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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3233

11 **MARK HOWARD BRAUN**
12 **3848 Mentone Ave, #407**
13 **Culver City, California 90232**

A C C U S A T I O N

14 **Pharmacist License No. RPH 43806**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about September 7, 1990, the Board of Pharmacy issued Pharmacist License
21 No. RPH 43806 to Mark Howard Braun (Respondent). The License was in full force and effect at
22 all times relevant to the charges herein and will expire on September 30, 2010, unless renewed.

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24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code (Code) unless otherwise indicated.

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

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

“(c) Placing the licentiate on probation.

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

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

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed reasonable costs of investigation and enforcement.

FACTUAL/PROCEDURAL BACKGROUND

10. On or about October 14, 2008, based on incidents or events detailed therein between 1996 and 2008 that led to concerns about Respondent’s mental state, Complainant filed a Petition for an Order to Compel Psychological Examination (Bus. & Prof. Code, § 820) before the Board of Pharmacy. On or about September 25, 2009, pursuant to the Petition, the Board entered an Order Compelling Psychological Examination, commanding Respondent to undergo an evaluation to determine mental fitness to practice safely within thirty (30) days.

11. On or about October 9, October 14, and October 23, 2009, Respondent met with and was evaluated by mental health professionals in the USC Institute of Psychiatry and Law, Keck School of Medicine, University of Southern California. In a report dated January 29, 2010, Philip C. O’Donnell, M.J., Ph.D., Timothy Botello, M.D., M.P.H., and Shoba Sreenivasan, Ph.D., after having evaluated Respondent by way of clinical interview, psychological testing, and review and consideration of other sources including Board investigation reports, reported to the Board on the fitness of Respondent to practice safely as a Pharmacist, and concluded, inter alia:

- 1 a. That Respondent's history and presentation are consistent with a mood disorder and
2 anxiety disorder, as well as an underlying personality disorder; he meets DSM-IV-TR diagnostic
3 criteria for Bipolar I Disorder, Social Phobia, and Personality Disorder Not Otherwise Specified;
- 4 b. That Respondent's mental illnesses impair his ability to safely practice pharmacy in
5 that they contribute to hostile interactions with coworkers and patients, in which he is perceived
6 as unstable, threatening, and potentially dangerous;
- 7 c. That several clinical (e.g., active symptoms of his mental illnesses) and historical
8 (e.g., past episodes of hostile and verbally threatening behavior) factors elevate his risk for danger
9 to himself or others, and during periods of heightened stress his mental functioning is likely to
10 deteriorate, resulting in the expression of anger towards himself and others;
- 11 d. That psychotherapy is an important component of treatment for his mental disorders,
12 that combined with psychotropic medications could improve his ability to practice safely; and
- 13 e. That it may also be appropriate to restrict Respondent's work environment(s) based
14 on potential stressors that could exacerbate his mental illnesses, e.g., the nature and extent of his
15 contact with patients and coworkers, and/or the degree of stress associated with the position.

16
17 CAUSE FOR DISCIPLINE

18 (Mental Impairment)

19 12. Respondent is subject to disciplinary action and/or to suspension, revocation, or
20 probation of/on his Pharmacist License Number RPH 43806, pursuant to section 822 of the Code,
21 because his ability to practice safely under his Pharmacist License is impaired due to his mental
22 illness or disorder, as detailed in paragraph 11, above.

23
24 PRAYER

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

27 1. Revoking or suspending Pharmacist License Number RPH 43806, issued to Mark
28 Howard Braun (Respondent);

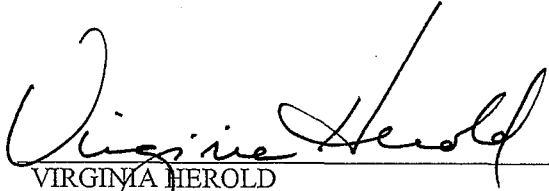
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as is deemed necessary and proper.

DATED: _____

6/17/10



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

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