

# Exhibit #11

State of Iowa  
**Board of Pharmacy**

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Osceola

MARK M. ANLIKER, R. Ph.  
Emmetsburg

**TELECONFERENCE MINUTES**  
**November 24, 2010**

The special meeting of the Iowa Board of Pharmacy was held on Wednesday, November 24, 2010, at 2:00 p.m., via teleconference pursuant to the provisions of Iowa Code section 21.8. An in-person meeting was impractical due to the travel distances of members of the Board, the limited agenda, and the need for immediate action. Chairperson Benjamin called the meeting to order at 2:03 p.m.

**MEMBERS PRESENT**

Vernon H. Benjamin, Chairperson  
Susan M. Frey, Vice-Chair  
Annabelle Diehl  
Edward L. Maier  
DeeAnn Wedemeyer Oleson  
Peggy M. Whitworth

**STAFF PRESENT**

Lloyd Jessen, Executive Director  
Scott Galenbeck, Esq., Assistant Attorney  
General  
Therese Witkowski, Executive Officer  
Becky Hall, Secretary

**MEMBERS ABSENT**

Mark M. Anliker

**SPEAKERS**

Alan Koslow, Des Moines

**COMPLIANCE OFFICERS PRESENT**

Bernie Berntsen  
Jean Rhodes  
Jennifer Tiffany  
Jim Wolfe

I. Open Session.

- A. NABP Developing System to Link Prescription Monitoring Programs Across States Facilitate Data Exchange.

NABP will be moving forward and developing an interconnected communications hub for state Prescription Monitoring Programs that will link all the Prescription Monitoring Programs across the states. The program will be made accessible to the states to help further the protection of the public health.

II. Requests.

- A. Pre-file legislation for the 84<sup>th</sup> Iowa General Assembly Removing Marijuana from Schedule I of the Iowa Uniform Controlled Substances Act – Carl Olsen, Des Moines.

This item was addressed under Legislation.

- B. Board Position Regarding Proposed Legislation Restricting Substitution of Epilepsy Drugs.

The Iowa Public Health Association's Advocacy Committee has been asked to support a bill that requires a pharmacist to notify the prescribing physician whenever a change in brand of epilepsy medication is made by the pharmacist. The group has asked for the Board's official opinion regarding this issue.

Dr. Alan Koslow addressed generic substitution and therapeutic interchange and discussion was held regarding the difference between the two.

The Board is in support of generic substitution but does not support therapeutic interchange outside of a collaborative drug therapy management agreement.

III. Legislation.

- A. Proposed Amendments to Iowa Code Chapter 124 Iowa Uniform Controlled Substances Act Regarding Marijuana.

Motion (Diehl/Frey) to approve for filing. Passed: 6-0-0-1. Absent: Anliker. A copy is attached as Addendum A.

IV. Rules.

- A. Notice of Termination of Rulemaking ARC 8891B and Proposed Notice of Intended Action to Amend Chapter 3, "Pharmacy Technicians," 3.22(155A).

Motion (Maier/Oleson) to approve for filing Notice of Termination and Notice of Intended Action. Passed: 6-0-0-1. Absent: Anliker. A copy of the Notice of Intended Action is attached as Addendum B.

- B. Notice of Intended Action to Amend Chapter 8, "Universal Practice Standards."

Motion (Oleson/Frey) to approve for filing Notice of Intended Action. Passed: 6-0-0-1.

Absent: Anliker. A copy is attached as Addendum C.

V. Closed Session.

Motion (Frey/Maier) to go into closed session in accordance with Iowa Code Section 21.5(1)(a) to review complaint or investigative information required by Section 272C.6(4) to be kept confidential, 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or formal charges, and 21.5(1)(f) to discuss the decision to be rendered in a contested case. Roll call vote. Yes: Benjamin, Diehl, Frey, Maier, Oleson, Whitworth; No: None; Abstain: None; Absent: Anliker. Passed: 6-0-0-1.

Motion (Oleson/Diehl) to go into open session. Roll call vote. Yes: Benjamin, Diehl, Frey, Maier, Oleson, Whitworth; No: None; Abstain: None; Absent: Anliker. Passed: 6-0-0-1.

In open session, the following actions were taken:

A. Draft Statement of Charges.

Motion (Maier/Frey) to draft Statement of Charges against the pharmacist in charge in case 2010-143. Passed: 6-0-0-1. Absent: Anliker.

B. Statement of Charges.

Motion (Frey/Maier) to file Statement of Charges in the following cases. Passed: 6-0-0-1. Absent: Anliker.

1. Heather Briney, Pharmacist License No. 19981 of Winterset. A copy of the Statement of Charges is attached as Addendum D.
2. Walgreens Pharmacy, Pharmacy License No 1257 of Clive. A copy of the Statement of Charges is attached as Addendum E.
3. Karla J. Fiori, Pharmacist License No. 18081 of Grimes. A copy of the Statement of Charges is attached as Addendum F.

C. Stipulation and Consent Order.

Motion (Diehl/Frey) to approve the Stipulation and Consent Order in the following cases. Passed: 6-0-0-1. Absent: Anliker.

1. Food Bonanza, Pharmacy License No. 634 of Ottumwa. A copy of the Stipulation and Consent Order is attached as Addendum G.
2. Marvin A. Elliot, DVM, Controlled Substance Registration No. 1502390 of Eldridge. A copy of the Stipulation and Consent Order is attached as Addendum H.

D. Findings of Fact, Conclusions of Law, Decision and Order.

Motion (Frey/Oleson) to approve the Findings of Fact, Conclusions of Law, Decision and Order in the following cases. Passed: 6-0-0-1. Absent: Anliker.

1. Joseph J. Campanelli of Iowa City. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum I.
2. Winthrop S. Risk II, M.D., Controlled Substance Registration No. 1241656 of Cedar Rapids. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum J.
3. Hillary Reich, Pharmacy Technician Registration No. 4915 of Mason City. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum K.
4. Julie Johnson, Pharmacy Technician Registration No. 11931 of Manchester. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum L.

E. Findings of Fact, Conclusions of Law, Decision and Order.

Motion (Maier/Diehl) to approve the Findings of Fact, Conclusions of Law, Decision and Order in the case of Gabriel L. Weefar of Surprise, Arizona. Passed: 5-1-0-1. No: Benjamin; Absent: Anliker. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum M.

Meeting adjourned at 3:30 p.m. on November 24, 2010.

*Becky Hall*

Becky Hall  
Recording Secretary

*Lloyd K. Jessen*

Lloyd K. Jessen  
Executive Director

*Vernon H. Benjamin*

Vernon H. Benjamin  
Board Chair

APPROVED THIS 11<sup>th</sup> DAY OF Jan., 2011.

**ADDENDUM A**

**IOWA CODE CHAPTER 124  
IOWA UNIFORM CONTROLLED  
SUBSTANCES ACT REGARDING MARIJUANA**

**NOVEMBER 29, 2010**

Proposed amendments to Iowa Code Chapter 124, Iowa Uniform Controlled Substances Act.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

**Section 1.** Section 124.204, subsection 4, paragraph “m,” Code 2009, is amended by striking the paragraph and renumbering the remaining paragraphs.

**Section 2.** Section 124.204, subsection 4, renumbered paragraph “t,” Code 2009, is amended to read as follows:

~~u. t.~~ t. Tetrahydrocannabinols, ~~except as otherwise provided by rules of the board for medicinal purposes,~~ meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (Cannabis plant) as well as synthetic equivalents of the substances contained in the Cannabis plant, or in the resinous extractives of such plant, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

- (1) 1 cis or trans tetrahydrocannabinol, and their optical isomers.
- (2) 6 cis or trans tetrahydrocannabinol, and their optical isomers.
- (3) 3,4 cis or trans tetrahydrocannabinol, and their optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

**Section 3.** Section 124.204, subsection 7, Code 2009, is amended by striking the subsection and renumbering the remaining subsections.

**Section 4.** Section 124.204, renumbered subsection 8, Code 2009, is amended to read as follows:

~~9. 8.~~ 8. *Other materials.* Any material, compound, mixture, or preparation which

contains any quantity of the following substances:

a. ~~N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers.~~ 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7297. Other names: CP-47,497.

b. ~~N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.~~ 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7298. Other names: cannabicyclohexanol and CP-47,497 C8 homologue.

c. 1-Butyl-3-(1-naphthoyl)indole-7173. Other names: JWH-073.

d. 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole-7200. Other names: JWH-200.

e. 1-Pentyl-3-(1-naphthoyl)indole-7118. Other names: JWH-018 and AM678.

**Section 5.** Section 124.206, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH: c. Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP).

**Section 6.** Section 124.206, subsection 7, paragraph "a," Code 2009, is amended to read as follows:

a. ~~Marijuana when used for medicinal purposes pursuant to rules of the board of pharmacy examiners.~~

**Section 7.** Section 124.208, subsection 6, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH: bh. Boldione (androsta-1,4-diene-3,17-dione).

NEW PARAGRAPH: bi. Desoxymethyltestosterone (17[alpha]-methyl-



5[alpha]-androst-2-en-17[beta]-ol); also known as madol.

NEW PARAGRAPH: bj. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione).

### EXPLANATION

This bill identifies and places into appropriate drug schedules substances that meet the criteria for control and classification as controlled substances in Iowa.

The bill removes marijuana from Schedule I, eliminates all references to the use of marijuana and tetrahydrocannabinols for medical purposes pursuant to the rules of the board of pharmacy, and classifies marijuana as a Schedule II controlled substance.

The bill classifies five synthetic cannabinoids as Schedule I controlled substance in conformance with recent action by the federal Drug Enforcement Administration. Four of these substances were designated, by rule of the Board of Pharmacy, as imitation controlled substances subject to the provisions of Iowa Code chapter 124A. As Schedule I controlled substances, the distribution of these substances is more closely controlled and the penalties for illicit distribution and possession are more stringent. The bill also removes benzylfentanyl and thenylfentanyl from classification as Schedule I controlled substances in conformance with recent action by the federal Drug Enforcement Administration.

The bill classifies the precursor chemical substance, ANPP, as an immediate precursor for the Schedule II controlled substance fentanyl, in conformance with action by the federal Drug Enforcement Administration. ANPP is used in the illicit manufacture of fentanyl. The bill also identifies and classifies as Schedule III controlled substances three anabolic steroids, in conformance with recent action by the federal Drug Enforcement Administration.