

Arent Fox

Notice Regarding Refunds of 340B Overcharges for Products Manufactured by Impax Laboratories, Inc. (Labeler Code 00115)

Due to calculation errors, Impax Laboratories, Inc. ("Impax") is adjusting the prices made available to 340B Covered Entities from the third quarter of 2007 through the first quarter of 2010 for products bearing labeler code 00115.

When Impax recalculated its 340B prices, it found that, in some instances, the original 340B prices were higher than they should have been, while in other cases they were lower. Nonetheless, Impax did not net undercharges against overcharges when it arrived at the refund amounts due to affected 340B Covered Entities. Rather, Impax will refund each 340B Covered Entity in full for any identified overcharge. The aggregate amount due to be distributed in refunds to approximately 1,650 340B Covered Entities is \$525,000.

Impax will be working with Apexus, the 340B Prime Vendor, to validate pharmacy account information for affected 340B Covered Entities and facilitate the distribution of refunds to such affected 340B Covered Entity through wholesalers. In most instances, refunds will appear as credits on future invoices from the wholesalers to the affected 340B Covered Entities. If a Covered Entity no longer has a relationship with a wholesaler willing to process such refunds, it will receive a refund from Impax in the form of a check.

Affected 340B Covered Entities with questions about the refund process or otherwise may contact John Korte at (972) 910-6648 or via email at jkorte@340bpvp.com for additional information.