

DEAR JUDGE LEON

12/4/18

SEVERAL YEARS AGO THE FTC AND POWERS THAT BE THOUGHT IT WOULD BE PERFECTLY FAIR TO ALLOW THE PHARMACY BENEFIT MANAGER (PBM) CAREMARK TO MERGE WITH MY COMPETITOR CVS PHARMACY, FORESEEING NO UNFAIR BUSINESS PRACTICES SUCH AS CVS IGNORING THE "FIREWALL" THAT WAS SUPPOSED TO EXIST TO PREVENT THEM FROM KNOWING MY PATIENT'S IDENTITY, PERSONAL INFORMATION AND CONTACT INFORMATION. BEING ABLE TO IDENTIFY MY PATIENTS CVS BEGAN WAITING LETTERS AND TELEPHONING THEM TO GET THEM TO SWITCH TO THEIR PHARMACY. SOME WERE ENTICED BY LOWER COPAYS, SOME BY THREATS THAT THEY WOULD NOT BE ABLE TO GET THEIR PRESCRIPTION BENEFITS AT MY PHARMACY, AND SOME WHO WERE JUST UNDER THE MISLEADING IMPRESSION THAT THEY HAD TO SWITCH FROM MY PHARMACY TO THEIRS. TODAY MY PATIENT BASE IS HALF OF WHAT IT WAS BEFORE THE MERGER AND I CONTINUE TO LOSE PATIENTS EVERY MONTH DUE TO THIS UNFAIR PLAYING FIELD THAT MY GOVERNMENT HELPED CREATE. HOW CAN IT BE GOOD FOR THE COUNTRY TO SLOWLY ELIMINATE SMALL INDEPENDENT PHARMACIES WHILE ALLOWING AN UNMONITORED BULLY GROW TO MAMMOTH PROPORTIONS WITH NO OVERSIGHT OR TRANSPARENCY. THEY REIMBURSE THEIR OWN PHARMACIES SUBSTANTIALLY MORE THAN MINE FOR THE SAME DRUG WHILE BILLING THE COMPANIES THEY REPRESENT FAR MORE THAN THEY PAY THE PHARMACY. I AM REIMBURSED LESS THAN MY COST ON MORE THAN 20% OF MY CLAIMS WHILE THEY DENY OVER 99% OF MY APPEALS. THEY OPERATE LESS LIKE THE WILD WEST OF THE 1800'S WHERE THE BIGGEST GUN RULES THE LAND AND MORE LIKE THE 1940'S OCCUPIERS OF PARIS, FRANCE. THEY HAVE BEEN FINED BY THE UNITED STATES GOVERNMENT OVER ONE HALF BILLION DOLLARS ON 15 DIFFERENT VIOLATIONS OF THE FALSE CLAIMS ACT, AND ALMOST 200 MILLION DOLLARS ON 12 VIOLATIONS OF THE CONTROLLED SUBSTANCE ACT. WAGE AND HOUR VIOLATIONS TOTAL OVER 8.7 MILLION DOLLARS ON 42 OFFENSES WHICH APPEARS TO BE A HABIT: ACCOUNTING FRAUD OR DEFICIENCIES TOTAL 20 MILLION DOLLARS. CONSUMER PROTECTION VIOLATIONS TOTAL ALMOST

8 MILLION DOLLARS. THERE HAVE BEEN 38 WORKPLACE SAFETY OR HEALTH VIOLATIONS TOTALING \$675 DOLLARS, OVER HALF A MILLION DOLLARS OF ENVIRONMENTAL VIOLATIONS, OVER A QUARTER MILLION IN CHILD LABOR OR YOUTH EMPLOYMENT VIOLATIONS. HHS CIVIL MONETARY PENALTIES TOTAL \$1,354,600 AND MEDICARE PART C AND D ENFORCEMENT ACTION TOTALS \$614,800. I'M NOT MAKING THIS UP - BUT THESE PENALTIES ARE JUST THE COST OF DOING UNETHICAL BUSINESS FOR THIS UNMONITORED BULLY. I CANT BEGIN TO EXPLAIN THE HIDDEN REBATES TO DRUG COMPANIES THAT DRIVE UP HEALTHCARE COSTS OR THE "SPREAD PRICING" WHICH OUR GOVERNMENT SEEMS TO BECOMMING INCREASINGLY AWARE OF AND HOW THEY HAVE BEEN ABLE TO OPERATE SO LONG WITHOUT DETECTION BUT SLOWLY BUT SURELY VARIOUS STATES LIKE OHIO AND VTAM AND MANY OTHERS ARE LEARNING OF THEM.

I WOULD URGE YOU NOT TO ALLOW A MERGER BETWEEN CVS AND AETNA FOR THE SAKE OF SMALL BUSINESS, FOR THE SAKE OF THE CONSUMER, AND FOR THE SAKE OF OUR COUNTRY, WHICH SOMETIMES MAKES MISTAKES THAT DO IRREPARABLE DAMAGE. THANK YOU FOR YOUR TIME IN READING MY LETTER.

SINCERELY,

Jonathan R. Brookland, Ph.D.