

## Medicaid Fraud Recoveries for States with FDA Rebuttable Presumption Provisions

| <b>State</b> | <b>Defendant(s)</b>           | <b>Allegations</b>                        | <b>Date</b> | <b>State Recovered</b> |
|--------------|-------------------------------|---|-------------|------------------------|
| CO           | Denver Medical Health Center  | Overbilling                               | 01/2012     | <b>\$1.1 million</b>   |
|              | Maxim Healthcare              | False billing (for services not rendered) | 09/2011     | <b>\$5.7 million</b>   |
|              | AstraZeneca                   | Off-label promotion/kickbacks             | 09/2010     | <b>\$2 million</b>     |
|              | Pfizer                        | Off-label promotion/kickbacks             | 11/2009     | <b>\$2.9 million</b>   |
|              | AstraZeneca/OrthoMcNeil/Mylan | Off-label promotion/kickbacks             | 11/2009     | <b>\$195,000</b>       |
|              | Aventis                       | Price inflation                           | 04/2009     | <b>\$421,000</b>       |
|              | Eli Lilly                     | Off-label promotion/kickbacks             | 01/2009     | <b>\$2.6 million</b>   |
|              | Cephalon                      | Off-label promotion                       | 12/2008     | <b>\$1.2 million</b>   |
|              | Merck                         | Price inflation                           | 02/2008     | <b>\$1.7 million</b>   |
| FL           | WellCare                      | Retention of overpayments/false reporting | 04/2012     | <b>\$54 million</b>    |
|              | Watson Pharmaceuticals        | Price inflation                           | 09/2011     | <b>\$20 million</b>    |
|              | Par Pharmaceuticals           | Price inflation                           | 08/2011     | <b>\$26 million</b>    |
|              | Walgreens                     | Overbilling                               | 09/2008     | <b>\$9.8 million</b>   |
| KS           | GlaxoSmithKline               | Price inflation                           | 02/2011     | <b>\$4.3 million</b>   |
|              | Forest Pharmaceuticals        | Off-label promotion/kickbacks             | 02/2011     | <b>\$1.5 million</b>   |
|              | Allergan                      | Off-label promotion/kickbacks             | 02/2011     | <b>\$111,786</b>       |
|              | Kos Pharmaceuticals           | Off-label promotion/kickbacks             | 02/2011     | <b>\$52,076</b>        |
| IN           | WellCare                      | Retention of overpayments/false reporting | 04/2012     | <b>\$922,000</b>       |

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|    |                      |                               |         |                       |
|----|----------------------|-------------------------------|---------|-----------------------|
|    | Merck                | Off-label promotion/kickbacks | 11/2011 | <b>\$2.7 million</b>  |
|    | EMD Serono Inc.      | Kickbacks                     | 05/2011 | <b>\$274,000</b>      |
|    | CVS Pharmacy         | Overbilling/price inflation   | 04/2011 | <b>\$858,000</b>      |
|    | Novartis             | Off-label promotion/kickbacks | 09/2010 | <b>\$1.6 million</b>  |
|    | AstraZeneca          | Off-label promotion/kickbacks | 09/2010 | <b>\$4.4 million</b>  |
|    | Allergan             | Off-label promotion/kickbacks | 09/2010 | <b>\$636,000</b>      |
|    | Novartis             | Off-label promotion           | 05/2010 | <b>\$176,000</b>      |
|    | Pfizer               | Kickbacks                     | 09/2009 | <b>\$3.7 million</b>  |
| MI | UCB                  | Off-label promotion           | 06/2011 | <b>\$862,000</b>      |
|    | GlaxoSmithKline      | Adulteration/kicbacks         | 10/2010 | <b>\$10.5 million</b> |
|    | Omnicare             | Overbilling                   | 09/2010 | <b>\$11.6 million</b> |
|    | Ortho-McNeil-Janssen | Off-label promotion/kickbacks | 07/2010 | <b>\$1.5 million</b>  |
|    | AstraZeneca          | Off-label promotion/kickbacks | 04/2010 | <b>\$7.7 million</b>  |
|    | Pfizer               | Off-label promotion/kickbacks | 09/2009 | <b>\$15 million</b>   |
|    | Eli Lilly            | Off-label promotion/kickbacks | 01/2009 | <b>\$26.4 million</b> |
| TN | EMD Serono           | Kickbacks                     | 05/2011 | <b>\$518,317</b>      |
|    | Novartis             | Off-label promotion/kickbacks | 10/2010 | <b>\$4.1 million</b>  |
|    | Kindred Healthcare   | Overbilling                   | 06/2009 | <b>\$1.3 million</b>  |
|    | Eli Lilly            | Off-label promotion/kickbacks | 01/2009 | <b>\$11.3 million</b> |

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|    |                        |   |         |                       |
|----|------------------------|---|---------|-----------------------|
|    | Bristol Meyers Squibb  | Price inflation/off-label promotion/kickbacks | 06/2008 | <b>\$3.5 million</b>  |
|    | CVS/Caremark           | Overbilling                                   | 03/2008 | <b>\$886,624</b>      |
|    | Merck                  | Price inflation                               | 02/2008 | <b>\$11.2 million</b> |
| UT | Novartis               | Off-label promotion/kickbacks                 | 10/2010 | <b>\$150,000</b>      |
|    | Eli Lilly              | Off-label promotion                           | 11/2009 | <b>\$24 million</b>   |
|    | Pfizer                 | Off-label promotion/kickbacks                 | 09/2009 | <b>\$3.5 million</b>  |
|    | Dey                    | Price inflation                               | 09/2009 | <b>\$1 million</b>    |
|    | Cephalon               | Off-label promotion                           | 09/2008 | <b>\$437,653</b>      |
|    | Bristol Meyers Squibb  | Price inflation/off-label promotion/kickbacks | 07/2008 | <b>\$2 million</b>    |
|    | Walgreens              | Overbilling                                   | 06/2008 | <b>\$42,000</b>       |
|    | Merck                  | Price inflation                               | 02/2008 | <b>\$2.3 million</b>  |
|    | Aventis                | Price inflation                               | 02/2008 | <b>\$66,955</b>       |
| WI | KV Pharmaceuticals     | False reporting                               | 03/2012 | <b>\$404,181</b>      |
|    | Dava Pharmaceuticals   | Misrepresenting rebate obligations            | 03/2012 | <b>\$51,391</b>       |
|    | UCB                    | Off-label promotion                           | 07/2011 | <b>\$224,629</b>      |
|    | Schwarz Pharma         | False reporting                               | 04/2011 | <b>\$164,187</b>      |
|    | Merck/Schering/Warrick | Price inflation                               | 03/2011 | <b>\$4.2 million</b>  |
|    | Allergan               | Off-label promotion/kickbacks                 | 01/2011 | <b>\$563,456</b>      |
|    | Forest Laboratories    | Off-label promotion/kickbacks                 | 01/2011 | <b>\$1.4 million</b>  |

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|  |   |                               |         |                      |
|--|---|-------------------------------|---------|----------------------|
|  | GlaxoSmithKline   | Adulteration/kickbacks        | 11/2010 | <b>\$2.1 million</b> |
|  | Dey   | Price inflation               | 09/2010 | <b>\$2 million</b>   |
|  | Ortho-McNeil-Janssen  | Off-label promotion/kickbacks | 09/2010 | <b>\$526,902.95</b>  |
|  | Novartis  | Off-label promotion/kickbacks | 05/2010 | <b>\$264,337</b>     |
|  | AstraZeneca   | Off-label promotion/kickbacks | 05/2010 | <b>\$4,420,111</b>   |
|  | Boehringer Ingelheim<br>Pharmaceuticals/Roxane/Ben<br>Venue | Price inflation               | 04/2010 | <b>\$7,750,000</b>   |
|  | Alpharma  | Kickbacks/false statements    | 03/2010 | <b>\$310,171.09</b>  |
|  | Otsuka  | Off-label promotion           | 02/2010 | <b>\$41,223.56</b>   |
|  | Omnicare  | Kickbacks                     | 12/2009 | <b>\$1.1 million</b> |
|  | Pfizer  | Off-label promotion/kickbacks | 09/2009 | <b>\$5 million</b>   |
|  | Aventis   | Price inflation               | 07/2009 | <b>\$923,230</b>     |
|  | Eli Lilly   | Off-label promotion/kickbacks | 03/2009 | <b>\$6.8 million</b> |
|  | Baxter  | Price inflation               | 02/2009 | <b>\$1 million</b>   |
|  | Amgen/Immunex   | Price inflation               | 12/2008 | <b>\$1.7 million</b> |

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Although New Jersey does not appear to include a “rebuttable presumption” provision, per the NC FDA defense chart, I have provided representative recoveries for New Jersey, as requested.

| State | Defendant(s)         | Date               | State Recovered      |
|-------|----------------------|--------------------|----------------------|
| NJ    | Kos Pharmaceuticals  | 12/2010            | <b>\$9.4 million</b> |
|       | Novartis             | 10/2010            | <b>\$1.3 million</b> |
|       | AstraZeneca          | 09/2010            | <b>\$4.4 million</b> |
|       | InterMUNE            | 08/2010            | <b>\$222,770</b>     |
|       | Alpharma             | 07/2010            | <b>\$80,363</b>      |
|       | Omnicare             | 05/2010            | <b>\$905,271</b>     |
|       | Ivax Pharmaceuticals | 05/2010            | <b>\$130,872</b>     |
|       | Aventis              | 05/2010            | <b>\$1.3 million</b> |
|       | Aventis              | 04/2010<br>11/2009 | <b>\$1 million</b>   |
|       | Otsuka               | 02/2010            | <b>\$45,217</b>      |
|       | Medtronic            | 01/2010            | <b>\$59,918</b>      |