

1 ROB BONTA  
Attorney General of California  
2 MARICHELLE S. TAHIMIC  
Supervising Deputy Attorney General  
3 THEODORE S. DRCAR  
Deputy Attorney General  
4 State Bar No. 174951  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9517  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

13 In the Matter of the Statement of Issues  
Against:

14 **GHASEM MIRZADEH**

15 **Intern Pharmacist License Applicant**

16 Respondent.

Case No. 7760

**STATEMENT OF ISSUES**

17  
18  
19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
22 Affairs.

23 2. On February 22, 2023, the Board received an application from Ghasem Mirzadeh  
24 (Respondent) for an Intern Pharmacist License. On February 21, 2023, Ghasem Mirzadeh  
25 certified under penalty of perjury to the truthfulness of all statements, answers, and  
26 representations in the application. Respondent's application for an Intern Pharmacist License was  
27 denied on January 11, 2024. Respondent filed an appeal on January 31, 2024.

28 ///



1 required to be adopted by regulation pursuant to the Administrative Procedure Act  
2 (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of  
3 the Government Code).

4 **REGULATORY PROVISIONS**

5 6. California Code of Regulations, title 16, section 1769 states:

6 (a) Examination of applicant by medical professionals to assess competency. In  
7 addition to any other requirements for licensure, when considering the approval of an  
8 application, the board or its designee may require an applicant to be examined by one or  
9 more physicians and surgeons or psychologists designated by the board if it appears that the  
10 applicant may be unable to safely practice due to mental illness or physical illness affecting  
11 competency. An applicant's failure to comply with the examination requirement shall render  
12 his or her application incomplete. The board shall pay the full cost of such examination.

13 The board shall seek that the evaluation be conducted within 60 days of the date the  
14 applicant is advised that an examination is required. The board shall receive the examiner's  
15 evaluation within 60 days of the date the examination is completed. The report of the  
16 examiner shall be made available to the applicant.

17 If after receiving the report of the evaluation, the board determines that the applicant  
18 is unable to safely practice, the board may deny the application.

19 . . . .

20 **FACTUAL ALLEGATIONS**

21 7. On June 24, 2010, the Board issued Pharmacy Technician License Number TCH  
22 104242 to Respondent. Second Amended Accusation No. 6524 against Respondent was filed  
23 before the Board on October 22, 2019. The Second Amended Accusation asserted three causes  
24 for discipline: (1) a criminal conviction dated May 28, 2019, for battery which occurred in a  
25 pharmacy against a co-worker on January 30, 2018; (2) commission of an act involving moral  
26 turpitude; and (3) unprofessional conduct. Respondent signed a Stipulated Surrender of License  
27 which admitted all allegations in the Second Amended Accusation, and the Board adopted that  
28 stipulated surrender as its decision, effective February 21, 2020.

8. On February 22, 2023, the Board received an application from Respondent for an  
Intern Pharmacist License. At the Board's request, Respondent submitted additional information

///

1 on March 22, 2023, but there was an error in that submittal, which Respondent corrected on or  
2 about April 5, 2023.

3 9. On November 9, 2023, pursuant to a directive from the Board, Respondent underwent  
4 a psychological evaluation by a psychologist, Dr. M.C. The psychologist determined that  
5 Respondent's ability to safely practice is impaired due to a physical and/or mental health  
6 condition affecting competency. Complainant denied Respondent's application for an Intern  
7 Pharmacist License on January 11, 2024, based upon Dr. M.C.'s psychology evaluation report.

8 **CAUSE FOR DENIAL OF APPLICATION**

9 **(Ability to Safely Practice Profession Is Impaired)**

10 10. Respondent's application is subject to denial under Code section 4207, in reference to  
11 California Code of Regulations, title 16, section 1769, subdivision (a), and Code sections 822 and  
12 4200, subdivision (b), because Respondent's psychological evaluation revealed that his ability to  
13 safely practice as a pharmacist is impaired by a mental or physical illness affecting his  
14 competency, as described above in paragraph 9.

15 **PRAYER**

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

- 18 1. Denying the application of Ghasem Mirzadeh for an Intern Pharmacist License; and,  
19 2. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: 4/28/2024

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2024.04.28  
17:57:10 -07'00'

ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

22  
23  
24  
25  
26 SD2024800653  
27 84449603\_2.docx