

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

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

**MARICAR CHANTHALUXAY, Respondent**

**Pharmacy Technician Registration No. TCH 63721**

**Agency Case No. 6953**

**OAH No. 2022030071**

**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 at 5:00 p.m. on November 30, 2022.

It is so ORDERED on October 31, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 ERIN M. SUNSERI  
Supervising Deputy Attorney General  
3 ALAN MACINA  
Deputy Attorney General  
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8 *Attorneys for Complainant*

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

13  
14 In the Matter of the Accusation Against:

15 **MARICAR C. CHANTHALUXAY**  
**7289 Kamwood St**  
16 **San Diego, CA 92126**

17 **Pharmacy Technician Registration**  
**No. TCH 63721**

18 Respondent.  
19

Case No. 6953

OAH No. 2022030071

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
24 (Board). She brought this action solely in her official capacity and is represented in this matter by  
25 Rob Bonta, Attorney General of the State of California, by Alan Macina, Deputy Attorney  
26 General.

27 2. Maricar C. Chanthaluxay (Respondent) is represented in this proceeding by attorney  
28 Michael A. Taibi, whose address is 401 W. "A" Street, Suite 1810, San Diego, California 92101.





1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 63721 issued  
3 to Respondent Maricar C. Chanthluxay is revoked. However, the revocation is stayed and  
4 Respondent is placed on probation for three (3) years on the following terms and conditions:

5 **1. Obey All Laws**

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

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

- 9
- 10 • an arrest or issuance of a criminal complaint for violation of any provision of the  
11 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
12 substances laws;
  - 13 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
14 criminal proceeding to any criminal complaint, information or indictment;
  - 15 • a conviction of any crime; and
  - 16 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another  
17 administrative action filed by any state or federal agency which involves  
18 Respondent’s license or which is related to the practice of pharmacy or the  
19 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
20 device or controlled substance.

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

22 **2. Report to the Board**

23 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
24 designee. The report shall be made either in person or in writing, as directed. Among other  
25 requirements, Respondent shall state in each report under penalty of perjury whether there has  
26 been compliance with all the terms and conditions of probation.

27 Failure to submit timely reports in a form as directed shall be considered a violation of  
28 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted  
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the  
11 board's monitoring and investigation of Respondent's compliance with the terms and conditions  
12 of Female probation, including but not limited to: timely responses to requests for information by  
13 board staff; timely compliance with directives from board staff regarding requirements of any  
14 term or condition of probation; and timely completion of documentation pertaining to a term or  
15 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Reporting of Employment and Notice to Employers**

17 During the period of probation, Respondent shall notify all present and prospective  
18 employers of the decision in Case Number 6953 and the terms, conditions and restrictions  
19 imposed on Respondent by the decision, as follows:

20 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
21 undertaking any new employment, Respondent shall report to the board in writing the name,  
22 physical address, and mailing address of each of employer(s), and the name(s) and telephone  
23 number(s) of all of direct supervisor(s), as well as any pharmacist(s)-in-charge, designated  
24 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
25 schedule, if known. Respondent shall also include the reason(s) for leaving the prior  
26 employment. Respondent shall sign and return to the board a written consent authorizing the  
27 board or its designee to communicate with all of Respondent's employer(s) and supervisor(s), and  
28 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,

1 concerning Respondent's work status, performance, and monitoring. Failure to comply with the  
2 requirements or deadlines of this condition shall be considered a violation of probation.

3         Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
4 Respondent undertaking any new employment, Respondent shall cause her (a) direct supervisor,  
5 (b) pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
6 compliance supervisor, and (c) the owner or owner representative of employer, to report to the  
7 board in writing acknowledging that the listed individual(s) has/have read the decision in Case  
8 Number 6953, and terms and conditions imposed thereby. If one person serves in more than one  
9 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
10 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
11 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
12 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the board in  
13 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
14 in Case Number 6953, and the terms and conditions imposed thereby.

15         If Respondent works for or is employed by or through an employment service, Respondent  
16 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
17 of the decision in Case Number 6953, and the terms and conditions imposed thereby in advance  
18 of Respondent commencing work at such licensed entity. A record of this notification must be  
19 provided to the board upon request.

20         Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
21 (15) days of Respondent undertaking any new employment by or through an employment service,  
22 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment  
23 service to report to the board in writing acknowledging that he or she has read the decision in case  
24 number, and the terms and conditions imposed thereby. It shall be Respondent's responsibility to  
25 ensure that these acknowledgment(s) are timely submitted to the board.

26         Failure to timely notify present or prospective employer(s) or failure to cause the identified  
27 person(s) with that/those employer(s) to submit timely written acknowledgments to the board  
28 shall be considered a violation of probation.

1 "Employment" within the meaning of this provision includes any full-time, part-time,  
2 temporary, relief, or employment/management service position as a Pharmacy Technician, or any  
3 position for which a Pharmacy Technician is a requirement or criterion for employment, whether  
4 the Respondent is an employee, independent contractor or volunteer.

5 **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

6 Respondent shall further notify the board in writing within ten (10) days of any change in  
7 name, residence address, mailing address, e-mail address or phone number.

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

10 **7. Reimbursement of Board Costs**

11 As a condition precedent to successful completion of probation, Respondent shall pay to the  
12 board its costs of investigation and prosecution in the amount of \$5,000.00. Respondent shall be  
13 permitted to pay these costs in a payment plan approved by the board or its designee, so long as  
14 full payment is completed no later than six (6) months prior to the end date of probation. Failure  
15 to pay costs by the deadline(s) as directed shall be considered a violation of probation.

16 **8. Probation Monitoring Costs**

17 Respondent shall pay any costs associated with probation monitoring as determined by the  
18 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
19 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
20 be considered a violation of probation.

21 **9. Status of License**

22 Respondent shall, at all times while on probation, maintain an active, current Pharmacy  
23 Technician Registration with the board, including any period during which suspension or  
24 probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall  
25 be considered a violation of probation.

26 If Respondent's Pharmacy Technician Registration expires or is cancelled by operation of  
27 law or otherwise at any time during the period of probation, including any extensions thereof due  
28 to tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all

1 terms and conditions of this probation not previously satisfied.

2 **10. License Surrender While on Probation/Suspension**

3 Following the effective date of this decision, should Respondent cease practice due to  
4 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
5 Respondent may relinquish her license, including any indicia of licensure issued by the board,  
6 along with a request to surrender the license. The board or its designee shall have the discretion  
7 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
8 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to  
9 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
10 become a part of the Respondent's license history with the board.

11 Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall  
12 license, including any indicia of licensure not previously provided to the board within ten (10)  
13 days of notification by the board that the surrender is accepted if not already provided.  
14 Respondent may not reapply for any license from the board for three (3) years from the effective  
15 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
16 of the date the application for that license is submitted to the board, including any outstanding  
17 costs.

18 **11. Certification Prior to Resuming Work**

19 Respondent shall be suspended, and shall not work as a pharmacy technician, until she has  
20 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has  
21 submitted proof of certification to the board, and has been notified by the board or its designee  
22 that she may begin work. Failure to achieve certification within six (6) months of the effective  
23 date shall be considered a violation of probation.

24 During suspension, Respondent shall not enter any pharmacy area or any portion of any  
25 other board-licensed premises of a wholesaler, third-party logistics provider, veterinary food-  
26 animal drug retailer or any other distributor of drugs which is licensed by the board, or any  
27 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled  
28 substances are maintained.

1 Respondent shall not do any act involving drug selection, selection of stock, manufacturing,  
2 compounding or dispensing; nor shall Respondent manage, administer, or assist any licensee of  
3 the board. Respondent shall not have access to or control the ordering, distributing,  
4 manufacturing or dispensing of dangerous drugs and/or dangerous devices or controlled  
5 substances.

6 During this suspension, Respondent shall not engage in any activity that requires licensure  
7 as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of  
8 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or  
9 dangerous devices, or controlled substances.

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

11 Respondent shall maintain an active, current certification as defined by Business and  
12 Professions Code section 4202, subdivision (a)(4), for the entire period of probation, and shall  
13 submit proof of re-certification or renewal of certification to the board within ten (10) days of  
14 receipt. Failure to maintain active, current certification or to timely submit proof of same shall be  
15 considered a violation of probation.

16 **12. Practice Requirement – Extension of Probation**

17 Except during periods of suspension, Respondent shall, at all times while on probation, be  
18 employed as a Pharmacy Technician in California for a minimum of 100 hours per calendar  
19 month. Any month during which this minimum is not met shall extend the period of probation by  
20 one month. During any such period of insufficient employment, Respondent must nonetheless  
21 comply with all terms and conditions of probation, unless Respondent receives a waiver in  
22 writing from the board or its designee.

23 If Respondent does not practice as a Pharmacy Technician in California for the minimum  
24 number of hours in any calendar month, for any reason (including vacation), Respondent shall  
25 notify the board in writing within ten (10) days of the conclusion of that calendar month. This  
26 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)  
27 for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will  
28 resume practice at the required level. Respondent shall further notify the board in writing within

1 ten (10) days following the next calendar month during which Respondent practices as a  
2 Pharmacy Technician in California for the minimum of hours. Any failure to timely provide such  
3 notification(s) shall be considered a violation of probation.

4 It is a violation of probation for Respondent's probation to be extended pursuant to the  
5 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
6 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
7 probation period on its website.

### 8 13. **Violation of Probation**

9 If Respondent has not complied with any term or condition of probation, the board shall  
10 have continuing jurisdiction over Respondent, and the board shall provide notice to Respondent  
11 that probation shall automatically be extended, until all terms and conditions have been satisfied  
12 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
13 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
14 board or its designee may post a notice of the extended probation period on its website.

15 If Respondent violates probation in any respect, the board, after giving Respondent notice  
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
17 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
18 probation, or the preparation of an accusation or petition to revoke probation is requested from  
19 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
20 probation shall be automatically extended until the petition to revoke probation or accusation is  
21 heard and decided.

### 22 14. **Completion of Probation**

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

### 25 15. **Clinical Diagnostic Evaluation**

26 Within thirty (30) days of the effective date of this decision, and on a periodic basis  
27 thereafter if required by the board or its designee, Respondent shall undergo, at Female own  
28 expense, clinical diagnostic evaluation(s) by a practitioner selected or approved prior to the

1 evaluation by the board or its designee. The approved evaluator shall be provided with a copy of  
2 the board's Accusation and decision. Respondent shall sign a release authorizing the evaluator to  
3 furnish the board with a current diagnosis and a written report regarding the Respondent's  
4 judgment and ability to function independently as a Pharmacy Technician with safety to the  
5 public. If the evaluator recommends restrictions or conditions on Respondent's practice,  
6 including but not limited to other terms and conditions listed in these guidelines (e.g., required  
7 psychotherapy, inpatient treatment, prescription coordination and monitoring, restricted practice),  
8 the board or its designee may by written notice to Respondent adopt any such restrictions or  
9 conditions as additional probation terms and conditions, violation of which shall be considered a  
10 violation of probation. Failure to comply with any requirement or deadline stated by this  
11 paragraph shall be considered a violation of probation.

12 If at any time the approved evaluator or therapist determines that Respondent is unable to  
13 practice safely or independently, the licensed mental health practitioner shall notify the board  
14 immediately by telephone and follow up by written letter within three (3) working days. Upon  
15 notification from the board or its designee of this determination, Respondent shall be  
16 automatically suspended and shall not resume practice until notified by the board or its designee  
17 that practice may resume.

18 Failure to comply with any requirement or deadline stated by this term shall be considered a  
19 violation of probation.

## 20 16. **Psychotherapy**

21 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
22 board or its designee, for prior approval, the name and qualifications of a licensed mental health  
23 practitioner of Respondent's choice. Within thirty (30) days of approval thereof, Respondent  
24 shall submit documentation to the board demonstrating the commencement of psychotherapy with  
25 the approved licensed mental health practitioner. Should Respondent, for any reason, cease  
26 treatment with the approved licensed mental health practitioner, Respondent shall notify the board  
27 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement  
28 psychotherapist or licensed mental health practitioner of Respondent's choice to the board for its

1 prior approval. Within thirty (30) days of approval thereof, Respondent shall submit  
2 documentation to the board demonstrating the commencement of psychotherapy with the  
3 approved replacement. Failure to comply with any requirement or deadline stated by this  
4 paragraph shall be considered a violation of probation.

5       Upon approval of the initial or any subsequent licensed mental health practitioner,  
6 Respondent shall undergo and continue treatment with that therapist, at Respondent's own  
7 expense, until the therapist recommends in writing to the board, and the board or its designee  
8 agrees by way of a written notification to Respondent, that no further psychotherapy is necessary.  
9 Upon receipt of such recommendation from the treating therapist, and before determining whether  
10 to accept or reject said recommendation, the board or its designee may require Respondent to  
11 undergo, at Respondent's own expense, a mental health evaluation by a board-appointed or  
12 board-approved psychiatrist or psychologist. If the approved evaluator recommends that  
13 Respondent continue psychotherapy, the board or its designee may require Respondent to  
14 continue psychotherapy.

15       Psychotherapy shall be at least once a week unless otherwise recommended by the licensed  
16 mental health practitioner and approved by the board or its designee. Respondent shall provide  
17 the therapist with a copy of the board's accusation and decision no later than the first therapy  
18 session. Respondent shall take all necessary steps to ensure that the treating therapist submits  
19 written quarterly reports to the board concerning Respondent's fitness to practice, progress in  
20 treatment, and such other information required by the board or its designee.

21       If at any time the treating therapist determines that Respondent cannot practice safely or  
22 independently, the therapist shall notify the board immediately by telephone and follow up by  
23 written letter within three (3) working days. Upon notification from the board or its designee of  
24 this determination, Respondent shall be automatically suspended and shall not resume practice  
25 until notified by the board that practice may be resumed.

26       During any suspension, Respondent shall not enter any pharmacy area or any portion of the  
27 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
28 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or

1 any area where dangerous drugs and/or dangerous devices or controlled substances are held.

2 Respondent shall not practice pharmacy nor do any act involving drug selection, selection  
3 of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent  
4 manage, administer, or be a consultant to any licensee of the board, or have access to or control  
5 the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous  
6 devices or controlled substances. Respondent shall not resume practice until notified by the  
7 board.

8 During any suspension, Respondent shall not engage in any activity that requires the  
9 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct  
10 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
11 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

12 Failure to comply with any requirement or deadline stated by this term shall be considered a  
13 violation of probation.

14 **17. Prescription Coordination and Monitoring of Prescription Use**

15 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
16 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
17 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
18 Respondent's history of mental illness and who will coordinate and monitor any prescriptions for  
19 Respondent for dangerous drugs and/or dangerous devices, controlled substances or mood-  
20 altering drugs. The approved practitioner shall be provided with a copy of the board's Accusation  
21 and decision. A record of this notification must be provided to the board or its designee upon  
22 request. Respondent shall sign a release authorizing the practitioner to communicate with the  
23 board or its designee about Respondent's treatment(s). The coordinating physician, nurse  
24 practitioner, physician assistant, or psychiatrist shall report to the board on a quarterly basis for  
25 the duration of probation regarding Respondent's compliance with this condition. If any  
26 substances considered addictive have been prescribed, the report shall identify a program for the  
27 time limited use of any such substances. The board or its designee may require that the single  
28 coordinating physician, nurse practitioner, physician assistant or psychiatrist be a specialist in

1 addictive medicine, or consult a specialist in addictive medicine. Should Respondent, for any  
2 reason, cease supervision by the approved practitioner, Respondent shall notify the board or its  
3 designee immediately and, within thirty (30) days of ceasing supervision, submit the name of a  
4 replacement physician, nurse practitioner, physician assistant, or psychiatrist of Respondent's  
5 choice to the board or its designee for its prior approval. Failure to timely submit the selected  
6 practitioner or replacement practitioner to the board or its designee for approval, or to ensure the  
7 required quarterly reporting thereby, shall be considered a violation of probation.

8         If at any time an approved practitioner determines that Respondent is unable to practice  
9 safely or independently as a Pharmacy Technician, the practitioner shall notify the board or its  
10 designee immediately by telephone and follow up by written letter within three (3) working days.  
11 Upon notification from the board or its designee of this determination, Respondent shall be  
12 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by  
13 the board or its designee that practice may be resumed.

14         During any suspension, Respondent shall not enter any pharmacy area or any portion of the  
15 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
16 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
17 any area where dangerous drugs and/or dangerous devices or controlled substances are  
18 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
19 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
20 Respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
21 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
22 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
23 by the board.

24         During any suspension, Respondent shall not engage in any activity that requires the  
25 professional judgment and/or licensure as a Pharmacy Technician. Respondent shall not direct or  
26 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,  
27 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

28         Failure to comply with any requirement or deadline stated by this term shall be considered a

1 violation of probation.

2 **18. No Ownership or Management of Licensed Premises**

3 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
4 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
5 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
6 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
7 days following the effective date of this decision and shall immediately thereafter provide written  
8 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
9 documentation thereof shall be considered a violation of probation.

10 **ACCEPTANCE**

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney Michael A. Taibi. I understand the stipulation and the effect it will  
13 have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and  
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
15 Decision and Order of the Board of Pharmacy.

16  
17 DATED: \_\_\_\_\_  
18 MARICAR C. CHANTHALUXAY  
19 *Respondent*

20 I have read and fully discussed with Respondent Maricar C. Chanthaluxay the terms and  
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
22 I approve its form and content.

23  
24 DATED: \_\_\_\_\_  
25 MICHAEL A. TAIBI  
26 *Attorney for Respondent*

27 ///

28 ///

///

1 violation of probation.

2 **18. No Ownership or Management of Licensed Premises**

3 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
4 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
5 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
6 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
7 days following the effective date of this decision and shall immediately thereafter provide written  
8 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
9 documentation thereof shall be considered a violation of probation.

10 **ACCEPTANCE**

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney Michael A. Taibi. I understand the stipulation and the effect it will  
13 have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and  
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
15 Decision and Order of the Board of Pharmacy.

16  
17 DATED: 9/13/22 M. Chanthaluxay  
18 MARICAR C. CHANTHALUXAY  
19 Respondent

20 I have read and fully discussed with Respondent Maricar C. Chanthaluxay the terms and  
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
22 I approve its form and content.

23 Michael A. Taibi  
24 DATED: 9/13/22 Michael A. Taibi  
25 MICHAEL A. TAIBI  
26 Attorney for Respondent

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**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
ERIN M. SUNSERI  
Supervising Deputy Attorney General

ALAN MACINA  
Deputy Attorney General  
*Attorneys for Complainant*

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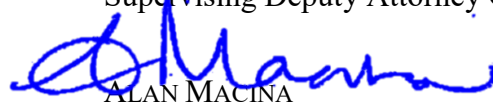
**ENDORSEMENT**

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

DATED: Sept. 21, 2022

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ERIN M. SUNSERI  
Supervising Deputy Attorney General



ALAN MACINA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6953**

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

12 In the Matter of the Accusation Against:	Case No. 6953
13 <b>MARICAR C. CHANTHALUXAY</b>	<b>ACCUSATION</b>
14 <b>7924 Gold Coast Drive</b>	
14 <b>San Diego, CA 92126</b>	
15 <b>Pharmacy Technician Registration No. TCH 63721</b>	
16 Respondent.	

17 **PARTIES**

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

20 2. On or about June 30, 2005, the Board issued Pharmacy Technician Registration  
21 Number TCH 63721 to Maricar C. Chanthaluxay (Respondent). The Pharmacy Technician  
22 Registration was in full force and effect at all times relevant to the charges brought herein and  
23 will expire on May 31, 2023 unless renewed.

24 3. On or about February 17, 2021, Complainant filed a Petition for a Mental and/or  
25 Physical Examination of Respondent. On March 3, 2021, the Board issued an Order Compelling  
26 the Mental and /or Physical Examination of Respondent. (Bus. & Prof. Code, § 820.) As  
27 described below, Respondent completed the examination and, on or about March 29, 2021, the  
28 evaluator issued a report deeming Respondent currently unsafe to practice pharmacy.

1 **JURISDICTION**

2 4. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5 **STATUTORY PROVISIONS**

6 5. Section 820 of the Code states:

7 Whenever it appears that any person holding a license, certificate or permit  
8 under this division or under any initiative act referred to in this division may be  
9 unable to practice his or her profession safely because the licentiate’s ability to  
10 practice is impaired due to mental illness, or physical illness affecting competency,  
11 the licensing agency may order the licentiate to be examined by one or more  
12 physicians and surgeons or psychologists designated by the agency. The report of the  
13 examiners shall be made available to the licentiate and may be received as direct  
14 evidence in proceedings conducted pursuant to Section 822.

15 6. Section 822 of the Code states:

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

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

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

22 (c) Placing the licentiate on probation.

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

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

**FACTUAL ALLEGATIONS**

7. Police arrested Respondent on or about December 27, 2019 for assault with a deadly  
weapon (not a firearm) and obstructing or resisting an officer. Based on her conduct reported by  
the police, on or about February 17, 2021, Complainant filed a Petition for a Mental and/or  
Physical Examination of Respondent. On March 3, 2021, the Board issued an Order Compelling  
the Mental and /or Physical Examination of Respondent. (Bus. & Prof. Code, § 820.) Following

1 the Board's Order, Respondent submitted to a mental and/or physical evaluation. On or about  
2 March 29, 2021, the evaluator issued a report finding Respondent currently unsafe to practice  
3 pharmacy.

4 **CAUSE FOR DISCIPLINE**

5 **(Inability to Safely Practice)**

6 8. Respondent is subject to disciplinary action under Code sections 822 in that  
7 Respondent's ability to safely practice is impaired. The circumstances are those described in the  
8 Factual Allegations paragraph above and incorporated by reference as if fully set forth here.

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 63721  
13 issued to Maricar C. Chanthaluxay; and  
14 2. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 11/18/2021

Signature on File

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

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