



NCPA Needs Your Help to Substantiate Claims Against CVS Caremark

The National Community Pharmacists Association (NCPA) has asked the Federal Trade Commission (FTC) to investigate CVS' use of patient data from its pharmacy benefit manager Caremark, alleging confidential patient information is being used to drive customers to the company's retail pharmacy business. NCPA asserts that, even though FTC and HHS have sanctioned CVS Caremark for alleged HIPAA privacy violations, the actions do not go far enough in protecting patient privacy, especially the misuse of data by Caremark in order to benefit its parent corporation CVS, and harm competition. According to CVS Caremark, these allegations are "unsubstantiated."

Do you have examples of CVS Caremark practices that you believe are harming your business and your patients? To convince FTC that there is a widespread pattern of anticompetitive behavior and patient privacy violations, **NCPA needs as many examples as possible, as soon as possible**, to use as exhibits in its efforts to get the FTC to reopen the 2007 merger that allowed CVS and Caremark to come together with no substantive firewalls. Please fax your answers to the following questions, using additional pages if needed, to NCPA at 703-683-3619 as soon as possible.

1. What examples do you have of CVS Caremark's behavior that you believe harms you or your patients? How many patients has this affected?
2. Can you provide documentation of these examples? If you can get anything from your patients who alerted you to the situation, it would be extremely helpful to show regulators.
3. Do you know the employer of these patients? The name of their health plan?
4. NCPA needs to assess the impact this has/could have on your business. Can you make an estimate on the percentage of your business that will be lost? What percentage of your third party payers is Caremark? What percentage of your reimbursement comes from Caremark?
5. We need to determine CVS's market share in your area. Can you estimate how dominant (or not) the company is in your town (e.g., is there a CVS on every corner or is there just one 40 miles away)?
6. Are you a Medicare Provider and how have your Medicare patients been affected?

NCPA thanks the many pharmacists who are continuing to send examples and documentation and ask you to join their efforts. An informative article from *Inside CMS* about NCPA's letter to the FTC about CVS Caremark is available for download at www.ncpanet.org/pdf/insidehealthpolicy.pdf. On March 18, NCPA filed comments on the FTC's proposed consent order re: CVS Caremark.

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**PROVIDING INDEPENDENT PHARMACY
WITH THE TOOLS TO STAY COMPETITIVE**

