

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

In the Matter of the Accusation Against:

CHANTE LIZETTE MARTINEZ, Respondent

Pharmacy Technician Registration No. TCH 134114

Agency Case No. 7320

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 July 26, 2023.

It is so ORDERED on June 26, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly distinguishable.

Seung W. Oh, Pharm.D.
Board President

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

12
13 In the Matter of the Accusation Against:

Case No. 7320

14 **CHANTE LIZETTE MARTINEZ**
15 **4250 N. Lakewood Blvd. #1**
Long Beach, CA 90808

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 **Pharmacy Technician Registration No. TCH**
17 **134114**

18
19 Respondent.

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 Melissa Tyner, Deputy Attorney
26 General.

27 2. Respondent Chante Lizette Martinez (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 23, 2013, the Board issued Pharmacy Technician Registration No. TCH 134114 to Chante Lizette Martinez (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7320, and will expire on August 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 7320 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 30, 2022. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7320 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7320. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 7320.

10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 134114
3 issued to Respondent Chante Lizette Martinez is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for five (5) years on the following terms and conditions:

5 **STANDARD CONDITIONS OF PROBATIONS**

6 **1. Obey All Laws**

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

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

- 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
- 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

1 total period of probation. Moreover, if the final probation report is not made as directed,
2 probation shall be automatically extended until such time as the final report is made and accepted
3 by the Board.

4 **3. Interview with the Board**

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

10 **4. Cooperate with Board Staff**

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

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

18 During the period of probation, Respondent shall notify all present and prospective
19 employers of the decision in case number 7320 and the terms, conditions and restrictions imposed
20 on Respondent by the decision, as follows:

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

1 and authorizing those employer(s) or supervisor(s) to communicate with the Board or its
2 designee, concerning Respondent's work status, performance, and monitoring. Failure to comply
3 with the requirements or deadlines of this condition shall be considered a violation of probation.

4 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
5 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,
6 (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
7 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
8 Board in writing acknowledging that the listed individual(s) has/have read the decision in case
9 number 7320, and terms and conditions imposed thereby. If one person serves in more than one
10 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the
12 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
13 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in
14 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
15 in case number 7320, and the terms and conditions imposed thereby.

16 If Respondent works for or is employed by or through an employment service, Respondent
17 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
18 of the decision in case number 7320, and the terms and conditions imposed thereby in advance of
19 Respondent commencing work at such licensed entity. A record of this notification must be
20 provided to the Board upon request.

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

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a pharmacist technician, or any
6 position for which a pharmacist technician is a requirement or criterion for employment, whether
7 the Respondent is an employee, independent contractor or volunteer.

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

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

11 Failure to timely notify the Board of any change in employer, name, address, or phone
12 number shall be considered a violation of probation.

13 **7. Reimbursement of Board Costs**

14 As a condition precedent to successful completion of probation, Respondent shall pay to the
15 Board its costs of investigation and prosecution in the amount of \$3,018.75. Respondent shall be
16 permitted to pay these costs in a payment plan approved by the Board, with payments to be
17 completed no later than six months prior to the end of the probation term.

18 There shall be no deviation from this schedule absent prior written approval by the Board or
19 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
20 probation.

21 Respondent shall be permitted to pay these costs in a payment plan approved by the Board
22 or its designee, so long as full payment is completed no later than one (1) year prior to the end
23 date of probation.

24 **8. Probation Monitoring Costs**

25 Respondent shall pay any costs associated with probation monitoring as determined by the
26 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
27 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
28 shall be considered a violation of probation.

1 **9. Status of License**

2 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
3 Technician Registration with the Board, including any period during which suspension or
4 probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall
5 be considered a violation of probation.

6 If Respondent's Pharmacy Technician Registration expires or is cancelled by operation of
7 law or otherwise at any time during the period of probation, including any extensions thereof due
8 to tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all
9 terms and conditions of this probation not previously satisfied.

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

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

19 Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall
20 license, including any indicia of licensure not previously provided to the Board within ten (10)
21 days of notification by the Board that the surrender is accepted if not already provided.
22 Respondent may not reapply for any license from the Board for three (3) years from the effective
23 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
24 of the date the application for that license is submitted to the Board, including any outstanding
25 costs.

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

27 Respondent shall be suspended, and shall not work as a pharmacy technician, until she has
28 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has

submitted proof of certification to the Board, and has been notified by the Board or its designee that she may begin work. Failure to achieve certification within six (6) months of the effective date shall be considered a violation of probation.

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

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

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

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

12. Practice Requirement – Extension of Probation

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

If Respondent does not practice as a pharmacist technician in California for the minimum number of hours in any calendar month, for any reason (including vacation), Respondent shall notify the Board in writing within ten (10) days of the conclusion of that calendar month. This

notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume practice at the required level. Respondent shall further notify the Board in writing within ten (10) days following the next calendar month during which Respondent practices as a pharmacist technician in California for the minimum of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

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

13. Violation of Probation

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

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

14. Completion of Probation

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

1 **15. Drug and Alcohol Testing**

2 Respondent, at her own expense, shall participate in testing as directed by the Board or its
3 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
4 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
5 breathalyzer, hair follicle testing, or other testing protocols as directed by the Board or its
6 designee. All testing must be pursuant to an observed testing protocol, unless Respondent is
7 informed otherwise in writing by the Board or its designee. Respondent may be required to
8 participate in testing for the entire probation period and frequency of testing will be determined
9 by the Board or its designee.

10 By no later than thirty (30) days after the effective date of this decision, Respondent shall
11 have completed all of the following tasks: enrolled and registered with an approved drug and
12 alcohol testing vendor; provided that vendor with any documentation, and any information
13 necessary for payment by Respondent; commenced testing protocols, including all required
14 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
15 Respondent shall fully cooperate with the testing vendor, and with the Board or its designee, with
16 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
17 cooperate timely shall be considered a violation of probation.

18 Respondent may be required to test on any day, including weekends and holidays.
19 Respondent is required to make daily contact with the testing vendor to determine if a test is
20 required, and if a test is required must submit to testing on the same day.

21 Prior to any vacation or other period of absence from the area where the approved testing
22 vendor provides services, Respondent shall seek and receive approval from the Board or its
23 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
24 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to
25 that alternate vendor any documentation required by the vendor, including any necessary payment
26 by Respondent. During the period of absence of the area, Respondent shall commence testing
27 protocols with the alternate vendor, including required daily contacts with the testing vendor to
28 determine if testing is required, and required testing. Any failure to timely seek or receive

1 approval from the Board or its designee, or to timely enroll and register with, timely commence
2 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
3 considered a violation of probation.

4 Upon detection of an illicit drug, controlled substance or dangerous drug, the Board or its
5 designee may require Respondent to timely provide documentation from a licensed practitioner
6 authorized to prescribe the detected substance demonstrating that the substance was administered
7 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
8 documentation shall be provided by Respondent within ten (10) days of being requested.

9 Any of the following shall be considered a violation of probation and shall result in
10 Respondent being immediately suspended from practice as a pharmacist technician until notified
11 by the Board in writing that she may resume practice: failure to timely complete all of the steps
12 required for enrollment/registration with the drug testing vendor, including making arrangements
13 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing
14 vendor as required to determine testing date(s); failure to test as required; failure to timely supply
15 documentation demonstrating that a detected substance was taken pursuant to a legitimate
16 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
17 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
18 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
19 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
20 controlled substance or dangerous drug absent documentation that the detected substance was
21 taken pursuant to a legitimate prescription and a necessary treatment, the Board or its designee
22 shall inform Respondent of the suspension and inform her to immediately leave work, and shall
23 notify Respondent's employer(s) and work site monitor(s) of the suspension.

24 During any such suspension, Respondent shall not enter any pharmacy area or any portion
25 of the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal
26 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. Respondent shall not practice pharmacy nor do any act involving drug

1 selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor
2 shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have
3 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs
4 and/or dangerous devices and controlled substances.

5 During any such suspension, Respondent shall not engage in any activity that requires the
6 professional judgment of and/or licensure as a pharmacist technician. Respondent shall not direct
7 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
8 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

9 Failure to comply with any such suspension shall be considered a violation of probation.
10 Failure to comply with any requirement or deadline stated by this term shall be considered a
11 violation of probation.

12 16. Notification of Departure

13 Prior to leaving the probationary geographic area designated by the Board or its designee
14 for a period greater than twenty-four (24) hours, Respondent shall notify the Board verbally and
15 in writing of the dates of departure and return. Failure to comply with this provision shall be
16 considered a violation of probation.

17 17. Abstain from Drugs and Alcohol

18 Respondent shall completely abstain from the possession or use of alcohol, controlled
19 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
20 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
21 necessary part of treatment. Respondent shall ensure that she is not in the same physical location
22 as individuals who are using illicit substances even if Respondent is not personally ingesting the
23 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
24 substances, or their associated paraphernalia for which a legitimate prescription has not been
25 issued as a necessary part of treatment, or any physical proximity to persons using illicit
26 substances, shall be considered a violation of probation.

1 **18. Prescription Coordination and Monitoring of Prescription Use**

2 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
3 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
4 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
5 Respondent's history with the use of alcohol, and who will coordinate and monitor any
6 prescriptions for Respondent for dangerous drugs and/or dangerous devices, controlled substances
7 or mood-altering drugs. The approved practitioner shall be provided with a copy of the Board's
8 Accusation and decision. A record of this notification must be provided to the Board or its
9 designee upon request. Respondent shall sign a release authorizing the practitioner to
10 communicate with the Board or its designee about Respondent's treatment(s). The coordinating
11 physician, nurse practitioner, physician assistant, or psychiatrist shall report to the Board on a
12 quarterly basis for the duration of probation regarding Respondent's compliance with this
13 condition. If any substances considered addictive have been prescribed, the report shall identify a
14 program for the time limited use of any such substances. The Board or its designee may require
15 that the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a
16 specialist in addictive medicine, or consult a specialist in addictive medicine. Should
17 Respondent, for any reason, cease supervision by the approved practitioner, Respondent shall
18 notify the Board or its designee immediately and, within thirty (30) days of ceasing supervision,
19 submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist
20 of Respondent's choice to the Board or its designee for its prior approval. Failure to timely submit
21 the selected practitioner or replacement practitioner to the Board or its designee for approval, or
22 to ensure the required quarterly reporting thereby, shall be considered a violation of probation.

23 If at any time an approved practitioner determines that Respondent is unable to practice
24 safely or independently as a pharmacist technician, the practitioner shall notify the Board or its
25 designee immediately by telephone and follow up by written letter within three (3) working days.
26 Upon notification from the Board or its designee of this determination, Respondent shall be
27 automatically suspended and shall not resume practice as a pharmacist technician until notified by
28 the Board or its designee that practice may be resumed.

1 During any suspension, Respondent shall not enter any pharmacy area or any portion of the
2 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
3 retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or
4 any area where dangerous drugs and/or dangerous devices or controlled substances are
5 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
6 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
7 Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to
8 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
9 dangerous devices and controlled substances. Respondent shall not resume practice until notified
10 by the Board.

11 During any suspension, Respondent shall not engage in any activity that requires the
12 professional judgment and/or licensure as a pharmacist technician. Respondent shall not direct or
13 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,
14 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

17 **19. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

18 Within thirty (30) days of the effective date of this decision, Respondent shall begin regular
19 attendance at a recognized and established substance abuse recovery support group in California
20 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board
21 or its designee. Respondent must attend the number of group meetings per week or month
22 directed by the Board or its designee, which shall typically be at least one per week. Respondent
23 shall continue regular attendance and submit signed and dated documentation confirming
24 attendance with each quarterly report for the duration of probation. Failure to attend or submit
25 documentation thereof shall be considered a violation of probation.

26 Where Respondent is enrolled in the PRP, participation as required in a recovery group
27 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
28

1 deviation from participation requirements for the PRP-approved group shall be considered a
2 violation of probation.

3 **20. No Ownership or Management of Licensed Premises**

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

11 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
12 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
13 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns
14 or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
15 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
16 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold
17 that interest, but only to the extent of that position or interest as of the effective date of this
18 decision. Violation of this restriction shall be considered a violation of probation.

19 **ACCEPTANCE**

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
21 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
22 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
23 to be bound by the Decision and Order of the Board of Pharmacy.

24
25 DATED: _____

CHANTE LIZETTE MARTINEZ
Respondent

1 deviation from participation requirements for the PRP-approved group shall be considered a
2 violation of probation.

3 **20. No Ownership or Management of Licensed Premises**

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

11 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
12 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
13 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns
14 or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
15 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
16 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold
17 that interest, but only to the extent of that position or interest as of the effective date of this
18 decision. Violation of this restriction shall be considered a violation of probation.

19 **ACCEPTANCE**

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
21 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
22 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
23 to be bound by the Decision and Order of the Board of Pharmacy.

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25 DATED: 05/01/2023



26 CHANTE LIZETTE MARTINEZ
27 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
NANCY A. KAISER
Supervising Deputy Attorney General

MELISSA TYNER
Deputy Attorney General
Attorneys for Complainant

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Stipulated Settlement and Disciplinary Order - LIC - Martinez Stip.docx

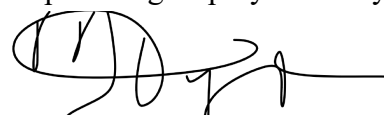
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MELISSA TYNER
Deputy Attorney General
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Exhibit A

Accusation No. 7320

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 NANCY A. KAISER
Supervising Deputy Attorney General
4 State Bar No. 192083
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6320
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 7320

13 **CHANTE LIZETTE MARTINEZ**
14 **4250 N. Lakewood Blvd. #1**
Long Beach, CA 90808

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **134114**

Respondent.

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18
19 **PARTIES**

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

22 2. On or about August 23, 2013, the Board issued Pharmacy Technician Registration
23 Number TCH 134114 to Chante Lizette Martinez (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on August 31, 2023, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or revoked.”

5. Section 4300.1 states:

“The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.”

STATUTORY PROVISIONS

6. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 493 states, in pertinent part:

(a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.” . . .

8. Section 4301 states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

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2 (h) The administering to oneself, of any controlled substance, or the use of any
3 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
4 dangerous or injurious to oneself, to a person holding a license under this chapter, or
5 to any other person or to the public, or to the extent that the use impairs the ability of
6 the person to conduct with safety to the public the practice authorized by the license.

7

8 (k) The conviction of more than one misdemeanor or any felony involving the
9 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,
10 or any combination of those substances.

11 (l) The conviction of a crime substantially related to the qualifications,
12 functions, and duties of a licensee under this chapter. The record of conviction of a
13 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
14 States Code regulating controlled substances or of a violation of the statutes of this
15 state regulating controlled substances or dangerous drugs shall be conclusive
16 evidence of unprofessional conduct. In all other cases, the record of conviction shall
17 be conclusive evidence only of the fact that the conviction occurred. The board may
18 inquire into the circumstances surrounding the commission of the crime, in order to
19 fix the degree of discipline or, in the case of a conviction not involving controlled
20 substances or dangerous drugs, to determine if the conviction is of an offense
21 substantially related to the qualifications, functions, and duties of a licensee under this
22 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
23 contendere is deemed to be a conviction within the meaning of this provision. The
24 board may take action when the time for appeal has elapsed, or the judgment of
25 conviction has been affirmed on appeal or when an order granting probation is made
26 suspending the imposition of sentence, irrespective of a subsequent order under
27 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
28 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment. . . .

18 **REGULATORY PROVISIONS**

19 9. California Code of Regulations, title 16, section 1770, states:

20 For the purpose of denial, suspension, or revocation of a personal or facility
21 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
22 Professions Code, a crime or act shall be considered substantially related to the
23 qualifications, functions or duties of a licensee or registrant if to a substantial degree
24 it evidences present or potential unfitness of a licensee or registrant to perform the
25 functions authorized by his license or registration in a manner consistent with the
26 public health, safety, or welfare.

24 **COST RECOVERY**

25 10. Section 125.3 provides that the Board may request the administrative law judge to
26 direct a licensee found to have committed a violation or violations of the licensing act to pay a
27 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of Substantially Related Crimes)**

3 11. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
5 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially
6 related to the qualifications, functions or duties of a pharmacy technician, as follows:

7 a. On or about April 11, 2022, Respondent was convicted of two misdemeanor counts of
8 violating Vehicle Code sections 23152(a) [drive while under the influence of alcohol] and
9 23152(b) [drive while under the influence of a 0.08% or greater blood alcohol content (BAC)],
10 and for both counts, the added allegations of violating Vehicle Code section 23538(b)(2) [BAC
11 of 0.20% or more, to wit, 0.23% BAC] in the criminal proceeding entitled *The People of the State*
12 *of California v. Chante Lizette Martinez* (Super. Ct. Orange County, 2022, No. 21HM03470).
13 The Court placed Respondent on three years of probation, ordered him to complete a Nine-
14 Month, Level Two, First-Offender Alcohol Program, complete Victim Impact Counseling, and
15 complete 80 hours of community service.

16 b. The circumstances of the arrest leading to the conviction are that on or about
17 February 28, 2021, while under the influence of alcoholic beverages and failing to see a law
18 enforcement officer directing traffic around a transport vehicle loading an inoperable vehicle.
19 Respondent drove her vehicle into the left front of the transport vehicle causing property damage
20 to hers and the transport vehicle. At approximately 2:25 am, additional law enforcement officers
21 were dispatched to the location. Respondent was unable to complete field sobriety tests. At
22 approximately 3:35 am, Respondent's blood was drawn for testing and the result was a 0.23%
23 BAC.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Alcohol Related Convictions)**

26 12. Respondent is subject to disciplinary action under sections 4300, and 4301,
27 subdivision (k), on the grounds of unprofessional conduct, in that on or about April 11, 2022,
28 Respondent was convicted of two misdemeanor violations involving the use, consumption, or

1 self-administration of alcoholic beverages. Complainant refers to and by this reference
2 incorporates the allegations set forth above in paragraph 11, inclusive, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 13. Respondent is subject to disciplinary action under sections 4300, and 4301,
6 subdivision (h), on the grounds of unprofessional conduct, in that on or about February 28, 2021,
7 Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious
8 to herself or others. Complainant refers to and by this reference incorporates the allegations set
9 forth above in paragraph 11, inclusive, as though set forth fully.

10 **DISCIPLINE CONSIDERATIONS**

11 14. To determine the degree of discipline, Complainant alleges that on or about
12 a. On or about July 28, 2005, Respondent was convicted of one misdemeanor count of
13 violating Vehicle Code section 12500(a) [drive without a valid license] in the criminal proceeding
14 entitled *The People of the State of California v. Chante Lizette Martinez* (Super. Ct. L.A. County,
15 2005, No. 5LL01903). The Court placed Respondent on one year of probation and ordered her to
16 complete five days of community service. The underlying circumstances of the conviction
17 occurred on or about February 18, 2005.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician Registration Number TCH 134114,
22 issued to Chante Lizette Martinez;

23 2. Ordering Chante Lizette Martinez to pay the Board of Pharmacy the reasonable costs
24 of the investigation and enforcement of this case, pursuant to Business and Professions Code
25 section 125.3; and,

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

DATED: 9/26/2022

Signature on File

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

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