

**ARKANSAS STATE BOARD OF PHARMACY
101 EAST CAPITOL, SUITE 218
LITTLE ROCK, AR 72201**

The Arkansas State Board of Pharmacy met for a called meeting on January 11, 2005, at 10:00 a.m. The meeting was conducted by conference call. The meeting was originated by Charles Campbell, Pharm.D., Executive Director, from the Board of Pharmacy office, 101 East Capitol, Suite 218, Little Rock, Arkansas.

Tuesday, January 11, 2005

The conference call operator assembled the meeting, and roll call was taken. Members present were Larry Autry, P.D.; Buddy Bowden, P.D.; Sharon Capps, RN.; Bob Dufour, P.D.; Ross Holiman; Larry McGinnis, Pharm.D.; Lenora Newsome, P.D.; and Ronnie Norris, P.D. Staff members present were Charles Campbell, Pharm.D., Executive Director; John Kirtley, Pharm.D., Assistant Director; and Lana Whitmore, Administrative Assistant.

Dr. Campbell informed the Board that the issue that is being dealt with is DeltaPharma – specifically with regard to the action taken by the Board during the October Board meeting. He reminded the Board that Dr. Autry made the motion to table DeltaPharma’s request for an Arkansas out of state pharmacy permit until they were in compliance with the FDA, and the office staff is satisfied with the compliance.

Dr. Campbell said the Board of Pharmacy staff has tried to determine whether or not they were in compliance by calling FDA and through written correspondence, but they still have not heard from Tyler Thornberg from FDA’s New Orleans office. He then said he would like to make a proposal based on the staff’s inability to get a response from the FDA, and continued conversations with DeltaPharma’s legal representation in Washington as well as Darren O’Quinn law offices in Little Rock.

Dr. Campbell said the proposal he would like to make is:

1. The Board will issue a temporary permit without restrictions to DeltaPharma.
2. The permit would immediately become void should FDA issue a response or position that DeltaPharma has not satisfied all of the issues FDA presented in its September 17, 2004 notice following its inspection of DeltaPharma. At that time, DeltaPharma would immediately return their pharmacy permit to the Arkansas State Board of Pharmacy
3. Should FDA issue such a position, DeltaPharma can appear before the Board at its next scheduled meeting for a hearing on its application and permit, providing that reasonable time exists for the parties to prepare for said hearing.
4. Should FDA issue no such notice of DeltaPharma failing to comply with the issues raised in the FDA September notice, DeltaPharma can continue to function as a pharmacy under its permit.

The Board discussed Dr. Campbell’s proposal and discussed the fact that DeltaPharma holds a current Mississippi license without restrictions. Dr. Campbell reminded the Board that there are

Arkansas pharmacies that have received warning letters from the FDA and that no action was taken by the Board against their license because of a warning letter, but that was before several regulation changes regarding compounding pharmacy were made, which are now being enforced in Arkansas.

BOARD ACTION:

Mr. Holiman made the motion to accept the proposal as presented by Dr. Campbell.

Dr. Autry seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Prepared by:

Approved for the Board by:

Lana Whitmore, Administrative Assistant

Larry McGinnis, Pharm.D., President