

12296 COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

in a background statement accompanying its resolution" implied that the background statement had been reviewed by the DRB. Another complaint was that the layout, with the naming of the entire DRB membership at the end of the press release, implied that all 18 members had been present October 25 and had voted in favor of the resolution (except Dr. Crout). Of course, this was not correct, since Drs. Calabresi, Drill, Hodges, and Papper were absent from that meeting. The greatest objection, however, was that the title of the press release was misleading in suggesting that the DRB had intended the resolution to be concerned with state antisubstitution legislation. In this those who complain are completely incorrect. The whole history of the development of the resolution from its very inception in the suggestion by the PMA that DRB help in retaining these laws, as well as the first paragraph of the resolution itself which states that the "goal of statutes and regulations concerning drug product selection etc.", show very clearly that the title "DRUG BOARD URGES CHANGES IN DRUG SUBSTITUTION LAWS" is absolutely correct. While it was inaccurate to imply that the DRB endorsed the background statement and that all 18 members were present, I think the press release fairly represents the position of the DRB at the October 25 meeting.

Shortly after the press release on January 21 there were requests from the PMA for a special meeting to reconsider the whole matter. The DRB Chairman, Dr. Frederick Shideman of the University of Minnesota medical school's Department of Pharmacology, told the DRB members via memorandum that if any new data or substantive evidence was brought forward, the matter would be considered at the regular spring meeting, but that otherwise the matter was closed. Requests were received, I understand, from the AMA administration to send representatives to the meeting of 14 March 1975 in addition to their regular AMA liaison representative; but the requests were declined. Nevertheless, Dr. Richard Palmer, Chairman of the AMA Board of Trustees, and Dr. Jerry Annis, a member of that Board, came to the meeting and, after some discussion with Dr. Shideman, were permitted to attend. The resolution was specifically not on the agenda. However, Dr. Kenneth Kohlstaedt requested that it be discussed, and it was discussed at some length during the day. Drs. Palmer and Annis spoke against the "repeal of the antisubstitution laws" (which is not exactly what had been advocated by the DRB) and against legislation such as that of Florida, which Dr. Annis, who practices in Florida, stated he had handled by simply stamping ahead of time on all prescriptions a statement precluding any substitution.

After the reading by Dr. Kohlstaedt of a statement by Dr. Hugh Hussey, who could not attend the meeting for reasons of health, and after some rather heated discussion, the DRB again voted on the original resolution passed October 25. The vote was 13 to 1 in favor of the resolution. In other words, the DRB again endorsed, for the second time, the resolution in precisely the wording used before. There was discussion of the material which had been on the agenda that day (the DRB resolution had not been on the agenda), but again there was crowded into the discussion an attempt to "clarify" the meaning and intent of the resolution. As observed wryly by Dr. Daniel Azarnoff at that time, when someone in Washington "clarifies" something he said previously,