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## **WHA, Others File Amicus Brief Opposing J&J's Unlawful 340B Drug Rebate Model**

WHA together with 36 other state hospital associations filed an amicus brief on Monday in the U.S. District Court for the District of Columbia urging the court to uphold the Department of Health and Human Services' decision to reject Johnson & Johnson's (J&J) rebate proposal for distribution of 340B program drugs.

"J&J's rebate proposal is an unlawful attempt to self-police the 340B Program and increase costs for 340B Program providers," WHA and the 36 other state hospital associations wrote.

"Allowing manufacturers to unilaterally implement 340B rebate models would transfer enforcement power from [HHS] to drug companies, permitting them to make their own determinations about whether covered entities are entitled to 340B pricing," states the association brief. "Providing 340B pricing through rebates would increase covered entity costs, in contradiction of the purpose of the 340B Program, and require covered entities to advance millions of dollars to cover increased drug costs while waiting for the manufacturer to decide in its sole discretion whether to grant a 340B rebate."

The joint state hospital association brief follows an amicus brief by the American Hospital Association and others on Feb. 28.

View the WHA and other state hospital association amicus brief [here](#). The AHA amicus brief is [here](#).