

From: Braz, Madison <Madison.Braz@partner.vermont.gov>
Sent: Monday, October 7, 2019 12:36 PM
To: adiel.kaplan@nbcuni.com
Subject: Re: Public records act request

Dear Adiel Kaplan,

Please see attached in response to your public records act request dated October 2, 2019.

Madison Braz
Consumer Advisor

State of Vermont
Office of the Attorney General
Consumer Assistance Program
109 State Street
Montpelier, VT 05609-1001

Email: ago.cap@vermont.gov
Website: <http://www.uvm.edu/consumer>
Phone: (800) 649-2424 (toll free from VT phone)
Fax: (802) 304-1014

From: [Office of the Vermont Attorney General](#)
To: [AGO - Public Records Requests](#)
Subject: Public Records Request Form Form submitted on Office of the Vermont Attorney General
Date: Wednesday, October 2, 2019 5:01:11 PM

| | |
|--------------|--|
| Name | Adiel |
| Last Name | Kaplan |
| Organization | NBC News |
| Address | 30 Rockefeller Plaza 480E-4 New York, New York 10112 United States |
| Email | adiel.kaplan@nbcuni.com |
| Phone Number | (646) 689-3946 |

Please describe the records you are requesting and provide as much specificity as possible, including applicable date ranges.

Under the Vermont Public Records Law, §315 et seq., I am requesting a copy of the following records:

A copy of all consumer complaints submitted to the Attorney General's office from January 1, 2016 to the date this request is filled, concerning the following companies:

- CVS Caremark, CVS Specialty, Coram CVS (or any variations)
- Express Scripts (or any variations)
- OptumRX (or any variations)

Please fill this request electronically, by e-mail attachment if available or CD-ROM/flash drive if not. I request that the information be delivered in its original format, or as text-readable pdfs.

I am not requesting private, personally identifiable information, like social security numbers/insurance account numbers/or other information protected by HIPAA, and consent to redaction of that information from this request.

I request that you waive any processing fees. I am a member of the news media requesting these records for newsgathering, not for commercial usage. In the event there are fees to produce this data, please contact me before fulfilling this request if the fee is above \$10. Also please contact me if you have any questions or need clarification regarding this request.

If you deny any other part of this request, please state the specific statute you believe exempts the information from disclosure. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions under the law. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

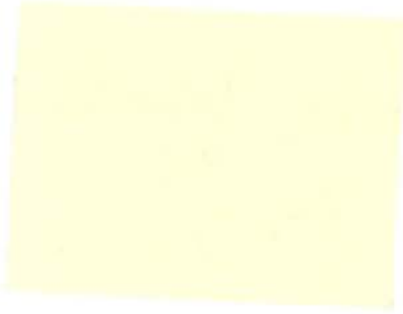
If you have any questions, please contact me at adiel.kaplan@nbcuni.com or


646-689-3946.

Thank you in advance for your anticipated cooperation in this matter. I request you response within within 2 days, or within 10 days for extraordinary circumstances, as the statute requires. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

Sincerely,
Adiel Kaplan

| | |
|---|--|
| Please take note of the following disclaimer: | <ol style="list-style-type: none">1. This public records request, including any associated correspondence, will be considered a public record in its entirety. As such, it will be made available to any member of the public upon request.2. Do not include any sensitive information, such as medical information, financial account numbers, or Social Security numbers. The AGO will contact you if additional information is required.3. Submission of this form does not constitute receipt of it by the AGO. Your public records request will be considered received on the next business day following its submission. |
| Agreement | I agree that I have read the directions and disclaimers on this form and that the information that I have provided is accurate to the best of my knowledge. Clicking the Declaration below is equivalent to my electronic signature. |
| Declaration (Required) | Declaration (Required) |
| Date Submitted | October 2, 2019 |




Brandon, VT 05733
April 15, 2019

T.J. Donovan, Vermont Attorney General
Attn: Consumer Assistance Program
109 State Street
Montpelier, VT 05609-1001

Dear Attorney General Donovan:

Enclosed is a copy of a letter with attachments dated April 14, 2019, that I sent to Tim Wentworth, President, Express Scripts and Cigna Services. It delineates an issue regarding an order that I placed through express-scripts.com and its subsequent delivery.

While the issue is personal to me, the greater issue is the collective number of people that may have also been affected by this unethical practice. Express Scripts is the largest company of its kind in the U.S. The representative I spoke with when I called the company on March 23 indicated they had received a lot of similar calls.

Thank you, in advance, for any appropriate attention to this matter!

Sincerely



Enclosures

Copy

[REDACTED]
Brandon, VT 05733

April 14, 2019

Tim Wentworth, President
Express Scripts and Cigna Services
1 Express Way
Saint Louis, MO, 63121-1824

Dear Mr. Wentworth:

Express Scripts became my Medicare Part D provider through a former employer as of January 1, 2019. I am writing in regard to an issue with the order and fulfillment of a prescription on express-scripts.com.

On March 17, 2019, I placed an order for a brand name ADVAIR Discus 100/50 inhaler (ADVAIR). At that time, it was my only option for a fluticasone propionate/salmeterol inhaler on your website. I made the selection, and received order confirmation [REDACTED] identifying the prescription as ADVAIR and the cost as \$50.00. I saved the order confirmation as a PDF (attachment A). The prescription arrived, and, indeed, it was the brand name drug ADVAIR (attachments B, C, and D). The invoice that accompanied the prescription (attachment E), however, stated that the cost was now \$80.00!

On March 23, 2019, I called Express Scripts customer service to ask why the cost of ADVAIR had been changed from \$50.00 to \$80.00 between the time I ordered it and the time I received it. A representative told me that there had been a switch, and that I had been sent the generic version of the drug, which cost \$80.00. She added that the generic version is always more expensive. I told her that my order confirmation stated that I ordered brand name ADVAIR, and that is what I had received. She confirmed for me that brand name drug ADVAIR cost \$50.00. In my frustration, the representative transferred me to a supervisor for additional help.

The supervisor identified herself as "Mary, ID #P64382," and told me the same thing as the representative, only over and over again! What I was sent was the generic drug and the generic drug costs more. When I tried to explain that I ordered the brand name ADVAIR Discus 100/50, which was my only option on express-scripts.com, and that I had an order confirmation saying such, it did not make any difference. Nor did it make a difference when I told her I had received ADVAIR, not a generic version. Mary continued to repeat what she had previously told me.

When I returned to the website following the call, the brand name ADVAIR Discus 100/50 was no longer listed as a prescription option for me. It listed only the pharmaceutical name; presumably, it is the generic version. It should be noted that ADVAIR Discus is manufactured by GlaxoSmithKline. Mylan Pharmaceuticals Inc. manufactures the only FDA approved generic version of ADVAIR. The 'generic version' did not have a trade name attached to it.

In sum, placing a label identifying the brand name ADVAIR Discus 100/50 inhaler as "Generic for: Advair Discus 60's" [60's refers to doses] does not make it a generic drug (attachment D). At the very least, the thinly veiled attempt at 'bait and switch' in addition to raising the price of the, so called, generic drug by 60% over the cost of the brand name drug are unconscionable.

On March 17, 2019, I ordered a prescription for a brand name ADVAIR Discus 100/50 fluticasone propionate/salmeterol inhaler on the express-scripts.com website. ADVAIR manufactured by GlaxoSmithKline is what I received, and that is what I am paying for. Enclosed please find a one-time usage check (#1903) in the amount of \$50.00 to cover the cost.

Yours truly,
[REDACTED]

Enclosures

cc: T.J. Donovan, Vermont Attorney General

PRA-CAP004

2019-10-07

[Prescriptions](#) [Benefits](#) [Account](#) [Help](#)

Attachment A
Plan Member: [REDACTED]
Order Confirmation -
03/17/2019

Your order has been submitted

Confirmation #: [REDACTED] March 17, 2019

We've got your order and payment. We'll send an email to [REDACTED] to confirm this transaction. You can track order and shipping status from your homepage or with our mobile app.

Shipping Address

[REDACTED]
Brandon, VT 05733

Payment Method

No payment is due at this time.
An invoice will be mailed to your billing address.

[Contact us](#)

[Go to my homepage](#)

[Print for your records](#)

Order Summary (1 item)

[REDACTED] (03/07/1947)

| Prescription | Qty/days supply | Total prescription cost | You pay |
|---|------------------|-------------------------|----------------|
| Advair Diskus 60's † 100/50 Rx# 190434214412 | 1/30 days | \$160.14 | \$50.00 |
| Prescription order: | | | \$50.00 |
| Shipping (Standard): | | | Free |
| Charges pending: | | | \$0.00 |

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[Prescriptions](#) [Benefits](#) [Account](#) [Help](#)

† = We'll send you a reminder by email when it's time to refill this medicine.

The cost of your prescription might vary based on your prescription benefit and the actual date we fill your prescription. In some instances, we can't process a prescription the same day you order it.

After we ship your prescription, you can see actual copay information by clicking on "Claims & Balances - Mail order payments" or "Order Status."

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This page was last updated on **03/17/2019**.

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Attachment B
Plan Member: [REDACTED]
Express Scripts Mailer for
ADVAIR Discus 100/50
(GlaxoSmithKline) - Conf.
[REDACTED]

IF CONTAINER IS UNTAPED, OPENED, TORN OR DAMAGED
DO NOT REPACK OR FORWARD TO RECIPIENT
RETURN TO SHIPPER

UofJMHnPick03 78

218789952



3354684579-N12

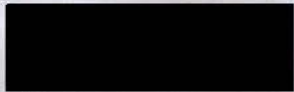
BOS



4750 E 450 South
Whitestown, IN 48075

PS LIGHTWEIGHT

Forwarding Service Requested



BRANDON, VT 05733 [REDACTED]

USPS TRACKING # eVS



162



Attachment C
Plan Member: [REDACTED]
ADVAIR Discus 100/50
(GlaxoSmithKline) - Order Process Date
03/18/2019 - Conf. [REDACTED]

NDC 0173-0695-00

ADVAIR DISCUS 100/50
(fluticasone propionate 100 mcg and salmeterol*50 mcg inhalation powder)

FOR ORAL INHALATION ONLY

*Each blister contains 100 mcg of fluticasone propionate and 72.5 mcg of salmeterol xinafoate, equivalent to 50 mcg of salmeterol base, with lactose.

Rx only

100/50

1 DISCUS Inhalation Device
Containing 1 Foil Strip of 60 Blisters

ADVAIR DISCUS 100/50
(fluticasone propionate 100 mcg and salmeterol*50 mcg inhalation powder)

100/50



Store at room temperature between 68°F and 77°F (20°C and 25°C); excursions permitted from 59°F to 86°F (15°C to 30°C) (See USP Controlled Room Temperature). Store in a dry place away from direct heat or sunlight. **Keep out of reach of children.** Discard ADVAIR DISCUS 1 month after opening the foil pouch or when the counter reads "0" (after all blisters have been used, whichever comes first).
Dosage: Use only as directed by your doctor.
IMPORTANT: Read the accompanying Patient Information leaflet carefully for further information.
Trademarks are owned by or licensed to the GSK group of companies.
©2018 GSK group of companies or its licensor.
GlaxoSmithKline
Research Triangle Park,
NC 27709
Made in France

For FREE information,
please visit our website at
advair.com
Or call 888-825-5249

6200000
0025537

0173-0695-00 0



100/50
 (fluticasone propionate 100 mcg and salmeterol 50 mcg inhalation powder)
 ADVAIR DISKUS 100/50
 2648888888 0123N/S
 P53W 0013101
 0202 AVN EXP
 00501/20095000 (10) 010

Instructions for using ADAIR DISKUS
 Read the Patient Information that comes with ADAIR DISKUS before you start using it and each time you get a refill. There may be new information.



Step 1. Open your ADAIR DISKUS.
 Hold the DISKUS in your left hand. Place the thumb of your right hand in the thumb grip and push it away from you as far as it will go until the mouthpiece snaps into place.

Sharon Greene

Use 1 Inhalation Twice A Day

Fluticasone/Salm(Advaair)Diskus
 60 100/50

Generic for: Advair Diskus 60'S

Call: 877.788.5810 Rx: 190771343012
 Refills: 11 (Reorder After: 03/26/2019)
 Pkg: 1 of 1 Qty Filled: 1
 Filled: 03/19/19 Rx Written: 02/12/19 RPH:
 Use By: **Refer To Package**
 PR: Harold Manning
 Markings: White Blot W/Dev
 Rinse mouth thoroughly after each use for inhalation only. Discard 30 days after opening.

Processed By: Express Scripts F12
 Dispensed By: Express Scripts
 2548 River 130 North
 Burlington, NJ 08015

INR P: FE4407730
 My GlaxoSmithKline
 User ID

1053441168

Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed.
 The medicine may not taste or feel like the original medicine. Do not take an extra dose from the DISKUS even if you do not taste or feel the medicine.
Step 4. Close the DISKUS. Make sure the DISKUS clicks shut and you cannot see the mouthpiece.
Step 5. Rinse your mouth with water after breathing in the medicine. Spit out the water. Do not swallow it.

Continued on side panel.

ADAIR DISKUS
 (fluticasone propionate 100 mcg and salmeterol 50 mcg inhalation powder)

Remember:

- Always use the DISKUS in a level, flat position.
- Make sure the lever firmly clicks into place.
- Hold your breath for about 10 seconds after inhaling. Then breathe out fully.
- After each dose, rinse your mouth with water and spit it out. Do not swallow the water.
- Do not take an extra dose, even if you did not taste or feel the powder.
- Do not take the DISKUS apart.
- Do not wash the DISKUS.
- Always keep the DISKUS in a dry place.
- Do not use the DISKUS with a spacer device.

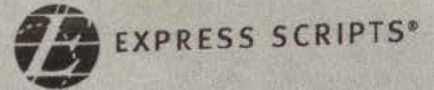
For live assistance with using your ADAIR DISKUS, call 1-800-884-0593. Visit www.advair.com

6200000025537
 Rev. 6/18

Attachment D
Plan Member: [REDACTED]
ADVAIR Discus 100/50 (GlaxoSmithKline) - Brand Name Drug with Express Scripts "Generic for: Advair Diskus 60's" label attached to the box. The generic version is manufactured by Mylan Pharmaceuticals Inc.



N/n



Invoice

Review your order and pay using the enclosed Payment Due options.

Invoice number: 12-018768349
Order number: 0003354584579
Plan member: [REDACTED]
Order process date: 03/18/2019

Attachment E (see below)

| | |
|--|------------------|
| Your payment summary information | |
| Cost for this package | \$ 80.00 |
| Payment(s)/adjustment(s) applied | \$ 0.00 |
| Shipping Cost | FREE |
| Previous Balance | \$ 59.60 |
| Total amount due | \$ 139.60 |
| See the Payment Due page for payment methods | |



Want to avoid the clutter of all the paperwork that comes with your medicine? Now, you can get most of these papers online! You'll get instant access to your invoice, refill forms and other key messages about your medicine. To sign up, just go to: express-scripts.com/green.

| Medication information | What you need to do next | You pay |
|--|--|----------|
| [REDACTED] FLUTICA/SALM(ADVAIR)DISKUS 60 Strength: 100/50 Qty: 1 Rx# 190771343012 NDC # 00173-0695-00 | You have 11 refill(s) before 02/05/2020. Refill after 03/26/2019. For fastest refills, simply refill at Express-Scripts.com. Or you can call 877.788.5810 or mail us the enclosed Refill Slip with order form and payment. | \$ 80.00 |



877.788.5810
24/7 access to pharmacists who are ready to help you with your medications.



Express-Scripts.com
First-time visitors please register. Have your ID # and a recent prescription number handy.

All items sold by Express Scripts are FSA eligible IAS items.

Order Conf. [REDACTED]
Plan Member: [REDACTED]
ADVAIR Discus 100/50 (GlaxoSmithKline)
Received. Charged for more expensive (!) generic version - Express Scripts Invoice

Previous balance of \$59.60 paid by electronic check [REDACTED] mailed for receipt by 03/14/2019. Check cleared on 03/20/2019.

ORD #: 0003354584579 Page 1 of 5



From: AGO CAP <ago.cap@vermont.gov>
Sent: Tuesday, August 13, 2019 12:03 PM
To: AGO - CAP
Subject: CAP Complaint

The following CAP complaint was submitted:

| | |
|---|--|
| Your First Name | ████ |
| Your Last Name | ████ |
| Your E-Mail Address | ████████████████████ |
| Your Daytime Phone | ██████████ |
| Daytime Phone Type | Home |
| Your Age | ██ |
| Your Mailing Address | ████████████████████ |
| Your City | Pownal |
| Your State | VT |
| Your Zip Code | 05261 |
| Is your complaint about: | Some other type of business |
| Business Name or Person's First Name | Express Scripts |
| Business Phone (1) | 800-282-2881 |
| Phone (1) Type | Office |
| Business E-Mail Address | express-scripts-pharmacy@orders.express-scripts.com |
| Business Address | 1 Express Way |
| Business City | St. Louis |
| Business | MO |

| | |
|---|--|
| State | |
| Business Zip Code | 63121 |
| Business Website/URL | https://www.express-scripts.com |
| Description | <p>My doctor prescribed FreeStyle Libre with the order to "use twice daily." I purchased my first 28 days from CVS (in Bennington, Vermont). Express Scripts is my prescription manager and they sent me an email to check their prices to "save money." I went to their website and the FreeStyle Libre was advertised as 7 packages (each 14 days) for a 90 day prescription for \$75.</p> <p>After I paid them money and the prescription was on the way, they called my doctor and had him change the prescription to one every 14 days and changed the prescription for 84 days and did not refund me any of my \$75. They didn't notify they were changing things and I didn't know anything changed until I received only 6 units. This will not cover 90 days.</p> <p>They also called my doctor and had the prescription changed to match what they were sending me, not what I was advertised and paid for.</p> <p>Now they won't give me the 7th they advertised referring to my "insurance won't cover that." But Express Scripts is my pharmacy manager - they ARE the insurance.</p> <p>I want either my 7th device or I want my price reduced by the 7% of the 90 days they are not covering.</p> <p>This is less about the money and more about truth in advertising and them making my doctor change prescriptions to shortchange healthcare consumers. Over a year, I would be shorted by 12 days.</p> |
| Amount of loss: | 5.25 |
| How would you like this matter to be resolved? | I would like my 7th monitor that they offered in their online order when I originally paid my money. |
| Incident Date | 8/12/2019 12:00:00 AM |

090616 Roisman (2).txt

From: [REDACTED]
Sent: Tuesday, September 06, 2016 3:58 PM
To: AGO - CAP
Subject: RE: Harassing medical calls

Hello Lauren,

Thank you so much. My mailing address is; [REDACTED], Windsor, VT 05089.
Telephone #
[REDACTED]

Sincerely,
Daniel Roisman

On Tue, 6 Sep 2016 19:23:13 +0000, AGO - CAP <AGO.CAP@vermont.gov> wrote:
Hello Daniel,

Thank you for contacting the Consumer Assistance Program. Our office would be happy to forward your concerns to Express Scripts and ask that they respond directly to our office with a resolution. In order to mediate your complaint, we ask that you respond to our office with your mailing address and daytime telephone number.

Please feel free to provide this information by responding to this email or by calling our office at 1-800-649-2424.

Sincerely,

Lauren Jandl
Consumer Advisor

Vermont Attorney General's Office
Consumer Assistance Program
109 State Street
Montpelier, VT 05609-1001

Email: ago.cap@vermont.gov
Phone: 1-800-649-2424 / 802-656-3183

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, September 02, 2016 5:14 PM
To: Consumer
Subject: Harassing medical calls

090616 Roisman (2).txt

To Whom It May Concern:

I have been receiving robo calls from a company called Express Scripts, for many months.. These calls start by asking if I am "Alice". The voice then goes on to tell me that my prescription is soon to run out, and I need to reorder, or I have no more refills on my prescription. I have tried calling the number provided by the robo, which is 800-316-9180. When I call this number I need to put in password to speak with someone (probably another robo), which I of course do not have. I have also tried going to the email site, but once again do not have a password to access anyone. I have emailed this company, but the calls keep coming. I amhoping that your office can contact this company, and call them off.

Thank you,
Daniel Roisman

From: [REDACTED]
To: [AGO - CAP](#)
Subject: Scam Report
Date: Tuesday, November 7, 2017 9:08:47 AM

Dear Mr. Donovan:

My wife has [REDACTED] cancer. She recently changed to a new oral chemo drug. It is supplied by CVS Specialty Pharmacy. She needs to get her prescription refilled every 3 weeks.

After successfully filling the prescription a couple of times, CVS informed us that we would have a \$450 out of pocket, co-pay cost. It took me three frustrating hours on the phone to finally connect the specialty pharmacy billing with our Medicare and supplemental insurance through CIGNA before they finally agreed that our co-payment should be 0.

The next day I went to the CVS pharmacy and again they wanted to charge a \$450 co-pay. My view is that essentially they are stealing. Billing people in hopes they will pay what they do not owe is stealing. After another hour and a half on the phone, they again conceded that my insurance covered the full cost and my co-pay was 0. Now I received another bill on line saying we owe \$114.37 (see below). Again, I had to call and again they eventually said it was their mistake and they would fix it.

Please understand the agony of dealing with a wife who has cancer. And then to have CVS trying to steal from me makes things even worse. Spending my days gearing up to make the phone calls, being put on hold and then fighting with CVS to straighten out their billing is far from a pleasant experience.

If I walked out of CVS with \$450 worth of merchandise you would put me in jail. How is this different? You would not accept an excuse from me that said "oops I made a mistake". So why do we accept an excuse from CVS that blames it on their billing system—always to their advantage.

I would love for you to take them to court (or at least threaten to do so). I would like a sympathetic jury to hear how they treat citizens of your state. I have no desire to gain financially, but I would love to see a huge settlement that we could distribute to worthy nonprofit organizations. All my phone calls have been recorded.

Thanks for your time. I am sorry if I sound like a crank and I am sure that other people are suffering much greater harm from our healthcare system. But maybe if we take these business tactics seriously and do not let companies like CVS get away with attempted petty larceny, it will be like cleaning up the graffiti in the subway stations. And it will give them an incentive to treat Vermonters more humanely.

Sincerely,

[REDACTED]

[REDACTED]

PS My wife's name is [REDACTED]



Your Account Balance is Due

Dear [REDACTED]

You currently have an outstanding balance of \$114.37 on your account with CVS Specialty™.

This amount does not include order we haven't shipped yet or orders that are waiting for payment from your insurance company. If you recently made a payment, please disregard this notice.



If you have questions, or would like to make a payment over the phone, call us at 1-800-250-9631, Monday through Friday, from 8 a.m. to 8 p.m. ET.

Sincerely,
Your CVS Specialty Team