

From: Cate, Matt@CDCR
To: [REDACTED]
Subject: FW: Ca Drugs
Date: Monday, September 20, 2010 6:32:06 AM

From: Kernan, Scott@CDCR
Sent: Monday, September 20, 2010 6:32:02 AM
To: [REDACTED]
Cc: [REDACTED] Cate, Matt@CDCR; Rice, Benjamin@CDCR
Subject: RE: Ca Drugs
Auto forwarded by a Rule

[REDACTED]

Thank you very much. We sure appreciate all your efforts. I'll let you know how Matt wants to go forward with Texas after talks with Governor. Let you know hopefully today.

Scott

From: [REDACTED]
Sent: Friday, September 17, 2010 3:02 PM
To: Kernan, Scott@CDCR
Cc: [REDACTED]
Subject: Fw: Ca Drugs

Scott:

One of the lessons of life is that bad news doesn't get better with time. Unfortunately, despite numerous calls and contacts **yesterday and today**, we have been unable to secure any additional supplies of sodium pentothal *at this time*.

Scott, we will continue to search but as I promised you and Matt, I wanted to give you a definitive answer before Monday.

While we continue to look for an existing supply, [REDACTED] remains willing to call Governor [REDACTED] and ask for his assistance in putting a string on TDCJ's supply should you need it before new production resumes.

Please let us know how to proceed.

[REDACTED]

----- Original Message -----

[REDACTED]
[REDACTED]
Sent: Thursday, September 16, 2010 5:09 PM
Subject: Re: Ca Drugs

[REDACTED]
We have contacted 80-90 hospitals over the past few days and none of them have a drop of Pentothal. Most have been out for quite some time. I still have folks in the industry keeping an eye out and I will let you know if I hear of any leads.

thanks,

[REDACTED]
[REDACTED] wrote:

[REDACTED]
Can you get us an official update availability production timelines? Also, [REDACTED] any luck on getting that other supply of sodium pentothal?

[REDACTED]
----- Original Message -----

From: Kernan, Scott@CDCR
To: [REDACTED]
Sent: Wednesday, September 08, 2010 5:38 PM

[REDACTED]
We are getting some press inquiries on the Lethal Injection drugs. Hearing that availability may be pushed deep into 2011. Have you heard anything like that? Any luck on finding us anything or date certain when manufacturing will start back up and be available. Sorry to bother you and as always, thanks for your help.

Scott

From: Cate, Matt@CDCR
To: [REDACTED]
Subject: FW: Call Placed
Date: Wednesday, September 22, 2010 8:14:39 AM

From: Kernan, Scott@CDCR
Sent: Wednesday, September 22, 2010 8:12:46 AM
To: Cate, Matt@CDCR
Subject: FW: Call Placed
Auto forwarded by a Rule

FYI

Scott

From: [REDACTED]
Sent: Wednesday, September 22, 2010 8:06 AM
To: Kernan, Scott@CDCR
Cc: [REDACTED]
Subject: Call Placed

Good Morning Scott:

Per Matt's request, [REDACTED] has placed a call to Governor [REDACTED] office and discussed the need for having a commitment to ship, upon request, a dose of sodium pentothal from [REDACTED] to CDCR. Governor [REDACTED] is traveling today, but [REDACTED] talked with the Governor's assistant, who in turn, will get in touch with Governor [REDACTED] and get back to [REDACTED] sometime today or early tomorrow.

I will keep you advised.

[REDACTED]

From: Cate, Matt@CDCR
To: [REDACTED]
Subject: FW: Drug Order
Date: Friday, August 06, 2010 12:10:41 PM

From: Kernan, Scott@CDCR
Sent: Friday, August 06, 2010 12:10:40 PM
To: Cate, Matt@CDCR; Rice, Benjamin@CDCR
Subject: Fw: Drug Order
Auto forwarded by a Rule

Fyi
Scott

From: [REDACTED]
To: Kernan, Scott@CDCR; McAuliffe, John@CDCR
Cc: [REDACTED]
Sent: Fri Aug 06 12:01:21 2010
Subject: Drug Order

Scott/John:

Your order has been placed and John will get a call from [REDACTED] on Monday should there be any questions. Please be assured that partial shipments will be sent as soon as received.

We continue to do a worldwide search for Sodium Thiopental

[REDACTED]

From [REDACTED]

All products have been ordered. The Potassium Chloride is being shipped to us now (should arrive in Nashville next week). The Pancuronium and Pentothal will ship when they are available.

Purchase Order # [REDACTED] dtd 8/5/2010
Hospira Confirmation # [REDACTED]

Contact:
[REDACTED]



From: Cate.Matt@CDCR
To: [REDACTED]
Subject: FW: Drugs
Date: Thursday, September 09, 2010 1:20:54 PM
Attachments: [Hospira Backorder Report wk of 090610.xlsx](#)

From: Kernan, Scott@CDCR
Sent: Thursday, September 09, 2010 1:20:53 PM
To: Cate, Matt@CDCR; Rice, Benjamin@CDCR
Subject: Fw: Drugs
Auto forwarded by a Rule

Fyi
Scott

From: [REDACTED]
To: Kernan, Scott@CDCR
Sent: Thu Sep 09 13:00:43 2010
Subject: Re: Drugs

Scott:

You have heard correct that the production date for the sodium pentothal has been pushed back to 1st Qtr 2011. Attached is the latest Hospira backorder report.

We continue to search for other supplies that may be available and will ship as soon as they are found.

Will keep you informed.

■
----- Original Message -----

From: Kernan, Scott@CDCR
To: [REDACTED]
Sent: Wednesday, September 08, 2010 5:38 PM

■
We are getting some press inquiries on the Lethal Injection drugs. Hearing that availability may be pushed deep into 2011. Have you heard anything like that? Any luck on finding us anything or date certain when manufacturing will start back up and be available. Sorry to bother you and as always, thanks for your help.

Scott

HOSPIRA BACKORDER REPORT
 WK OF 09/06/2010

Marketing Manager	NDC	Description	Status	Next Delivery	Projected BO Clear Date (Early, Mid, Late)
e a a		M M	a e	a e e e e	a e e e
e a a		M M	a e	a e e e e	a e e e
e e e		M M	a e	a e e e e	M e
Caleb Hart		AMINOSYN II 10% S-F (AN AM NO AC D NJ) 1000ML	Backorder	1Q 2011	1Q 2011
Caleb Hart		AMINOSYN II 10% S-F (AN AM NO AC D NJ) 500ML	Backorder	Early Oct	Mid Oct
ae a		M M M	a e		
e a a		MM M M		a	a
e e e		M	a e	M e e e e	M e e e
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a Me a e		M	a e		
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e a a		M M M	a e		
e a a		M M M M	a e		
e e e		M M	a - esae e	e	e e e e
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s		M M	a e	a e e e	a e e e
e a a		M M M	a e	a e e e e	a e e e e
e a a		M M M	a e	M e e e e	e
a Me a e		a a e	a - esae e		
a Me a e		a a e	a - esae e		
a Me a e		a a e M	a - esae e		
a Me a e		a a e	a - esae e		
a Me a e		a a a e	a - esae e	a e e	a e e e
e a a		M M M M	a e	M e	a e e
e a a		MM M M M	a e	M e	a e e
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a		M M M M	a e	M	
e a a		M M M	a e	a e e e e	e
e e e		M	a - esae e	a e e e e	e e e e
e a a		M	a e	a e e e e	M e
Caleb Hart		DEXTROSE 70% NJ USP 1000ML (500ML F LL)	Backorder	Mid Sept	Late Sept
e e e		M	a - esae e	M e e e e	a e e e e
a		M M M M M	a e	a e	
a		M M M M	a e	a e	a e e

HOSPIRA BACKORDER REPORT
 WK OF 09/06/2010

Marketing Manager	NDC	Description	Status	Next Delivery	Projected BO Clear Date (Early, Mid, Late)
a		M M M	a e		
e a a		M M M	a e		
e a a		M M M	a e		
e a a		M M M	a e		
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Julie Ronin		DOBUTAMINE IN 5% DEXTROSE INJ USP 500 MG, 250 ML	Backorder	Mid Sept	Late Sept
e e e		M	a e	e	e
ae a		a	a - e		
ae a		a	a - e		
ae a		M M	a e		
e a a		M M M	a e	a e	
e a a		M M M	a e		
e e e		M	a e	ae e e e	M e
e e e		M	a e	a e e e e	M e
e e e		M	a e	M e e e e	
e e e		M	a e	M e	ae e
a Me ae		M M	a es	a a a	
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HOSPIRA BACKORDER REPORT
 WK OF 09/06/2010

Marketing Manager	NDC	Description	Status	Next Delivery	Projected BO Clear Date (Early, Mid, Late)
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e		M M	a	a	a
e		M M	a	a	a
e		M M	a	a	a
e		M M	a	a	a
e		M M	a	a	a
e		M M	a	a	a
e		M M	a	a	a
e		M M	a	a	a
a		M M M M M	a - esae e	a e e e e	
a		M M M M	a - esae e	a e e e e	
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a		M M M M	a e		
Ellen Welterfing		LTA (LARYNGOTRACHEAL ANESTH) KIT PRE-ATTACHED	Backorder	M e e e e	ae e e e
Julie Ronin		MAGNESIUM SULFATE 2G/50ML WATER FOR INJ	Backorder	Late Sept	Early Oct
e e e		M M		M e e e e	M e e e e
e e e		M M	a e	a	

HOSPIRA BACKORDER REPORT
 WK OF 09/06/2010

Marketing Manager	NDC	Description	Status	Next Delivery	Projected BO Clear Date (Early, Mid, Late)
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e e e		M M	a e	M e e e e	ae e e e
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HOSPIRA BACKORDER REPORT
 WK OF 09/06/2010

Marketing Manager	NDC	Description	Status	Next Delivery	Projected BO Clear Date (Early, Mid, Late)
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Terminology Key

Status Column

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Projected BO Clear Date

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From: Cate, Matt@CDCR
To: [REDACTED]
Subject: FW: Execution Protocol Drugs
Date: Wednesday, September 29, 2010 4:52:25 PM

From: Kernan, Scott@CDCR
Sent: Wednesday, September 29, 2010 4:52:22 PM
To: Cate, Matt@CDCR; Rice, Benjamin@CDCR
Subject: FW: FW: Execution Protocol Drugs
Auto forwarded by a Rule

Written confirmation. I am arranging to have OCS agents pick up the drug and transport directly to SQ. When I tie it down I'll give you an ETA.

Scott

-----Original Message-----
From: CHARLES FLANAGAN [REDACTED]
Sent: Wednesday, September 29, 2010 4:40 PM
To: Kernan, Scott@CDCR
Cc: CARSON McWILLIAMS; ROBERT PATTON
Subject: Re: FW: Execution Protocol Drugs

Scott:

To confirm our verbal conversation, Director Ryan has authorized the Arizona Department of Corrections (ADC) to provide you with 12 grams of the Thiopental Sodium we have just acquired. You also have our thanks for the Pancuronium Bromide your agency has provided to ADC. Please let us know when your employees would like to arrive at the Arizona State Prison Complex-Florence, located at Florence, Arizona, in order to pick up the drugs, as you indicated this is your preferred method of delivery and transportation.

Warden Carson McWilliams will facilitate the transfer to your staff. His contact information is:

[REDACTED]

I understand from you that your staff will contact him tomorrow morning to arrange a time to meet the Warden and take possession of the drug.

Charles

>>> "Kernan, Scott@CDCR" <Scott.Kernan@cdcr.ca.gov> 9/29/2010 11:04 AM >>>
Mr. Flanagan,

Sorry for delay in getting this information. Just wanted to make sure. Appears that we would need 12 grams minimum. We are going to start working now on procuring via the method you so kindly described. Thanks again for your help. Please let me know what your Director thinks and am sure either the Secretary or even the Governor could make a call if necessary. Look forward to hearing from you.

Scott

-----Original Message-----

From: McAuliffe, John@CDCR
Sent: Wednesday, September 29, 2010 10:14 AM

[REDACTED]
Subject: Re: Execution Protocol Drugs

Scott

21 grams would cover backup trays and training. Our minimum would be 12 grams.(2 trays for execution 2 for backup) We can use the 7 grams that expires on 1 Oct for training.

John

From: Cate, Matt@CDCR
To: [REDACTED]
Subject: FW: Import/Export Permit Application
Date: Tuesday, August 17, 2010 1:58:19 PM

From: Kernan, Scott@CDCR
Sent: Tuesday, August 17, 2010 1:58:17 PM
To: Cate, Matt@CDCR; Rice, Benjamin@CDCR
Subject: FW: Import/Export Permit Application
Auto forwarded by a Rule

FYI
Scott

From: McAuliffe, John@CDCR
Sent: Tuesday, August 17, 2010 12:44 PM
To: Kernan, Scott@CDCR
Cc: Gaddi, Kathy@CDCR
Subject: Import/Export Permit Application

Scott
For your review....
John

[REDACTED]
Office of Diversion Control
Drug Enforcement Administration
United States Department of Justice

Dear Sir;

First let me thank you again for taking the time to talk and assist us in finding a solution in procuring thiopental. As you are well aware, Title 21 United States Code (USC) Controlled Substances Act; Section 952; Importation of Controlled Substances; outlines exceptions for importation of Scheduled III controlled substances. Specifically,

- Such amounts of any controlled substance in Schedule III the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States
- During an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate.
- In any case in which the Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 823 of this title.
- In any case in which the Attorney General finds that such controlled substance is in limited quantities exclusively for scientific, analytical or research uses; may be so imported under such regulations as the Attorney General shall prescribe.

California Department of Corrections and Rehabilitation (CDCR) finds itself unfortunately meeting all of the above bullets. As we have discussed, I have had John McAuliffe (John.McAuliffe@cdcr.ca.gov) contact the Diversion Control Units in San Francisco [REDACTED]; Sacramento [REDACTED]; Oakland (Helpline) and Washington D.C. to get assistance in the procurement of Thiopental, a scheduled III controlled substance.

Thiopental is one of three chemicals that is authorized by the State of California for capital punishment by lethal injection. In May 2010, it was reported by the American Society of Health-System Pharmacists (ASHP) that there was a shortage of thiopental. This shortage was sparked by a manufacturing problem of thiopental as well as a shortage of propofol (a popular anesthetic used by anesthesiologist) which forced anesthesiologist to further deplete supplies of thiopental as a substitute. Additionally, CDCR had contact with numerous Compounding Pharmacies around the San Francisco Bay area with the same result and answer; **"Thiopental is getting very hard to find and the manufacturer (Hospira) has the drug on back order with no predicted new date for or when it might be available."**

CDCR has located a supply of sodium thiopental in Pakistan, specifically;

[REDACTED]

I am requesting help from your office to assist CDCR with the process of procuring the thiopental through the Import/Export Permit Application. We are requesting for the Warden of San Quentin State Prison be permitted to directly order the thiopental from Pakistan for delivery to San Quentin State Prison;

[REDACTED]

CDCR would be ordering 210 grams. The state of California's Lethal Injection Regulation, CDCR, Title 15; 3349; calls for a 500 mg/2.5% Kit (25 mg/mL) combination package with contents of 500 mg of Thiopental powder and 20mL flip top vial of sterile water to be mixed by appropriate execution team members. CDCR will be ordering from Pakistan 210 grams or 420 individual package kits of thiopental.

I look forward to talking to you and discussing this matter.

Scott Kernan
Undersecretary, Operations
California Department of Corrections and Rehabilitation
[REDACTED]

From: Cate, Matt@CDCR
To: [REDACTED]
Subject: FW: Lethal Injection/Sodium Thiopental
Date: Monday, August 02, 2010 4:20:12 PM

[REDACTED]

From: [REDACTED]
Sent: Monday, August 02, 2010 6:15 AM
To: [REDACTED]
Cc: [REDACTED]

[REDACTED]

[REDACTED]

Subject: Lethal Injection/Sodium Thiopental

In [REDACTED] the law provides that an execution must be inflicted by an ultra short-acting barbiturate, as well as other drugs. As many of you are aware, sodium thiopental is in short supply. At this point, [REDACTED] has an execution scheduled for [REDACTED] and we have not been successful in finding any sodium thiopental to carry out the execution. I understand that other states have run into this problem. Can you please advise me of the course of action that has been taken in this situation? Or, if anyone has any information on how to obtain this drug or any other ultra short-acting barbiturate, that would be extremely helpful.

Thank you.