



Meeting Minutes: Prescription Drug Affordability Board

Date: 04/30/2024
Minutes prepared by: Andrew Etteldorf
Location: Summit Conference Room, Minnesota Department of Commerce, 85 7th Place East,
St Paul, MN, 55101

Note: the April 30 meeting agenda and presented materials are available on the [PDAB webpage](#).

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

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

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

Agenda Items

1. Call to order and roll call

The second meeting of the Minnesota Prescription Drug Affordability Board (Board) convened Tuesday, April 30, 2024.

Chair Lourey called the meeting to order at 9:04 AM and announced that a quorum was present.

2. March 26 Meeting Minutes

Schondelmeyer requested two changes to the meeting minutes related to an executive director's experience with the pharmaceutical market and the importance of deciding when not to select drugs for review. The Board approved the minutes as amended.

3. AG: Requirements and Scope of Authority for PDAB

Canaday presented a document on the statutory authority of the Board. This document is available on the PDAB webpage. Canaday noted that this document distinguishes mandatory authority ("shall") and permissive authority ("may") in the statutes. The Board discussed as follows. Note that during this discussion the Board also addressed the agenda item: Discuss Coordination with Advisory Council.

- The Board asked for more information on the Prescription Drug Affordability Advisory Council (Advisory Council). The Board inquired about how the Advisory Council will organize its meetings. Canaday and Board members noted the statutory requirement to identify drugs for review in consultation with the Advisory Council.
- Anderson suggested inviting the Advisory Council to a future Board meeting. He recommended that the Board ask the Advisory Council to discuss how it would like to organize.
- Schondelmeyer asked about the Advisory Council's appropriations. Commerce will follow up with the Board on the Advisory Council's funding.
- Schondelmeyer noted that the Advisory Council should be independent but emphasized that the Board cannot proceed without a functional Advisory Council. Nikpay added that the Advisory Council has a statutory requirement to meet at least every three months and posed that the Board communicate this to the Advisory Council.
- Nikpay proposed that the Board compile emails for Advisory Council members for outreach.
- Lourey asked that the Board discuss statutes related to proprietary information standards. Schondelmeyer noted that the Board must abide by other entities' standards for data use, but the Board must also define its own standards for proprietary and sensitive information.
- MDH spoke briefly about its data practices. MDH noted that its data standards account for state law and added that MDH has a responsibility to share data with the Board in a manner that protects the data. MDH added that MDH counsel and the Board's counsel can discuss the best process for this. MDH also offered to connect the Board with thought leaders on pharmaceutical supply chain data.
- Nikpay asked if the Board can consider methods for drug selection beyond those included in the statutes. Canaday noted that the statutes imply that the Board has discretion in breadth of review and methods. Barnes noted that the Board can consider drug products at the request of the public.
- Canaday suggested that the Board use the statutory language to inform its selection of appropriate subcommittees in the bylaws.

4. Update from the Board Subcommittee on Staff Hirings

Craig Acomb joined the meeting at 9:28 AM CT.

At its March 26 meeting, the Board established a subcommittee to research the hiring process and begin drafting job responsibilities and a job posting for the Board's executive director position. The presented draft job responsibilities and associated slides are available on the PDAB webpage. The Board discussed as follows.

- Barnes posed two broad items for discussion. The first pertained to how the board would define its values in the job posting. The second related to minimum versus preferred qualifications.
- Barnes noted that the subcommittee contacted the Small Agency Resource Team (SmART), but it is unable to assist the Board. The subcommittee also contacted Management Analysis and Development (MAD), and Barnes recommended MAD as an option for support during the executive director hiring process.
- Schondelmeyer added that he contacted other states' PDABs and received example job descriptions and job postings.
- Nikpay asked about Commerce's involvement with the hiring process. Commerce noted that Board will post the executive director position via Commerce's Human Resources department. Commerce added that it can push job postings out via LinkedIn and Indeed at a cost. Commerce further explained that its HR department will review whether an applicant meets the minimum qualifications in the Board's job posting and filter those who do to the Board subcommittee for review.
- Lourey asked for more information on MAD's prospective role in the hiring process. Barnes responded that examples of how MAD could support the hiring process include content development related to the job posting, coordinating interviews, and drafting interview questions. Barnes noted that while MAD is not prohibited from assisting the Board, any assistance is contingent on MAD's bandwidth. Barnes contended that the Board finalize the job posting for Commerce and reach out to MAD separately with questions related to the hiring process.
- Anderson raised a concern about whether applicants' information would be publicized in Board meetings. Canaday noted that, in general, the finalists for a position would be public; initial applicants, however, are not necessarily public. Canaday reiterated that any quorum of the Board is subject to open meeting law, and the Board cannot meet privately for discussions related to hiring.
- Lourey noted that he is comfortable with the subcommittee proceeding with the initial interview process and contacting MAD. Lourey recommended that the subcommittee coordinated with Canaday to ensure the process complies with the statutes. Barnes noted that MAD's services would require payment from the Board. Commerce noted that the Board has discretion on the use of its funding.
- The Board agreed to use broader language in the job responsibilities and the job description related the Board's values.

- Schondelmeyer proposed specific changes to the job posting to clarify that the executive director supports and implements the Board's work; the executive director does not personally identify drugs or initiate cost reviews.
- Schondelmeyer asked if the Board can approve documents, such as the job posting, over email. Canaday noted that the Board currently cannot approve documents over email but added that the chair can call a special meeting if it complies with statutes.
- Lourey added two recommendations for the job posting: language about complying with the Board's bylaws and a point about managing the Board's finances and purchases.
- Anderson recommended using statutory language related to the executive director's responsibilities when possible. Anderson also recommended making 5 years of management experience required with 10 years preferred.
- Nikpay noted that requiring an advanced degree in a health care field could preclude candidates. Nikpay recommended striking the health care field specification. Barnes proposed updating this language to "an advanced degree in a relevant field" and moving this to the preferred qualifications.
- Acomb suggested that the Board discuss how to balance management experience and market expertise when evaluating prospective candidates.
- Commerce noted that the fiscal note for the Board assumed 3 staff: an executive director, a data analyst, and an admin. Commerce added that the Board does have discretion on the number and types of positions beyond executive director.

Craig Acomb left the meeting at 10:10 AM

The Board moved to authorize the subcommittee on staff hirings to finalize a job posting and develop a draft contract with MAD for review by the Board.

5. AG: Review Draft of Board Bylaws

Canaday prepared a draft set of Board bylaws for review. This draft bylaws document is available on the PDAB web page. The Board discussed as follows.

- Canaday noted that the Board has discretion to modify these draft bylaws, but noted that Articles I-III are mostly defined in the statutes.
- Canaday noted that the only standing committee in the draft bylaws is an executive committee. Canaday clarified that there is no statutory requirement for this, but he added that an executive committee can be a practical way for the Board to act between meetings in accordance with open meeting law. Canaday noted that the Board has discretion when drafting the bylaws on electing members to the executive committee and introducing any restrictions on the executive committee.
- Lourey noted that there is currently a placeholder in the draft bylaws for language related to conflicts of interest.
- Canaday offered to make updates to the draft bylaws for the Board to discuss in a future meeting.

6. Discuss Outreach to NASHP and PORTAL

Lourey noted that NASHP offered to do a needs assessment for the MN PDAB. Nikpay expressed a preference to first get input from NASHP/PORTAL on standing up the PDAB before having MDH present on the Board's data options. Separately, Canaday offered to follow up with the Board on open meeting law exceptions related to trainings.

7. Discuss Options for Public Comment Process

The Board prefers to receive weekly batches of comments submitted via the web form on the PDAB webpage. The Board emphasized that it should receive all available comments prior to a Board meeting.

8. Open Discussion and Public Comments

The Board received and responded to public comments as follows:

- One member of the public asked if there will be a process for public comment on the Board's proposed bylaws. Lourey encouraged the public to submit comments to the Board via the web form on the PDAB webpage.
- This commenter also asked if the Board had specific goals for its first year. Lourey responded that the Board is primarily concerned with standing up the PDAB.
- Another commenter expressed support for the Board on behalf of Take Action MN and shared stories from Minnesotans impacted by high drug costs.

9. Future Meetings

The Board moved to schedule a meeting for Thursday, June 20, 2024 from 9 AM – 12 PM. The Board also moved to update the May 30, 2024 meeting to 9 AM to 12 PM.

Adjournment

The Board moved to close the meeting. The meeting closed at 11:08 AM.

Next Regular Meeting

Date: **May 30, 2024**

Time: **9 AM to 12 PM**

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