

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

In the Matter of the Accusation Against:

**THOMAS MCGOWAN,
DBA JTM INFUSION
12225 World Trade Drive, Suite G
San Diego, CA 92128**

Pharmacy Permit No. PHY 43622

and

**JOHN ROSSI
2858 Loker Ave East
Carlsbad, CA 92010**

Pharmacist License No. RPH 33107

Case No. 4860

**STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO JTM
INFUSION**

Respondents.

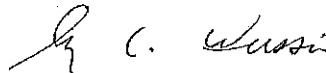
DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 4, 2015.

It is so ORDERED on May 28, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER, Board President

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
Deputy Attorney General
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Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. 4860

11 **THOMAS MCGOWAN,**
12 **DBA JTM INFUSION**
13 **12225 World Trade Drive, Suite G**
San Diego, CA 92128

STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO JTM
INFUSION

14 **Pharmacy Permit No. PHY 43622**

15 **and**

16 **JOHN ROSSI**
17 **2858 Loker Ave East**
Carlsbad, CA 92010

18 **Pharmacist License No. RPH 33107**

19 Respondents.
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21
22 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
26 She brought this action solely in her official capacity and is represented in this matter by Kamala
27 D. Harris, Attorney General of the State of California, by Morgan Malek, Deputy Attorney
28 General.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 4860, agrees that cause exists for discipline and hereby surrenders their Pharmacy Permit No.
4 PHY 43622 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation Entity enables the Board to
6 issue an order accepting the surrender of their Pharmacy Permit without further process.

7 CONTINGENCY

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

18 11. The parties understand and agree that Portable Document Format (PDF) and
19 facsimile copies of this Stipulated Surrender of License and Order, including Portable Document
20 Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the
21 originals.

22 12. This Stipulated Surrender of License and Order is intended by the parties to be an
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
25 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
26 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
27 executed by an authorized representative of each of the parties.
28

1 Respondent owner may not reapply for any license from the board for three (3) years from
2 the effective date of this decision. Respondent owner stipulates that should he or she apply for
3 any license from the board on or after the effective date of this decision, all allegations set forth in
4 the [accusation or petition to revoke probation] shall be deemed to be true, correct and admitted
5 by respondent when the board determines whether to grant or deny the application. Respondent
6 shall satisfy all requirements applicable to that license as of the date the application is submitted
7 to the board. Respondent is required to report this surrender as disciplinary action.

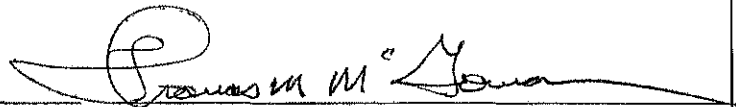
8 Respondent owner further stipulates that he or she shall reimburse the board for its costs of
9 investigation and prosecution in the amount of \$7,234.40 within thirty (30) days of the effective
10 date of this decision.

11 It is understood by respondent owner that, in deciding whether to adopt this stipulation, the
12 board may receive oral and written communication from its staff and the Attorney General's
13 Office. Communications pursuant to this paragraph shall not disqualify the board or other persons
14 from future participation in this or any other matter affecting respondent. In the event this
15 settlement is not adopted by the board, the stipulation will not become effective and may not be
16 used for any purpose, except this paragraph, which shall remain in effect.

17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Surrender of License and Order and have fully
19 discussed it with my attorney, Earll M. Pott. I understand the stipulation and the effect it will
20 have on my Pharmacy Permit. I enter into this Stipulated Surrender of License and Order
21 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
22 Board of Pharmacy.

23
24 DATED: 4-29-15



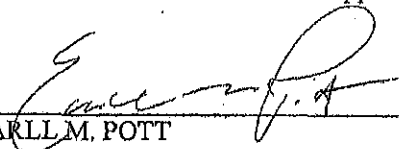
JTM INFUSION

Respondent

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I have read and fully discussed with Respondent JTM Infusion the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 4/28/2015


EARLL M. POTT
Attorney for Respondent JTM INFUSION

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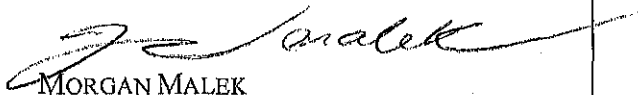
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: Apr. 28, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4860

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
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3 DESIREE I. KELLOGG
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4 State Bar No. 126461
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 4860

12 **THOMAS MCGOWAN,**
13 **DBA JTM INFUSION**
12225 World Trade Drive, Suite G
14 San Diego, CA 92128

A C C U S A T I O N

15 Pharmacy Permit No. PHY 43622

16 and

17 **JOHN ROSSI**
2858 Loker Ave East
18 Carlsbad, CA 92010

19 Pharmacist License No. RPH 33107

20 Respondents.

21
22
23 Complainant alleges:

24 **PARTIES**

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

27 2. On or about October 20, 1998, the Board of Pharmacy issued Pharmacy Permit
28 Number PHY 43622 to Thomas McGowan, doing business as JTM Infusion. John Rossi has

1 been the Pharmacist-in-Charge since October 20, 1998. The Pharmacy Permit was in full force
2 and effect at all times relevant to the charges brought herein and will expire on October 1, 2013,
3 unless renewed.

4 3. On or about August 14, 1979, the Board of Pharmacy issued Pharmacist License
5 Number RPH 33107 to John Rossi. The Pharmacist License was in full force and effect at all
6 times relevant to the charges brought herein and will expire on May 31, 2015, unless renewed.

7 JURISDICTION

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

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

14 6. Section 4300(a) of the Code provides that every license issued by the Board may be
15 suspended or revoked.

16 7. Section 4300.1 of the Code states:

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

23 8. Section 4307(a) of the Code states that:

24 Any person who has been denied a license or whose license has been revoked
25 or is under suspension, or who has failed to renew his or her license while it was
26 under suspension, or who has been a manager, administrator, owner member, officer,
27 director, associate, or partner of any partnership, corporation, firm, or association
28 whose application for a license has been denied or revoked, is under suspension or
has been placed on probation, and while acting as the manger, administrator, owner,
member, officer, director, associate, or partner had knowledge or knowingly
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:

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

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

3 STATUTORY PROVISIONS

4 9. Section 4022 of the Code states:

5 Dangerous drug" or "dangerous device" means any drug or device unsafe for
6 self-use in humans or animals, and includes the following:

7 (a) Any drug that bears the legend: "Caution: federal law prohibits
8 dispensing without prescription," "Rx only," or words of similar import.

9 (b) Any device that bears the statement: "Caution: federal law restricts this
10 device to sale by or on the order of a _____," "Rx only," or words of similar import,
11 the blank to be filled in with the designation of the practitioner licensed to use or
12 order use of the device.

13 (c) Any other drug or device that by federal or state law can be lawfully
14 dispensed only on prescription or furnished pursuant to Section 4006.

15 10. Section 4043 of the Code, in pertinent part, defines "wholesaler" to mean and include
16 "a person who acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor,
17 agent, or a nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes
18 possession of, any drug or device included in Section 4022."

19 11. Section 4059.5(a) states:

20 Except as otherwise provided in this chapter, dangerous drugs or dangerous
21 devices may only be ordered by an entity licensed by the board and shall be delivered
22 to the licensed premises and signed for and received by a pharmacist. Where a
23 licensee is permitted to operate through a designated representative, the designated
24 representative shall sign for and receive the delivery.

25 12. Section 4081 of the Code states:

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

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

5 13. Section 4105, subdivision (a) of the Code states: "All records or other documentation
6 of the acquisition and disposition of dangerous drugs and dangerous devices by any entity
7 licensed by the board shall be retained on the licensed premises in a readily retrievable form" and
8 section 4105, subdivision (c) of the Code states: "The records required by this section shall be
9 retained on the licensed premises for a period of three years from the date of making."

10 14. Section 4110(a) of the Code states:

11 No person shall conduct a pharmacy in the State of California unless he or she
12 has obtained a license from the board. A license shall be required for each pharmacy
13 owned or operated by a specific person. A separate license shall be required for each
14 of the premises of any person operating a pharmacy in more than one location. The
15 license shall be renewed annually. The board may, by regulation, determine the
16 circumstances under which a license may be transferred.

17 15. Section 4113(c) of the Code states:

18 (c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance
19 with all state and federal laws and regulations pertaining to the practice of pharmacy.

20 16. Section 4126.5(a), of the Code states:

21 (a) A pharmacy may furnish dangerous drugs only to the following:

22 (1) A wholesaler owned or under common control by the wholesaler from
23 whom the dangerous drug was acquired.

24 (2) The pharmaceutical manufacturer from whom the dangerous drug was
25 acquired.

26 (3) A licensed wholesaler acting as a reverse distributor.

27 (4) Another pharmacy or wholesaler to alleviate a temporary shortage of a
28 dangerous drug that could result in the denial of health care. A pharmacy furnishing
dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to
alleviate the temporary shortage.

(5) A patient or to another pharmacy pursuant to a prescription or as otherwise
authorized by law.

(6) A health care provider that is not a pharmacy but that is authorized to
purchase dangerous drugs.

(7) To another pharmacy under common control.

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17. Section 4160 of the Code provides, in pertinent part, that a wholesaler license shall be required for a person or entity to act as a wholesaler, that every wholesaler shall be supervised or managed by a Designated Representative in Charge, and that the Designated Representative in Charge shall be responsible for the wholesaler's compliance with state and federal laws.

18. Section 4169 of the Code states in pertinent part:

(a) A person or entity may not do any of the following:

(1) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler or pharmacy.

....

(5) Fail to maintain records of the acquisition or disposition of dangerous drugs or dangerous devices for at least three years.

....

19. Section 4301 of the Code states in pertinent part:

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

....

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

....

(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 by any other state or federal regulatory agency.

....

20. Section 4312(b) of the Code states that:

...

In the event that the license of a wholesaler, pharmacy, or veterinary food-

1 animal drug retailer is cancelled pursuant to subdivision (a) or revoked pursuant to
2 Article 19 (commencing with Section 4300), or a wholesaler, pharmacy, or veterinary
3 food-animal drug retailer notifies the board of its intent to remain closed or to
4 discontinue business, the licensee shall, within 10 days thereafter, arrange for the
5 transfer of all dangerous drugs and controlled substances or dangerous devices to
6 another licensee authorized to possess the dangerous drugs and controlled substances
7 or dangerous devices. The licensee transferring the dangerous drugs and controlled
8 substances or dangerous devices shall immediately confirm in writing to the board
9 that the transfer has taken place.

10 ...
11 21. Section 4328 of the Code states that:

12 Except as otherwise provided in this chapter, any person who permits the
13 compounding or dispensing of prescriptions, or the furnishing of dangerous drugs in
14 his or her pharmacy, except by a pharmacist, is guilty of a misdemeanor.

15 REGULATORY PROVISIONS

16 22. California Code of Regulations, title 16, section 1709.1(a) states that "[t]he
17 pharmacist-in-charge of a pharmacy shall be employed at that location and shall have
18 responsibility for the daily operation of the pharmacy."

19 23. California Code of Regulations, title 16, section 1718 states in pertinent part that
20 "Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions Code
21 shall be considered to include complete accountability for all dangerous drugs handled by every
22 licensee enumerated in Sections 4081 and 4332."

23 24. California Code of Regulations, title 16, section 1783, subdivision (d) provides, in
24 pertinent part, that a manufacturer or wholesaler shall not accept payment for, or allow the use of
25 an entity's credit to establish an account for, the purchase of dangerous drugs or devices from any
26 person other than the owner(s) or executive officer(s) listed on the permit, on a permit's account.

27 COST RECOVERY

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

1 **FACTUAL ALLEGATIONS**

2 26. Since October 20, 1998 and at all times referenced herein, Respondent John Rossi
3 (Respondent Rossi) was the Pharmacist-in-Charge (PIC) of Respondent Thomas McGowan,
4 doing Business as JTM Infusion (Respondent JTM Infusion). On January 7, 2011, Respondent
5 Rossi completed, initialed and executed a self-assessment form representing Respondent JTM
6 Infusion's compliance with federal and state pharmacy laws. In response to the question,
7 "[d]angerous drugs and Dangerous devices are only delivered to the licensed premise, and signed
8 for and received by a pharmacist," Respondent Rossi answered "N/A." In response to the
9 question, "[t]he pharmacy has a PIC that is responsible for the daily operation of the pharmacy,"
10 Respondent Rossi answered "[y]es." In response to the question "[t]his pharmacy furnishes
11 dangerous drugs in compliance with B&PC 4126.5...", Respondent Rossi answered "N/A." In
12 response to the question, "[a]ll drug acquisition and disposition records (complete accountability)
13 are maintained for at least three years...", Respondent Rossi answered "[y]es."

14 27. Respondent Thomas McGowan, doing business as JTM Infusion (Respondent JTM
15 Infusion) is the same individual who owned McGowan Enterprises, doing business as McGowan
16 Enterprises, Inc./Acute Care Pharmaceuticals (McGowan Enterprises), a person licensed as a
17 wholesaler with the Board.

18 28. In or about November 2011, Respondent JTM Infusion moved its premises from
19 Suite G to Suite C at the same street address without notifying the Board. Its premises were
20 located within Respondent McGowan Enterprises and were approximately the size of a closet.
21 There was no separate ingress or egress to its premises. Respondent JTM Infusion had no
22 pharmacy staff other than Respondent Rossi who was rarely present at Respondent JTM
23 Infusion's premises. Respondent Rossi, the PIC, did not possess a key to the premises of
24 Respondent JTM Infusion.

25 29. Dangerous drug orders were signed for and received by unlicensed warehouse
26 workers, a licensed pharmacy technician, marketing staff or a designated representative for
27 McGowan Enterprises at McGowan Enterprises, without a pharmacist present to accept them.
28 Respondent JTM Infusion was not open for business at least one day per week and the last time

1 Respondent JTM Infusion filled a patient specific prescription was prior to 2000. No inventory of
2 drugs was held by Respondent JTM Infusion.

3 30. McGowan Enterprises ordered dangerous drugs using Respondent JTM Infusion's
4 Pharmacy License and re-sold the drugs "purchased" or furnished by Respondent JTM Infusion
5 without Respondent Rossi's knowledge. McGowan Enterprises never paid Respondent JTM
6 Infusion for the dangerous drugs that it "purchased" or obtained from Respondent JTM Infusion.
7 Respondents did not maintain the records of disposition for dangerous drugs "sold" or furnished
8 to McGowan Enterprises. McGowan Enterprises maintained the pedigrees involved in the drug
9 transactions.¹

10 31. Respondents allowed McGowan Enterprises to use accounts with their primary
11 wholesalers to purchase dangerous drugs for McGowan Enterprises and then "sold" or furnished
12 those drugs to McGowan Enterprises for at least three years. For example, McGowan Enterprises
13 "purchased" or obtained from Respondent JTM Infusion 2,408 dangerous drugs in 466
14 transactions during the period from March 9, 2010 through September 20, 2012.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Failure to Keep Records of Disposition Open for Inspection and to Keep Current**
17 **Inventory)**

18 32. Respondents are subject to disciplinary action under Code sections 4301(o), for
19 violating Code section 4081(a) in that they failed to keep records of the disposition of dangerous
20 drugs open for inspection or keep a current inventory as defined by California Code of
21 Regulations, title 16, section 1718 for the dangerous drugs it "sold" or furnished to McGowan
22 Enterprises from at least September 19, 2009 through September 20, 2012, as set forth in
23 paragraphs 26 through 31, which are incorporated herein by reference.

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27 ¹ Pedigree documents record the distribution route a drug has traveled since it left the
28 manufacturer.

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SIXTH CAUSE FOR DISCIPLINE

(Unauthorized Use of Credit for Purchase of Drugs)

37. Respondents are subject to disciplinary action under Code section 4301(o), for violating and/or attempting to violate, directly or indirectly, assisted in or abetted the violation of, or conspired to violate, the laws governing pharmacy, when Respondents solicited, encouraged, assisted in, abetted, or conspired toward, transactions violating California Code of Regulations, title 16, section 1783(d), by allowing McGowan Enterprises to purchase dangerous drugs from Respondents' primary wholesalers on Respondent's accounts with those primary wholesalers, as set forth in paragraphs 26 through 31, which are incorporated herein by reference.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Obtain Separate License for More than One Location)

38. Respondents are subject to disciplinary action under Code section 4301(o), for violating section 4110(a) of the Code in that Respondents did not obtain a separate license for operating a pharmacy at Suite C as set forth in paragraphs 26 through 31, which are incorporated herein by reference.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to File Notice of Discontinuance of Business)

39. Respondents are subject to disciplinary action under Code section 4301(o), for violating section 4312(b) of the Code in that Respondents failed to file a notice of discontinuance of business when they ceased daily operations as set forth in paragraphs 26 through 31, which are incorporated herein by reference.

NINTH CAUSE FOR DISCIPLINE

(Unauthorized Receipt of Dangerous Drugs)

40. Respondents are subject to disciplinary action under Code section 4301(o), for violating section 4059.5(a) of the Code in that dangerous drugs were delivered to Respondents without being delivered to the licensed premises and signed for and received by a pharmacist as set forth in paragraphs 26 through 31, which are incorporated herein by reference.

1 43622 is placed on probation or until Pharmacy Permit Number PHY 43622 is reinstated if it is
2 revoked.

3 46. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
4 Number RPH 33107, issued to John Rossi, John Rossi shall be prohibited from serving as a
5 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
6 five years if Pharmacist License Number RPH 33107 is placed on probation or until Pharmacist
7 License Number RPH 33107 is reinstated if it is revoked.

8 **PRAYER**

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

11 1. Revoking or suspending Pharmacy Permit Number PHY 43622, issued to Thomas
12 McGowan, doing business as JTM Infusion;

13 2. Revoking or suspending Pharmacist License Number 33107, issued to John Rossi;

14 3. Prohibiting Thomas McGowan from serving as a manager, administrator, owner,
15 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
16 Number PHY 43622 is placed on probation or until Pharmacy Permit Number PHY 43622 is
17 reinstated if Pharmacy Permit Number PHY 43622 issued to Thomas McGowan, doing business
18 as JTM Infusion is revoked;

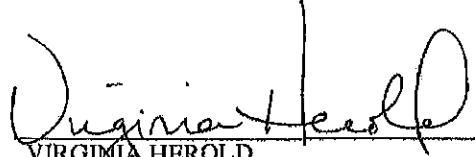
19 4. Prohibiting John Rossi from serving as a manager, administrator, owner, member,
20 officer, director, associate, or partner of a licensee for five years if Pharmacist License Number
21 RPH 33107 is placed on probation or until Pharmacist License Number RPH 33107 is reinstated
22 if Pharmacist License Number RPH 33107 issued to John Rossi is revoked;

23 5. Ordering Thomas McGowan, doing business as JTM Infusion and John Rossi to pay
24 the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
25 pursuant to Business and Professions Code section 125.3;

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

DATED: 2/14/14



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

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