

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

Dear Mr Muchetti,

It has come to my attention that the CVS / Aetna merger is on the verge of completion (or already "Officially Closed" according to the attached CV memo!)

How can it be legal that a competitor (CVS) has access (via Caremark) to my data and virtually every other pharmacy in the United States? If they are setting the reimbursement via Caremark and know what everyone else in the market is paying via Caremark, it has to be illegal. The CVS Caremark Company must be divested before they drive competitors out of business through these illegal practices.

In addition, how can it be legal for CVS Caremark has given concessions for transparency and equality in the state of Georgia, but will not extend those same concessions to other states? I have attached a copy of the concessions for your review.

I am asking for the department to review the antitrust implications of this merger, and assure patients will not be harmed by their actions. It is not good for patients, and it is anticompetitive for the marketplace.



S. Mark Hobbs, RPh



The state of Georgia has received multiple concessions as a result of efforts by the state insurance commissioner to protect patients from restrictions on access to care that would result from the merger. In response, the insurance commissioner demanded several patient and pharmacy protections before approving the merger – which CVS agreed to – including:

- CVS/Aetna must invite non-CVS health care providers (pharmacies, physicians, clinics, etc.) to join its networks, and must set the same criteria for all those providers.
- CVS/Aetna must allow Georgia patients to use any health care provider – in or out of network – if that provider accepts the same conditions as those within the network.
- CVS/Aetna cannot require patients to use CVS-owned pharmacies, period – not for regular prescriptions, refills, or specialty drugs. These concessions reduce the chance that a combined CVS/Aetna can limit patients' choice of health care providers. (As a pharmacy benefits manager, CVS Health already requires patients on some plans to get their specialty medications from CVS pharmacies. This practice will no longer be allowed in Georgia.)
- CVS/Aetna must disclose the amount of rebates it receives from drug makers and how much of those it passed on to insurers.

Bear in mind: These concessions apply in Georgia only!!!!

CVS Health Acquisition of Aetna Officially Closed

This update applies to:
All Network Pharmacies

States:
National

Lines of Business:
ALL

As of November 28, 2018, the CVS Health acquisition of Aetna has officially closed.

The transaction builds upon CVS Health's and Aetna's existing relationships by joining the convenience, community presence and trusted health care professionals of CVS Health with Aetna's extensive network of providers and deep experience with health plan members. Our new organization is focused on putting consumers at the center of their care, prevention and primary care, and addressing the rising costs of health care. Together, we can better drive innovation that helps build a simpler, more responsive and more affordable health care experience for consumers.

We will continue to work closely with our network partners and communicate any necessary updates. In the meantime, there will be no immediate changes in who you work with to address network participation and contracting, or to resolve questions or issues. Please continue to work with your Aetna business partners with respect to any Aetna Medicare Part D networks, and with your CVS Health contacts for all other CVS Health related network items.

In addition, there will be no change in how Aetna claims are submitted or adjudicated. Please continue to submit claims using the following (refer to Member ID card for RXPCN and RXGRP values):

RXBIN:	610591, 610502
RXPCN:	VARIES
RXGRP:	VARIES

Payer Sheets: For additional claim processing information, refer to the CVS Caremark Payer Sheets at caremark.com/pharminfo > NCPDP Payer Sheets.

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