

June 28, 2016

The Honorable Renata B. Hesse  
Principal Deputy Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Principal Deputy Assistant Attorney General Hesse:

The undersigned organizations are writing to express grave concerns with the potential anti-competitive impact of actions taken by many state-based regulators reviewing the proposed mergers of national health insurers Aetna with Humana and Anthem with Cigna.

The proposed mergers are likely to have a significant negative impact on both the cost and quality of care throughout the country, and would permanently change our nation's health care system for patients, physicians and other stakeholders. Yet many of the regulatory reviews conducted at the state level have left the public wondering if their interests are truly being protected.

- Many decisions are being made in secret, with no public input, even in states where there is anti-competitive overlap. FOIA efforts to get copies of documentation to better understand the rationale for these decisions have been met in multiple states by stonewalling and obfuscation.
- States holding public hearings have been few and far between.
- Some states are not reviewing the mergers at all, even though these mergers will remove two important companies in an industry with high barriers to entry and little actual entry at this time.
- The merger review process in Connecticut is embroiled in controversy, with concerns raised by the media, elected officials on both sides of the aisle and others. This is particularly troubling, given that Connecticut also serves as the lead state regulator in the Anthem-Cigna merger, facilitating and coordinating communication among states reviewing the merger.

In summary, we see a review process that too often lacks integrity and transparency and prevents public confidence in the decisions that have been or will be made.

Because of a review process that was flawed in many states, the undersigned organizations urge the Department of Justice (DOJ) to carefully review the mergers' impact on each state and on the country as a whole. We are relying on DOJ to use its expertise and enforcement power to protect people from the harm these mergers will cause.

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