



California State Board of Pharmacy
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.
 BOARD OF PHARMACY

2014 MAR 26 PM 3:15

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Mimy Tura</u>	Case No. <u>4026</u>
Address of Record: <u>19450 Lull St</u> <u>Reseda CA 91335</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 4026, I hereby request to surrender my license, License No. R-PH 45251. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Mimy Tura
 Applicant's Signature

[Signature]
 Executive Officer's Approval

3-22-2014
 Date

4/4/14
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Citation Against:

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

Original Pharmacy Permit No. PHY 46271

Respondent.

Citation Case No. CI 2007 34571
OAH No. 2013030091

Citation Case No. CI 2009 44852
OAH No. 2013090309

Case No. 4026
OAH No. 2013090309

In the Matter of the Citation Against:

MIMY TURA
19450 Lull Street
Reseda, CA 91335

Pharmacist License No. RPH 45251

Respondent.

In the Matter of the Accusation Against:

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

Original Pharmacy Permit No. PHY 46271

and

MIMY TURA
19450 Lull Street
Reseda, CA 91335

Pharmacist License No. RPH 45251

Respondents.

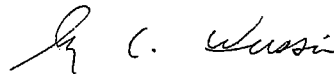
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 31, 2014.

It is so ORDERED on January 24, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
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Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 **In the Matter of the Citation Against:**
12 **SEDAGHAT & TURA, INC. dba**
13 **MIMI PHARMACY**
14 **7111 Reseda Blvd.,**
15 **Reseda, CA 91335**
16 **MIMY TURA, Pharmacist-in-Charge**
17 **(2/24/2003 to 3/1/2011) and President**
18 **(9/15/2009 to 3/1/2011)**
19 **Original Pharmacy Permit License No.**
20 **PHY 46271**
21 **Respondent.**

Citation Case No. CI 2007 34571
OAH No. 2013030091

Citation Case No. CI 2009 44852
OAH No. 2013090308

Case No. 4026
OAH No. 2013090309

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20 **In the Matter of the Citation Against:**
21 **MIMY TURA**
22 **19450 Lull Street**
23 **Reseda, CA 91335**
24 **Original Pharmacist License No. RPH 45251**
25 **Respondent.**
26 **and**

26 ///
27 ///
28 ///

1 **In the Matter of the Accusation Against:**

2 **SEDAGHAT & TURA, INC. dba**
3 **MIMI PHARMACY**
4 **7111 Reseda Blvd.,**
5 **Reseda, CA 91335**
6 **Mimy Tura, Pharmacist-in-Charge**
7 **(2/24/2003 to 3/1/2011) and President**
8 **(9/15/2009 to 3/1/2011)**

9 **Original Pharmacy Permit License No.**
10 **PHY 46271**

11 **and**

12 **MIMY TURA**
13 **19450 Lull Street**
14 **Reseda, CA 91335**

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

16 **Respondents.**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney
23 General.

24 2. Respondents Sedaghat & Tura, Inc. dba Mimi Pharmacy and Mimy Tura
25 ("Respondents") are represented in this proceeding by attorney Noah E. Jussim, whose address is
26 1800 Century Park East, 8th Floor, Los Angeles, CA 90067.

27 3. On or about September 15, 2009, the Board of Pharmacy issued Original Pharmacy
28 Permit License Number PHY 46271 to Sedaghat & Tura, Inc. dba Mimi Pharmacy; Mimy Tura,
Pharmacist in Charge (2/24/2003 to 3/1/2011), President (9/15/2009 to 3/1/2011) ("Respondent
Pharmacy"). The license was cancelled on March 1, 2011. The Original Pharmacy Permit was in

1 full force and effect at all times relevant to the charges brought herein and expired on February 1,
2 2011, and has not been renewed.

3 4. On or about March 26, 1992, the Board of Pharmacy issued Original Pharmacist
4 License Number RPH 45251 to Mimy Tura ("Respondent Tura"). The Original Pharmacist
5 License was in full force and effect at all times relevant to the charges brought herein and will
6 expire on February 28, 2014, unless renewed.

7 **JURISDICTION**

8 5. Citation No. CI 2007 34571 was issued by the Board of Pharmacy ("Board"),
9 Department of Consumer Affairs, and is currently pending against Respondent Pharmacy. The
10 citation and all other statutorily required documents were properly served on the Respondent
11 Pharmacy on June 30, 2010. Respondent Pharmacy contested the citation and filed a request for
12 appeal.

13 6. A copy of citation number CI 2007 34571 is attached as Exhibit "A" and incorporated
14 herein by reference.

15 7. Citation No. CI 2009 44852 was issued by the Board, Department of Consumer
16 Affairs, and is currently pending against Respondent Tura. The citation and all other statutorily
17 required documents were properly served on the Respondent Tura on June 30, 2010. Respondent
18 Tura contested the citation and filed a request for appeal.

19 8. A copy of citation number CI 2009 44852 are attached as Exhibit "B" and
20 incorporated herein by reference.

21 9. Accusation No. 4026 was filed before the Board, Department of Consumer Affairs,
22 and is currently pending against Respondent Pharmacy and Tura. The Accusation and all other
23 statutorily required documents were properly served on Respondent Pharmacy and Tura on
24 August 27, 2013. Respondents timely filed their Notice of Defense contesting the Accusation.

25 10. A copy of Accusation No. 4026 is attached as exhibit C and incorporated herein by
26 reference.

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1 **ADVISEMENT AND WAIVERS**

2 11. Respondent Pharmacy and Tura have carefully read, fully discussed with counsel, and
3 understands the charges and allegations in Citation No. CI 2007 34571, CI 2009 44852 and
4 Accusation No. 4026. Respondents have also carefully read, fully discussed with counsel, and
5 understands the effects of this Stipulated Settlement and Disciplinary Order.

6 12. Respondent Pharmacy and Tura are fully aware of their legal rights in this matter,
7 including the right to a hearing on the charges and allegations in the Citations and the Accusation;
8 the right to be represented by counsel at her own expense; the right to confront and cross-examine
9 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
10 to the issuance of subpoenas to compel the attendance of witnesses and the production of
11 documents; the right to reconsideration and court review of an adverse decision; and all other
12 rights accorded by the California Administrative Procedure Act and other applicable laws.

13 13. Respondent Pharmacy and Tura voluntarily, knowingly, and intelligently waives and
14 gives up each and every right set forth above.

15 **CULPABILITY**

16 14. Respondent Pharmacy and Tura admits the truth of each and every charge and
17 allegation in Citation No. CI 2007 34571, CI 2009 44852 and Accusation No. 4026. Respondent
18 Pharmacy and Tura agrees that their licenses are subject to discipline and agree to be bound by
19 the Board's probationary terms as set forth in the Disciplinary Order below.

20 **CONTINGENCY**

21 15. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
22 Pharmacy and Tura understands and agrees that counsel for Complainant and the staff of the
23 Board of Pharmacy may communicate directly with the Board regarding this stipulation and
24 settlement, without notice to or participation by Respondents or her counsel. By signing the
25 stipulation, Respondent Pharmacy and Tura understands and agrees that they may not withdraw
26 their agreement or seek to rescind the stipulation prior to the time the Board considers and acts
27 upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated
28 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall

1 be inadmissible in any legal action between the parties, and the Board shall not be disqualified
2 from further action by having considered this matter.

3 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
4 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
5 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

6 17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
7 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
8 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
9 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
10 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
11 writing executed by an authorized representative of each of the parties.

12 18. In consideration of the foregoing admissions and stipulations, the parties agree that
13 the Board may, without further notice or formal proceeding, issue and enter the following
14 Disciplinary Order:

15 **ORDER**

16 IT IS HEREBY ORDERED that the fine amount for Citation No. CI 2007 34571, issued to
17 Respondent Sedaghat & Tura, Inc., dba Mimi Pharmacy, is reduced from \$28,325,000.00 to the
18 revised amount of \$0.00. The fine amount for Citation No. CI 2009 44852, issued to Respondent
19 Mimy Tura, is reduced from \$28,325,000.00 to the revised amount of \$0.00. This is to resolve
20 Citation No. CI 2007 34571, CI 2009 44852 and Accusation No. 4026. The citations remains
21 unchanged in all other respects, and is considered final as of the effective date of the stipulated
22 settlement.

23 **DISCIPLINARY ORDER**

24 IT IS HEREBY ORDERED that Pharmacy License No. PHY 46271 issued to Respondent
25 Sedaghat & Tura, Inc. dba Mimi Pharmacy is revoked.

26 IT IS HEREBY ORDERED that Pharmacist License No. RPH 45251 issued to Respondent
27 Mimy Tura is revoked. However, the revocation is stayed and Respondent Mimi Tura is placed
28 on probation for five (5) years on the following terms and conditions.

TERMS APPLICABLE TO RESPONDENT
MIMY TURA

1. Suspension

As part of probation, Respondent Tura is suspended from the practice of pharmacy for one (1) year beginning the effective date of this decision.

During suspension, Respondent Tura shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent Tura shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.

Respondent Tura shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent Tura shall not direct or control any aspect of the practice of pharmacy. Respondent Tura shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the board.

Subject to the above restrictions, Respondent Tura may continue to own or hold an interest in any licensed premises in which she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

2. Obey All Laws

Respondent Tura shall obey all state and federal laws and regulations.

Respondent Tura shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

- 1 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 2 criminal complaint, information or indictment
- 3 • a conviction of any crime
- 4 • discipline, citation, or other administrative action filed by any state or federal agency
- 5 which involves Respondent Tura's Original Pharmacist License or which is related to
- 6 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
- 7 billing, or charging for any drug, device or controlled substance.

8 Failure to timely report such occurrence shall be considered a violation of probation.

9 **3. Report to the Board**

10 Respondent Tura shall report to the board quarterly, on a schedule as directed by the board
11 or its designee. The report shall be made either in person or in writing, as directed. Among other
12 requirements, Respondent Tura shall state in each report under penalty of perjury whether there
13 has been compliance with all the terms and conditions of probation. Failure to submit timely
14 reports in a form as directed shall be considered a violation of probation. Any period(s) of
15 delinquency in submission of reports as directed may be added to the total period of probation.
16 Moreover, if the final probation report is not made as directed, probation shall be automatically
17 extended until such time as the final report is made and accepted by the board.

18 **4. Interview with the Board**

19 Upon receipt of reasonable prior notice, Respondent Tura shall appear in person for
20 interviews with the board or its designee, at such intervals and locations as are determined by the
21 board or its designee. Failure to appear for any scheduled interview without prior notification to
22 board staff, or failure to appear for two (2) or more scheduled interviews with the board or its
23 designee during the period of probation, shall be considered a violation of probation.

24 **5. Cooperate with Board Staff**

25 Respondent Tura shall cooperate with the board's inspection program and with the board's
26 monitoring and investigation of Respondent's compliance with the terms and conditions of her
27 probation. Failure to cooperate shall be considered a violation of probation.

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1 **6. Continuing Education**

2 Respondent Tura shall provide evidence of efforts to maintain skill and knowledge as a
3 pharmacist as directed by the board or its designee.

4 **7. Notice to Employers**

5 During the period of probation, Respondent Tura shall notify all present and prospective
6 employers of the decision in Citation No. CI 2007 34571, CI 2009 44852 and Accusation No.
7 4026 and the terms, conditions and restrictions imposed on Respondent Tura by the decision, as
8 follows:

9 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
10 Respondent Tura undertaking any new employment, Respondent Tura shall cause her direct
11 supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during
12 Respondent's tenure of employment) and owner to report to the board in writing acknowledging
13 that the listed individual(s) has/have read the decision in case number Citation No. CI 2007
14 34571, CI 2009 44852 and Accusation No. 4026 and terms and conditions imposed thereby. It
15 shall be Respondent Tura's responsibility to ensure that her employer(s) and/or supervisor(s)
16 submit timely acknowledgment(s) to the board.

17 If Respondent Tura works for or is employed by or through a pharmacy employment
18 service, Respondent Tura must notify her direct supervisor, pharmacist-in-charge, and owner at
19 every entity licensed by the board of the terms and conditions of the decision in case number CI
20 2007 34571, CI 2009 44852 and Accusation No. 4026 in advance of the Respondent Tura
21 commencing work at each licensed entity. A record of this notification must be provided to the
22 board upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of Respondent Tura undertaking any new employment by or through a pharmacy
25 employment service, Respondent Mimi shall cause her direct supervisor with the pharmacy
26 employment service to report to the board in writing acknowledging that she has read the decision
27 in Citation No. CI 2007 34571, CI 2009 44852 and Accusation No. 4026 and the terms and
28

1 conditions imposed thereby. It shall be Respondent Tura's responsibility to ensure that her
2 employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

3 Failure to timely notify present or prospective employer(s) or to cause that/those
4 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
5 probation.

6 "Employment" within the meaning of this provision shall include any full-time,
7 part-time, temporary, relief or pharmacy management service as a pharmacist or any
8 position for which a pharmacist license is a requirement or criterion for employment,
9 whether the respondent is an employee, independent contractor or volunteer.

10 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
11 **Designated Representative-in-Charge, or Serving as a Consultant**

12 During the period of probation, Respondent Tura shall not supervise any intern pharmacist,
13 be the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
14 board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
15 unauthorized supervision responsibilities shall be considered a violation of probation.

16 **9. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, Respondent Tura shall pay
18 to the board its costs of investigation and prosecution in the amount of \$10,000.00. Respondent
19 Tura shall make said payments as follows: on a payment plan approved by the Board.

20 There shall be no deviation from this schedule absent prior written approval by the board or
21 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
22 probation.

23 The filing of bankruptcy by Respondent Tura shall not relieve Respondent Tura of her
24 responsibility to reimburse the board its costs of investigation and prosecution.

25 **10. Probation Monitoring Costs**

26 Respondent Tura shall pay any costs associated with probation monitoring as determined by
27 the board each and every year of probation. Such costs shall be payable to the board on a
28

1 schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as
2 directed shall be considered a violation of probation.

3 **11. Status of License**

4 Respondent Tura shall, at all times while on probation after the one (1) year suspension,
5 maintain an active, current license with the board, including any period during which suspension
6 or probation is tolled. Failure to maintain an active, current license shall be considered a
7 violation of probation.

8 If Respondent Tura's license expires or is cancelled by operation of law or otherwise at any
9 time during the period of probation, including any extensions thereof due to tolling or otherwise,
10 upon renewal or reapplication Respondent Tura's license shall be subject to all terms and
11 conditions of this probation not previously satisfied.

12 **12. License Surrender While on Probation/Suspension**

13 Following the effective date of this decision, should Respondent Tura cease practice due to
14 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
15 Respondent Tura may tender her license to the board for surrender. The board or its designee
16 shall have the discretion whether to grant the request for surrender or take any other action it
17 deems appropriate and reasonable. Upon formal acceptance of the surrender of the license,
18 Respondent Tura will no longer be subject to the terms and conditions of probation. This
19 surrender constitutes a record of discipline and shall become a part of the Respondent Tura's
20 license history with the board.

21 Upon acceptance of the surrender, Respondent Tura shall relinquish her pocket and wall
22 license to the board within ten (10) days of notification by the board that the surrender is
23 accepted. Respondent Tura may not reapply for any license from the board for three (3) years
24 from the effective date of the surrender. Respondent Tura shall meet all requirements applicable
25 to the license sought as of the date the application for that license is submitted to the board,
26 including any outstanding costs.

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1 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

3 Respondent Tura shall notify the board in writing within ten (10) days of any change of
4 employment. Said notification shall include the reasons for leaving, the address of the new
5 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
6 Tura shall further notify the board in writing within ten (10) days of a change in name, residence
7 address, mailing address, or phone number.

8 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
9 phone number(s) shall be considered a violation of probation.

10 **14. Tolling of Probation**

11 Except during periods of suspension, Respondent Tura shall, at all times while on
12 probation, be employed as a pharmacist in California for a minimum of 40 hours per calendar
13 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
14 the period of probation shall be extended by one month for each month during which this
15 minimum is not met. During any such period of tolling of probation, Respondent Tura must
16 nonetheless comply with all terms and conditions of probation.

17 Should Respondent Tura, regardless of residency, for any reason (including vacation) cease
18 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
19 Respondent Tura must notify the board in writing within ten (10) days of the cessation of
20 practice, and must further notify the board in writing within ten (10) days of the resumption of
21 practice. Any failure to provide such notification(s) shall be considered a violation of probation.

22 It is a violation of probation for Respondent Tura's probation to remain tolled pursuant to
23 the provisions of this condition for a total period, counting consecutive and non-consecutive
24 months, exceeding thirty-six (36) months.

25 "Cessation of practice" means any calendar month during which respondent is
26 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and
27 Professions Code section 4000 et seq . "Resumption of practice" means any calendar
28 month during which respondent is practicing as a pharmacist for at least forty (40)

1 hours as a pharmacist as defined by Business and Professions Code section 4000 et
2 seq.

3 **15. Violation of Probation**

4 If Respondent Tura has not complied with any term or condition of probation, the board
5 shall have continuing jurisdiction over Respondent Tura, and probation shall automatically be
6 extended, until all terms and conditions have been satisfied or the board has taken other action as
7 deemed appropriate to treat the failure to comply as a violation of probation, to terminate
8 probation, and to impose the penalty that was stayed.

9 If Respondent Tura violates probation in any respect, the board, after giving Respondent
10 Tura notice and an opportunity to be heard, may revoke probation and carry out the disciplinary
11 order that was stayed. Notice and opportunity to be heard are not required for those provisions
12 stating that a violation thereof may lead to automatic termination of the stay and/or revocation of
13 the license. If a petition to revoke probation or an accusation is filed against Respondent Tura
14 during probation, the board shall have continuing jurisdiction and the period of probation shall be
15 automatically extended until the petition to revoke probation or accusation is heard and decided.

16 **16. Completion of Probation**

17 Upon written notice by the board or its designee indicating successful completion of
18 probation, Respondent Tura's license will be fully restored.

19 **17. Community Services Program**

20 Within sixty (60) days after the end of the one (1) year suspension of Respondent's
21 pharmacist license, Respondent Tura shall submit to the board or its designee, for prior approval,
22 a community service program in which Respondent Tura shall provide free health-care related
23 services on a regular basis to a community or charitable facility or agency for 120 hours over the
24 last four (4) years of probation. Within thirty (30) days of board approval thereof, Respondent
25 Tura shall submit documentation to the board demonstrating commencement of the community
26 service program. A record of this notification must be provided to the board upon request.
27 Respondent Tura shall report on progress with the community service program in the quarterly
28 reports. Failure to timely submit, commence, or comply with the program shall be considered a

1 violation of probation.

2 **18. Remedial Education**

3 Within sixty (60) days of the effective date of this decision, Respondent Tura shall submit
4 to the board or its designee, for prior approval, an appropriate program of remedial education
5 related to corresponding responsibility and prevention of prescription drug abuse. The program
6 of remedial education shall consist of at least ten (10) hours, which shall be completed within
7 twelve (12) months at Respondent Tura's own expense. All remedial education shall be in
8 addition to, and shall not be credited toward, continuing education (CE) courses used for license
9 renewal purposes.

10 Failure to timely submit or complete the approved remedial education shall be considered a
11 violation of probation. The period of probation will be automatically extended until such
12 remedial education is successfully completed and written proof, in a form acceptable to the board,
13 is provided to the board or its designee.

14 Following the completion of each course, the board or its designee may require the
15 Respondent Tura, at her own expense, to take an approved examination to test the respondent's
16 knowledge of the course. If Respondent Tura does not achieve a passing score on the
17 examination, this failure shall be considered a violation of probation. Any such examination
18 failure shall require Respondent Tura to take another course approved by the board in the same
19 subject area.

20 **19. Supervised Practice**

21 During the period of probation after the one (1) year suspension, Respondent Tura shall
22 practice only under the supervision of a licensed pharmacist not on probation with the board.
23 Upon and after the effective date of this decision, Respondent Tura shall not practice pharmacy
24 and her license shall be automatically suspended until a supervisor is approved by the board or its
25 designee. The supervision shall be, as required by the board or its designee, either:

26 Continuous – At least 75% of a work week

27 Substantial - At least 50% of a work week

28 Partial - At least 25% of a work week

1 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

2 Within thirty (30) days of the effective date of this decision, Respondent Tura shall have
3 her supervisor submit notification to the board in writing stating that the supervisor has read the
4 decision in Citation No. CI 2007 34571, CI 2009 44852 and Accusation No. 4026 and is familiar
5 with the required level of supervision as determined by the board or its designee. It shall be the
6 Respondent Tura's responsibility to ensure that her employer(s), pharmacist-in-charge and/or
7 supervisor(s) submit timely acknowledgement(s) to the board. Failure to cause the direct
8 supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be
9 considered a violation of probation.

10 If Respondent Tura changes employment, it shall be the respondent's responsibility to
11 ensure that her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
12 acknowledgement(s) to the board. Respondent Tura shall have her new supervisor, within fifteen
13 (15) days after employment commences, submit notification to the board in writing stating the
14 direct supervisor and pharmacist-in-charge have read the decision in Citation No. CI 2007 34571,
15 CI 2009 44852 and Accusation No. 4026 and is familiar with the level of supervision as
16 determined by the board. Respondent Tura shall not practice pharmacy and her license shall be
17 automatically suspended until the board or its designee approves a new supervisor. Failure to
18 cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to
19 the board shall be considered a violation of probation.

20 Within ten (10) days of leaving employment, Respondent Tura shall notify the board in
21 writing.

22 During suspension, Respondent Tura shall not enter any pharmacy area or any portion of
23 the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor
24 of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and
25 devices or controlled substances are maintained. Respondent Tura shall not practice pharmacy
26 nor do any act involving drug selection, selection of stock, manufacturing, compounding,
27 dispensing or patient consultation; nor shall Respondent Tura manage, administer, or be a
28 consultant to any licensee of the board, or have access to or control the ordering, manufacturing

1 or dispensing of dangerous drugs and controlled substances. Respondent Tura shall not resume
2 practice until notified by the board.

3 During suspension, Respondent Tura shall not engage in any activity that requires the
4 professional judgment of a pharmacist. Respondent Tura shall not direct or control any aspect of
5 the practice of pharmacy. Respondent Tura shall not perform the duties of a pharmacy technician
6 or a designated representative for any entity licensed by the board.

7 Subject to the above restrictions, Respondent Tura may continue to own or hold an interest
8 in any licensed premises in which she holds an interest at the time this decision becomes effective
9 unless otherwise specified in this order.

10 Failure to comply with this suspension shall be considered a violation of probation.

11 **20. No Ownership of Licensed Premises**

12 Respondent Tura shall not own, have any legal or beneficial interest in, or serve as a
13 manager, administrator, member, officer, director, trustee, associate, or partner of any business,
14 firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent Tura
15 shall sell or transfer any legal or beneficial interest in any entity licensed by the board within
16 ninety (90) days following the effective date of this decision and shall immediately thereafter
17 provide written proof thereof to the board. Failure to timely divest any legal or beneficial
18 interest(s) or provide documentation thereof shall be considered a violation of probation.

19 **21. Tolling of Suspension**

20 During the period of suspension, Respondent Tura shall not leave California for any
21 period exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in
22 excess of the (10) days during suspension shall be considered a violation of probation. Moreover,
23 any absence from California during the period of suspension exceeding ten (10) days shall toll the
24 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
25 Respondent Tura is absent from California. During any such period of tolling of suspension,
26 Respondent Tura must nonetheless comply with all terms and conditions of probation.

27 Respondent Tura must notify the board in writing within ten (10) days of departure, and
28 must further notify the board in writing within ten (10) days of return. The failure to provide such

1 notification(s) shall constitute a violation of probation. Upon such departure and return,
2 Respondent Tura shall not resume the practice of pharmacy until notified by the board that the
3 period of suspension has been satisfactorily completed.

4 **22. Ethics Course**

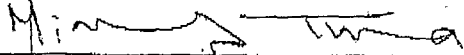
5 Within sixty (60) calendar days of the effective date of this decision, Respondent Tura shall
6 enroll in a course in ethics, at Respondent Tura's expense, approved in advance by the board or
7 its designee. Failure to initiate the course during the first year of probation, and complete it
8 within the second year of probation, is a violation of probation.

9 Respondent Tura shall submit a certificate of completion to the board or its designee within
10 five days after completing the course.

11 **ACCEPTANCE**

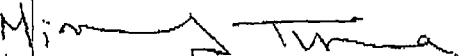
12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Noah E. Jussim. I understand the stipulation and the effect it will
14 have on my Original Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
15 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
16 of the Board of Pharmacy.

17
18 DATED: 12/3/2013



SEDAGHAT & TURA, INC. DBA MIMI
PHARMACY (PHY 46271)
Respondent

19
20
21 DATED: 12/3/2013



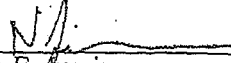
MIMY TURA (RPH 75251)
Respondent

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I have read and fully discussed with Respondent Sedaghat & Tura, Inc., dba Mimi Pharmacy and Mimy Tura the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/3/2013



Noah E. Fussim
Attorney for Respondents

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: November __, 2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

MICHAEL BROWN
Deputy Attorney General
Attorneys for Complainant

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I have read and fully discussed with Respondent Sedaghat & Tura, Inc., dba Mimi Pharmacy and Mimy Tura the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
Noah E. Jussim
Attorney for Respondents

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: ^{December} ~~November~~ 4, 2013

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

Michael Brown
MICHAEL BROWN
Deputy Attorney General
Attorneys for Complainant

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6 Facsimile: (213) 897-2804
E-mail: MichaelB.Brown@doj.ca.gov
7 *Attorneys for Complainant*

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**
17 **(2/24/2003 to 3/1/2011) and President**
18 **(9/15/2009 to 3/1/2011)**

ACCUSATION

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.

28 ///

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 “(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
2 a controlled substance prescription where the pharmacist knows or has objective reason to know
3 that said prescription was not issued for a legitimate medical purpose.”

4 13. Section 125.3 of the Code states, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

9 14. Section 4021 of the Code states:

10 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
11 11053) of Division 10 of the Health and Safety Code.”

12 15. Section 4022 of the Code states, in pertinent part:

13 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use,
14 except veterinary drugs that are labeled as such, and includes the following:

15 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
16 prescription,’ ‘Rx only,’ or words of similar import.

17 ...

18 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
19 prescription or furnished pursuant to Section 4006.”

20 16. Health and Safety Code section 11153 states, in pertinent part:

21 “(a) A prescription for a controlled substance shall only be issued for a legitimate medical
22 purpose by an individual practitioner acting in the usual course of his or her professional practice.
23 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
24 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
25 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
26 an order purporting to be a prescription which is issued not in the usual course of professional
27 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
28 controlled substances, which is issued not in the course of professional treatment or as part of an

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 FB¹.

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 ¹ 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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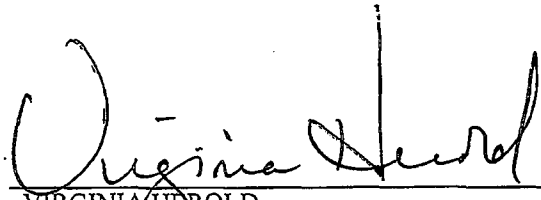
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PRAYER

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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