

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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September 4, 2025

Mr. David Joyner
President & Chief Executive Officer
CVS Health
1 CVS Drive
Woonsocket, RI 02895

Dear Mr. Joyner:

The Committee on Oversight and Government Reform is investigating recent reports that CVS Health (or its subsidiaries) used confidential patient information, provided by customers to facilitate prescription drug coverage services, to influence members of the Louisiana legislature related to House Bill 358 (H.B. 358).¹ The Committee is concerned by the use of confidential patient information on June 11, 2025, to send a “mass text message” to thousands of Louisiana CVS customers, including state employee members of the Office of Group Benefits (OGB), for the purpose of influencing Louisiana legislators.²

H.B. 358 would prohibit providers in Louisiana from operating both PBMs and individual pharmacies.³ If the bill were signed into law, CVS Health, and its subsidiaries, would not be permitted to continue simultaneously operating CVS Caremark and its 119 Louisiana CVS Pharmacy locations.⁴ This apparent conflict of interest is problematic because CVS Caremark manages prescription drug plans for thousands of Louisianians and also contracts with the OGB, the insurance provider for Louisiana state employees.⁵ This text message campaign raises ethical and potential legal issues if indeed CVS Pharmacy used confidential patient information, obtained through a state contract, to lobby against H.B. 358.

The inflammatory and misleading text messages—which included threats of pharmacy location closures, increased prescription costs, and loss of service providers—sought to

¹ Letter from Jeff Landry, Governor of Louisiana, to Elizabeth “Liz” Murrill, Louisiana Attorney General (June 12, 2025); Governor Jeff Landry (@LAGovJeffLandry), X, (June 12, 2025, 11:50 AM), *available at* <https://x.com/LAGovJeffLandry/status/1933190123400622405/photo/1>.

² *Id.*

³ Louisiana House Bill 358, Permits a pharmacy technician to work remotely in certain circumstances (2025).

⁴ Erin Lowrey, *Louisiana attorney general taking ‘major legal action’ against CVS after mass texts*, WDSU 6 NEWS (last updated June 24, 2025).

⁵ Meghan Friedmann, *Louisiana attorney general investigating CVS texts on pharmacy benefit managers controversy*, NOLA.COM (June 12, 2025).

encourage CVS Pharmacy customers to contact Louisiana lawmakers to oppose the bill.⁶ This is concerning because CVS Pharmacy must comply with the Health Insurance Portability and Accountability Act (HIPAA)⁷ to access confidential patient information. Personal information provided by a patient for the purpose of receiving health care services, that can be used to identify that individual, including their phone number, e-mail address, home address, or Social Security number, is included under HIPAA's "protected health information" privacy rule.⁸ The HIPAA Privacy Rule does not include political advocacy or lobbying among the list of "uses and disclosures that may be made of patient information without an individual's authorization."⁹

CVS Pharmacy routinely uses its mass text messaging system to notify patients about prescription updates and other individualized patient information.¹⁰ Therefore, it appears CVS Health's use of protected patient information for the purposes of political advocacy may represent a violation of HIPAA. Further, given the wide breadth of CVS Health and its subsidiaries operations across the U.S., CVS Health could easily misuse confidential patient information in the future when similar legislative measures to Louisiana H.B. 358 are considered in other states or Congress.

Louisiana Attorney General Liz Murrill sent a cease-and-desist letter to you and other top CVS Health Executives, including Ed DeVaney, Executive Vice President and President of CVS Caremark, in response to these allegations.¹¹ CVS Health responded to the cease and desist letter by denying the use of any OGB membership information, stating they agree with Louisiana Governor Jeff Landry and Attorney General Murrill that "OGB data should not be used for this type of [political] outreach." On June 23, 2025, Attorney General Murrill filed three separate civil enforcement actions in state court against CVS Health alleging violations of the Louisiana Unfair Trade Practices Act for the text message campaign and the improper vertical and horizontal integration of Caremark within Louisiana's healthcare market.¹² CVS Health has not yet responded to Louisiana's complaint.

⁶ Thanh Troung, *Landry demands investigation after CVS mass text warns of pharmacy closures*, FOX 8; Erin Lowrey & Arielle Brumfield, *CVS sends urgent texts to Louisiana residents amid push to pass bill blocking PBMs*, WDSU 6 NEWS (June 12, 2025); and Meghan Friedmann, *Louisiana attorney general investigating CVS texts on pharmacy benefit managers controversy*, NOLA.COM (June 12, 2025).

⁷ The Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (Aug. 21, 1996).

⁸ Other requirements relating to uses and disclosures of protected health information, 45 C.F.R. § 164.514 (2000); *See Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule*, U.S. DEP'T OF HEALTH & HUMAN SERVICES (last updated Feb. 3, 2025); and *See also HIPAA PHI: Definition of PHI and List of 18 Identifiers*, UNIV. OF CALIFORNIA-BERKELEY (last visited June 25, 2025).

⁹ *The HIPAA Privacy Rule*, U.S. DEP'T OF HEALTH & HUMAN SERVICES (last updated Sept. 27, 2024); 45 C.F.R. Pt. 160, Pt. 164, Subparts A and E.

¹⁰ *Refill Reminders and Text Alerts*, CVS PHARMACY (last visited June 12, 2025), available at <https://www.cvs.com/retail/help/help-subtopic-refill-reminders-and-text-alerts>.

¹¹ Letter from Louisiana Attorney General Liz Murrill to David Joyner, President and CEO, CVS Health, et al. (June 12, 2025).

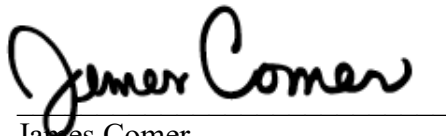
¹² *State of Louisiana v. CaremarkPCS Health, LLC & CVS Health Corp.*, C-2501216, St. Landry Parish, La. (June 23, 2025); *State of Louisiana v. CaremarkPCS Health, LLC & CVS Health Corp.*, C-2501217, St. Landry Parish, La. (June 23, 2025); and *State of Louisiana v. CaremarkPCS Health, LLC & CVS Health Corp.*, C-2501218, St. Landry Parish, La. (June 23, 2025).

As the President and CEO of CVS Health, you have control over corporate operations in the U.S., including the subsidiaries CVS Pharmacy and CVS Caremark.¹³ To assist the Committee's investigation, we request documents and communications regarding CVS Health's use of confidential patient information in Louisiana and in all other states covering the time period of January 1, 2020 to the present, unless otherwise indicated, as soon as possible but no later than September 18, 2025:

1. All documents and communications concerning CVS Health or its subsidiaries' policies for the collection and use of patient and customer personal health information for the purposes of political advocacy or lobbying;
2. A list of the information CVS Health or its subsidiaries collect from patients or any other customers;
3. All documents and communications among or between CVS Health or its subsidiaries concerning the use of customer and patient personal information in the June 11, 2025, text message campaign against H.B. 358;
4. All documents and communications among or between CVS Health and its subsidiaries concerning the use of personal customer and patient information for purposes of influencing the legislative process at the state or federal level; and
5. All documents and communications between and among CVS Health and its subsidiaries including meeting minutes, presentations, memos, or notes of CVS Health or its subsidiaries' plan to use personal patient or customer information outside of facilitating patient health and prescription drug care.

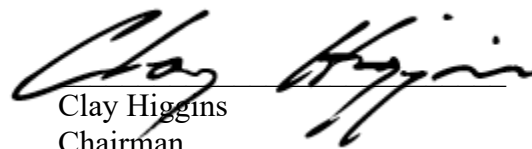
The Committee on Oversight and Government Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. To arrange for delivery of documents or to ask any related follow up questions, please contact the Committee on Oversight and Government Reform Majority staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,



James Comer
Chairman

Committee on Oversight and Government Reform



Clay Higgins
Chairman

Subcommittee on Federal Law Enforcement

¹³ *About CVS Health*, CVS HEALTH (last visited June 17, 2025), available at <https://www.cvshealth.com/about.html>.

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cc: The Honorable Robert Garcia, Ranking Member
Committee on Oversight and Government Reform

The Honorable Summer Lee, Ranking Member
Subcommittee on Federal Law Enforcement