



EXPRESS SCRIPTS®

November 9, 2015

Via FedEx

LINDEN CARE, LLC
130 CROSSWAYS PARK DR
STE 101
WOODBURY, NY 11797

ATTN: Pharmacy Owner

Re: Termination of Linden Care, NCPDP 3357387 ("Provider")

Dear Provider,

This letter represents notice of immediate termination of Provider by Express Scripts, Inc. ("ESI") and Medco Health Services Inc. ("Medco") (collectively, "Express Scripts").

Express Scripts has learned that Provider is a mail order pharmacy as opposed to a retail pharmacy. Being a retail pharmacy is a standard term and condition for participation in Express Scripts' retail network(s). Specifically, Provider agreed that it met the definition of "Retail Provider." ESI Provider Agreement § 1.4. The definition of Retail Provider explicitly excludes "mail order pharmacies." Based on recent review of Provider's claim activity, Express Scripts' has determined that Provider is primarily operating a mail order business. This is contrary to the terms of the Provider Agreement and directly contradicts the representations and warranties made by Provider to Express Scripts during the credentialing process.¹

Additionally, in order to participate in Express Scripts' pharmacy network, Provider is required to comply with all laws, rules and regulations. *See* Agreement, Section 2.7 ("Provider shall...comply with...all applicable laws, rules and regulations"). Based on a review of Provider's recent claims, Provider is regularly mailing drugs to members in states without the appropriate licensure. For example, in our preliminary review Express Scripts has identified hundreds of claims that have been billed to Express Scripts by Provider for members in Maryland. Provider's license for Maryland expired on 5/31/2014. Provider has also mailed drugs to California; however, Provider does not hold a license in California.

Based on the above, Express Scripts has determined it is appropriate to immediately terminate Provider Provider's Provider Agreement(s) in accordance with 4.2.c of the Provider Agreement(s) and Appendix B of the Provider Manual. Termination effective date is November 10, 2015, (the "Termination Date"). From and after the Termination Date, Provider will no longer be considered a participating provider.

¹ Provider's credentialing application dated 12/20/2013 discloses a significantly lower percentage of "mail order" than Provider's claim history establishes.



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Please retain a copy of this letter as Provider's official notice of termination. Should you have any questions regarding this notification, please contact me.

Regards,

A handwritten signature in black ink that reads "Wendy L. Barnes".

Wendy Barnes
Vice President and General Manager, Retail Network Management
Express Scripts, Inc.