

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

In the Matter of the Accusation Against:

**ANDRICK JESSY LAGUNA
Pharmacy Technician Registration No. TCH 176045**

Respondent.

Agency Case No. 7713

OAH No. 2024030969

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 September 20, 2024.

It is so ORDERED on August 21, 2024.

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 ARMANDO ZAMBRANO
 Supervising Deputy Attorney General
 3 CHRISTINE J. LEE
 Deputy Attorney General
 4 State Bar No. 282502
 300 So. Spring Street, Suite 1702
 5 Los Angeles, CA 90013
 Telephone: (213) 269-6285
 6 Facsimile: (916) 731-2126
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
 13 **ANDRICK JESSY LAGUNA**
 515 S Alexandria Ave, Apt #305
 14 Los Angeles, CA 90020

Case No. 7713
 OAH No. 2024030969

15 **Pharmacy Technician License No.**
 16 **TCH 176045**

**STIPULATED SETTLEMENT AND
 DISCIPLINARY ORDER**

17 Respondent.

18
 19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
 20 entitled proceedings that the following matters are true:

21 **PARTIES**

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

26 2. Respondent Andrick Jessy Laguna (Respondent) is represented in this proceeding by
 27 attorney Lucy S. McAllister, Esq., whose address is: 255 North Market, Suite 100
 28 San Jose, CA 95110.

1 is placed on probation for five (5) years on the following terms and conditions:

2 **1. Obey All Laws**

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

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

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

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

18 **2. Report to the Board**

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

23 Failure to submit timely reports in a form as directed shall be considered a violation of
24 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
25 total period of probation. Moreover, if the final probation report is not made as directed,
26 probation shall be automatically extended until such time as the final report is made and accepted
27 by the board.

28

1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

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

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

15 During the period of probation, respondent shall notify all present and prospective
16 employers of the decision in case number 7713 and the terms, conditions and restrictions imposed
17 on respondent by the decision, as follows:

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

1 comply with the requirements or deadlines of this condition shall be considered a violation of
2 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 (a) Respondent’s direct
5 supervisor, (b) Respondent’s pharmacist-in-charge, designated representative-in-charge,
6 responsible manager, or other compliance supervisor, and (c) the owner or owner representative
7 of Respondent’s employer, to report to the board in writing acknowledging that the listed
8 individual(s) has/have read the decision in case number 7713, and terms and conditions imposed
9 thereby. If one person serves in more than one role described in (a), (b), or (c), the
10 acknowledgment shall so state. It shall be the respondent’s responsibility to ensure that these
11 acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s)
12 serving the role(s) described in (a), (b), or (c) during the term of probation, respondent shall cause
13 the person(s) taking over the role(s) to report to the board in writing within fifteen (15) days of
14 the change acknowledging that he or she has read the decision in case number 7713, and the
15 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 7713, 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 service
24 to report to the board in writing acknowledging that he or she has read the decision in case
25 number, and the terms and conditions imposed thereby. It shall be respondent’s responsibility to
26 ensure that these acknowledgment(s) are timely submitted to the board.

27
28

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 Pharmacy Technician, or any
6 position for which a Pharmacy 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 \$ 4,983.75. Respondent shall
16 make said payments as follows:

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

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

23 **8. Probation Monitoring Costs**

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

28 **9. Status of License**

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

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

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

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

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

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

26 Respondent shall be suspended, and shall not work as a pharmacy technician, until he has
27 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has
28 submitted proof of certification to the board, and has been notified by the board or its designee

1 that he may begin work. Failure to achieve certification within six (6) months of the effective
2 date shall be considered a violation of probation.

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

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

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

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

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

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

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

1 If respondent does not practice as a Pharmacy Technician in California for the minimum
2 number of hours in any calendar month, for any reason (including vacation), respondent shall
3 notify the board in writing within ten (10) days of the conclusion of that calendar month. This
4 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)
5 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will
6 resume practice at the required level. Respondent shall further notify the board in writing within
7 ten (10) days following the next calendar month during which respondent practices as a Pharmacy
8 Technician in California for the minimum of hours. Any failure to timely provide such
9 notification(s) shall be considered a violation of probation.

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

14 **13. Violation of Probation**

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

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

28 **14. Completion of Probation**

1 Upon written notice by the board or its designee indicating successful completion of
2 probation, respondent's license will be fully restored.

3 **15. Drug and Alcohol Testing**

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

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

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

23 Prior to any vacation or other period of absence from the area where the approved testing
24 vendor provides services, respondent shall seek and receive approval from the board or its
25 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
26 respondent shall enroll and register with the approved alternate drug testing vendor, provide to
27 that alternate vendor any documentation required by the vendor, including any necessary payment
28 by respondent. During the period of absence of the area, respondent shall commence testing

1 protocols with the alternate vendor, including required daily contacts with the testing vendor to
2 determine if testing is required, and required testing. Any failure to timely seek or receive
3 approval from the board or its designee, or to timely enroll and register with, timely commence
4 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
5 considered a violation of probation.

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

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

26 During any such suspension, respondent shall not enter any pharmacy area or any portion of
27 the 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
2 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
3 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
4 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
5 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
6 dangerous devices and controlled substances.

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

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

14 **16. Notification of Departure**

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

19 **17. Abstain from Drugs and Alcohol**

20 Respondent shall completely abstain from the possession or use of alcohol, controlled
21 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
22 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
23 necessary part of treatment. Respondent shall ensure that he is not in the same physical location
24 as individuals who are using illicit substances even if respondent is not personally ingesting the
25 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
26 substances, or their associated paraphernalia for which a legitimate prescription has not been
27 issued as a necessary part of treatment, or any physical proximity to persons using illicit
28 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 respondent's
5 history with the use of alcohol, illicit drugs, controlled substances, and/or dangerous drugs, and
6 who will coordinate and monitor any prescriptions for respondent for dangerous drugs and/or
7 dangerous devices, controlled substances or mood-altering drugs. The approved practitioner shall
8 be provided with a copy of the board's Accusation and decision. A record of this notification
9 must be provided to the board or its designee upon request. Respondent shall sign a release
10 authorizing the practitioner to communicate with the board or its designee about respondent's
11 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
12 shall report to the board on a quarterly basis for the duration of probation regarding respondent's
13 compliance with this condition. If any substances considered addictive have been prescribed, the
14 report shall identify a program for the time limited use of any such substances. The board or its
15 designee may require that the single coordinating physician, nurse practitioner, physician assistant
16 or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.
17 Should respondent, for any reason, cease supervision by the approved practitioner, respondent
18 shall notify the board or its designee immediately and, within thirty (30) days of ceasing
19 supervision, submit the name of a replacement physician, nurse practitioner, physician assistant,
20 or psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to
21 timely submit the selected practitioner or replacement practitioner to the board or its designee for
22 approval, or to ensure the required quarterly reporting thereby, shall be considered a violation of
23 probation.

24 If at any time an approved practitioner determines that respondent is unable to practice
25 safely or independently as a Pharmacy Technician, the practitioner shall notify the board or its
26 designee immediately by telephone and follow up by written letter within three (3) working days.
27 Upon notification from the board or its designee of this determination, respondent shall be
28

1 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by
2 the board or its designee that practice may be resumed.

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

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

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

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

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

28

1 Where respondent is enrolled in the PRP, participation as required in a recovery group
2 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
3 deviation from participation requirements for the PRP-approved group shall be considered a
4 violation of probation.

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

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

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

21 **21. Criminal Probation/Parole Reports**

22 Within ten (10) days of the effective date of this decision, or within ten (10) days of the
23 issuance or assignment/replacement of same, whichever is earlier, respondent shall provide the
24 board or its designee in writing: a copy of the conditions of any criminal probation/parole
25 applicable to respondent; and the name and contact information of any probation, parole or
26 similar supervisory officer assigned to respondent. Respondent shall provide a copy of all
27 criminal probation/parole reports to the board within ten (10) days after such report is issued.
28

1 Failure to timely make any of the submissions required hereby shall be considered a violation of
2 probation.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Lucy S. McAllister, Esq.. I understand the stipulation and the
6 effect it will have on my Pharmacy Technician License, and Pharmacy Technician Registration. I
7 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
8 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

9
10 DATED: _____

_____ ANDRICK JESSY LAGUNA
Respondent

11
12 I have read and fully discussed with Respondent Andrick Jessy Laguna the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
14 I approve its form and content.

15
16 DATED: _____

_____ LUCY S. MCALLISTER, ESQ.
Attorney for Respondent

1 Failure to timely make any of the submissions required hereby shall be considered a violation of
2 probation.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Lucy S. McAllister, Esq.. I understand the stipulation and the
6 effect it will have on my Pharmacy Technician License, and Pharmacy Technician Registration. I
7 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
8 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

9
10 DATED: 7/9/2024  _____
11 ANDRICK JESSY LAGUNA
12 Respondent

13 I have read and fully discussed with Respondent Andrick Jessy Laguna the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
15 I approve its form and content.

16 DATED: 7/9/2024  _____
17 LUCY S. MCALLISTER, ESQ.
18 Attorney for Respondent

19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

LA2023604962
66859623.docx

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

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

DATED: July 10, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

LA2023604962
66859623.docx

Exhibit A

Accusation No. 7713

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6322
6 Facsimile: (916) 731-2126
E-mail: Armando.Zambrano@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7713

13 **ANDRICK JESSY LAGUNA**
515 S Alexandria Ave, Apt #305
14 Los Angeles, CA 90020

ACCUSATION

15 **Pharmacy Technician License No.**
TCH 176045

16 Respondent.
17

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 March 3, 2020, the Board issued Pharmacy Technician License Number
23 TCH 176045 to Andrick Jessy Laguna (Respondent). The Pharmacy Technician License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on
25 September 30, 2025, unless renewed.

26 ///

27 ///

28 ///

1 **JURISDICTION**

2 3. 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 4. Section 4300 of the Code provides, in pertinent part, that every license issued by the
6 Board is subject to discipline including suspension or revocation.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued license
9 by operation of law or by order or decision of the board or a court of law, the
10 placement of a license on a retired status, or the voluntary surrender of a license by a
11 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.

12 **STATUTORY PROVISIONS**

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

17 7. Section 4301 of the Code states, in pertinent part:

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

20 ...

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

24 ...

25 (j) The violation of any of the statutes of this state, of any other state, or of the
26 United States regulating controlled substances and dangerous drugs.

27 ...

28 ///

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

20 . . .

21 **REGULATORY PROVISIONS**

22 8. California Code of Regulations, title 16, section 1770(a) states:

23 For the purpose of denial, suspension, or revocation of a personal or facility
24 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
25 Business and Professions Code, a crime, professional misconduct, or act shall be
26 considered substantially related to the qualifications, functions or duties of the
27 practice, profession, or occupation that may be performed under the license type
28 sought or held if to a substantial degree it evidences present or potential unfitness of
an applicant or licensee to perform the functions authorized by the license in a
manner consistent with the public health, safety, or welfare.

29 **COST RECOVERY**

30 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licensee found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
34 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
35 included in a stipulated settlement.

36 ///

37 ///

38 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Drugs and Alcohol)**

3 13. Respondent is subject to disciplinary action under Code section 4301(h), on the
4 grounds of unprofessional conduct, in that Respondent used dangerous drugs and alcoholic
5 beverages to the extent or in a manner as to be dangerous or injurious to oneself, any other person
6 or to the public, as alleged above in paragraph 12.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Controlled Substances Violation)**

9 14. Respondent is subject to disciplinary action under Code section 4301(j), on the
10 grounds of unprofessional conduct, in that Respondent violated the statutes of this state regulating
11 controlled substances and dangerous drugs, as alleged above in paragraph 12.

12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician License Number TCH 176045, issued
16 to Andrick Jessy Laguna;
- 17 2. Ordering Andrick Jessy Laguna to pay the Board of Pharmacy the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3; and
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22
23 DATED: 1/16/2024

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

Digitally signed by
 Sodergren, Anne@DCA
 Date: 2024.01.16 20:46:06
 -08'00'

27
28 LA2023604962
66437840_2.docx