Net Other Income	3,575.08		
Net Income	7,442.57	-6,354.00	-117.1%

**SD Pharmacists Association C & L**  
**Profit & Loss Budget vs. Actual**  
 July 1, 2017 through May 25, 2018

	Jul 1, '17 - May 25, 18	Budget	% of Budget
<b>Income</b>			
Interest	4.84	0.00	100.0%
<b>C &amp; L Income</b>			
South Dakota Pharmacies Transfe	0.00	0.00	0.0%
District Contributions	0.00	0.00	0.0%
Legislative Days	0.00	0.00	0.0%
Other	0.00	0.00	0.0%
C & L Income - Other	5,490.00	5,500.00	99.8%
<b>Total C &amp; L Income</b>	<b>5,490.00</b>	<b>5,500.00</b>	<b>99.8%</b>
<b>Total Income</b>	<b>5,494.84</b>	<b>5,500.00</b>	<b>99.9%</b>
<b>Expense</b>			
<b>C &amp; L Expenses</b>			
C/L Administration	0.00	0.00	0.0%
Legislative Receptions	0.00	1,000.00	0.0%
Lobbyist	10,916.46	11,000.00	99.2%
Misc	0.00	200.00	0.0%
Per Diem	0.00	0.00	0.0%
Postage	0.00	0.00	0.0%
Printing/Copies	0.00	100.00	0.0%
C & L Expenses - Other	0.00	0.00	0.0%
<b>Total C &amp; L Expenses</b>	<b>10,916.46</b>	<b>12,300.00</b>	<b>88.8%</b>
<b>Payroll Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>Total Expense</b>	<b>10,916.46</b>	<b>12,300.00</b>	<b>88.8%</b>
<b>Net Income</b>	<b>-5,421.62</b>	<b>-6,800.00</b>	<b>79.7%</b>

South Dakota State University  
College of Pharmacy and Allied Health Professions Report  
Board of Pharmacy  
6/8/2018

College's activities since the 3/22/2018 South Dakota Board of Pharmacy Meeting

**Strategic Planning** – Faculty approved the College's new strategic goals and strategies on May 10<sup>th</sup>. Work is underway to finalize the plan for implementation of these goals.

**PharmD Program**

- **Curriculum** - The revised PharmD curriculum has been approved and will be implemented this fall.
- **Teaching Space** - Remodeling of the Avera Health and Science Practice Labs started the day after finals and will include a Compounding Lab and a Pharmacy Patient Care Lab. These will be completed by the start of the fall semester.

**MPH Program**

- Work continues on the self-study for CEPH accreditation for the MPH program.
- A consultant from CEPH will be on campus in August to provide accreditation guidance.
- The MPH Curriculum revision was approved and the new curriculum will begin this fall.

**MLS Program**

There will be a full class of 24 students this fall in the MLS program. This is the first time the program will have all student positions filled.

**Faculty Positions – Update –**

- Jane Mort was named Dean of the College on April 11<sup>th</sup>
- Kyle Schaefer joined the College as Grant Proposal Specialist on May 14<sup>th</sup>
- Sharrel Pinto joined the College on April 2 as the Hoch Family Endowed Professor in Community Pharmacy Practice
- Jordan Baye joined the College as an ambulatory care pharmacist at Sanford's Imagenetics clinic

**Search –**

- **Endowed Positions** - Recruitment is underway for Haarberg Chair in Oncology Research.
- **Avera Brookings Clinic Ambulatory Care** – We are currently recruiting for this ambulatory care position.
- **MLS Program Director** – The search process is moving forward for this important leadership position.



- **Assistant to the Dean** – The search process is beginning for this new position. The person will provide executive level support to the Dean.

**Congratulations to:**

- The Gamma Kappa Chapter of Kappa Psi. Three Gamma Kappa brothers graduated at the top of the class in 2018 qualifying the chapter for the Kappa Psi Scholarship key Award which is the highest academic award presented by the Fraternity.
- Dr. Josh Reineke on receiving the Excellence in Research and Scholarly Activity Award from the College of Pharmacy and Allied Health Professions
- Dr. Teresa Seefeldt on receiving the Excellence in Teaching Award from the College of Pharmacy and Allied Health Professions
- Ms. Pam Rieger on receiving the Pharmacy Staff Award from the College of Pharmacy and Allied Health Professions
- Dr. Shafiqur Rahman on receiving the Community Engagement Award from the College of Pharmacy and Allied Health Professions
- Dr. John Kappes for being chosen the College of Pharmacy Students' Association Teacher of the Year

Respectfully submitted,  
Jane Mort  
Dean and Professor  
College of Pharmacy and Allied Health Professions

# ***Code of Conduct and Conflict of Interest Policy for Use By State Authority, Board, Commission, and Committee Members***

## ***Purpose***

The purpose of this code of conduct and conflict of interest policy ("Code") is to establish a set of ethical principles and guidelines for members of state authorities, boards, commissions, or committees when acting within their official public service capacity. This Code applies to all appointed and elected members of state authorities, boards, commissions, and committees (hereinafter "Boards" and "Board member(s)").

## ***Conflict of Interest for Board Members***

Board members may be subject to statutory restrictions specific to their Boards found in state and federal laws, rules and regulations. Those restrictions are beyond the scope of this Code. Board members should contact their appointing authority or the attorney for the Board for information regarding restrictions specific to their Board.

## ***General Restrictions on Participation in Board Actions***

A conflict of interest exists when a Board member has an interest in a matter that is different from the interest of members of the general public. Examples of circumstances which may create a conflict of interest include a personal or pecuniary interest in the matter or an existing or potential employment relationship with a party involved in the proceeding.

Whether or not a conflict of interest requires a Board member to abstain from participation in an official action of the Board depends upon the type of action involved. A Board's official actions are either quasi-judicial or quasi-legislative. A quasi-judicial official action is particular and immediate in effect, such as a review of an application for a license or permit. In order to participate in a quasi-judicial official action of the Board, a Board member must be disinterested and free from actual bias or an unacceptable risk of actual bias. A Board member must abstain from participation in the discussion and vote on a quasi-judicial official action of the Board if a reasonably-minded person could conclude that there is an unacceptable risk that the Board member has prejudged the matter or that the Board member's interest or relationship creates a potential to influence the member's impartiality.

A quasi-legislative official action, also referred to as a regulatory action, is general and future in effect. An example is rule-making. If the official action involved is quasi-legislative in nature, the Board member is not required to abstain from participation in the discussion and vote on the action

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unless it is clear that the member has an unalterably closed mind on matters critical to the disposition of the action.

“Official action” means a decision, recommendation, approval, disapproval or other action which involves discretionary authority. A Board member who violates any of these restrictions may be subject to removal from the Board to which the member is appointed.

### ***Contract Restrictions***

There are federal and state laws, rules and regulations that address conflict of interest for elected and appointed Board members in the area of contracts. As an initial matter, a Board member may not solicit or accept any gift, favor, reward, or promise of reward, including any promise of future employment, in exchange for recommending, influencing or attempting to influence the award of or the terms of a state contract. This prohibition is absolute and cannot be waived.

Members of certain Boards are required to comply with additional conflict of interest provisions found in SDCL Chapter 3-23 and are required to make an annual disclosure of any contract in which they have or may have an interest or from which they derive a direct benefit. The restrictions apply for one year following the end of the Board member’s term. The Boards impacted by these laws are enumerated within SDCL 3-23-10. For more information on these provisions, see the State Authorities/Boards/Commissions page in the Legal Resources section of the Attorney General’s website at: <http://atg.sd.gov/legal/opengovernment/authorityboardcommission.aspx>.

Absent a waiver, certain Board members are further prohibited from deriving a direct benefit from a contract with an outside entity if the Board member had substantial involvement in recommending, awarding, or administering the contract or if the Board member supervised another state officer or employee who approved, awarded or administered the contract. With the exception of employment contracts, the foregoing prohibition applies for one year following the end of the Board member’s term. However, the foregoing prohibition does not apply to Board members who serve without compensation or who are only paid a per diem. See SDCL 5-18A-17 to 5-18A-17.6. For more information on these restrictions see the Conflict of Interest Waiver Instructions and Form on the South Dakota Bureau of Human Resources website at: <http://bhr.sd.gov/forms/>.

Other federal and state laws, rules and regulations may apply to specific Boards. For general questions regarding the applicability of SDCL Chapter 3-23 or other laws, a Board member may contact the attorney for the Board. However, because the attorney for the Board does not represent the Board member in his or her individual capacity, a Board member should contact a private attorney if the member has questions as to how the conflict of interest laws apply to the Board member’s own interests and contracts.

### ***Consequences of Violations of Conflict of Interest Laws***

A contract entered into in violation of conflict of interest laws is voidable and any benefit received by the Board member is subject to disgorgement. In addition, a Board member who violates conflict of interest laws may be removed from the Board and may be subject to criminal prosecution. For example, a Board member may be prosecuted for theft if the member knowingly

uses funds or property entrusted to the member in violation of public trust and the use resulted in a direct financial benefit to the member. See SDCL 3-16-7, 5-18A-17.4, and 22-30-46.

### ***Retaliation for Reporting***

A Board cannot dismiss, suspend, demote, decrease the compensation of, or take any other retaliatory action against an employee because the employee reports, in good faith, a violation or suspected violation of a law or rule, an abuse of funds or abuse of authority, a substantial and specific danger to public health or safety, or a direct criminal conflict of interest, unless the report is specifically prohibited by law. SDCL 3-16-9 & 3-16-10.

Board members will not engage in retaliatory treatment of an individual because the individual reports harassment, opposes discrimination, participates in the complaint process, or provides information related to a complaint. See SDCL 20-13-26.

### ***Anti-Harassment/Discrimination Policy***

While acting within their official capacity, Board members will not engage in harassment or discriminatory or offensive behavior based on race, color, creed, religion, national origin, sex, pregnancy, age, ancestry, genetic information, disability or any other legally protected status or characteristic.

Harassment includes conduct that creates a hostile work environment for an employee or another Board member. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to or rejection of the harassment is made either explicitly or implicitly the basis of or a condition of employment, appointment, or a favorable or unfavorable action by the Board member; or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment or discriminatory or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid Board members in identifying inappropriate conduct, the following examples of harassment or discriminatory or offensive behavior are provided:

- Unwelcome physical contact such as kissing, fondling, hugging, or touching;
- Demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- Swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age or disability;
- Slurs, jokes, or derogatory remarks, email, or other communications relating to race, color, religion, national origin, sex, age, or disability; or
- Calendars, posters, pictures, drawings, displays, cartoons, images, lists, e-mails, or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age or disability.



The above cited examples are not intended to be all-inclusive.

A Board member who is in violation of this policy may be subject to removal from the Board.

### ***Confidential Information***

Except as otherwise required by law, Board members shall not disclose confidential information acquired during the course of their official duties. In addition, members are prohibited from the use of confidential information for personal gain.

### ***Reporting of Violations***

Any violation of this Code should be reported to the appointing authority for the Board member who is alleged to have violated the Code.

Dear Board Members,

We are writing you today to ask for an exception to South Dakota Rule 20:51:29:03. Constance (Connie) Peterson, TT-5068, has been employed by Hoffman Drug since November of 2007. She began as a clerk, but as the pharmacy became busier she was later certified as a technician. She worked as a technician until Karla Graves stood in her place as she had a more flexible schedule. Since April 2016 when we took over the pharmacy, Connie was once again registered with the Board of Pharmacy as a technician in training. Since she had a lapse in time working as a technician, she was not grandfathered in. We know laws and rules are in place for several reasons. This particular rule was put into place to protect the public and to better track the whereabouts of individuals performing tasks within pharmacies. We wouldn't be asking for an exception without due cause. Connie is an exemplary pharmacy technician at Hoffman Drug. She is very particular, never oversteps her position, and her error rate is practically zero.

At our store, pharmacy technicians have a very limited role. They are not allowed to touch the computer. They don't pull drugs off the shelf for filling, nor do they put the medications away. The pharmacist gets everything ready for them in a basket and they count the prescriptions, double checking NDC codes, and prepare the bag. They are a glorified Kirby Lester machine, only better because at times they catch different generic changes, etc that we have missed when running the prescriptions at order entry.

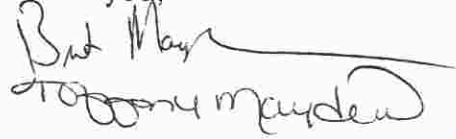
We have loved having Connie work by our side so much that we also hired on her daughter, Meredith Suits, who has very similar qualities as her mother. One main difference between Connie and her daughter is test anxiety. Meredith has embraced studying for the technician test and we don't believe she will have any issues passing. Connie, on the other hand, while she is a retired 4th grade teacher and made her students test routinely, is NOT a test taker. When she is required to do something out of her comfort zone the mental discomfort and physical effects are unfortunate and last for days. If we paid Connie \$10,000 to just sit for the tech test, she would still never consider it. There is nothing that would make it worth it for her to put herself through the anguish. At one time she had to testify in court regarding one of her students and she was sick for days beforehand. She had uncontrollable diarrhea. That is probably too much information, but we just want to get our point across about her tendencies.

Platte is a small community and filling a part time pharmacy technician position is extremely difficult. This past fall we were notified that one of our technicians, Megan Boltjes, was moving to Sioux Falls and we started looking immediately for a

replacement. We searched for seven months before finally finding someone. We made dozens of phone calls offering the job to qualified individuals. We searched for names on facebook, in the phone book, scanned crowds at sporting events and in church, and thought about every customer as a potential candidate to fill the slot. It consumed us. In larger communities it may be easier to fill tech positions, but in our small town it is not easy. With that said, we know our area and what we have to choose from and we are 100% sure that we are not going to find another Connie Peterson.

Connie is a great tech with severe test anxiety. She has worked in the pharmacy continuously for over 10 years. She helps in a supportive role only and is never on the computer. She is extremely valuable to us and patient care would suffer if she were not allowed to tech for us. We ask that you please consider allowing us to utilize her in her current role under a modified grandfathered status.

Thank you,

The block contains two handwritten signatures. The first signature, "Bret May", is written in a cursive style with a long horizontal flourish extending to the right. The second signature, "Tiffany Maydew", is also in cursive and is positioned directly below the first signature.

Bret & Tiffany Maydew

Hoffman Drug

Platte, SD

## Legality of Products Containing Cannabis Sativa (CBD Oil)

### South Dakota Newsletter:

South Dakota does not allow the cultivation of *Cannabis Sativa L*, and South Dakota lists hashish and hash oil as a Schedule 1 Controlled Substance. Tetrahydrocannabinol (THC) is a Schedule 1 controlled substance under DEA CFR as well as South Dakota Codified Law each stating that products containing any quantity is included in Schedule 1. The DEA also lists marihuana as a Schedule 1 controlled substance. H.R. 2642 – Agricultural Act of 2014 section 7606 allows for the growth and cultivation of industrial hemp in states that allow for the growth and cultivation of industrial hemp if the industrial hemp is grown or cultivated for the purpose of research. Industrial Hemp is the plant *Cannabis Sativa L*. and any part of the plant with a concentration of THC not more than 0.3 percent by dry weight. In August of 2016, the Secretary of Agriculture, the Deputy Assistant Administrator for the DEA, and the Associate Commissioner of Policy for the US FDA published FR Doc. 2016-19146 which clarified some of the confusion surrounding the Agricultural Act of 2014. In their document they confirm that the FDA still is responsible for approval process of new drug applications and marketing claims. The document also states that manufacturers, distributors, dispensers, as well as researchers must follow the requirements of the Controlled Substances Act. Also, FR 2016-19146 also states that industrial hemp plants and seeds may not be transported across state lines. Additionally, CBD oil is not regulated to confirm that it contains what is on the label, which has led to a recent public health crisis in Utah. In December of 2017, products labeled as CBD oil actually contained 4-CCB which had led to at least 34 cases which resulted in many emergency room visits. Common complaints included altered mental status, seizures, confusion, loss of consciousness, and hallucinations. There are health hazards of consuming unregulated CBD products. To complicate the legal matters more, the DEA's definitions of THC, marijuana, and Marijuana Extract is not all inclusive as it appears to be. THC refers only to synthetic THC. Marijuana does not include mature stalks, fiber produced from stalks, oil or cake made from seeds. These definitions are found to have changed with the following: Final Rule establishing a new Controlled Substance Code Number (drug code) for marijuana extract, and with *Hemp Industries Association v. DEA*, 357 F.3d 1012 (9<sup>th</sup> Cir. 2004) (Hemp II). South Dakota also includes hashish as a Schedule 1, which is defined as "the resin extracted from any part of any plant of the genus cannabis" in SDCL 34-20B-1(9).



## Sources and Additional Reading:

“DEA Final Rule” [https://www.deadiversion.usdoj.gov/fed\\_regs/rules/2016/fr1214.htm](https://www.deadiversion.usdoj.gov/fed_regs/rules/2016/fr1214.htm)  
December 14<sup>th</sup>, 2016 – The DEA created the new drug code Marijuana Extract

### Clarification of Marijuana Extract

[https://www.deadiversion.usdoj.gov/schedules/marijuana/m\\_extract\\_7350.html](https://www.deadiversion.usdoj.gov/schedules/marijuana/m_extract_7350.html)  
The DEA clarifies what is exempt from the Marijuana Extract definition

Hemp Industries Association v. DEA, 357 F.3d 1012 (9th Cir. 2004) (Hemp II)  
<https://caselaw.findlaw.com/us-9th-circuit/1253723.html>

This court ruling is referenced in the “Clarification of Marijuana Extract” article. Hemp Industries Association defeats the DEA in a court ruling of the definitions set by the DEA, included in this report is the definitions of THC and Marijuana. These definitions can also be found in 21 CFR 1308.11

### South Dakota Pharmacy Law and Rules -

<http://doh.sd.gov/boards/pharmacy/assets/2018LawBookUpdate.pdf>

Hashish definition 34-20B-1(9)

Tetrahydrocannabinol definition 34-20B-14(20)

Marijuana cannot be dispensed (per our law) but it is listed under the definitions of deliver and distribute 34-20B-1(5) and 34-20B-1(8)

Marijuana definition 34-20B-1(12)

Not all of these definitions match the federal definitions.

Farm Bill of 2014 - <https://www.congress.gov/bill/113th-congress/house-bill/2642>

The full document can be downloaded from this link, or the summary can be read. Section 7606 is the portion that applies to Industrial Hemp

### Statement of Principles on Industrial Hemp -

<https://www.federalregister.gov/documents/2016/08/12/2016-19146/statement-of-principles-on-industrial-hemp>

The Secretary of Agriculture, the Deputy Assistant Administrator for the DEA, and the Associate Commissioner for Policy for the FDA collaborated to supply a short document on the Farm Bill of 2014. It restates that the DEA’s definitions still stand, and confirms that the FDA has not changed the standards for drug approval.