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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4026

12 **SEDAGHAT & TURA, INC. dba**  
13 **MIMI PHARMACY**  
14 **7111 Reseda Blvd.,**  
15 **Reseda, CA 91335**  
16 **Mimy Tura, Pharmacist-in-Charge**  
**(2/24/2003 to 3/1/2011) and President**  
**(9/15/2009 to 3/1/2011)**

**A C C U S A T I O N**

16 **Original Pharmacy Permit License No.**  
17 **PHY 46271**

18 and

19 **MIMI TURA**  
20 **19450 Lull Street**  
21 **Reseda, CA 91335**

21 **Original Pharmacist License No. RPH 45251**

22 Respondent.

24 Complainant alleges:

25 **PARTIES**

26 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
27 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

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1           9.     Section 4300.1 of the Code states:

2            “The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
3 operation of law or by order or decision of the board or a court of law, the placement of a license  
4 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
5 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
6 proceeding against, the licensee or to render a decision suspending or revoking the license.”

7                                   STATUTORY PROVISIONS

8           10.    Section 4301 of the Code states:

9            “The board shall take action against any holder of a license who is guilty of unprofessional  
10 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
11 Unprofessional conduct shall include, but is not limited to, any of the following:

12           ...

13           “(j) The violation of any of the statutes of this state, or any other state, or of the United  
14 States regulating controlled substances and dangerous drugs.

15           ...

16           “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
17 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
18 federal and state laws and regulations governing pharmacy, including regulations established by  
19 the board or by any other state or federal regulatory agency.

20           11.    Section 4312, subdivision (e) of the Code states:

21            “For the purposes of this section, "closed" means not engaged in the ordinary activity for  
22 which a license has been issued for at least one day each calendar week during any 120-day  
23 period.”

24           12.    California Code of Regulations, title 16, section 1761, states:

25            “(a) No pharmacist shall compound or dispense any prescription which contains any  
26 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
27 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
28 validate the prescription.



1 authorized narcotic treatment program, for the purpose of providing the user with controlled  
2 substances, sufficient to keep him or her comfortable by maintaining customary use.”

3 ...

4 17. Dilaudid is a trade name for the narcotic substance hydromorphone, is classified as a  
5 Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(j) and is  
6 a dangerous drug as defined in Business and Professions Code section 4022.

7 18. OxyContin is a brand name formation of oxycodone hydrochloride, is an opioid  
8 agonist and a Schedule II controlled substance with an abuse liability similar to morphine.  
9 OxyContin is for use in opioid tolerant patients only. It is a Schedule II controlled substance  
10 pursuant to Health and Safety Code section 11055(b)(1)(m) and is a dangerous drug as defined in  
11 Business and Professions Code section 4022.

12 19. Soma is a dangerous drug only during this time period not a controlled substance and  
13 is a centrally-acting skeletal muscle relaxant and is a dangerous drug as defined in Business and  
14 Professions Code section 4022.

15 20. Vicodin ES is the brand name for Hydrocodone with Acetaminophen. It is a  
16 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4)  
17 and is a dangerous drug as defined in Business and Professions Code section 4022.

18 21. Alprazolam, also known under the brand name Xanax, is a Schedule IV controlled  
19 substance as designated by Health and Safety Code section 11057(d)(1) and is a drug of the  
20 benzodiazepine class used to treat anxiety and panic attacks and is a dangerous drug as defined in  
21 Business and Professions Code section 4022.

22 22. Promethazine Codeine is a Schedule V controlled substance as designated by Health  
23 and Safety Code section 11058(c)(1) and is a dangerous drug as defined in Business and  
24 Professions Code section 4022.

25 23. Duragesic patch is a trade name for a fentanyl transdermal system. Fentanyl is an  
26 opioid analgesic whose primary effects are anesthesia and sedation. Duragesic is a Schedule II  
27 controlled substance as defined by section 11055(c)(8) of the Health and Safety Code and is a  
28 dangerous drug as defined in Business and Professions Code section 4022.

1 **CHARGES AND ALLEGATIONS**

2 24. On May 19, 2010, the Board received a complaint from Department of Health Care  
3 Services. The complaint stated that Respondent Tura had filled prescriptions for dangerous drugs  
4 early, filled prescriptions for Oxycontin in a quantity different than prescribed and non-licensed  
5 personnel performed Pharmacy Technician functions.

6 25. On or about October 18, 2010, a board inspector conducted an inspection of  
7 Respondent Pharmacy. However, Mimi Pharmacy was closed and a notice was attached to the  
8 door that the files were transferred to Walgreens. The board inspector contacted Respondent Tura  
9 and collected patient's records.

10 26. Respondent Tura was filling prescriptions early and prescriptions for controlled  
11 substances that were being filled more than 5 times. Respondent Tura and Pharmacy have been  
12 closed for more than 120 days without filling a prescription.

13 **FIRST CAUSE FOR DISCIPLINE**

14 (Filling of Erroneous or Uncertain Prescriptions and Failure to Assume Co-Responsibility in  
15 Legitimacy of a Prescription)

16 27. Respondent Tura and Pharmacy are subject to discipline under Code sections 4301(j)  
17 and/or 4301(o) in conjunction with Health & Safety Code section 11153 and California Code of  
18 Regulations, title 16, section 1761, in that from January 2, 2008 to March 12, 2009, Respondent  
19 Tura continuously and excessively filled and dispensed Dilaudid, OxyContin, Vicodin ES,  
20 Alprazolam, Promethazine Codeine and Duragesic patch prescriptions without a legitimate  
21 medical purpose, clearly falling below the standard of care of a reasonable prudent pharmacist.  
22 The circumstances are as follows:

23 a. On 9/2/2008, Respondent Tura filled 2 prescriptions for the same drug on the same  
24 day for patient FB<sup>1</sup>.

25 b. From 1/2/2008 to 12/5/2008, Respondent Tura filled 21 prescriptions for 7 or more  
26 days for patients FB.

27 <sup>1</sup> Initials are used to protect the privacy of the patients. Full names will be provided  
28 following a request for discovery.

1 c. From 3/14/2008 to 4/22/2008, Respondent Tura filled 3 prescriptions early for 6 or  
2 more days for patient WH.

3 d. From 4/8/2008 to 5/12/2008, Respondent Tura filled 2 prescriptions early for 9 or  
4 more days for patient RL.

5 e. From 3/11/2008 to 4/22/2008, Respondent Tura filled 5 prescriptions early for 5 or  
6 more days for patient DT.

7 f. On 2/25/2008, Respondent Tura filled 2 prescriptions for the same drug on the same  
8 day for patient VS.

9 g. From 2/14/2008 to 6/17/2008, Respondent Tura filled 12 prescriptions early for 8 or  
10 more days for patient VS.

11 h. On 8/8/2008, Respondent Tura filled 2 prescriptions for the same drug on the same  
12 day for patient SW.

13 i. From 4/1/2008 to 3/12/2009, Respondent Tura filled 22 prescriptions early for 7 or  
14 more days for patient SW.

15 j. From 3/18/2008 to 4/30/2008, Respondent Tura filled 3 prescriptions early for 9 or  
16 more days for patient EW.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Failure to Conduct Business)

19 28. Respondent Tura and Pharmacy are subject to disciplinary action under sections 4300  
20 and 4301(f) of the Code, on the grounds of unprofessional conduct, for violating section 4312(e),  
21 in that Respondents failed to conduct business as a pharmacy, at least one day each calendar  
22 week, during any 120-day period as more fully set forth above in paragraph 25 and 26.

23 **THIRD CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct)

25 29. Respondent Tura and Pharmacy are subject to disciplinary action under sections 4300  
26 and 4301(o) of the Code, on the grounds of unprofessional conduct, in that Respondent failed to  
27 conduct business as a pharmacy, as more fully set forth above in paragraph 28.

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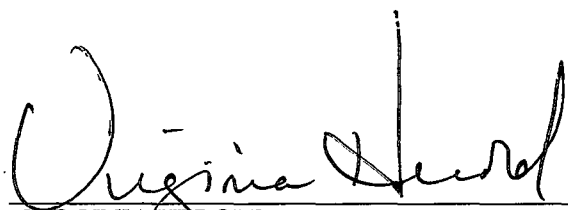
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Original Pharmacy Permit No. PHY 46271, issued to Sedaghat & Tura, Inc., to do business as Mimi Pharmacy; Mimy Tura, Pharmacist in Charge (2/24/2003 to 3/1/2011), President (9/15/2009 to 3/1/2011);
2. Revoking or suspending Original Pharmacist License Number RPH 45251, issued to Mimi Tura;
3. Ordering Mimi Pharmacy and Mimi Tura to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 8/9/13



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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