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SDPhA Update | Spring 2022

Submitted March 30, 2022

Legislative Session and Policy Initiatives

97th Legislative Session

The main run of the 2022 Legislative Session has drawn to a close – as of the date of this report all that remains is Veto Day – the legislative day reserved at the end of each session calendar for the consideration of gubernatorial vetoes. Avid political watchers in our state will tell you that while COVID-19 considerations were largely absent from the 97th Legislative Session, this term, like last, was one of the most unique in our history. Having had so much to work through in special sessions in the interim, for many legislators and lobbyists alike, it felt like there had been little if no break at all. The process in general reflected that across the board. Tensions between the administration and the House in particular grabbed plenty of headlines, and are quite impossible to ignore. It's something all lobbyists and lawmakers alike are learning to work around.

We are extremely grateful to once again have retained the skillful services of long-time SDPhA lobbyist and general legal counsel Robert Riter, as well as Lindsey Riter-Rapp, who is in her third year as lobbyist for SDPhA. This year we also employed the services of Craig Matson and Roger Tellinghuisen – specifically regarding our Pharmacy Benefit Manager (PBM) initiatives.

SB 163

Things were quite active for the SDPhA Commercial and Legislative Branch well before the session started. In fact, work on legislation to regulate PBMs began shortly after the gavel fell on the 96th (2021) Session. We assembled a strong coalition of those adversely impacted by lack of oversight on the PBM industry, and using the model language crafted after the Rutledge ruling as our guide, we starting working on language that made sense for South Dakota. We spent the Spring and Summer meeting with stakeholders – finding compromise wherever we could, and ultimately having to agree to disagree with some others. It's tedious at times, but an essential part of the process.

SB 163, our PBM bill, cleared the Senate Health Committee on a 5-2 vote. But we knew we had to agree to some changes if it were going to gain the approval of the Senate, and even then, it would be an uphill battle. The PBMs brought the insurance industry out in full force (we weren't kidding when we said we are in a David vs. Goliath battle), and with no actual methodology or reasoning to point to, claimed it would cost the state an estimated \$2-3M in increased premiums. It's the same plays, from the same playbook, that they have used repeatedly all over the country. It's a dishonest scare tactic, with no basis in actual numbers, but it works. We worked extremely hard visit with every member of the senate about the facts in the limited time we had before the floor vote. SB 163 failed on a 17-17 vote. Our sponsor gave intent to reconsider, but that reconsideration failed.

We are already looking ahead to next session, and will begin meeting with stakeholders on moving forward for 2023 next month.

President – Kristen Carter | President Elect – Melissa Gorecki | Vice President – Jessica Strobl | Treasurer – Andy Tonneson |
Board Member – Chelsea Conway | Board Member – Scout Forbes-Hurd | Executive Director – Amanda Bacon

Other Key Bills

- [HB 1086](#) - SDPhA testified in support of this legislation to provide for the redistribution of donated prescription drugs and medical supplies. The bill establishes a drug repository program run through the Board of Pharmacy. The bill was signed into law by Gov. Kristi Noem March 9th.
- [HB 1267](#) – This bill would have allowed certain medical professions to dispense ivermectin to persons, initial with or without a prescription. SDPhA opposed this bill, and testified against this legislation. The bill passed the house, but died on a unanimous vote in the Senate Health and Human Services Committee.
- [HB 1242](#) – An act to allow medical practice on the basis of conscience. SDPhA was among the coalition strongly opposed to this legislation. This bill was amended several times, and in the end was amended to nearly exactly the same for as the bill last year which SDPhA also opposed. The extremely broad language in bill was of chief concern. It essentially allowed for any employee to refuse any task for nearly any reason. The House Health and Human Services Committee sent HB 1242 to the 41st legislative day on a vote of 7-4. Currently, SDCL 36-11-70 addresses dispensing and matters of conscience for pharmacists.

Several other several other key pieces of legislation on which SDPhA kept a close watch: COVID Immunization measures, controlled substance scheduling, telemedicine and telehealth, and dozens of bills related to medical marijuana. You can see the full scope of the bills we followed this session [online with the SDPhA's new bill tracker](#).

Medical Marijuana and IM 26 Oversight Committee

Many of the medical marijuana bills referenced above came out of the Marijuana Interim Legislative Summer Study. IM 26 (medical marijuana) took effect July 1 as SDCL 34-20G. The legislature spent much of the summer working through a summer study tackling both medical and adult-use issues. SDPhA has not taken a position on medical marijuana, but has worked with legislators throughout the process to serve as a trusted resource on the topic. We continue to provide relevant, research-based information as the need arises.

Initiated Measure 26 also required the creation of an oversight committee, and South Dakota pharmacists have a seat at the table. On June 2, Eric Grocott, a past president of SDPhA, was appointed to the 14-member oversight committee by the executive board of the Legislative Research Council. The committee's role is to review and advise on medical marijuana in South Dakota.

Lobbying Funds Update | Commercial and Legislative Branch

This year's work on SB 163 shed some light on something that has seemed a bit mysterious to many – the SDPhA Commercial and Legislative (C&L) Branch. The C&L branch is the lobbying arm of the association. You can think of it somewhat as the association's PAC (although there are VERY distinct differences we won't go into here).

Some very important things about this fund:

- The funds for our lobbying branch must be maintained separate from the general fund
- It relies nearly exclusively on your contributions
- For many years now, expenses have vastly outpaced contributions

Lobbying is an extremely expensive, but necessary function. We've been represented by the same firm for decades, and the executive director preforms many of the lobbying duties. That's all kept our rate very low – our lobbying expenses typically total only about \$12,000 per year. This amount is far below the going rate of most lobbyists. In fact, the going rate for one session with many would empty our entire C&L Fund.

We had additional lobbyists working with us this session – a needed move in order to bring SB 163 forward. Clearly work on this issue is not complete. However, none of this legislative work can continue at all without your strong financial support. If we want to ensure the profession has a seat at the table, we have to pay for the chair. So far for 2022, contributions have covered about half of the lobbying expenses. Put simply – we need your help. \$25, \$250, 2,500 – whatever you can contribute will help ensure the profession continues to have representation at the Capitol. Because without your contributions – it simply won't.

You can support the C&L Fund by [contributing online](#), or sending a check made out to the SDPhA C&L Branch, PO Box 518, Pierre, SD 57501.

Legislative Days

We were thrilled to be back in person for Legislative Days Jan. 25-26! Tuesday evening provided a townhall style opportunity for pharmacists, pharmacy technicians and pharmacy students to learn about our work thus far in the legislative session. Lindsey Riter-Rapp, SDPhA lobbyist, and Amanda Bacon, SDPhA executive director, discussed the various bills and legislation SDPhA was working on your behalf. The group also heard updates from Kari Shanard-Koenders, Executive Director, Board of Pharmacy. Wednesday morning, we provided wellness screenings at the Capitol, courtesy of the roughly 30 SDSU student pharmacists who attended. This is a fantastic opportunity to show a much broader range of the great work you all do each day. It's also a unique chance for students to hone their skills by providing screenings, while also having the option to sit-in on various committees, and venture onto the House and Senate floors to meet their lawmakers. There's nothing like learning the legislative process first-hand! Practicing pharmacists, we strongly encourage you to join us next year – your involvement further showcases, for students and lawmakers alike, the importance of having a strong presence at the table during legislative session.

Legislative Process 101

SDPhA was honored to virtually join the classroom of Dr. Erin Miller Thurs., Feb. 24. Executive Director Amanda Bacon provided students with a walk-through of the legislative process, and used real-time examples from the current legislative session to explain many of the issues, challenges and pitfalls bill can face on the way from becoming an idea to a law, as well as the politics often in play behind the scenes. The students had fantastic questions, and we had great dialogue about how the process works, and how the results impact them each day in their professions. Our thanks to Dr. Miller for having us – we thoroughly enjoyed the opportunity.

SDPhA Spring and Annual Meetings

Spring District Meetings

Spring District meetings are taking place in a variety of ways this year. While some districts are back to meeting in person, others will again utilize Zoom to gather. Please watch your emails, [the website](#) and [social media](#) for dates and instructions. This spring meeting is the most important district meeting of the year, as the fall meeting is now optional. Many important items need to be addressed, including the election or re-election of district officers; nominations for the state association board of directors; and the recognition and nomination of worthy pharmacists, reps and technicians to be considered by the Executive Board for the awards presented at our annual meeting.

South Dakota Pharmacists Association Annual Meeting

Early bird registration opens mid-April for the 136th annual meeting. We plan to gather in person (keep your fingers crossed!) Sept. 9-10 in Brookings, SD. We plan for a fantastic time of continuing education, networking, honoring our colleagues and yes, even some Jackrabbit football! After two long years of virtual meetings, make sure you mark your

calendars and plan to attend this one. We promise a great time, and won't it be fun to see that your fellow pharmacists actually have legs and feet – they aren't just floating heads!

Regional Meetings

PharmaCE Expo | Rescheduled for May 17-18

We continue our work with the Iowa Pharmacists Association to promote the Midwest Pharmacy Expo, now called the PharmaCE Expo. Initially scheduled for early February, the event was rescheduled for May 17-18 this year. It is a comprehensive event offering a great deal of excellent CE for pharmacists and technicians. In exchange for our promotion of the event, our pharmacists have access at a great rate to attend, and allows us to offer more benefits for our members. The event has become more regional, with a significant number of states engaged. Go to <https://www.pharmaceexpo.com/> for more details.

Coronavirus (COVID-19)

Vaccination Distribution and Pandemic Response

As millions of Americans continue to receive the COVID-19 vaccine, pharmacists continue to play a key part in vaccine, testing and therapy rollout across the state. The CDC now recommends boosters for everyone age 18 and older. Variants, vaccine boosters, and new eligible populations in addition to flu season – all have again meant more demand on pharmacists across all practice settings. Pharmacists continue to be vital in vaccine distribution, handling, storage, standing up vaccination clinics, and finally, getting shots in arms.

Communication

We encourage everyone to continue to watch your email, the [SDPhA Facebook Group page](#) and the [SDPhA](#) website for updates and important pandemic and vaccine-related information. With new uncertainty regarding yet another Omicron variant, communication and offering assistance to our pharmacists and pharmacies continues to be a top priority for SDPhA. Pharmacies and pharmacists are critical to the well-being of the citizens of South Dakota, not only in dealing with COVID-19, but also in our residents' ongoing care. The new SDPhA website continues to house a COVID 19 Resources page. We continue to post "news" related information on our Facebook Group page. That includes pertinent updates from CMS, HHS, the FDA, DSS, etc. We also continue to send out emails to all as appropriate. We greatly appreciate the ongoing strong and open channels of communication with several state agencies, our congressional delegation and the South Dakota Board of Pharmacy on items of concern to pharmacists as well as public health and safety.

Advocacy and Engagement

As new variants, immunizations, boosters and treatments continue to emerge, we continue to engage with the BOP, South Dakota Department of Health, and other state partners on behalf of pharmacists where appropriate. Meantime at the federal level, we remain in close communication with our Congressional delegation, and continue to keep apprised of, and engaged where suitable, in the all the rapidly moving parts on Capitol Hill. Advocacy efforts now focus on maintaining the flexibilities extended to pharmacists by the federal government, while continuing to advocate for change that allows pharmacists to practice to the full scope of their expertise. This has included not only work on emergency provider status, but on immunizations, testing, payment, compounding and funding programs as well. The National Alliance of State Pharmacy Associations (NASPA) also continues to work on our behalf with many of our national partners on matters of concern and importance to pharmacists.

National Efforts and Partnerships

Federal Trade Commission and Centers for Medicare and Medicaid Services

We, along with many other organizations and individuals from South Dakota, have submitted comments to the Federal Trade Commission (FTC) regarding detrimental PBM practices, and expressed similar concerns to the Centers for Medicare and Medicaid Services (CMS) regarding DIR fees and their 2023 proposal. CMS unexpectedly issued a letter in December of 2021 indicating it plans to use its “administrative authority to issue proposed rulemaking” to address price concessions and DIR fees that PBMs have increasingly charged to specialty and retail pharmacy providers in Medicare and other programs in recent years. A special thanks to Sen. John Thune who signed onto a letter to CMS along with several other Senators regarding this issue.

Additional Advocacy Efforts

SDPhA also remains engaged in a variety of ways in other various national efforts on key topics directly impacting our pharmacists such as: COVID-19 related bills, DIR fee relief, PBM reform, pricing transparency, improvements to Medicare, prescription drug misuse and abuse, compounding guidance and provider status. There were many efforts to include some of these topics in Coronavirus legislation, including: DIR fee relief, dispensing requirements, compounding requirements, provider status and scope of practice. Please refer to our [online bill tracker](#) for a complete list of the federal bills we are following related to the aforementioned issues.

APhA Annual Meeting | March 18-21

The APhA Annual meeting had in-person and virtual options this year. Executive Director Amanda Bacon and SDPhA Board President Kristen Carter elected not to travel, but to participate virtually. While we miss seeing everyone in person, even virtually, these continue to be valuable resources. We anxiously await the 2023 meeting and look forward to again being able to travel and take our SDSU SCAPP students and faculty out for a dinner/activity.

No NCPA Congressional Pharmacy Fly-In | Alternative Plan in the Works

The National Community Pharmacy Association has decided that given COVID protocols at the Capitol, and other security measures and concerns, They will take a different approach to the 2022 Congressional Pharmacy Fly-in typically held in April. They are developing a strategy that will focus on coordinated pharmacy visits, among other tactics, so pharmacists can invite members of Congress and their staff to see the daily workings of an independent community pharmacy and discuss issues of importance. This may take place later in the year. NCPA has been an extremely important partner for us in our legislative work this year, and we appreciate the opportunity to support them in the event however it takes shape.

Prescription Drug Abuse and Awareness

DEA Take-Back Events

The Spring DEA Take Back Day is planned for April 30, 2022. Please visit https://www.deadiversion.usdoj.gov/drug_disposal/takeback/ for more information. We continue to work to encourage pharmacist participation in these locally-held events. We also continue to work with pharmacists and the BOP to promote the year-round pharmaceutical disposal receptacles. If you have a story you'd like to share about either to aid in that promotion, please contact our office.

Prescription Drug Monitoring Program

The Prescription Drug Monitoring Program (PDMP) continues to grow and be an excellent resource for practitioners. South Dakota state law mandates PDMP registration for everyone who has a SD Controlled Substance Registration (SD CSR).

While the Board of Pharmacy is the entity managing the program, an advisory board was established under the law which consists of at least twelve (12) designees. Jessica Strobl serves on SDPhA's behalf on the advisory board. The group continues to make recommendations to the Board of Pharmacy as to how to best use the program to improve patient care and reduce the misuse, abuse or diversion of controlled substances. The advisory council also makes recommendations to the Board regarding safeguards for release of information to only persons who are entitled to access in order to maintain the confidentiality of program information.

South Dakota Opioid Abuse Advisory Committee

According to the National Institute on Drug Abuse, researchers have observed increases in substance abuse and drug overdoses since the COVID-19 pandemic was declared a national emergency. Nationwide, pharmacists continue to engage 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. SDPhA President Kristen Carter represents SDPhA on the South Dakota Opioid Abuse Advisory Committee. This committee meets twice a year. You can learn more about their work here: <https://doh.sd.gov/news/opioid.aspx>.

Health Professional Assistance Program

The passage of SB4 in 2021 means changes to some of the requirements for HPAP program administration. We continue to appreciate the open communication with the Board of Pharmacy on what this may mean for the future of the program. Our association continues to support HPAP, and saw no changes in the billing for FY 2021-2022. A pharmacist may access the program by self-referral, board referral, or referral from another person or agency, employer, coworker or family member.

Pharmacy Technician University (PTU)

SDPhA is pleased to continue to offer low-cost access to this online training module. SDPhA has now enrolled 120 participants. We are also thrilled to report 5 student participants from the DIAL Virtual program offered in various South Dakota High schools are enrolled in the course for the 2021-2022 school year. We appreciate the pharmacists who have stepped up in communities across the state to work with the DIAL program and these students. This is an exceptional opportunity to introduce the profession into the school systems, and we are grateful for everyone working together who makes it happen.

Just a reminder, the Therapeutic Research Center - PTU 101 module we administer qualifies as a PTCB-Recognized Education/Training Program of the CPhT program, and upon completion, allows participants to sit for the certification exam. In addition to PTU 101, we now offer four additional training modules through TRC:

- PTU Elite: Immunizations
- PTU Elite: Math Mastery – Community Pharmacy
- PTU Elite: Compounded Sterile Preparation Technician Program
- PTU Elite: Soft Skills Program.

For more details and enrollment information, contact Amanda Bacon at amanda@sdpha.org or (605) 224-2338.

Education, Communication, Public Affairs and Professional Relations

Continuing Education

The Association continues to focus on providing quality continuing education for practitioners. SDPhA continues to work with the SDSU College of Pharmacy to bring you interesting continuing education opportunities at the annual convention and throughout the year. We have also been engaged from time-to-time to assist pharmaceutical companies in getting the word out on local opportunities for informative programs.

Reaching Out

The Association prepares and delivers Legislative and Association Updates, CE and pharmacy-related information at fall and spring district meetings, in addition to delivering a variety of educational programs at each Annual Convention. The Association continues to work with student pharmacists on the American Pharmacists Month campaign, which helps bring awareness to the state about all pharmacists can do, and how patient care is improved with a pharmacist engaged. SDPhA previously provided SDSU students a grant for, and continues to assist with, pieces related to the, “More Than a Count” campaign. This campaign showcases the profession and SDPhA utilizing traditional and social media platforms to engage both pharmacists throughout the state as well as members of the general public.

The South Dakota Pharmacist

Communicating with our members quickly and effectively is extremely critical to the success of the Association. The South Dakota Pharmacist continues a quarterly electronic distribution. You can also find it posted with past issues on our website. It always offers 1.5 hours of CE, and provides a source of communication for the association on rules, legislative issues and education that affect pharmacy practice.

Website

After a lot of work to establish a new payment gateway and credit card processor, we are thrilled to share that SDPhA launched a completely new, updated, and much more user-friendly website mid-July 2021. The new website features a completely mobile-responsive and modern design, and a fully upgraded and intuitive user experience – from convention registration to contacting us and everything in between.

The website features a forms library which will play a key role in streamlining conventions and eliminating the use of so much paper moving forward. Another key feature is an area we call the Action Center. That’s where you’ll find all the issues we’re working on at the federal and state level. It also houses the new bill tracking tool we launched in the 2020 legislative session. But the next level is really the key – a communications platform from Voter’s Voice.

Social Media/Email Blasts

We continue to utilize and expand our social media footprint where appropriate. This presence is something we consider vital to our work of representing the pharmacy profession through advancing patient care, enhancing the public awareness, and serving in the best interest of public health and pharmacy.

Here’s what’s important to know about each platform:

- Our Facebook and Instagram are primarily consumer-driven health messages. These posts are intended to give you easy access to content you can in turn share on your social channels to help engage your patients and the general public.

- The SDPhA Member News and Announcements Facebook Group page is where we share industry news, SDPhA event and meeting information, and legislative updates as warranted.
- LinkedIn gives us an additional forum to gather and share news impacting the pharmacy profession. The page is established. We look forward to expanding messaging there soon.

Please like, follow, share, and engage with us – that’s what makes these tools effective.

Pharmacists for Healthier Lives

[Pharmacists for Healthier Lives](#) is a campaign that continues to reach patients and the public at large with information about what pharmacy is really all about. It showcases pharmacists as frontline members of the healthcare team, and details how pharmacists ensure better patient outcomes. Through the National Alliance of State Pharmacy Associations (NASPA), all state associations have had a unique opportunity to contribute to the campaign, and weigh in on the content, tone and direction. You’ll find we often link to it on our SDPhA Facebook page – it has some great resources your pharmacy can share online too.

SDSU SCAPP/APhA- ASP Chapter

We continue to work closely with SDSU, and the student pharmacists. The student liaisons continue to work hard to keep us apprised of activities, and the SDPhA board remains committed to supporting the students in every way possible. This includes 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 continuing the successful messaging created as part of the “More Than a Count” campaign, and will continue to work with them on messaging and communication. We believe these activities are an incredible investment in your association’s future. The student pharmacists worked extremely hard to assist us with the 2021 virtual meeting as well, which was greatly appreciated! We also remain a resource for faculty whenever needed, and collaborate on projects whenever possible.

Association Management Rotation

SDPhA was pleased to welcome Benjamin Ostebee for an APPE in Association Management in August and September. We are thrilled to work with student pharmacists who want to take a deeper dive into this unique field of management, learning the day-to-day operations, the complexities of running an association, and the many management aspects unique to associations and legislative work. He also got a crash course in pivoting live events to virtual, and without him, the tight turnaround would’ve been extremely difficult. We appreciate his willingness to roll up his sleeves and just say yes to whatever needed to be done – no matter how big or small the task. It was a true picture of the balancing act a one-person association office deals with – from laying the groundwork for legislation, to the process of legislative summer studies, to convention planning and what happens when it all changes on a dime. We look forward to the opportunity to work with more students in the future.

Office Update

We anticipate a very busy spring and summer as we work with our coalition to address the best path forward for PBM and 340 initiatives in the 2023 legislature. We are also working extensively on raising funds for the C&L Fund, and preparing for Convention 2022! We appreciate all the engagement from you all during the 2022 Legislative Session, and look forward to even stronger support in 2023!

Kind Regards,

Amanda Bacon, SDPhA Executive Director