

BEFORE THE INDIANA  
BOARD OF PHARMACY  
2013 IBP 0073

IN THE MATTER OF THE INDIANA )  
NON-RESIDENT PHARMACY LICENSE OF )  
ESI MAIL PHARMACY SERVICE, INC. )  
LICENSE NUMBER 64000419A (ACTIVE) )



**COMPLAINT**

This complaint is brought against the non-resident pharmacy license of ESI Mail Pharmacy Service, Inc. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code ch. 25-26-13, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

**FACTS**

1. Respondent's address on file with the Indiana Professional Licensing Agency is 3684 Marshall Lane, Bensalem, Pennsylvania 19020.
2. Respondent is a licensed non-resident pharmacy in the State of Indiana having been issued license number 64000419A on July 25, 2002.
3. Respondent is owned by Express Scripts.
4. Respondent also holds a pharmacy license in Colorado and Michigan.
5. On or around March 16, 2011, the Colorado State Board of Pharmacy assessed a monetary fine against Respondent for failing to comply with Colorado's prescription drug monitoring program by committing six violations of the reporting requirements for the Board's Electronic Prescription Drug Monitoring Program (PDMP).

6. On or around October 10, 2012, Respondent entered into a Consent Order and Stipulation Agreement with the Michigan Board of Pharmacy, due to Respondent's license having been disciplined against it in Colorado. Respondent agreed to pay a \$5,000 fine.

**COUNT I**

7. Paragraphs 1 through 6 are incorporated by reference herein.

8. Respondent violated Ind. Code § 25-1-9-4(a)(7) in that Respondent has had disciplinary action taken against its Colorado and Michigan licenses on grounds similar to Ind. Code § 25-1-9-4(a)(3), to wit, Ind. Code ch. 35-48-7 & Ind. Code ch. 25-1-13 (failing to report to a drug monitoring program); and, Ind. Code § 25-1-9-4(a)(7).

**WHEREFORE**, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller  
Attorney General of Indiana  
Atty. No. 1958-98

By: D-R S-  
Darren R. Covington  
Deputy Attorney General  
Attorney No. 28511-16

**CERTIFICATE OF SERVICE**

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by  
United States mail, first-class, postage prepaid, on this 25th day of July, 2013.

ESI Mail Pharmacy Service Inc.  
3684 Marshall Ln.  
Bensalem, PA 19020

By: D-R-S  
Darren R. Covington  
Deputy Attorney General  
Attorney No. 28511-16

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