



Meeting Minutes: Prescription Drug Affordability Board

Date: 03/26/2024
Minutes prepared by: Andrew Etteldorf
Location: Summit Conference Room, Minnesota Department of Commerce, 85 7th Place East, St Paul, MN, 55101

Attendance

Members present:

1. Craig Acomb -- online
2. Erica Barnes
3. Anthony Lourey (chair)
4. Sayeh Nikpay (vice chair)
5. Matt Toburen
6. Stephen Schondelmeyer
7. Matthew Anderson -- online
8. Michael Howard -- online

Attorney General's Office, Commerce, and Minnesota Department of Health staff present:

1. James Canaday (AGO)
2. Julia Dreier (COMM)
3. Sara Payne (COMM)
4. Lisa Creger (COMM)
5. Brett Benson (COMM)
6. Andrew Etteldorf (COMM)
7. Stefan Gildemeister (MDH)
8. Annelisa Steeber (MDH)

Agenda Items

1. Call to order and roll call

The first meeting of the Minnesota Prescription Drug Affordability Board (Board) convened Tuesday, March 26, 2024.

Nikpay, as interim chair, called the meeting to order at 2:00 PM and announced that a quorum was present.

2. Elect Board Chair

Canaday noted that there are no statutory requirements for the Board chair and that the Chair's responsibilities are at the discretion of the Board. The meeting then proceeded to the election of Chair and Vice Chair.

- A motion to open nominations for Chair and Vice Chair was made by Nikpay. Motion seconded by Lourey.

Nominations for Chair were Lourey and Nikpay

Lourey -- 4 votes; Nikpay – 1 vote

Lourey was elected Chair.

The only nomination for Vice Chair was Nikpay, who was unanimously elected.

3. Board Requirements and Responsibilities

Lourey introduced Sara Payne from the Department of Commerce who presented information on the Board's requirements and responsibilities, specifically conflicts of interest, statutory and parliamentary Board procedures, data practices and open meeting laws, and compensation. All Board members received a public disclosure form and the executive branch code of conduct prior to the meeting.

A copy of this presentation is available here: <https://mn.gov/commerce/insurance/health/pharmacy-drug-affordability-board/>

Board members asked questions and engaged in the discussion as follows.

- Lourey asked whether a relative taking a drug under the Board's review constituted a conflict of interest. Nikpay noted that other states' prescription drug affordability boards have disclosed drug-specific conflicts of interest. The Board agreed to discuss these points in a closed meeting with counsel.
- Schondelmeyer asked if the Board chair must recuse from votes unless there is a tie. Lourey noted that he intends to vote.
- Nikpay asked about Commerce's support role for the Board. Commerce responded that it will provide administrative support to the Board as resources allow and until Board staff are in place.
- Schondelmeyer asked whether the Board has statutory requirements related to how it engages with public comments. Commerce noted that the statutes give the Board discretion on how to engage with the public. Nikpay noted that a similar board in Colorado restricts public comments to two minutes. Lourey stated that he is open to soliciting preferences from the public on how the Board should engage with public comments.
- Acomb suggested that the Board discuss next steps for hiring the executive director. Acomb requested more information on the administrative assistance Commerce will provide to the

Board and asked about the Board's budget. Commerce responded that it will support the Board until it hires an executive director and staff. Commerce added that the Board has a budget of roughly 500,000 dollars per year. Commerce also specified that the Board's executive director and staff will have limited infrastructure support from Commerce but will report to the Board. Nikpay added that the Board also has support from the Minnesota Department of Health (MDH) and the Minnesota Attorney General's Office.

- Schondelmeyer recommended that the Board emphasize experience with the pharmaceutical market when hiring an executive director. Barnes posed that the executive director could assist with hiring staff.
- Nikpay proposed establishing a sub-committee of the Board to prepare background information on hiring the executive director and present this information to the Board in a future meeting. As chair, Lourey asked Schondelmeyer, Barnes, and Acomb to prepare background on hiring an executive director and share this information with the Board in a later meeting.
- Commerce described other procedures relevant to the Board. Commerce noted that the Board's counsel will advise the Board on quorum but noted that a simple majority of members, excluding vacancies, often constitutes a quorum. Commerce added that the Board has discretion to select its parliamentary procedure, the structure for public comments, and the roles of Board officers and staff.
- Acomb asked whether the executive director had an official role during Board meetings. Canaday noted that there were no statutory requirements related to this. Schondelmeyer suggested that the Board could grant speaking privileges to the executive director during Board meetings.
- Schondelmeyer asked for more information about MDH's support role. MDH responded that it can describe how it is directed to support the Board in a later meeting.
- Nikpay proposed a Board sub-committee to review all available assets, identify gaps in the Board's current data capacity, and explore additional data sources for purchase.
- Barnes asked about the extent to which Board members can engage with supporting agencies like MDH and Commerce outside of meetings. Canaday noted that open meeting law applies when the Board has quorum.

5. Schedule for Future Meetings

The Board moved to schedule its next two meetings. After discussion, the Board moved to schedule upcoming meetings Tuesday, April 30 from 9-11 AM and Thursday, May 30 from 9-11 AM.

6. Open Discussion

- Schondelmeyer asked about how the Board will select drugs for review. Lourey noted that the legislation also established a Prescription Drug Affordability Advisory Council (Advisory Council) to provide input to the Board. Lourey added that the public can recommend drugs for review and the Board can make its own determinations. Schondelmeyer asked if MDH had any drug suggestions.

Gildemeister specified that MDH will defer to the Board on selecting drugs for review and added that MDH does identify drugs of substantial public interest.

- Nikpay recommended that the Board identify a methodology for triaging the analysis of drugs selected for review. Lourey suggested that the Board could be required to consider and respond on all drugs recommended to the Board.
- The Board asked for more information on the Advisory Council. Commerce noted that the Governor had appointed all members of the Advisory Council. The Minnesota Secretary of State website lists all appointees to the Advisory Council. Canaday directed the Board to review the statutory language related to the Advisory Council and specified that the Attorney General's Office is not directed to provide counsel to the Advisory Council. Gildemeister added that he represents MDH on the Advisory Council. The Board agreed to discuss the Advisory Council further in a later meeting.
- Barnes emphasized the importance of maintaining public trust throughout the Board's duties. She recommended the Board clearly communicate its methodology and engage with impacted communities. Schondelmeyer reiterated the importance of deciding whether to select or not select a drug for review.
- Nikpay noted that Commerce has a webpage for the Board. She recommended that the Board discuss how best to use its web presence in a future meeting. Lourey suggested tasking this to the executive director. The Board agreed to keep webpage updates minimal until it hires an executive director.
- Acomb opened discussion on how Board members should interact with the press. Lourey expressed a preference for allowing each Board member to engage with the press at their own discretion if they specify that they do not speak for the Board as a whole. Acomb noted that routing press comments through the chair and vice chair would allow the Board to have a consistent public message.
- Schondelmeyer asked about the Board's statutory requirement to submit a report to the Governor and Legislature. Commerce noted that it had prepared a letter informing the Governor and Legislature that the Board convened.

7. Public Comments

The Board opened the meeting to public comments. Josh Ney, a member of the Advisory Council, asked whether meeting materials will be publicly available. The Board confirmed that all meeting materials will be available on the Commerce website.

The Board moved to close the public comment period.

Adjournment

The Board moved to close the meeting to the public to discuss a potential drug-specific conflict of interest policy. The meeting closed to the public at 4:00 PM.

Next Meeting

Date: **April 30, 2024**

Time: **9 to 11 a.m.**

Location: Summit Conference Room, Minnesota Department of Commerce, 85 7th Place East, St Paul, MN, 55101