

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

In the Matter of the Accusation Against:

RADY CHILDREN'S HOSPITAL SAN DIEGO, dba

CHILDREN'S MEDICAL CENTER PHARMACY, Respondent

Pharmacy Permit No. PHY 37113

Agency Case No. 6613

OAH No. 2019041087

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 April 15, 2020.

It is so ORDERED on March 16, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over a horizontal line.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DANIEL J. CROSS
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6613

14 **RADY CHILDREN'S HOSPITAL SAN**
15 **DIEGO, DBA CHILDREN'S MEDICAL**
16 **CENTER PHARMACY**
3030 Children's Way, Ste. 108
San Diego, CA 92123

OAH No. 2019041087

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 **Pharmacy Permit No. PHY 37113,**

18 Respondent.

19
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 Interim Executive Officer of the Board of
24 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Daniel J. Cross,
26 Deputy Attorney General.

27 2. Respondent Rady Children's Hospital San Diego, dba Children's Medical Center
28 Pharmacy (Respondent) is represented in this proceeding by attorneys Marilyn R. Moriarty,

1 Timothy R. Windham, and Helen H. Lee of the firm Lewis Brisbois Bisgaard & Smith LLP,
2 whose address is 701 B Street, Suite 1900, San Diego, CA 92101.

3 3. On May 9, 1991, the Board issued Pharmacy Permit No. PHY 37113 to Respondent.
4 The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in
5 Accusation No. 6613, and will expire on May 1, 2020, unless renewed.

6 **JURISDICTION**

7 4. Accusation No. 6613 was filed before the Board, and is currently pending against
8 Respondent. The Accusation and all other statutorily required documents were properly served
9 on Respondent on February 13, 2019. Respondent timely filed its Notice of Defense contesting
10 the Accusation.

11 5. A copy of Accusation No. 6613 is attached as exhibit A and incorporated herein by
12 reference.

13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 6613. Respondent has also carefully read, fully
16 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
17 Order.

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

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

26 **CULPABILITY**

27 9. Respondent admits the truth of each charge and allegation in Accusation No. 6613.

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10. Respondent agrees that its Pharmacy Permit is subject to discipline and 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 or its counsel. By signing the stipulation, Respondent understands and agrees that it may not withdraw its 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 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:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 37113 issued to Respondent
Rady Children's Hospital San Diego, dba Children's Medical Center Pharmacy (Respondent) shall

1 be publicly reprovod by the Board of Pharmacy under Business and Professions Code section 495
2 in resolution of Accusation No. 6613, attached as exhibit A.

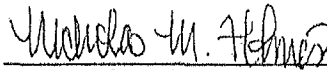
3 **Reimbursement of Board Costs**

4 Respondent shall pay the board its costs of investigation and prosecution in the amount of
5 \$9,500.25. Respondent shall be permitted to pay these costs in a payment plan approved by the
6 board. If Respondent fails to pay these costs as ordered, Respondent shall not be allowed to
7 renew its Pharmacy Permit until Respondent pays costs in full.

8 **ACCEPTANCE**

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
10 discussed it with my attorneys. I understand the stipulation and the effect it will have on my
11 Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
12 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
13 Pharmacy.

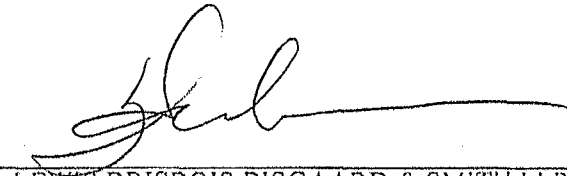
14
15
16 DATED: 12/23/2019



17 RAY CHILDREN'S HOSPITAL SAN DIEGO, DBA
18 CHILDREN'S MEDICAL CENTER PHARMACY
Respondent

19 I have read and fully discussed with Respondent Rady Children's Hospital San Diego, dba
20 Children's Medical Center Pharmacy the terms and conditions and other matters contained in the
21 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

22
23
24 DATED: 1/8/20



25 LEWIS BRISBOIS BISGAARD & SMITH LLP
26 Attorney for Respondent
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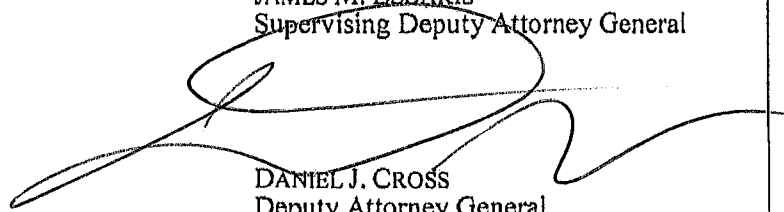
ENDORSEMENT

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

DATED: 1/18/20

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



DANIEL J. CROSS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6613

1 XAVIER BECERRA
Attorney General of California
2 ANTOINETTE B. CINCOTTA
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3 DESIREE I. KELLOGG
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6613

14 **RADY CHILDREN'S HOSPITAL SAN DIEGO,**
15 **DBA CHILDREN'S MEDICAL CENTER**
16 **PHARMACY**
3030 Children's Way, Ste. 108
San Diego, CA 92123

A C C U S A T I O N

17 **Pharmacy Permit No. PHY 37113,**

18 **MARK SEY**
255 Alameda Blvd.
19 **Coronado, CA 92118**

20 **Pharmacist License No. RPH 35514,**

21 **and**

22 **LAURA ANNETTE TROVATO**
6779 Tuxedo Road
23 **San Diego, CA 92119**

24 **Pharmacist License No. RPH 39463**

25 Respondents.

1 Complainant alleges:

2 **PARTIES**

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

6 2. On or about May 9, 1991, the Board issued Pharmacy Permit Number PHY 37113 to
7 Rady Children's Hospital San Diego, dba Children's Medical Center Pharmacy (Children's
8 Medical Center Pharmacy). The Pharmacy Permit was in full force and effect at all times
9 relevant to the charges brought herein and will expire on May 1, 2019, unless renewed.

10 3. On or about August 15, 1980, the Board issued Pharmacist License Number RPH
11 35514 to Mark Sey (Mark Sey). The Pharmacist License was in full force and effect at all times
12 relevant to the charges brought herein and will expire on January 31, 2020, unless renewed.

13 4. On or about August 27, 1985, the Board issued Pharmacist License Number RPH
14 39463 to Laura Annette Trovato (Laura Trovato). The Pharmacist License was in full force and
15 effect at all times relevant to the charges brought herein and will expire on February 28, 2021,
16 unless renewed.

17 **JURISDICTION**

18 5. This Accusation is brought before the Board under the authority of the following
19 laws. All section references are to the Business and Professions Code unless otherwise indicated.

20 6. Section 4011 of the Code provides that the Board shall administer and enforce both
21 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
22 Act [Health & Safety Code, § 11000 et seq.].

23 7. Section 4300(a) of the Code provides that every license issued by the Board may be
24 suspended or revoked.

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1 8. Section 4300.1 of the Code states:

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

8 **STATUTORY AND REGULATORY PROVISIONS**

9 9. Section 4081 of the Code states in pertinent part:

10 (a) All records of manufacture and of sale, acquisition, or disposition of
11 dangerous drugs or dangerous devices shall be at all times during business hours
12 open to inspection by authorized officers of the law, and shall be preserved for at
13 least three years from the date of making. A current inventory shall be kept by
14 every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer,
15 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or
16 establishment holding a currently valid and unrevoked certificate, license, permit,
17 registration, or exemption under Division 2 (commencing with Section 1200) of the
18 Health and Safety Code or under Part 4 (commencing with Section 16000) of
19 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous
20 drugs or dangerous devices.

21 (b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
22 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge
23 or representative-in-charge, for maintaining the records and inventory described in
24 this section.

25 10. Section 4301 of the Code states in pertinent part:

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

 (c) Gross negligence.

 ...

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

 ...

 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
abetting the violation of or conspiring to violate any provision or term of this chapter
or of the applicable federal and state laws and regulations governing pharmacy,
including regulations established by the board or any other state or federal regulatory
agency.

 ...

1 11. Section 4113(c) of the Code states:

2 The pharmacist-in-charge shall be responsible for a pharmacy's compliance
3 with all state and federal laws and regulations pertaining to the practice of pharmacy.

4 12. Section 4306.5 of the Code states, in pertinent part:

5 Unprofessional conduct for a pharmacist may include any of the following:

6 Acts or omissions that involve, in whole or in part, the inappropriate exercise of
7 his or her education, training, or experience as a pharmacist, whether or not the act or
8 omission arises in the course of the practice of pharmacy or the ownership,
management, administration, or operation of a pharmacy or other entity licensed by
the board.

9 Acts or omissions that involve, in whole or in part, the failure to consult
10 appropriate patient, prescription, and other records pertaining to the performance of
any pharmacy function.

11 ...

12 13. Section 4307(a) of the Code states that:

13 Any person who has been denied a license or whose license has been revoked or is
14 under suspension, or who has failed to renew his or her license while it was under
suspension, or who has been a manager, administrator, owner member, officer,
15 director, associate, or partner of any partnership, corporation, firm, or association
whose application for a license has been denied or revoked, is under suspension or
16 has been placed on probation, and while acting as the manger, administrator, owner,
member, officer, director, associate, or partner had knowledge or knowingly
17 participated in any conduct for which the license was denied, revoked, suspended, or
placed on probation, shall be prohibited from serving as a manger, administrator,
owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

22 14. Sections 1714(b) and 1714(d) of title 16, California Code of Regulations state:

23 (b) Each pharmacy licensed by the board shall maintain its facilities, space,
24 fixtures, and equipment so that drugs are safely and properly prepared, maintained,
secured and distributed. The pharmacy shall be of sufficient size and unobstructed
25 area to accommodate the safe practice of pharmacy.

26 (d) Each pharmacist while on duty shall be responsible for the security of the
prescription department, including provisions for effective control against theft or
27 diversion of dangerous drugs and devices, and records for such drugs and devices.
Possession of a key to the pharmacy where dangerous drugs and controlled
28 substances are stored shall be restricted to a pharmacist.

15. Section 1718 of title 16, California Code of Regulations states:

“Current Inventory” as used in Section 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Section 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least three years.

COSTS

16. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

17. Acetaminophen with codeine, sold under the brand name Tylenol #3, is a Schedule III controlled substances pursuant to Health and Safety Code section 11056, subdivision (e)(2), and a dangerous drug pursuant to Business and Professions Code section 4022.

18. Alprazolam, sold under the brand name Xanax, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

19. Promethazine with codeine syrup, sold under the brand name Phenergan with Codeine, is a Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision (c)(1), and is a dangerous drug pursuant to Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

20. At all times referenced herein, Respondent Mark Sey was the Pharmacist-in-Charge and Respondent Laura Trovato was the Pharmacist Manager of Respondent Children's Medical Center Pharmacy located in San Diego, California. Respondent Children's Medical Center Pharmacy dispensed drugs to children who were outpatients at Rady's Children's Hospital.

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1 21. Respondent Children's Medical Center Pharmacy's policies and procedures for the
2 ordering and security of controlled substances were inadequate and even those policies and
3 procedures were not adhered to by Respondents as described herein.

4 22. Respondent Children's Medical Center Pharmacy did not have surveillance cameras
5 located in and about all of its premises, including the storage room. Security cameras were not
6 regularly reviewed for suspicious behavior exhibited by pharmacy staff.

7 23. Effective January 2016, Respondent Children's Medical Center Pharmacy's
8 Purchasing Procedures (OPRx 3010) provided that at the end of the day, drug purchase orders
9 would be "printed and reviewed by the pharmacist on duty. Once reviewed and deemed
10 acceptable, the pharmacist w[ould] sign the order and the technician w[ould] transmit the order."
11 It further provided that a pharmacist would "confirm receipt of drug deliveries...[f]or security
12 measures, the pharmacy technician placing the current order cannot be the same technician that
13 puts away the order when it arrives." The Pharmacy Manager was required to review daily the
14 drug purchase orders for "appropriateness."

15 24. Effective January 2016, Respondent Children's Medical Center Pharmacy's Ordering
16 and Receiving Controlled Substances from Outside the Institution Policy (OPRx 5020) provided
17 that it would "order and receive controlled substances in a manner to adhere to all state and
18 federal regulations and allow for appropriate inventory levels." There were no extra security
19 measures in place for the ordering of Schedules III-V controlled substances. No separate
20 inventory or log was required to be maintained for Schedules III-V controlled substances.

21 25. Promethazine with codeine and alprazolam were not controlled substances regularly
22 dispensed by Respondent Children's Medical Center Pharmacy to children.

23 26. From approximately August 2017 through mid-June 2018, a pharmacy technician,
24 V.Q. diverted alprazolam and promethazine with codeine syrup for self-use from Respondent
25 Children's Medical Center Pharmacy. She purchased 119 pints of promethazine with codeine
26 syrup and 53 bottles of alprazolam 2 mg tablets from Respondent Children's Medical Center
27 Pharmacy's wholesaler using the online ordering system, typically on Friday evenings, without a
28 pharmacist reviewing her orders and verifying them.

27. When the orders which included the alprazolam and promethazine with codeine ordered by V.Q. arrived at Respondent Children's Medical Center Pharmacy the next day, V.Q. was the technician who put away the order, even though she was the technician who placed the order. She concealed the promethazine with codeine and alprazolam in her backpack, walked around the pharmacy with the controlled substances in her backpack and removed those controlled substances from the pharmacy.

28. Respondent Laura Trovato did not review those purchase orders and just signed them as “approved.” Respondent Laura Trovato also did not reconcile these purchasing orders at a later point, relying on staff who received the orders to verify them.

29. On June 22, 2018, Respondent Laura Trovato reviewed a purchasing invoice which indicated that seven pints of promethazine with codeine syrup had been purchased by Respondent Children's Medical Center Pharmacy. Respondent Laura Trovato then searched the inventory for the seven pints of promethazine with codeine but was unable to locate the pints.

30. Respondent Laura Trovato notified Respondent Mark Sey of the missing pints of promethazine with codeine, and he ran dispensing reports which indicated that Respondent Children's Medical Center Pharmacy did not dispense 5300 tablets of alprazolam 2mg and 119 pints of promethazine with codeine in the previous twelve months. Those controlled substances also could not be located in the inventory of the pharmacy. Additionally, the pharmacy's internal audit revealed that 47 tablets of acetaminophen with codeine 300/30 mg were missing from its inventory.

31. On June 27, 2018, Respondent Mark Sey submitted a DEA 106 Order reporting the loss or theft of alprazolam 2 mg and promethazine with codeine to the Board.

FIRST CAUSE FOR DISCIPLINE

(Failure to Maintain Current Inventory of Controlled Substances against Respondents)

32. Respondents are subject to disciplinary action under Code section 4301(o), for violating title 16, California Code of Regulations, section 1718, in that they did not maintain a current inventory of controlled substances and suffered losses in their inventory of those

1 controlled substances, as set forth in paragraphs 20 through 31 above, which are incorporated
2 herein by reference.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Failure to Provide Adequate Security for Controlled Substances against Respondents)**

5 33. Respondents are subject to disciplinary action under Code section 4301(o), for
6 violating title 16, California Code of Regulations, sections 1714(b) and 1714(d), in that they did
7 not provide adequate security for controlled substances, as set forth in paragraphs 20 through 31
8 above, which are incorporated herein by reference.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Failure to Maintain Records of Acquisition and Disposition against Respondents)**

11 34. Respondents are subject to disciplinary action under Code section 4301(o), for
12 violating Code sections 4081(a) and 4105(a), in that they failed to maintain all the records of
13 acquisition and disposition for controlled substances, as set forth in paragraphs 20 through 31,
14 which are incorporated herein by reference.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Failure to Exercise or Implement Best Professional Judgment or Corresponding**
17 **Responsibility when Dispensing Controlled Substances against Laura Trovato)**

18 35. Respondent Laura Trovato is subject to disciplinary action under Code section
19 4301(o), for violating Business and Professions Code section 4306.5, subdivisions (a) and (b), in
20 that she failed to exercise or implement her best professional judgment when she failed to
21 recognize the diversion of promethazine with codeine and alprazolam 2mg, as set forth in
22 paragraphs 20 through 31 above, which are incorporated herein by reference.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Gross Negligence Against Laura Trovato)**

25 36. Respondent Laura Trovato is subject to disciplinary action under Code section
26 4301(c), for gross negligence, in that she failed to recognize the diversion of promethazine with
27 codeine and alprazolam 2mg, as set forth in paragraphs 20 through 31 above, which are
28 incorporated herein by reference.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct against Respondents)**

3 37. Respondents are subject to disciplinary action under Code section 4301 for
4 unprofessional conduct in that they engaged in the activities described in paragraphs 20 through
5 31 above, which are incorporated herein by reference.

6 **OTHER MATTERS**

7 38. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.
8 PHY 37113 issued to to Rady Children's Hospital San Diego, dba Children's Medical Center
9 Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer,
10 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 37113
11 is placed on probation or until Pharmacy Permit Number PHY 37113 is reinstated if it is revoked.

12 39. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
13 RPH 35514 issued to Mark Sey, Mark Sey shall be prohibited from serving as a manager,
14 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
15 Pharmacist License Number RPH 45111 is placed on probation or until Pharmacist License
16 Number RPH 35514 is reinstated if it is revoked.

17 40. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
18 RPH 39463 issued to Laura Annette Trovato, Laura Annette Trovato shall be prohibited from
19 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
20 licensee for five years if Pharmacist License Number RPH 39463 is placed on probation or until
21 Pharmacist License Number RPH 39463 is reinstated if it is revoked.

22 **DISCIPLINARY CONSIDERATIONS**

23 41. To determine the degree of discipline, if any, to be imposed on Respondent
24 Children's Medical Center Pharmacy, Complainant alleges that on September 23, 2015, the Board
25 issued Citation number CI 2013 60617 against Respondent Children's Medical Center Pharmacy
26 for violating California Code of Regulations, title 16, section 1764 and Civil Code section 56.10,
27 subdivision (a) for the unauthorized release of protected healthcare information and the
28

1 unauthorized disclosure of prescription information. The Board issued a fine which Respondent
2 paid.

3 **PRAYER**

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

6 1. Revoking or suspending Pharmacy Permit Number PHY 37113, issued to Rady
7 Children's Hospital San Diego, dba Children's Medical Center Pharmacy;

8 2. Revoking or suspending Pharmacist License Number RPH 35514, issued to Mark
9 Sey;

10 3. Revoking or suspending Pharmacist License Number RPH 39463, issued to Laura
11 Annette Trovato;

12 4. Prohibiting Rady Children's Hospital San Diego, dba Children's Medical Center
13 Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate,
14 or partner of a licensee for five years if Pharmacy Permit Number PHY 37113 is placed on
15 probation or until Pharmacy Permit Number PHY 37113 is reinstated if Pharmacy Permit Number
16 PHY 37113 issued to Rady Children's Hospital San Diego, dba Children's Medical Center
17 Pharmacy is revoked;

18 5. Prohibiting Mark Sey from serving as a manager, administrator, owner, member,
19 officer, director, associate, or partner of a licensee for five years if Pharmacist License Number
20 RPH 35514 is placed on probation or until Pharmacist License Number RPH 35514 is reinstated
21 if Pharmacist License Number RPH 35514 issued to Mark Sey is revoked;

22 6. Prohibiting Laura Annette Trovato from serving as a manager, administrator, owner,
23 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
24 Number RPH 39463 is placed on probation or until Pharmacist License Number RPH 39463 is
25 reinstated if Pharmacist License Number RPH 39463 issued to Laura Annette Trovato is revoked;

26 7. Ordering Children's Medical Center Pharmacy, Mark Sey and Laura Annette Trovato
27 to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this
28 case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: February 11, 2019



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

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