

**From:** [Molly Jahn](#)  
**To:** [ETF SMB Board Feedback](#)  
**Cc:** [Glatczak, Deanna - Other](#)  
**Subject:** Formal complaint against Navitus for sending false information to subscribers  
**Date:** Wednesday, November 2, 2022 11:21:02 AM  
**Attachments:** [pharm term ltr.pdf](#)

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To the GIB,

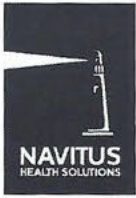
I am writing to request that you address this formal complaint about highly unethical behavior of Navitus during annual contract negotiations. I am a UW Madison employee who lives in Mt. Horeb and gets my prescriptions filled, as most of those of us who live in the village do, at the independent pharmacy in town because its service is better and the care is vastly better than at our Walgreens. On September 11, 2022 during the annual negotiations when no conclusion had been reached, Navitus took the highly unethical step of issuing a false letter of notice of pharmacy termination with a threat of interruption of service if immediate action weren't taken. The information conveyed in the letter at the time it was written was patently false and Navitus knew it. This letter was issued to all Navitus subscribers who were known to use independent pharmacies in the State, which were at that time negotiating as a group. None of those pharmacies had been terminated at the time this letter was written. This letter first, falsely asserts that the pharmacy in question has been terminated from the Navitus network. Second, this letter instructs customers to move their prescriptions "immediately" to avoid interruption of service to a pharmacy (one of the big chains) that was in network.

This letter was nothing other than an abuse of Navitus' access to their subscribers personal information in order to intimidate the independent pharmacies into separating as a bargaining unit and accepting extremely unfavorable terms. Using this personal information, Navitus then sent out false information with an instruction to recipients to take action immediately.

I would like to file a formal grievance against Navitus for sending me confusing and false information along with an instruction that would have compromised my care, had I followed it. Furthermore, the pharmacy in question has warned me that Navitus has threatened to terminate any pharmacy from the network for cause if any of their customers complain. My pharmacy has had no role in my concerns about this behavior on Navitus part. If Navitus terminates my pharmacy from the network because I am filing a grievance about a letter they sent that was only recently retracted (the retraction letter is dated 11 October but it was not received at my home until October 25th), then ETF should take further action against Navitus. Please let me know that ETF has investigated this situation, and if found accurate (please see the attached letter as documentation), please tell me what steps you are taking against Navitus for abusing their access to personal information, for issuing a letter with a patent lie, and for issuing a false instruction to change pharmacies immediately.

Thank you for your attention to this matter,

Margaret Jahn  
Professor, University of Wisconsin Madison



PO Box 999  
Appleton, WI 54912-0999

## PHARMACY TERMINATION

September 22, 2022



Robert Jahn  
[REDACTED]

### RE: PHARMACY TERMINATION NOTICE

Dear Robert Jahn:

**The purpose of this letter is to inform you that the below pharmacy will no longer be participating in the Navitus pharmacy network. This change will start on December 31, 2022.**

MOUNT HOREB FAMILY PHARMACY  
203 W MAIN ST  
MOUNT HOREB, WI 53572-1914

If you have an existing prescription through this pharmacy, valid refills will be honored until December 31, 2022. We recommend transferring your prescriptions to another participating pharmacy right away. Taking this action now will ensure you receive uninterrupted prescription service.

Please see the Frequently Asked Questions (FAQ) on the following page for answers to common questions and contact information.

Sincerely,

Navitus Health Solutions





**STATE OF WISCONSIN**  
**Department of Employee Trust Funds**  
A. John Voelker  
SECRETARY

Wisconsin Department  
of Employee Trust Funds  
PO Box 7931  
Madison WI 53707-7931  
1-877-533-5020 (toll free)  
Fax 608-267-4549  
[etf.wi.gov](http://etf.wi.gov)

November 4, 2022

Molly Jahn  
[REDACTED]

Dear Dr. Jahn:

Thank you for your email regarding the pharmacy termination notice from Navitus Health Solutions (Navitus), the Group Insurance Board's (Board's) Pharmacy Benefit Manager (PBM), dated September 22, 2022. I also read your comments about the letter in the "[Did Letters Mislead Local Customers about Pharmacy Coverage?](#)" article published on October 18, 2022, in the Mount Horeb Mail.

Receiving a letter stating that a long-trusted local pharmacy will no longer be in-network must have been very alarming to you and many of our members. Please know that ETF monitors all our vendors to make sure unwarranted communications are not sent.

Navitus alerted the Department of Employee Trust Funds (ETF) that AlignRx had stopped negotiating with Navitus in early September. Navitus stated that they would be sending the letter you received not only to ETF members but to all of their clients' participants that use those pharmacies. Navitus also informed ETF that while these pharmacies had hired AlignRx to negotiate on their behalf as a group, the individual pharmacies could still come to Navitus and negotiate on their own.

Under section 135B, page 30, of the "[State of Wisconsin Pharmacy Program Agreement](#)" between the Board and Navitus, Navitus is required to issue written notices to members enrolled in the pharmacy benefit before the It's Your Choice Open Enrollment period and identify participating pharmacies that will not be in-network for the upcoming benefit period. This provision allows members to make informed decisions about pharmacy networks and providers during the Open Enrollment period. This requirement also gives members—some of whom have 90-day prescriptions—enough time to find an in-network pharmacy for their next prescription fill, which could happen shortly after the first day of the new benefit year.

Open Enrollment for 2023 took place from September 26, 2022–October 21, 2022. Navitus sending the September 22, 2022, letter to members is consistent with the requirements of Navitus's contract with the Board. At the time the letter was sent by Navitus, the pharmacy referenced in your letter was not under contract with Navitus to be an in-network pharmacy on January 1, 2023.

Molly Jahn  
November 4, 2022  
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On October 3, 2022, Navitus informed ETF that Navitus and AlignRx had come to an agreement. Navitus would be issuing another letter to all participants who had received the September 22, 2022, letter informing them that an agreement had been reached and that their pharmacy would not be leaving the network. Navitus sent this second letter to ensure members had all of the information about their pharmacy coverage in 2023 before the end of the Open Enrollment period.

If Navitus terminates any pharmacy agreement with an in-network pharmacy during mid benefit year, they must send written notification as approved by ETF to all participants who have had services from that pharmacy in the past 12 months (see page 78, number four, on the “State of Wisconsin Pharmacy Benefit Programs Agreement” linked above). Therefore, if Navitus were to terminate any in-network pharmacy for cause if any of their customers complained ETF would know about it. The Pharmacy Benefits Programs Managers cannot recall any instance of a pharmacy’s agreement being terminated because one of the pharmacy’s patrons complained about Navitus. However, they will be on the lookout for any terminations of local pharmacies involved with AlignRx.

ETF takes allegations of unethical behavior by our vendors very seriously. ETF, along with the Board’s third-party auditor of the pharmacy benefit PillarRx, and the Legislative Audit Bureau will continue to monitor and evaluate Navitus’ performance in terms of handling members’ personal health information.

Again, thank you for your email. If you have any other questions, comments, or concerns please do not hesitate to contact me using the contact information provided below.

Sincerely,

Tricia Sieg, Pharmacy Benefits Program Manager  
Office of Strategic Health Policy  
Department of Employee Trust Funds  
[tricia2.sieg@etf.wi.gov](mailto:tricia2.sieg@etf.wi.gov)  
(608) 261-6006