

This Week in 340B: August 20 – 26, 2024

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Find this week's updates on 340B litigation to help you stay in the know on how 340B cases are developing across the country. Each week we comb through the dockets of more than 50 340B cases to provide you with a quick summary of relevant updates from the prior week in this industry-shaping body of litigation.

Issues at Stake: Contract Pharmacy; Medicare Payment; Other

- In a case challenging HRSA's position on contract pharmacy arrangements, the parties filed a joint status report.
- In a breach of contract and unfair business practices case related to the activities of the 340B Prime Vendor, the United States Court of Appeals for the Ninth Circuit ruled in favor of the defendant, ruling that the plaintiff did not have a private right of action.
- In a breach of contract claim filed by a 340B Covered Entity against several related party Medicare Advantage plans, the court denied the defendants' motion to dismiss the first amended complaint.
- In 16 cases challenging proposed state laws governing contract pharmacy arrangements in Arkansas, the District of Columbia, Maryland, Minnesota, Missouri, and West Virginia:
 - AR: The court denied the plaintiff's motion to compel compliance with certain subpoenas and denied the respondents' motion to quash those subpoenas.
 - DC:
 1. In two cases challenging state laws governing contract pharmacy arrangements, the parties filed a joint status report.
 2. In a case challenging HRSA's position on contract pharmacy arrangements,

the parties filed a joint status report.

3. In a case challenging HRSA's position on contract pharmacy arrangements, the parties filed a joint status report.

- MD: In two separate cases challenging a state law governing contract pharmacy arrangements, a plaintiff filed a motion for a preliminary injunction and defendants filed a motion to dismiss. Subsequently, the court granted the defendants' motions to consolidate these two cases with two other similarly situated cases.
- MN: The plaintiffs filed amended complaints in two separate cases.
- MO: Two drug manufacturers separately filed suit against the Missouri Attorney General to challenge a state law governing contract pharmacy arrangements.
- MO: In a case challenging state law, the Missouri Hospital Association and Missouri Primary Care Association filed a motion to intervene and subsequent motion to dismiss. In the same case, the Missouri Attorney General filed a motion to dismiss for failure to state a claim and a memorandum in opposition to a motion for preliminary injunction previously filed by the drug manufacturer.
- WV: In two cases challenging proposed state laws governing contract pharmacy arrangements in West Virginia, four *amici* filed Briefs of *amici curiae* in support of defendant's opposition to preliminary injunction motions.

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