

1 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

2 In the Matter of:

3 ESI MAIL PHARMACY SERVICE, INC.)
4 DBA EXPRESS SCRIPTS)
5 1700 N. Desert Drive)
6 Phoenix, AZ 85072)
7 Pharmacy Permit Number Y03221)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 02-0002-PHR**

8 DIRECTED TO: ESI MAIL PHARMACY SERVICE, INC.
9 DBA EXPRESS SCRIPTS
10 1700 N. Desert Drive
11 Phoenix, AZ 85072

12 Pursuant to the foregoing Consent to Entry of Order, the evidence and records compiled and
13 contained in the file for ESI MAIL PHARMACY SERVICE, INC., DBA EXPRESS SCRIPTS ("ESI")
14 and for good cause appearing, the Board on this 7th day of March, 2002 enters the following Findings of
15 Fact, Conclusions of Law and Board Order concerning the matters of Notice of Hearing No. 02-0002-
16 PHR ("Notice").

17 **FINDINGS OF FACT**

- 18 1. ESI is the holder of Pharmacy Permit Number Y03221 issued by the Arizona State Board of
19 Pharmacy which permits the holder to operate a pharmacy in the State of Arizona.
20 2. ESI neither admits or denies the factual allegations in Section IV of the Notice.
21 3. The Board finds that ESI failed to facilitate communication between patients and a pharmacist
22 who had access to patients records at its limited service mail order pharmacy as required by A.A.C. § R4-
23 23-673 (G).

24 **CONCLUSIONS OF LAW**

- 25 1. The Board concludes that it has jurisdiction in this Matter pursuant to A.R.S. § 32-1932(A)
26 and A.A.C. § R4-23-608 (B).
2. The Board concludes that ESI violated A.R.S. § 32-1932(A) and A.A.C. § R4-23-608 (B).

ORDER

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2 1. ESI shall pay a civil penalty of one thousand dollars (\$1,000.00) for each allegation which has
3 not been the subject of a Board conference, for a total of two thousand dollars (\$2,000.00) payable to the
4 Board of Pharmacy within sixty (60) days of the date of this Order.

5 2. ESI agrees to implement and follow new Policies and Procedures related to its current
6 provision of a toll-free telephone service to improve communication between patients and a pharmacist
7 who has access to patient records at the pharmacy as required by A.A.C. § R4-23-673(G). The goal of
8 these new Policies and Procedures will be to provide complete, timely and efficient access to a licensed
9 pharmacist as necessary or as requested by a patient.

10 3. ESI agrees to reimburse the Board for the reasonable costs of up to six (6) inspections, whether
11 performed in person or via telephone, of the pharmacy which relate to verifying that ESI is in compliance
12 with A.A.C. § R4-23-673(G) within calendar year 2002.

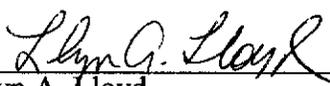
13 4. ESI shall obey all federal and state laws and rules governing the practice of pharmacy.

14 5. This Order shall resolve all issues involving consumer complaints and ESI prior to this date.

15 DATED this 7th day of March, 2002

16 ARIZONA STATE BOARD OF PHARMACY

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18 SEAL

19 By 
20 Lynn A. Lloyd
21 Executive Director
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1 Copies of the foregoing Findings
2 of Fact, Conclusions of Law and
3 Board Order mailed by certified
4 mail this 9th day of March, 2002 to:

5 ESI Mail Pharmacy Service, Inc.
6 dba Express Scripts
7 c/o Richard Cieslinski, Pharmacist in Charge
8 1700 N. Desert Drive
9 Phoenix, AZ 85072

10 and by Courier Mail to:

11 Victoria Martin
12 Assistant Attorney General
13 Office of the Attorney General
14 1275 W. Washington
15 Phoenix, AZ 85007
16 Attorney for the State

17 and

18 Victoria Mangiapane
19 Assistant Attorney General
20 1275 W. Washington
21 Phoenix, AZ 85007
22 Solicitor Generals Office
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