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

12 In the Matter of the Statement of Issues Against:	Case No. 7760
13 GHASEM MIRZADEH	Withdrawal of
14 Respondent.	Statement of Issues

15
16 On October 29, 2024, counsel for Ghasem Mirzadeh (Respondent) withdrew his appeal and
17 request for hearing of the denial of his application for Intern Pharmacist Permit by the Board of
18 Pharmacy, on the basis that Mr. Mirzadeh is deceased. Respondent's counsel presented a death
19 certificate for Mr. Mirzadeh. Accordingly, Statement of Issues No. 7760, filed against
20 Respondent, is withdrawn with prejudice and the denial of his application is affirmed. This
21 Withdrawal of Statement of Issues is effective immediately.

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23 DATED: 12/1/2024

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Anne@DCA
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24 ANNE SODERGREN
Executive Officer
25 Board of Pharmacy
Department of Consumer Affairs
26 State of California
Complainant

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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.

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1 3. Respondent is the Treasurer/Chief Financial Officer and 50 percent shareholder of
2 Sina Corporation, doing business as Best Choice Pharmacy (PHY 50894) since April 11, 2012,
3 and also doing business as Irvine Pharmacy (PHY 52055) since September 23, 2014.

4 **JURISDICTIONAL AND STATUTORY PROVISIONS**

5 3. This Statement of Issues is brought before the Board under the authority of the
6 following laws. All section references are to the Business and Professions Code (Code) unless
7 otherwise indicated.

8 4. Code section 822 states:

9 If a licensing agency determines that its licentiate’s ability to practice his or her
10 profession safely is impaired because the licentiate is mentally ill, or physically ill
11 affecting competency, the licensing agency may take action by any one of the
12 following methods:

13 (a) Revoking the licentiate’s certificate or license.

14 (b) Suspending the licentiate’s right to practice.

15 (c) Placing the licentiate on probation.

16 (d) Taking such other action in relation to the licentiate as the licensing agency
17 in its discretion deems proper.

18 The licensing section shall not reinstate a revoked or suspended certificate or
19 license until it has received competent evidence of the absence or control of the
20 condition which caused its action and until it is satisfied that with due regard for the
21 public health and safety the person’s right to practice his or her profession may be
22 safely reinstated.

23 5. Code section 4207 states:

24 (a) Upon receipt of an application for a license and the applicable fee, the
25 board shall make a thorough investigation to determine whether the applicant is
26 qualified for the license being sought. The board shall also determine whether this
27 article has been complied with, and shall investigate all matters directly related to the
28 issuance of the license that may affect the public welfare.

...

(c) The board shall deny an application for a license if the applicant does not qualify for the license being sought.

(d) Notwithstanding any other provision of law, the board may request any information it deems necessary to complete the application investigation required by this section, and a request for information that the board deems necessary in carrying out this section in any application or related form devised by the board shall not be

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

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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.

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21 DATED: 4/28/2024

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Anne@DCA

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ANNE SODERGREN
Executive Officer
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State of California
Complainant

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