

Pharmacy

From independent pharmacies to wholesalers, manufacturers, health innovators, and investors, the pharmacy industry is navigating an era of intense regulation, consolidation, and transformation. To thrive, you need more than legal compliance—you need a partner who understands your business, anticipates risks, and drives results.

At Barclay Damon, our national Pharmacy Team offers comprehensive legal support tailored to the entire pharmacy ecosystem. The team brings together attorneys from a range of practice areas who are cross-trained in pharmacy law and have deep knowledge of the pharmacy industry. This structure allows team members to leverage their individual practice—whether focused on health care compliance, corporate, litigation, or government investigations—while collaborating seamlessly to provide multidisciplinary, comprehensive counsel tailored to our clients' evolving needs. We combine litigation and regulatory fluency, transaction experience, and industry insight to help protect your business, solve complex problems, and pursue bold opportunities.

Full-Service Legal Counsel for the Pharmacy Industry—Nationwide

Barclay Damon's Pharmacy Team works with clients at every point in the pharmacy supply chain and provide strategic, multidisciplinary legal services that draw on years of industry experience of the members.

Pharmacies rely on us for support with enrollments, audits, terminations, licensing, daily compliance, and long-term planning—whether they're a single location or multistate, multistore operators. Community, specialty, compounding, infusion, long-term care, and 340B pharmacies trust us to help them meet strict regulatory and contractual requirements while scaling services and expanding opportunities.

Wholesalers and manufacturers face ongoing operational and supply chain challenges. We help them navigate FDA oversight, distribution agreements, and drug pedigree compliance, ensuring continuity and strategic growth.

Private equity firms and investors benefit from our combined regulatory and transactional experience as we help them assess risk, structure deals, and manage compliance from pre-closing to exit.

We also advise startups and tech companies transforming how pharmacies operate. From software licensing, artificial intelligence, data security and protection, and HIPAA compliance to entity formation and venture funding, we help founders launch and scale responsibly.

Comprehensive Services for a Complex Industry

Barclay Damon brings together attorneys from across the firm to deliver a seamless, full-service experience. Our legal support covers the entire spectrum of what pharmacy-related businesses need to operate, grow, and defend their interests.

Regulatory and Compliance Guidance

Barclay Damon helps clients stay ahead and navigate contractual and regulatory challenges by developing proactive strategies and ensuring full compliance. Whether it's responding to a government or pharmacy benefit manager (PBM) investigation or audit or a desire to work with a new vendor, we guide you with clarity and speed.

We also support clients with HIPAA and cybersecurity issues, privacy protocols, and fraud and abuse risk mitigation.

Corporate Transactions and Investment

From single location sales to complex multi-entity acquisitions, we represent buyers, sellers, and investors across the pharmacy space. Our team handles due diligence, licensing, structuring, and integration with a deep understanding of the regulatory and PBM landscape that defines pharmacy deals.

We advise on business formation, corporate governance, structure, licensing, joint ventures, strategic alliances, and partnership agreements, supporting everything from strategic investments to multistate platform rollups.

Risk Mitigation, Litigation, and Investigations

We work to help clients prevent problems before they happen, but when disputes or investigations arise, we're ready to respond. Our team defends pharmacies and industry participants in PBM and government investigations, audits, enforcement actions, and litigation.

From PBM terminations to reimbursement disputes to federal investigations, including those by the Department of Justice, attorneys general, Office of Inspector General (OIG), Drug Enforcement Administration (DEA), Office of Professional Discipline, and other regulatory bodies, we bring experienced litigators and regulatory counsel to the table to protect your business and reputation.

Intellectual Property, Branding, and Technology

Your innovation and identity are assets worth protecting. We help clients secure and enforce trademarks, patents, and trade secrets. For tech companies and digital health platforms, we draft and negotiate licensing agreements, navigate HIPAA and data-sharing rules, and advise on compliance for platform-enabled pharmacy services.

Workforce, Tax, and Real Estate

As businesses expand, so do their operational needs. Our team advises on employment matters ranging from pharmacist contracts and HR compliance to non-compete enforcement and dispute resolution. We support tax strategy and structuring of entities of all sizes and in certain circumstances handle leasing, acquisition, and real estate development for pharmacy sites and offices.

Bankruptcy & Restructuring

Pharmacy businesses are not immune to financial distress—whether due to tightening margins, regulatory shifts, or broader market forces. Barclay Damon's Pharmacy Team also includes attorneys from the firm's nationally recognized Restructuring, Bankruptcy & Creditors' Rights Practice Area who have supported clients along the pharmacy supply chain facing financial challenges. We provide strategic counsel on out-of-court workouts, Chapter 11 and Chapter 7 reorganizations and liquidations, distressed acquisitions, Article 9 sales, and enforcement actions, always with a deep understanding of the unique regulatory and operational issues at play in the pharmacy industry.

Our multidisciplinary approach allows us to protect clients' interests in every phase of the restructuring process. We advise on DIP financing, 363 sales, creditor claims, PACA and 503(b)(9) issues, and preference or fraudulent transfer litigation. Whether helping a pharmacy operator restructure operations, guiding an investor through a distressed transaction, or defending a creditor's rights in bankruptcy court, we deliver practical, cost-effective solutions designed to preserve value, ensure compliance, and support long-term recovery.

Why Industry Leaders Choose Barclay Damon

We bring more than legal knowledge; we bring industry fluency. Our attorneys are deeply involved in organizations like the National Community Pharmacy Association and National Association of Specialty Pharmacy, giving us insight into emerging trends, enforcement priorities, and operational challenges before they hit your inbox.

Clients choose us because we're responsive, practical, and committed to helping them succeed. Whether serving as outside general counsel, helping a startup to market, or guiding a buyer through a transaction, we bring the same focus, actionable advice, strategic execution, and long-term value.

No matter where you sit in the pharmacy industry, Barclay Damon is ready to support your mission with legal counsel that goes beyond checklists and red tape.

Representative Experience

- Collaborated in the clearing, filing, and prosecution of trademark applications for the global rebranding of a pharmaceutical company.
- Successfully obtained a reversal of the termination of five pharmacy locations.
- Successfully appealed a PBM's audit findings related to "advisory" prescriptions on behalf of a NY pharmacy.
- Successfully obtained an injunction to delay the termination of a pharmacy contract after the client was terminated from the network for fraud.
- Successfully secured a preliminary injunction barring the NYS Department of Health from implementing dramatic cuts in Medicaid reimbursement for incontinence supplies. Through an Article 78 proceeding, plaintiffs alleged the severity of the cuts would eliminate local home-delivery-service networks, leaving a de facto mail-order system in its place. The Kings County Supreme Court issued a preliminary injunction in the plaintiffs' favor, barring the NYS Department of Health (DOH) from implementing the reduced rates through the pendency of the litigation, representing a big win for the DME and pharmacy provider communities.
- Served as outside general counsel to a regional pharmacy, pharmaceutical products, and long-term and assisted living consulting company in a \$14 million sale of assets.
- Represented the seller of a New York City-based specialty pharmacy in the sale of its assets to a strategic buyer in a transaction valued at \$10 million.
- Represent buyers and sellers of independent pharmacies in asset and equity transactions involving community-based retail pharmacies, specialty pharmacies, and compounding pharmacies.
- Successfully obtained dismissal on summary judgment of a claim for a \$2 million "finder's fee" arising from the sale of a pharmacy business.
- Represented a publicly traded pharmaceutical manufacturer in the drafting and negotiation of international product development agreements as well as patent and know-how license agreements.
- Mediated a claim against a multinational consumer goods company brought by a pharmaceutical company in the American Arbitration Association.