

December 13, 2018

Peter Mucchetti, Chief
Healthcare and Consumer Products Section, Antitrust Division
Department of Justice
450 Fifth Street NW, Suite 4100
Washington, DC 20530

Dear Chief Mucchetti,

I am an independent pharmacy owner in New Jersey and am writing to express my full opposition to the CVS-Aetna merger. Thank you for carefully considering the merger of these two excessively large corporations that together control a disproportionate share of the healthcare marketplace. Here are some things you may not know about CVS:

- Aetna sold its Medicare Part D business to WellCare Health Plans, Inc. but Wellcare uses CVS Caremark's in-house PBM to administer the Medicare Part D portion of its business. This will enable Caremark to maintain or increase CVS' market share.
- CVS Caremark fills prescriptions through its own retail chain and mail order despite its claims to maintain a "firewall" between its pharmacies and its PBM.
- Ohio recently terminated its state contract with Caremark because it overcharged the state \$225 million for Medicaid prescriptions.
- Kentucky recently fined CVS \$1.5 million for violations related to pharmacy reimbursement claims processing and providing inaccurate information to the state's Dept of Insurance.
- CVS Caremark negotiates and retains millions of dollars in drug manufacturer rebates, resulting in inflated and purposely non-transparent drug pricing.
- CVS does not allow the copay assistance drug makers offer to lower income patients for expensive specialty medications to count towards their annual deductible. As a result, patients end up paying more for medications without the benefit of the prescription benefit plan they pay for each month.
- CVS is a blatant offender of mandatory mail order pharmacy which has been proven to cost health plan sponsors more and result in millions of dollars wasted medications.
- On or about October 26, 2017 -- just 5 weeks prior to announcing its intended purchase of Aetna on December 3, 2017, CVS drastically cut reimbursements to independent community pharmacies across the U.S. These cuts marked the third time in 12 months that reimbursements had been cut without any prior notice to network pharmacies. CVS followed up these deep 4thquarter cuts with letters offering to buy small pharmacies due to "cuts to reimbursements".

These are just a few of the reasons why independent community pharmacies are vehemently opposed to the merger between CVS and Aetna. CVS and the two other PBM giants offer unfair "take it or leave it" contracts to independent community pharmacies. Since we are dedicated healthcare professionals, we must take the contracts because we have no alternative.

We cannot overstate the degree to which the giant corporate PBMs have abused the trust and goodwill of patients, consumers, taxpayers, medical providers and small business pharmacies. Our fear is the merger of the nation's largest pharmacy chain and pharmacy benefits manager with one of the largest health insurers will force patients to choose between the providers they have trusted for generations and the financial mistruths promulgated by an insensitive conglomerate.

Thank you for your consideration of the information provided here. On behalf of my pharmacy and all independent community pharmacies impacted by CVS' anticompetitive business practices, we hope you will rule against the merger and protect the relationship between patients and their community pharmacies.

Respectfully,



Brian Pinto RPh
Pharmacist-in-Charge/Owner
Tiffany Natural Pharmacy

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Also part owner in:

Bakers Pharmacy

[REDACTED]
[REDACTED]

Robinson Drug Shop

[REDACTED]
[REDACTED]

Belleville Pharmacy

[REDACTED]
[REDACTED]

Silverton Pharmacy

[REDACTED]
[REDACTED]

Wayne Pharmacy

[REDACTED]
[REDACTED]