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January 7, 2021

VIA EMAIL

Doug Langa
President
Novo Nordisk Inc.
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Jamie Haney
Corporate Vice President, Legal & General Counsel
Novo Nordisk Inc.
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Dear Mr. Langa and Ms. Haney:

We represent the American Hospital Association, 340B Health, the Association of American Medical Colleges, America's Essential Hospitals, National Association of Children's Hospitals d/b/a the Children's Hospital Association, American Society of Health-System Pharmacists, Avera St. Mary's Hospital, Riverside Hospital, Inc., d/b/a Riverside Regional Medical Center, and Dignity Health d/b/a St. Mary's Medical Center in a lawsuit filed in the Northern District of California against Secretary Alex Azar and the Department of Health and Human Services (HHS) challenging the Department's failure to enforce the statutory requirement that Novo Nordisk, Inc. (Novo Nordisk) and five other drugs companies provide 340B covered entities covered outpatient drugs at or below the 340B ceiling price when 340B drugs are dispensed from a contract pharmacy. *American Hospital Association et al v. Department of Health & Human Services et al.*, No. 3:20-cv-08806-YGR.

After the lawsuit was filed, the General Counsel of HHS issued an advisory opinion on December 30, 2020, in which the Department agrees with us that the 340B statute requires drug companies to provide 340B entities covered outpatient drugs at or below the 340B ceiling price when those covered entities use contract pharmacies to dispense the drugs. *See* Advisory Opinion 20-06 on Contract Pharmacies Under the 340B Program. Accordingly, Novo Nordisk's policy of (with limited exceptions) not providing 340B discounts to 340B hospitals when Novo Nordisk's

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Doug Langa
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January 7, 2021
Page 2

drugs are dispensed through contract pharmacies is in clear violation of the statute, and Novo Nordisk should immediately discontinue its illegal practice. In addition, Novo Nordisk should reimburse 340B entities for the damages they have incurred due to Novo Nordisk's policy.

If Novo Nordisk continues its illegal practice, we will continue to seek to require that HHS enforce the 340B statute, covered entities are reimbursed for damages caused by the illegal policy, and the matter is referred to the HHS Inspector General for the imposition of civil money penalties.

We look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "William B. Schultz". The signature is written in a cursive style with a small flourish at the end.

William B. Schultz
Margaret M. Dotzel