

LAW OFFICE OF
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December 6, 2021

Via Hand Delivery

CVS Pharmacy #16937, NPI 1366464968
Garfield Beach CVS LLC
CVS Health Corporation
2295 N. Imperial Avenue
El Centro, California 92243-1335

Re: Illegal Refusal to Fill Prescriptions, Civil Rights Violations, Negligence

Dear Managers and Owners:

It has come to my attention that your pharmacy has refused to fill valid prescriptions for ivermectin. Your pharmacy manager told one customer that the refusal was because ivermectin was not FDA-approved for use in treatment of COVID-19. This same manager told the prescribing physician that she was “not comfortable” dispensing a prescription for ivermectin to treat COVID-19 and that there was “no indication” for the prescription.

The FDA does not “approve” uses at all. The FDA merely determines whether to approve or clear products for marketing and labelling of the “intended use” submitted to it. To be marketed, a product need only have a single intended use. All treatments beyond such intended use are a matter of discretionary medical practice by licensed physicians.

New “off-label” uses for drugs are often discovered after the FDA approves a package insert. Off-label use is legal and widely accepted practice. A manufacturer’s label is not proscriptive, and does not prohibit use for a longer period, or in any other manner not described in the labeling. The FDA cannot and does not prohibit physicians from prescribing off-label use. Any assertion that a prescription is invalid because it is off-label is utterly devoid of basis in law or fact. It is for the professional judgment of a licensed physician – and not a pharmacist or the FDA – to determine that an off-label prescription is appropriate treatment for a patient.

Ivermectin is an antiparasitic medication approved by the FDA for use in humans. Ivermectin is on the World Health Organization's Model List of Essential Medicines, and ivermectin oral tablets are used worldwide for treatment of certain parasitic infections. SARS-CoV-2 (which causes COVID-19) is such a parasitic infection. SARS-CoV-2 exhibits bacteriophage-like behavior as it replicates in bacterial growth medium such as are found in the human intestines.¹ *In vitro* studies have shown that ivermectin inhibits the replication of SARS-CoV-2.² And Dr. Anthony Fauci's National Institutes of Health (NIH) publishes:

“In 2015, the Nobel Committee for Physiology or Medicine, in its only award for treatments of infectious diseases since six decades prior, honoured the discovery of ivermectin (IVM), a multifaceted drug deployed against some of the world's most devastating tropical diseases. Since March 2020, when IVM was first used against a new global scourge, COVID-19, more than 20 randomized clinical trials (RCTs) have tracked such inpatient and outpatient treatments. Six of seven meta-analyses of IVM treatment RCTs reporting in 2021 found notable reductions in COVID-19 fatalities, with a mean 31% relative risk of mortality vs. controls. During mass IVM treatments in Peru, excess deaths fell by a mean of 74% over 30 days in its ten states with the most extensive treatments. Reductions in deaths correlated with the extent of IVM distributions in all 25 states with $p < 0.002$. Sharp reductions in morbidity using IVM were also observed in two animal models, of SARS-CoV-2 and a related betacoronavirus. The indicated biological mechanism of IVM, competitive binding with SARS-CoV-2 spike protein, is likely non-epitope specific, possibly yielding full efficacy against emerging viral mutant strains.”³

Moreover, Dr. Brian Tyson (no relation to yours truly) is the prescribing physician for the prescriptions at issue. Dr. Tyson is a world-renowned expert on the treatment of COVID-19. Dr. Tyson has testified nationally and internationally on topic, and he has **successfully treated more than 6,500 COVID-19 patients**. Dr. Tyson's professional judgment to prescribe ivermectin for a patient to treat COVID-19 is completely supported by the science, the law, and his extensive experience.

¹ Petrillo, M., Brogna, C., Cristoni, S., Querci, M., Piazza, O. and Van Den Eede, G., Increase of SARS-CoV-2 RNA load in faecal samples prompts for rethinking of SARS-CoV-2 biology and COVID-19 epidemiology., F1000 RESEARCH, 2021, ISSN 2046-1402, 10, p. 370, JRC122185.

² Caly L, Druce JD, Catton MG, Jans DA, Wagstaff KM. The FDA-approved drug ivermectin inhibits the replication of SARS-CoV-2 in vitro. *Antiviral Res.* 2020;178:104787.

³ Santin AD, Scheim DE, McCullough PA, Yagisawa M, Borody TJ. Ivermectin: a multifaceted drug of Nobel prize-honoured distinction with indicated efficacy against a new global scourge, COVID-19. *New Microbes New Infect.* 2021 Aug 3;43:100924. doi: 10.1016/j.nmni.2021.100924. PMID: 34466270; PMCID: PMC8383101.

CVS PHARMACY #16937, NPI 1366464968
GARFIELD BEACH CVS LLC
CVS HEALTH CORPORATION

Curiously, CVS had been filling ivermectin prescriptions for patients of Dr. Tyson for roughly two years, and only suddenly decided to stop. That decision is illegal, violates the civil rights of Dr. Tyson's patients, interferes with Dr. Tyson's ability to practice medicine, and constitutes the unlicensed and negligent practice of medicine by CVS. This letter is a courtesy request that you **immediately** resume the longstanding practice of filling Dr. Tyson's prescriptions for ivermectin. Fail not at your peril, as the next letter will be a formal notice of intent to sue. Thank you.

Sincerely,



Matthew P. Tyson