

Congress of the United States
House of Representatives
Washington, DC 20515

October 21, 2022

The Honorable Seileen Mullen
Acting Assistant Secretary of Defense for Health Affairs
Defense Health Agency
7700 Arlington Blvd., Ste. 5101
Falls Church, VA 22042-5101

Dear Acting Assistant Secretary Mullen:

I write today regarding the recent TRICARE pharmacy contract renewal and Nebraska Medicine's experience with Cigna/Express Scripts (ESI) throughout this process.

Earlier this year, ESI negotiated a new in-network contract for TRICARE containing reimbursement rate reductions for providers. As a result of these changes, the TRICARE pharmacy network will be cut by roughly 15,000 providers affecting nearly 400,000 TRICARE beneficiaries.

Despite these reductions, Nebraska Medicine expressed their interest in remaining in-network to provide pharmacy services to their 10,000+ TRICARE patients at their various pharmacy locations.¹ After speaking with Nebraska Medicine, the following timeline of their correspondence raises questions regarding ESI's appropriate availability during this process:

9/13/22: Nebraska Medicine sent an email to ESI asking about their status in the TRICARE network based on patient feedback.

9/14/22: ESI responded via email saying, "A new TRICARE contract was sent to your pharmacy on 7/27 by fax and was due back by 8/11. The current solicitation period for participation in the Express Scripts Federal Network has expired. As such, we are unable to accept any additional contracts at this time."

9/15/22: Nebraska Medicine sent an email stating the fax was never received and asked for a contract to consider serving their patients.

9/20/22: ESI responded via email that although they appreciate Nebraska Medicine's commitment to its members the prior answer still stands, and they are unable to extend the deadline.

¹ Nebraska Medicine pharmacy locations include: The Nebraska Medical Center Clinic Pharmacy, The Nebraska Medical Center Bellevue Pharmacy, Nebraska Medicine Pharmacy at Lauritzen Outpatient Center, and University of Nebraska Health Center Pharmacy.

9/27/22: Nebraska Medicine responded via email requesting a fax transmission receipt to confirm that the contract had been sent to their pharmacy, which is a condition in the Provider Agreement, and again asked for consideration to stay in network as an accredited specialty pharmacy. No response was received from ESI.

10/3/22: Nebraska Medicine sent a follow up to the email sent on 9/27. No response was received from ESI.

10/10/22: Nebraska Medicine sent a follow up to the email sent on 9/27 and 10/3. No response ever received from ESI.

In the context of removing roughly 15,000 independent and community pharmacies from the TRICARE network in a short timeframe, this behavior from ESI is concerning. I respectfully request answers to the following questions regarding this situation:

1. Is the Defense Health Agency aware of other cases where ESI failed to provide receipt of contract renewal to pharmacies?
2. Why has ESI not responded to Nebraska Medicine's requests for receipt of notification as required by the provider agreement?
3. Is there a receipt of notification from ESI to Nebraska Medicine for July 27, 2022?
4. If no receipt of notification is found by ESI, will Nebraska Medicine be afforded any opportunity to remain in-network going forward?
5. What policy or guidance would prohibit ESI from entering into an independent contract with Nebraska Medicine to retain in-network status upon failure to notify the provider of contract renewal?
6. Was there any further attempt to communicate with Nebraska Medicine of the renewal process before the deadline of August 11, 2022?

Due to the urgency of this situation, I look forward to your answers.

Yours very truly,



Mike Flood
Member of Congress