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OFFICE OF THE
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Florida Attorney General's Office News Release

Florida Attorney General's Office Secures More Than \$2.3 Million in Multistate Action from Pfizer-Owned Biohaven Pharmaceutical Company



TALLAHASSEE, Fla.—The Office of the Attorney General's Medicaid Fraud Control Unit secured more than \$2.3 million in a multistate action from pharmaceutical company Pfizer Inc., on behalf of its wholly-owned subsidiary Biohaven Pharmaceutical Holding Company Ltd. The action comes after allegations that Biohaven knowingly submitted or caused false claims to be submitted to the Medicaid program by paying kickbacks to health care providers to induce them to prescribe Biohaven's product, Nurtec ODT — a prescription medication for the treatment of migraine headaches. As part of this action, Pfizer agreed to pay \$2,300,449 to the Florida Medicaid program.

Acting Attorney General John Guard said, "I'm incredibly proud of our Medicaid Fraud Control Unit for leading the way in holding Biohaven accountable. Actions, like those alleged here, must be stopped to prevent health care fraud."

The multistate action resolves allegations that Biohaven paid kickbacks to providers to present at speaker programs which were held virtually, in providers' offices, or at offsite venues, such as high-end restaurants, to persuade them to prescribe Nurtec for Medicaid and other federal health care beneficiaries, in violation of the Anti-Kickback Statute. Biohaven paid some providers tens of thousands of dollars and in some cases more than \$100,000 for these speaker programs. Speaker programs were also attended by individuals with no educational need to attend, such as

the speaker's spouse or family members, friends and colleagues from the speaker's own practice. Additionally, some providers attended multiple programs on the same topic and received expensive meals and drinks paid for by Biohaven and received no educational benefit from attending the programs. Rather, Biohaven intended that the purchase of meals and drinks influence the providers to prescribe Nurtec.

A National Association of Medicaid Fraud Control Units team investigated the allegations and participated in settlement negotiations in conjunction with the United States Department of Justice and the U.S. Attorney's Office for the Western District of New York. Florida OAG MFCU Attorney Rebecca Sirkle led the NAMFCU team that included representatives from the attorneys general offices of California, New York and Virginia.

Due to the multistate action, Pfizer will pay millions of dollars, plus interest, collectively to Florida, the U.S., Puerto Rico and 37 other states to resolve the allegations set forth in lawsuits filed by a whistleblower under the *qui tam* provisions of the False Claims Act, which allow private parties to bring suit on behalf of the government and to share in any recovery. The case is captioned *United States et al. ex rel. Frattasio v. Biohaven Pharmaceuticals Holding Company Ltd.*, Case No. 6:21-CV-06539, filed in the U.S. District Court for the Western District of New York.

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The Florida Attorney General's Medicaid Fraud Control Unit investigates and prosecutes providers that intentionally defraud the state's Medicaid program through fraudulent billing practices. Medicaid fraud essentially steals from Florida's taxpayers. Additionally, the MFCU investigates allegations of patient abuse, neglect, and exploitation in facilities receiving payments under the Medicaid program.

The Florida MFCU is funded through a grant totaling \$30,510,157 for Federal Fiscal Year 2025, from the U.S. Department of Health and Human Services-Office of Inspector General. The Federal Share of these funds is 75% totaling \$22,882,620. The State Matching Share of these funds is 25% totaling \$7,627,537 and funded by Florida.