

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

In the Matter of the Accusation Against:

**SKY PHARMA CORP. dba
THE MEDICINE SHOPPE,
Pharmacy Permit No. PHY 51646;**

and

**MICHAEL EDWARD MILAD TADROS,
Registered Pharmacist License No. RPH 68859,**

Respondents

Agency Case No. 6809

OAH No. 2020120565

DECISION AND ORDER

The attached Stipulated Surrender of License 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 August 18, 2021.

It is so ORDERED on July 19, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

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

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 STEPHEN A. ARONIS
Deputy Attorney General
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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:

14 **SKY PHARMA CORP.**
15 **DBA THE MEDICINE SHOPPE**
16 **10237 Magnolia Ave**
17 **Riverside, CA 92053**

18 **Pharmacy Permit No. PHY 51646**

19 **and**

20 **MICHAEL EDWARD MILAD TADROS**
21 **1739 Spyglass Drive**
22 **Cornoa, CA 92883**

23 **Registered Pharmacist License No. RPH**
24 **68859**

25 Respondents.

Case No. 6809

OAH No. 2020120565

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

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1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Rob Bonta, Attorney General of the State of California, by Stephen A. Aronis, Deputy Attorney
5 General.

6 2. Sky Pharma Corp., dba The Medicine Shoppe (Respondent The Medicine Shoppe) is
7 acting in this proceeding through Michael Edward Milad Tadros, its shareholder and officer who
8 has been designated and authorized by Respondent The Medicine Shoppe to enter into this
9 agreement on its behalf.

10 3. On or about October 18, 2013, the Board of Pharmacy issued Pharmacy Permit
11 Number PHY 51646 to Sky Pharma Corp., dba The Medicine Shoppe in Riverside, California
12 (Respondent The Medicine Shoppe). The Pharmacy Permit was in full force and effect at all
13 times relevant to the charges brought herein. It was canceled on July 12, 2019.

14 4. On or about July 1, 2013, the Board of Pharmacy issued Pharmacist License Number
15 RPH 68859 to Michael Edward Milad Tadros (Respondent Tadros). The Pharmacist License was
16 in full force and effect at all times relevant to the charges brought in the Accusation and will
17 expire on January 31, 2023, unless renewed.

18 5. Respondents are represented in this proceeding by Ivan Petrzeka of California
19 Pharmacy Lawyers, whose address is: 55 Cetus, 1st Floor, Irvine, CA 92618.

20 **JURISDICTION**

21 6. Accusation No. 6809 was filed before the Board, and is currently pending against
22 Respondent. The Accusation and all other statutorily required documents were properly served
23 on Respondent on June 25, 2020. Respondents timely filed their Notice of Defense contesting the
24 Accusation.

25 7. A copy of Accusation No. 6809 is attached as Exhibit A and incorporated herein by
26 reference.

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CONTINGENCY

15. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents understand and agree 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 Respondents or their counsel. By signing the stipulation, Respondents understand and agree they may not withdraw their 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.

16. 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.

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

18. 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 51646, issued to Respondent Sky Pharma Corp., dba The Medicine Shoppe, is surrendered and accepted by the Board.

1. The surrender of Respondent The Medicine Shoppe's Pharmacy Permit and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline

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1 against Respondent The Medicine Shoppe. This stipulation constitutes a record of the discipline
2 and shall become a part of Respondent The Medicine Shoppe's license history with the Board.

3 2. Respondent The Medicine Shoppe shall lose all rights and privileges as a pharmacy in
4 California as of the effective date of the Board's Decision and Order, to the extent not previously
5 lost due to the cancellation of its Permit.

6 3. Respondent The Medicine Shoppe shall cause to be delivered to the Board its pocket
7 license and, if one was issued, its wall certificate on or before the effective date of the Decision
8 and Order.

9 4. If Respondent The Medicine Shoppe ever applies for licensure or petitions for
10 reinstatement in the State of California, the Board shall treat it as a new application for licensure.
11 Respondent The Medicine Shoppe must comply with all the laws, regulations and procedures for
12 licensure in effect at the time the application or petition is filed, and all of the charges and
13 allegations contained in Accusation No. 6809 shall be deemed to be true, correct and admitted by
14 Respondent The Medicine Shoppe when the Board determines whether to grant or deny the
15 application or petition.

16 5. Respondent The Medicine Shoppe understands and agrees if it should ever apply for a
17 new ore reinstated license, Respondent The Medicine Shoppe shall be responsible for paying to
18 the Board, pursuant to Business and Professions Code section 125.3, the costs of investigation
19 and enforcement in the amount of \$10,500.00 prior to issuance of a new or reinstated license if
20 not already paid and shall be jointly and severally liable with Respondent Michael Edward Milad
21 Tadros for those costs.

22 6. If Respondent The Medicine Shoppe should ever apply or reapply for a new license
23 or certification, or petition for reinstatement of a license, by any other health care licensing
24 agency in the State of California, all of the charges and allegations contained in Accusation No.
25 6809 shall be deemed to be true, correct, and admitted by Respondent The Medicine Shoppe for
26 the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict
27 licensure.

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7. Respondent The Medicine Shoppe may not apply, reapply, or petition for any Board-issued licensure or registration for 3 years from the effective date of the Decision and Order.

The Board's Decision After Rejection in the case of: *In the Matter of the Accusation Against: Sky Pharma Corp., dba The Medicine Shoppe and Michael Edward Milad Tadros*, Case No. 6231, effective July 1, 2019, placed Respondent Michael Edward Milad Tadros' Pharmacist License Number RPH 68859 on a three (3) year probation, with terms and conditions.

IT IS HEREBY FURTHER ORDERED that the term of probation for Respondent Michael Edward Milad Tadros' Pharmacist License Number RPH 68859 is now extended for two (2) months from the previous termination date, June 30, 2022 until and including August 31, 2022, unless otherwise extended should Respondent Tadros fail to comply with the below stated terms and conditions of probation. This Order supersedes Respondent Tadros' probation order set forth in Case No. 6231 and the following terms and conditions shall take effect upon the effective date of the Decision and Order.

1. Obey All Laws

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

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

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

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

2 **2. Report to the Board**

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

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

12 **3. Interview with the Board**

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

18 **4. Cooperate with Board Staff**

19 Respondent Tadros shall timely cooperate with the board's inspection program and with the
20 Board's monitoring and investigation of respondent's compliance with the terms and conditions of
21 his probation, including not limited to: timely responses to requests for information by board
22 staff; timely compliance with directives from board staff regarding requirements of any term or
23 condition of probation; and timely completion of documentation pertaining to a term or condition
24 of probation. Failure to timely cooperate shall be considered a violation of probation.

25 **5. Continuing Education**

26 Respondent Tadros shall provide evidence of efforts to maintain skill and knowledge as a
27 pharmacist as directed by the board or its designee.

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1 **6. Reporting of Employment and Notice to Employers**

2 During the period of probation, Respondent Tadros shall notify all present and prospective
3 employers of the decision in case numbers 6231 and 6809 and the terms, conditions and
4 restrictions imposed on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
6 respondent undertaking any new employment, respondent shall report to the board in writing the
7 name, physical address, and mailing address of each of his employer(s), and the name(s) and
8 telephone number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge,
9 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)
10 and the work schedule if known. Respondent shall also include the reason(s) for leaving the prior
11 employment. Respondent shall sign and return to the board a written consent authorizing the
12 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
13 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
14 concerning respondent's work status, performance, and monitoring. Failure to comply with the
15 requirements or deadlines of this condition shall be considered a violation of probation.

16 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
17 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)
18 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
19 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
20 board in writing acknowledging that the listed individual(s) has/have read the decision in case
21 numbers 6231 and 6809, and terms and conditions imposed thereby. If one person serves in more
22 than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the
23 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
24 board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)
25 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report
26 to the board in writing within fifteen (15) days of the change acknowledging that he or she has
27 read the decision in case numbers 6231 and 6809, and the terms and conditions imposed thereby.

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1 If respondent works for or is employed by or through an employment service, respondent
2 must notify the person(s) described in (a), (b), or (c) above at every entity licensed by the board
3 of the decisions in case numbers 6231 and 6809 and the terms and conditions imposed thereby in
4 advance of respondent commencing work at such licensed entity. A record of this notification
5 must be provided to the board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of respondent undertaking any new employment by or through a pharmacy employment
8 service, respondent shall cause the person(s) described in (a), (b), or (c) above at the employment
9 service to report to the board in writing acknowledging that he or she has read the decision in case
10 numbers 6231 and 6809 and the terms and conditions imposed thereby. It shall be respondent's
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

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

15 "Employment" within the meaning of this provision shall include any full-time, part-
16 time, temporary, relief or employment/management service position as a pharmacist, or any
17 position for which a pharmacist license is a requirement or criterion for employment,
18 whether the respondent is an employee, independent contractor or volunteer.

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

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

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

24 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

25 During the period of probation, Respondent Tadros shall not supervise any intern
26 pharmacist or serve as a consultant to any entity licensed by the board. Respondent may be a
27 pharmacist-in-charge, designated representative-in-charge, responsible manager or other
28 compliance supervisor of any single entity licensed by the board, but only if respondent or that

1 entity retains at his expense, an independent consultant who shall be responsible for reviewing the
2 operations of the entity on a quarterly basis for compliance by respondent and the entity with state
3 and federal laws and regulations governing the practice of the entity, and compliance by
4 respondent with the obligations of his supervisory position. Respondent may serve in such a
5 position at only one entity licensed by the board, only upon approval by the board or its designee.
6 Any such approval shall be site specific. The consultant shall be a pharmacist licensed by and not
7 on probation with the board, who has been approved by the board or its designee to serve in this
8 position. Respondent shall submit the name of the proposed consultant to the board or its
9 designee for approval within thirty (30) days of the effective date of the decision or prior to
10 assumption of duties allowed in this term. Assumption of any unauthorized supervision
11 responsibilities shall be considered a violation of probation. In addition, failure to timely seek
12 approval for, timely retain, or ensure timely reporting by the consultant shall be considered a
13 violation of probation.

14 **9. Reimbursement of Board Costs**

15 As a condition precedent to successful completion of probation, Respondent Tadros and
16 Respondent Sky Pharma Corp., dba The Medicine Shoppe shall be jointly and severally liable to
17 pay the board its costs of investigation and prosecution in the amount of \$10,500.00. Both
18 respondents and the probation monitor may agree on a payment plan. Once a payment plan has
19 been agreed upon, there shall be no deviation from this plan absent prior written approval by the
20 board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a
21 violation of probation.

22 The filing of bankruptcy by either respondent shall not relieve respondent of the joint and
23 several responsibility to reimburse the board its costs of investigation and prosecution.

24 A change in ownership of Sky Pharma Corp., dba The Medicine Shoppe shall not relieve
25 either respondent of the joint and several responsibility to reimburse the board its costs of
26 investigation and prosecution.

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1 **10. Probation Monitoring Costs**

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

6 **11. Status of License**

7 Respondent Tadros shall, at all times while on probation, maintain an active, current
8 pharmacist license with the board, including any period during which suspension or probation is
9 tolled.

10 Failure to maintain an active, current pharmacist license shall be considered a violation of
11 probation.

12 If respondent's pharmacist license expires or is cancelled by operation of law or otherwise
13 at any time during the period of probation, including any extensions thereof due to tolling or
14 otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and
15 conditions of this probation not previously satisfied.

16 **12. License Surrender While on Probation**

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

25 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall
26 license, including any indicia of licensure not previously provided to the board within ten (10)
27 days of notification by the board that the surrender is accepted if not already provided.

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Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

13. Practice Requirement-Extension of Probation

Except during periods of suspension, Respondent Tadros shall, at all times while on probation, be employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, respondent must nonetheless comply with all terms and conditions of probation, unless respondent receives a waiver in writing from the board or its designee.

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

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

14. Violation of Probation

If Respondent Tadros has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and the board shall provide notice to respondent that probation shall automatically be extended, until all terms and conditions have

1 been satisfied or the Board has taken other action as deemed appropriate to treat the failure to
2 comply as a violation of probation, to terminate probation, and to impose the penalty that was
3 stayed. The board or its designee may post a notice of the extended probation period on its
4 website.

5 If respondent violates probation in any respect, the board, after giving respondent notice
6 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
7 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
8 probation, or the preparation of an accusation or petition to revoke probation is requested from
9 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
10 probation shall be automatically extended until the petition to revoke probation or accusation is
11 heard and decided, and the charges and allegations in Accusation No. 6809 shall be deemed true
12 and correct, and admitted in full.

13 **15. Completion of Probation**

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

16 **16. Remedial Education**

17 Within thirty (30), days of the effective date of this decision, Respondent Tadros shall
18 submit to the board or its designee, for prior approval, an appropriate program of remedial
19 education related to compounding. The program of remedial education shall consist of at least
20 ten (10) hours, which shall be completed prior to the termination of probation at respondent's
21 own expense. The training must be in person or via a "live webinar." All remedial education
22 shall be in addition to, and shall not be credited toward, continuing education (CE) courses used
23 for license renewal purposes.

24 Failure to timely submit or complete the approved remedial education shall be considered a
25 violation of probation. The period of probation will be automatically extended until such
26 remedial education is successfully completed and written proof, in a form acceptable to the board,
27 is provided to the board or its designee.

28 Following the completion of each course, the board or its designee may require the

respondent, at their own expense, to take an approved examination to test the respondent's knowledge of the course. If the respondent does not achieve a passing score on the examination, this failure shall be considered a violation of probation. Any such examination failure shall require respondent to take another course approved by the board in the same subject area.

17. Ethics Course

Within sixty (60) calendar days of the effective date of this decision, Respondent Tadros shall enroll in a course in ethics, at respondent's expense, approved in advance by the Board or its designee that complies with Title 16, California Code of Regulations section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days of completion, respondent shall submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during the third year of probation, to successfully complete it before the end of the third year of probation, or to timely submit proof of completion to the board or its designee, shall be considered a violation of probation.

ACCEPTANCE

I, Michael Edward Milad Tadros, have acted on my behalf and as a shareholder and officer, have been authorized to act on Respondent The Medicine Shoppe's behalf in this matter, have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will have on Respondent The Medicine Shoppe's Pharmacy Permit No. PHY 51646 and my Pharmacist License Number RPH 68859. On my behalf and on behalf of Respondent The Medicine Shoppe, I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and Respondent The Medicine Shoppe and I agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

MICHAEL EDWARD MILAD TADROS
*Individually and as authorized representative for Sky
Pharma Corp., dba The Medicine Shoppe
Respondents*

1 respondent, at their own expense, to take an approved examination to test the respondent's
2 knowledge of the course. If the respondent does not achieve a passing score on the examination,
3 this failure shall be considered a violation of probation. Any such examination failure shall
4 require respondent to take another course approved by the board in the same subject area.

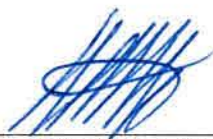
5 **17. Ethics Course**

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7 shall enroll in a course in ethics, at respondent's expense, approved in advance by the Board or its
8 designee that complies with Title 16, California Code of Regulations section 1773.5. Respondent
9 shall provide proof of enrollment upon request. Within five (5) days of completion, respondent
10 shall submit a copy of the certificate of completion to the board or its designee. Failure to timely
11 enroll in an approved ethics course, to initiate the course during the third year of probation, to
12 successfully complete it before the end of the third year of probation, or to timely submit proof of
13 completion to the board or its designee, shall be considered a violation of probation.

14 **ACCEPTANCE**

15 I, Michael Edward Milad Tadros, have acted on my behalf and as a shareholder and officer,
16 have been authorized to act on Respondent The Medicine Shoppe's behalf in this matter, have
17 carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it
18 with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will have on
19 Respondent The Medicine Shoppe's Pharmacy Permit No. PHY 51646 and my Pharmacist
20 License Number RPH 68859. On my behalf and on behalf of Respondent The Medicine Shoppe,
21 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
22 intelligently, and Respondent The Medicine Shoppe and I agree to be bound by the Decision and
23 Order of the Board of Pharmacy.

24
25 DATED: 5/28/21


26 MICHAEL EDWARD MILAD TADROS
27 *Individually and as authorized representative for Sky*
28 *Pharma Corp., dba The Medicine Shoppe*
Respondents

1 I have read and fully discussed with Respondents Sky Pharma Corp., dba The Medicine
2 Shoppe and Michael Edward Milad Tadros the terms and conditions and other matters contained
3 in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4
5 DATED: _____

IVAN PETRZELKA
Attorney for Respondents

7 **ENDORSEMENT**

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

10 DATED: _____

Respectfully submitted,

11 ROB BONTA
Attorney General of California
12 GREGORY J. SALUTE
Supervising Deputy Attorney General

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15 STEPHEN A. ARONIS
Deputy Attorney General
Attorneys for Complainant
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1 I have read and fully discussed with Respondents Sky Pharma Corp., dba The Medicine
2 Shoppe and Michael Edward Milad Tadros the terms and conditions and other matters contained
3 in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4
5 DATED: May 28, 2021


6 IVAN PETRZELKA
Attorney for Respondents

7 **ENDORSEMENT**

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

10 DATED: June 1, 2021

Respectfully submitted,

11 ROB BONTA
Attorney General of California
12 GREGORY J. SALUTE
Supervising Deputy Attorney General



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15 STEPHEN A. ARONIS
Deputy Attorney General
Attorneys for Complainant
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Exhibit A

Accusation No. 6809

1 XAVIER BECERRA
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3 MARICHELLE S. TAHIMIC
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4 State Bar No. 147392
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7 Facsimile: (619) 645-2061
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. 6809

14 **SKY PHARMA CORP.**
15 **DBA THE MEDICINE SHOPPE**
16 **10237 Magnolia Ave**
17 **Riverside, CA 92053**

ACCUSATION

18 **Pharmacy Permit No. PHY 51646**

19 **and**

20 **MICHAEL EDWARD MILAD TADROS**
21 **1739 Spyglass Drive**
22 **Cornoa, CA 92883**

23 **Registered Pharmacist License No. RPH 68859**

24 Respondents.

25 **PARTIES**

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

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2. On or about October 18, 2013, the Board of Pharmacy issued Pharmacy Permit Number PHY 51646 to Sky Pharma Corp., dba The Medicine Shoppe (Respondent Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and expired and was canceled on October 1, 2019.

3. On or about July 1, 2013, the Board of Pharmacy issued Pharmacist License Number RPH 68859 to Michael Edward Milad Tadros (Respondent Tadros). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2021, unless renewed. Michael Edward Milad Tadros is and was the Pharmacist-in-Charge of Respondent Pharmacy from October 18, 2013 to October 1, 2019.

JURISDICTION

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

5. Section 4300 of the Code states:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

...

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

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6. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS

7. Section 4022 of the Code states:

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

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

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

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

8. Section 4113 of the Code states in relevant part:

...

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

....

9. Section 4301 of the Code states:

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

....

(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.

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10. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is 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, 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 has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, or partner had knowledge of 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 manager, 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.

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

(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in that capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

REGULATORY PROVISIONS

11. Title 16, California Code of Regulations, section 1735.2 (Regulation 1735.2) states in part:

....

(e) A drug preparation shall not be compounded until the pharmacy has first prepared a written master formula document that includes at least the following elements:

(1) Active ingredients to be used.

(2) Equipment to be used.

(3) The maximum allowable beyond use date for the preparation, and the rationale or reference source justifying its determination.

(4) Inactive ingredients to be used.

(5) Specific and essential compounding steps used to prepare the drug.

1 (6) Quality reviews required at each step in preparation of the drug.

2 (7) Post-compounding process or procedures required, if any.

3 (8) Instructions for storage and handling of the compounded drug preparation. ...

4 12. Title 16, California Code of Regulations, section 1735.3 (Regulation 1735.3) states in
5 part:

6 (a) For each compounded drug preparation, pharmacy records shall include:

7 ...

8 (2) A compounding log consisting of a single document containing all of the
9 following:

10

11 (J) Documentation of quality reviews and required post-compounding process and
12 procedures.

13

14 13. Title 16, California Code of Regulations, section 1735.5 (Regulation 1735.5) states in
15 part:

16 (a) Any pharmacy engaged in compounding shall maintain written policies and
17 procedures for compounding that establishes procurement procedures, methodologies
18 for the formulation and compounding of drugs, facilities and equipment cleaning,
19 maintenance, operation, and other standard operating procedures related to
20 compounding. Any material failure to follow the pharmacy's written policies and
21 procedures shall constitute a basis for disciplinary action.

22

23 (c) The policies and procedures shall include at least the following:

24

25 (5) Documentation of the methodology used to validate integrity, potency, quality,
26 and labeled strength of compounded drug preparations. The methodology must be
27 appropriate to compounded drug preparations.

28 ...

24 **COST RECOVERY**

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

DRUGS

15. SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT is a compounded drug used for pain. It is a dangerous drug pursuant to Code section 4022.

16. DICLO10%+BACLO1%+CELEC5%+PREGA5%+BETAMETH0.05% OINT is a compounded drug used for pain. It is a dangerous drug pursuant to Code section 4022.

17. SPIRONO5%+CELECOX5%+CLOBETASOL.05% OINT is a compounded drug used for pain. It is a dangerous drug pursuant to Code section 4022.

FACTUAL ALLEGATIONS

18. On or about April 11, 2019, the Board received a complaint from Envision Rx alleging the master formulation and compounding log records of Respondent Pharmacy and another related pharmacy in Palm Springs, alleging the pharmacies did not meet USP 795 standards and failed to contain any source or reference of tablet weight. Upon receiving information from the manufacturer, Envision Rx's complaint alleged the tablet weight confirmed with the manufacturer did not correspond with Respondent Pharmacy's records and exceeded the acceptable margin of error according to USP 795.¹ The compounded drugs were SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT and SPIRONO5%+CELECOXIB5%+CLOBETASOL0.05% OINT. The tablets used in the compounded drugs were spironolactone 25 mg tablet, diclofenac 50 mg tablet and baclofen 10 mg tablet.

19. Throughout the course of the Board's investigation, Respondent Pharmacy provided its Downloaded Drug Utilization Report as well as its compounding records for the following prescriptions:

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¹ United States Pharmacopeia, Chapter <795>, refers to Pharmaceutical Compounding – Nonsterile Preparations. USP <795> provides standards for compounding quality nonsterile preparations. The chapter describes requirements for the compounding process, facilities, equipment, components, documentation, quality controls and training.

Rx #	Medication	Fill Date
131501	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	9/5/2017
131919	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	1/16/2018
135767	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	9/28/2017
136735	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	9/13/2017
136820	SPIRONO5%+CELECOX5%+CLOBETASOL.05% OINT	9/12/2017
137872	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	9/19/2017
140903	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	10/9/2017
146188	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	11/14/2017
146625	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	11/16/2017
148173	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	11/28/2017
148229	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	11/28/2017
148505	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	11/29/2017
148506	SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT	11/30/2017

20. On September 14, 2019, the Board investigator obtained Respondents' compounding policy and procedures, the master formulas for SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT and SPIRONO5%+CELECOX5%+CLOBETASOL.05% OINT, compounding logs and prescription labels. Compounding records were provided for prescription numbers: 131501, 131919, 135767, 136735, 137872, 140903, 146188, 146625, 148173, 148229, 148405, 148506 and 136820.

21. Following a review of the compounding records, the Board investigator found that the compounding master formula for the following compound preparations did not have the quality reviews required at each step in preparation of the drug: SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT and SPIRONO5%+CELECOXIB5%+CLOBETASOL0.05% OINT. In addition, the compounding logs for the following compound preparations did not have documentation of quality reviews and required post-compounding process and procedures:

1 SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT and SPIRONO5%+
2 CELECOXIB5%+CLOBETASOL0.05% OINT.

3 22. In addition, between 2017 and 2019, Respondents had not sent their nonsterile
4 compound preparations for routine testing and analysis.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Compounding Limitations and Requirements – Self - Assessment)**

7 23. Respondents Pharmacy and Tadros are subject to disciplinary action under Code
8 sections 4301(o) in conjunction with Regulation 1735.2(e)(6) and Section 4113, for
9 unprofessional conduct for violating laws and regulations governing pharmacy, including
10 regulations established by the board, in that Respondents' compounding master formulas for
11 SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT and
12 SPIRONO5%+CELECOX5%+CLOBETASOL.05% OINT did not have quality reviews at each
13 step of preparation of the drugs, as set forth in paragraphs 18-22 above and incorporated by this
14 reference as though set forth in full herein.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Recordkeeping of Compounded Drug Preparations)**

17 24. Respondents Pharmacy and Tadros are subject to disciplinary action under Code
18 sections 4301(o) in conjunction with Regulation 1735.3(a)(2)(J) and Section 4113, for
19 unprofessional conduct for violating laws and regulations governing pharmacy, including
20 regulations established by the board, in that Respondents' compounding logs for
21 SPIRONO5%+CELECOX5%+BETAMETHASONE0.05% OINT and
22 SPIRONO5%+CELECOX5%+CLOBETASOL.05% OINT did not have documentation of
23 quality reviews and the required post-compounding processes and procedures, as set forth in
24 paragraphs 18-22 above and incorporated by this reference as though set forth in full herein.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Compounding Policies and Procedures)**

27 25. Respondents Pharmacy and Tadros are subject to disciplinary action under Code
28 sections 4301(o) in conjunction with Regulation 1735.5(c)(5) and Section 4113, for

unprofessional conduct for violating laws and regulations governing pharmacy, including regulations established by the board, in that Respondents failed to have documentation of the methodology used to validate integrity, potency, quality, and labeled strength of compounded drug preparations, as set forth in paragraphs 18-22 above and incorporated by this reference as though set forth in full herein.

DISCIPLINE CONSIDERATIONS

26. To determine the degree of discipline, if any, to be imposed on Respondent Pharmacy, Complainant alleges:

a. On or about March 6, 2015, the Board issued Citation and Fine Number CI 2014 62748 against Respondent Pharmacy for violations of title 16, CCR, sections 1735.3(a)(6) and 1735.4(a) and (c) and Code sections 4059.5(a) and 4115(a). The amount of the assessed fine was \$3,625.00, which has been paid. The citation is now final and is incorporated by this reference as if fully set forth.

b. On or about July 19, 2016, the Board issued Citation and Fine Number CI 2016 71153 against Respondent Pharmacy for violations of Health and Safety Code sections 111440 and 111395. The amount of the assessed fine was \$500.00, which has been paid. The citation is now final and is incorporated by this reference as if fully set forth.

c. Effective on or about July 1, 2019, in a prior disciplinary action entitled *In the Matter of the Accusation Against Sky Pharma Corp., dba The Medicine Shoppe and Michael Edward Milad Tadros* before the Board of Pharmacy, in Case Number 6231, Respondent Pharmacy's Pharmacy Permit was revoked, revocation stayed, and placed on probation for three years with terms and conditions. Respondent Pharmacy's Pharmacy Permit was disciplined for violations for Code section 4301, subdivisions (j) and (o), in conjunction with Health and Safety Code sections 11153(a) and 11164, and Code of Federal Regulations, title 21, section 1306.04(a); Code section 4301(o) in conjunction with title 16, CCR, section 1761 and Code section 4301, subdivisions (c) and (d).

27. To determine the degree of discipline, if any, to be imposed on Respondent Tadros, Complainant alleges:

1 a. On or about September 29, 2015, the Board issued Modified Citation and Fine
2 Number CI 2014 62737 against Respondent Tadros for violation of title 16, CCR, sections
3 1735.3(a)(6) and 1735.4(a) and (c) and Code sections 4059.5(a) and 4115(a). No fine was
4 assessed against Respondent Tadros. The citation is now final and is incorporated by this
5 reference as if fully set forth.

6 b. On or about July 19, 2016, the Board issued Citation and Fine Number CI 2016
7 71154 against Respondent Pharmacy for violations of Health and Safety Code sections 111440
8 and 111395. No fine was assessed against Respondent Tadros. The citation is now final and is
9 incorporated by this reference as if fully set forth.

10 c. Effective on or about July 1, 2019, in a prior disciplinary action entitled *In the Matter*
11 *of the Accusation Against Sky Pharma Corp., dba The Medicine Shoppe and Michael Edward*
12 *Milad Tadros* before the Board of Pharmacy, in Case Number 6231, Respondent Tadros'
13 Pharmacist License was revoked, revocation stayed, and placed on probation for three years with
14 terms and conditions. Respondent Tadros' Pharmacist license was disciplined for violations for
15 Code section 4301, subdivisions (j) and (o), in conjunction with Health and Safety Code sections
16 11153(a) and 11164, and Code of Federal Regulations, title 21, section 1306.04(a); Code section
17 4301(o) in conjunction with title 16, CCR, section 1761 and Code section 4301, subdivisions (c)
18 and (d).

19 **PRAYER**

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

22 1. Revoking or suspending Pharmacy Permit Number PHY 51646, issued to Sky
23 Pharma Corp., dba The Medicine Shoppe;

24 2. Prohibiting Sky Pharma Corp. from serving as a manager, administrator, owner,
25 member, officer, director, associate, or partner of a licensee of the Board;

26 3. Revoking or suspending Pharmacist License Number RPH 68859, issued to Michael
27 Edward Milad Tadros;

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1 4. Prohibiting Michael Edward Milad Tadros from serving as a manager, administrator,
2 owner, member, officer, director, associate, or partner of a licensee of the Board;

3 5. Ordering Sky Pharma Corp. dba The Medicine Shoppe and Michael Edward Milad
4 Tadros, jointly and severally, to pay the Board of Pharmacy the reasonable costs of the
5 investigation and enforcement of this case, pursuant to Business and Professions Code section
6 125.3; and,

7 6. Taking such other and further action as deemed necessary and proper.
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10
11 DATED: June 23, 2020



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

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