

**ARKANSAS STATE BOARD OF PHARMACY**  
322 South Main St., Suite 600  
Little Rock, AR 72201

**Monday, February 3, 2020**

The Arkansas State Board of Pharmacy held an emergency called Board meeting by conference call on February 3, 2020. The call originated from the Arkansas State Board of Pharmacy office at 322 South Main St., Suite 600, Little Rock, AR.

**Members present for the call:**

- \* Lenora Newsome, P.D.
- \* Debbie Mack, P.D.
- \* Steve Bryant, P.D.
- \* Becca Mitchell, Pharm.D.
- \* Brian Jolly, Pharm.D.
- \* Lynn Crouse, Pharm.D.
- \* Amy Fore, MHA

**Staff present for the call:**

- \* John Kirtley, Pharm.D., Executive Director
- \* Brenda McCrady, P.D, Assistant Director
- \* Luke Daniel, General Counsel
- \* Lana Whitmore, CFO

**Carol Rader was not present for the call.**

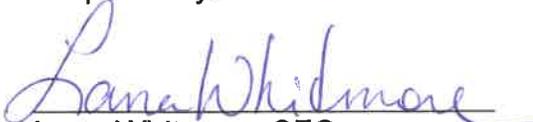
Mr. Daniel informed the Board that an Amici Curiae Brief has been filed by the National Association of Boards of Pharmacy (NABP) in relation to Fusion IV Pharmaceuticals, Inc., a 503b facility. He said Fusion Pharmaceuticals is licensed with FDA and applied as a 503b facility with the California Board of Pharmacy and was denied. Fusion filed a lawsuit stating the State of California should not have the right to regulate them since they are a federally licensed facility. Mr. Daniel said the case went to trial court and the judge ruled the facility could be regulated both at the state and federal levels. Fusion has filed an appeal with the Ninth Circuit Court of Appeals. He said NABP has been granted permission to file an Amici Curiae brief in the case. He said this is a brief the court allows to be filed by individuals or organizations that are not actually parties to the case but have an interest in how the case is decided. NABP has requested that the individual state boards join the brief – he said the state boards will not contribute to the brief but will be joining to show support for the brief. Mr. Daniel said six other states have already signed the brief with NABP. The Board discussed the brief and the Board's position.

**BOARD ACTION:**

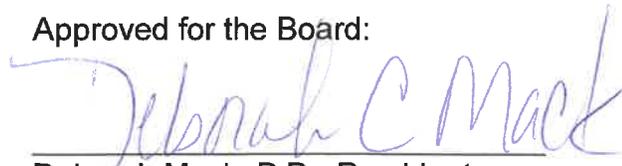
Dr. Mitchell made the motion to sign on to the Amici Curiae Brief of the National Association of Boards of Pharmacy in the Ninth Circuit Court of Appeals in the case involving Fusion IV Pharmaceuticals, Inc. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Prepared by:

  
Lana Whitmore, CFO

Approved for the Board:

  
Deborah Mack, P.D., President