

Bayer Pays \$40 Million to Resolve Whistleblower Claims Alleging Kickbacks to Physicians and Hospitals to Prescribe Drugs

Healthcare Law Update

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Keith J. Roberts
Member and Chair, Litigation

Joseph M. Gorrell
Member, Healthcare

James J. Ko
Associate, Healthcare

BRACH | EICHLER LLC
Counselors at Law

On September 2, 2022, the Department of Justice (DOJ) [announced](#) that Bayer Corporation, a manufacturer of pharmaceutical products, agreed to pay \$40 million to resolve alleged violations of the federal False Claims Act and applicable state laws in connection with the drugs Trasyolol, Avelox, and Baycol. The settlement stemmed from two whistleblower lawsuits filed in 2005 and 2006 by a former Bayer employee.

According to the DOJ, Bayer paid kickbacks to hospitals and physicians to induce them to use the drugs Avelox, which treats bacterial infections, and Trasyolol, which controls bleeding in heart surgeries, and also marketed these drugs for off-label uses that were not reasonable and necessary. The whistleblower further alleged that Bayer downplayed the safety risks of Trasyolol. The whistleblower filed a second lawsuit relating to the drug Baycol, a statin that lowers cholesterol and prevents cardiovascular disease. That lawsuit alleged that Bayer downplayed Baycol's risks of causing rhabdomyolysis and misrepresented the efficacy of Baycol as compared to other statins. Trasyolol and Baycol were withdrawn from the market for safety reasons. Under the settlement, Bayer will pay \$38.9 million to the United States and \$1.14 million to 20 states and the District of Columbia. Bayer did not admit any wrongdoing.

[Click here to read the entire October 2022 Healthcare Law Update](#)

For more information, contact:

Keith J. Roberts | 973.364.5201 | kroberts@bracheichler.com

Joseph M. Gorrell | 973.403.3112 | jgorrell@bracheichler.com

James Ko | 973.403.3147 | jko@bracheichler.com