

To the Centers for Medicare and Medicaid Services:

This complaint concerns an apparent attempt by Caremark to steer Medicare Part D patients/enrollees in two SilverScript prescription drug plans to CVS pharmacies over other community pharmacies that are also listed as preferred pharmacies in those plans' networks.

We have audited the SilverScript online enrollment process and found features that appear to push patients toward a default CVS pharmacy. We submit the following evidence of programming that appears to direct patients toward a CVS pharmacy:

1. The SilverScript website (<https://www.silverscript.com>) queries the patient to add information for one or more prescription drugs to get pricing. **After the patient submits a drug list, the program displays a single CVS pharmacy as the preferred pharmacy. No other pharmacies are listed, implying that the displayed CVS pharmacy is the only preferred pharmacy available.**
2. There is a non-intuitive "Edit" link just below the CVS pharmacy listing that allows the patient to do a ZIP code-based search and select an alternate pharmacy from a displayed list. **Note that the link does not read "Select A Different Pharmacy" or something else demonstrably clear.** Using the "Edit" link to select an alternate pharmacy does result in that pharmacy displaying on the screen as the selected preferred pharmacy.
3. However, when a patient attempts to compare plan costs for the entered drug(s) across all SilverScript plans (by clicking on "Total 2019 Costs"), **the other two plan options still show the CVS pharmacy as the default preferred pharmacy, even though the patient/enrollee just selected another pharmacy in the drug pricing process. If the patient edits or adds to the drug list, the program defaults back to a single CVS pharmacy.**
4. Caremark has created a barrier to patients to easily access pricing information by requiring them to separately select their desired pharmacy for each SilverScript plan option and to re-select that pharmacy every time their drug list is edited. This is not the case for the default CVS pharmacy. This creates a laborious, time-consuming process for the patient to obtain pricing information that requires repeated de-selection of a default CVS pharmacy.

I have enclosed with this complaint printouts of screens at silverscript.com that illustrate the specific issues discussed here.

We expect a level playing field when competing with CVS pharmacies and expect for our patients to be able to clearly and easily choose the pharmacy that they deem to be right for them. The silverscript.com enrollment and drug-pricing functions show clear bias for CVS pharmacies over others and make it intentionally difficult for patients to choose a non-CVS pharmacy. Given the legally mandated firewall that is supposed to exist between Caremark and CVS since their 2007 merger, the practices on silverscript.com represent disturbing favoritism by Caremark toward CVS.

Thank you for your attention. We urge that this issue be addressed and remedied in an expedited fashion, as the 2018 Open Enrollment Period is already underway.

Sincerely,

(Name & Title)

Name of Pharmacy(ies) & City/State

Your Phone Number & Email