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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. 7417
13 **ASHRAF T. HANNA**
14 **Pharmacist License Applicant** **STATEMENT OF ISSUES**
15 Respondent.
16

17 **PARTIES**

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

21 2. On or about May 19, 2022, the Board received an application for a Pharmacist
22 License from Ashraf T. Hanna (Respondent). On or about April 27, 2022, Respondent certified
23 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
24 application. The Board denied the application on November 8, 2022.

25 **JURISDICTION**

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

1 4. Code section 118, subdivision (a), states:

2 The withdrawal of an application for a license after it has been filed with a
3 board in the department shall not, unless the board has consented in writing to such
4 withdrawal, deprive the board of its authority to institute or continue a proceeding
5 against the applicant for the denial of the license upon any ground provided by law or
6 to enter an order denying the license upon any such ground.

5 5. Code section 4300, subdivision (c), states:

6 (c) The board may refuse a license to any applicant guilty of unprofessional
7 conduct. The board may, in its sole discretion, issue a probationary license to any
8 applicant for a license who is guilty of unprofessional conduct and who has met all
9 other requirements for licensure. The board may issue the license subject to any
10 terms or conditions not contrary to public policy, including, but not limited to, the
11 following:

- 10 (1) Medical or psychiatric evaluation.
- 11 (2) Continuing medical or psychiatric treatment.
- 12 (3) Restriction of type or circumstances of practice.
- 13 (4) Continuing participation in a board-approved rehabilitation program.
- 14 (5) Abstention from the use of alcohol or drugs.
- 15 (6) Random fluid testing for alcohol or drugs.
- 16 (7) Compliance with laws and regulations governing the practice of pharmacy.

17 6. Code section 4307 states:

18 (a) Any person who has been denied a license or whose license has been
19 revoked or is under suspension, or who has failed to renew his or her license while it
20 was under suspension, or who has been a manager, administrator, owner, member,
21 officer, director, associate, partner, or any other person with management or control
22 of any partnership, corporation, trust, firm, or association whose application for a
23 license has been denied or revoked, is under suspension or has been placed on
24 probation, and while acting as the manager, administrator, owner, member, officer,
25 director, associate, partner, or any other person with management or control had
26 knowledge of or knowingly participated in any conduct for which the license was
27 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
28 as a manager, administrator, owner, member, officer, director, associate, partner, or in
any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed
on probation, this prohibition shall remain in effect for a period not to exceed five
years.

(2) Where the license is denied or revoked, the prohibition shall continue until
the license is issued or reinstated.

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1 (b) “Manager, administrator, owner, member, officer, director, associate,
2 partner, or any other person with management or control of a license” as used in this
section and Section 4308, may refer to a pharmacist or to any other person who serves
in such capacity in or for a licensee.

3 (c) The provisions of subdivision (a) may be alleged in any pleading filed
4 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
5 the Government Code. However, no order may be issued in that case except as to a
6 person who is named in the caption, as to whom the pleading alleges the applicability
7 of this section, and where the person has been given notice of the proceeding as
required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. The authority to proceed as provided by this subdivision shall
be in addition to the board’s authority to proceed under Section 4339 or any other
provision of law.

8 7. Code section 4011 states:

9 The board shall administer and enforce this chapter and the Uniform Controlled
10 Substances Act (Division 10 (commencing with Section 11000) of the Health and
Safety Code).

11 **STATUTORY PROVISIONS**

12 8. Code section 480 states, in pertinent part:

13 (a) Notwithstanding any other provision of this code, a board may deny a
14 license regulated by this code on the grounds that the applicant has been convicted of
a crime or has been subject to formal discipline only if either of the following
15 conditions are met:

16 ...

17 (2) The applicant has been subjected to formal discipline by a licensing board in
18 or outside California within the preceding seven years from the date of application
based on professional misconduct that would have been cause for discipline before
19 the board for which the present application is made and that is substantially related to
the qualifications, functions, or duties of the business or profession for which the
20 present application is made. However, prior disciplinary action by a licensing board
within the preceding seven years shall not be the basis for denial of a license if the
21 basis for that disciplinary action was a conviction that has been dismissed pursuant to
Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a
comparable dismissal or expungement.

22 ...

23 (e) A board may deny a license regulated by this code on the ground that the
24 applicant knowingly made a false statement of fact that is required to be revealed in
the application for the license. A board shall not deny a license based solely on an
25 applicant’s failure to disclose a fact that would not have been cause for denial of the
license had it been disclosed.

26 ...

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1 9. Code section 4300, subdivision (c), states, in pertinent part:

2 (c) The board may refuse a license to any applicant guilty of unprofessional
3 conduct. ...

4 **NEW JERSEY STATUTORY PROVISIONS**

5 10. New Jersey Administrative Code, title 13, chapter 39, section 2.6, states, in pertinent
6 part:

7 (a) The following words and terms, when used in this section, shall have the
8 following meanings, unless the context clearly indicates otherwise.

9 ...

10 "Pharmacy intern" means a person who is employed in an approved pharmacy
11 training site for the purpose of acquiring practical experience and who has first
12 registered for such purposes with the Board pursuant to N.J.S.A. 45:14-48b(2) ...

13 (b)(3) No credit shall be given for hours served as a pharmacy intern prior to
14 the applicant's registration with the Board and approval of the intern preceptor by the
15 Board.

14 **FACTUAL BACKGROUND**

15 11. On or about August 20, 2018, *In the Matter of Ashraf T. Hanna*, in front of the New
16 Jersey State Board of Pharmacy, pursuant to a Consent Order, Respondent's application to
17 practice as a pharmacist in the State of New Jersey was denied, Respondent's registration to
18 practice as a pharmacy technician was revoked, and Respondent's registration to practice as a
19 pharmacist intern was revoked. Respondent was also assessed a civil penalty in the amount of
20 \$5,000 "for engaging in acts relating adversely to activity regulated by the Board while registered
21 as a Pharmacy Technician and a Pharmacist Intern", and Respondent was assessed administrative
22 costs in the amount of \$5,000. The Consent Order was based upon Respondent's 2013 arrest for
23 unlawful possession of a prescription drug with the intent to distribute, Respondent's failure to
24 disclose his prior arrest on his application for licensure as a pharmacist, and Respondent's theft of
25 prescription drugs from his employer to give to his uncle because his uncle was in a "bad
26 financial situation".

27 12. On or about June 20, 2022, *In the Matter of the Application of Ashraf T. Hanna*, in
28 front of the New Jersey Board of Pharmacy, pursuant to an Order of Denial of Reinstatement of

1 Registrations and Resumption of the Pharmacist Application Process, Respondent's request for
2 reinstatement of his pharmacy technician and pharmacy intern registrations was denied.
3 Additionally, Respondent's requested approval to resume the process to obtain a pharmacist
4 license was denied. The New Jersey Board's denial was based upon the New Jersey Board's
5 finding that Respondent's current testimony was not credible, Respondent's failed to accept
6 responsibility for his prior misconduct, and Respondent "failed to demonstrate that he possesses
7 the good moral character that is a requirement for licensure and registration."

8 13. On or about and between April 1, 2012, and December 10, 2012, Respondent worked
9 as an intern pharmacist in New Jersey working at Walmart. However, Respondent was not issued
10 a New Jersey intern pharmacist registration until August 1, 2012.

11 14. On or about May 19, 2022, Respondent certified on the Board's "Verification of
12 License in Another State" form that he worked 1440 hours under his New Jersey intern
13 pharmacist license from August 1, 2012, through August 1, 2014. However, on or about May 19,
14 2022, Respondent submitted documentation to the Board indicating that from April 1, 2012,
15 through December 10, 2012, Respondent obtained 1440 hours as an intern pharmacist in New
16 Jersey working at Walmart. On or about August 9, 2022, the Board notified Respondent that
17 1440 hours was not a sufficient number of pharmacy intern hours. On or about August 18, 2022,
18 Respondent submitted an additional Pharmacy Intern Hours Affidavit stating that from March 25,
19 2013, through December 30, 2013, Respondent obtained 1570 hours as an intern pharmacist in
20 New Jersey under pharmacist E.E. The additional Pharmacy Intern Hours Affidavit was on a
21 form that was generated in or around February 2019, and contained a typed signature for
22 pharmacist E.E. dated January 6, 2014.

23 **FIRST CAUSE FOR DENIAL OF APPLICATION**

24 **(Out of State Discipline)**

25 15. Respondent's application is subject to denial under Code section 480, subdivision
26 (a)(2), in that Respondent was subjected to formal discipline by a licensing board outside
27 California, as set forth in paragraphs 11 and 12, above.

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SECOND CAUSE FOR DENIAL OF APPLICATION

(Acts Involving Dishonesty, Fraud or Deceit)

16. Respondent's application is subject to denial under Code section 480, subdivision (e), in that Respondent submitted false information to the Board as set forth in paragraph 14, above.

THIRD CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct)

17. Respondent's application is subject to denial for unprofessional conduct under Code section 4300, subdivision (c), in that Respondent violated New Jersey Administrative Code, title 13, chapter 39, section 2.6, when he worked as an intern pharmacist without a valid intern pharmacist registration, as set forth in paragraphs 13 and 14, above.


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. Denying the application of Ashraf T. Hanna for a Pharmacist License;
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 2/26/2023

Sodergren,
Anne@DCA



Digitally signed by Sodergren,
Anne@DCA
Date: 2023.02.26 20:23:11 -08'00'

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

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