



William B. Schultz  
PARTNER  
Zuckerman Spaeder LLP  
wschultz@zuckerman.com  
202-778-1820

January 7, 2021

**VIA EMAIL**

Martine Rothblatt, Ph.D., J.D.  
Chairman, Chief Executive Officer and Director  
United Therapeutics Corporation  
1040 Spring Street  
Silver Spring, Maryland 20910  
[MRothblatt@unither.com](mailto:MRothblatt@unither.com)

Paul Mahon, J.D.  
Executive Vice President, General Counsel and Corporate Secretary  
United Therapeutics Corporation  
1040 Spring Street  
Silver Spring, Maryland, 20910  
[PMahon@unither.com](mailto:PMahon@unither.com)

Dear Dr. Rothblatt and Mr. Mahon:

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 United Therapeutics Corporation (United Therapeutics) 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, United Therapeutics' policy of substantially limiting 340B discounts to 340B providers when United Therapeutics'

1800 M STREET NW, STE. 1000, WASHINGTON, DC 20036-5807 | T 202.778.1800 | F 202.822.8106

ZUCKERMAN SPAEDER LLP | WASHINGTON, DC | NEW YORK | TAMPA | BALTIMORE

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

If United Therapeutics 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.

William B. Schultz  
Margaret M. Dotzel