

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

In the Matter of the Accusation Against:

**VT PHARMACY, INC., dba
VICTORY TAMPA MEDICAL PHARMACY, INC.,
Pharmacy Permit No. PHY 22006,**

and

**ROBERT A. FEILES,
Original Pharmacist License No. RPH 24131,**

Respondents.

Agency Case No. 6952

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 February 2, 2022.

It is so ORDERED on January 3, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large initial "S" and "O".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6293
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 6952

13 **VT PHARMACY, INC. DBA VICTORY**
14 **TAMPA MEDICAL PHARMACY,**
15 **ROBERT A. FEILES, SUSAN E. FEILES**
16 **19300 Vanowen St.**
17 **Reseda, CA 91335**

OAH No. 2021060162

STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO VT
PHARMACY, INC. DBA VICTORY
TAMPA MEDICAL PHARMACY,
ROBERT A. FEILES

18 **Permit No. PHY 22006,**

19 **and**

20 **ROBERT A. FEILES**
21 **12165 Viewcrest Rd**
22 **Studio City, CA 91604**

23 **Pharmacist License No. RPH 24131**

24 Respondents.

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

27 **PARTIES**

28 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
(Board). She brought this action solely in her official capacity and is represented in this matter by

1 Rob Bonta, Attorney General of the State of California, by Leslie A. Walden, Deputy Attorney
2 General.

3 2. VT Pharmacy, Inc. dba Victory Tampa Medical Pharmacy, Robert A. Feiles, Susan E.
4 Feiles (Respondent) is represented in this proceeding by attorney Patric Hooper, whose address
5 is: 1875 Century Park East, Suite 1600, Los Angeles, CA 90067-2799.

6 3. On or about July 1, 1981, the Board of Pharmacy issued Permit Number PHY 22006
7 to Respondent. The Permit was cancelled on January 3, 2020 due to a discontinuance of business
8 effective May 28, 2019.

9 **JURISDICTION**

10 4. Accusation No. 6952 was filed before the Board against Respondent on January 19,
11 2021. The Accusation and all other statutorily required documents were properly served on
12 Respondent. Respondent timely filed its Notice of Defense contesting the Accusation.
13 Thereafter, First Amended Accusation No. 6952 was filed before the Board and properly served
14 on Respondent on October 14, 2021.

15 5. A copy of the First Amended Accusation No. 6952 is attached as Exhibit A and
16 incorporated by reference.

17 **ADVISEMENT AND WAIVERS**

18 6. Respondent has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in the First Amended Accusation No. 6952. Respondent also has
20 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
21 Surrender of License and Order.

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

1 any new license from the board for three (3) years from the effective date of the surrender.
2 Respondent shall meet all requirements applicable to the license sought as of the date the
3 application for that license is submitted to the board.

4 5. Respondent shall pay the agency its costs of investigation and enforcement in the
5 amount of \$11,530.00 prior to issuance of a new or reinstated license.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Surrender of License and Order as to VT
8 Pharmacy, Inc. dba Victory Tampa Medical Pharmacy, Robert A. Feiles and have fully discussed
9 it with my attorney Patric Hooper. I understand the stipulation and the effect it will have on the
10 Pharmacy Permit. I enter into this Stipulated Surrender of License and Order as to VT Pharmacy,
11 Inc. dba Victory Tampa Medical Pharmacy, Robert A. Feiles, voluntarily, knowingly, and
12 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

13
14 DATED: Oct. 25, 2021 Robert Feiles
15 VT PHARMACY, INC. DBA VICTORY
16 TAMPA MEDICAL PHARMACY,
17 ROBERT A. FEILES
18 Respondent

19 I have read and fully discussed with Respondent VT Pharmacy, Inc. dba Victory Tampa
20 Medical Pharmacy, Robert A. Feiles, the terms and conditions and other matters contained in this
21 Stipulated Surrender of License and Order as to VT Pharmacy, Inc. dba Victory Tampa Medical
22 Pharmacy, Robert A. Feiles. I approve its form and content.

23
24 DATED: _____ PATRIC HOOPER
25 Attorney for Respondent
26
27
28

1 any new license from the board for three (3) years from the effective date of the surrender.
2 Respondent shall meet all requirements applicable to the license sought as of the date the
3 application for that license is submitted to the board.

4 5. Respondent shall pay the agency its costs of investigation and enforcement in the
5 amount of \$11,530.00 prior to issuance of a new or reinstated license.

6 **ACCEPTANCE**

7 I have carefully read the above Stipulated Surrender of License and Order as to VT
8 Pharmacy, Inc. dba Victory Tampa Medical Pharmacy, Robert A. Feiles and have fully discussed
9 it with my attorney Patric Hooper. I understand the stipulation and the effect it will have on the
10 Pharmacy Permit. I enter into this Stipulated Surrender of License and Order as to VT Pharmacy,
11 Inc. dba Victory Tampa Medical Pharmacy, Robert A. Feiles, voluntarily, knowingly, and
12 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

13
14 DATED: _____
15 VT PHARMACY, INC. DBA VICTORY
16 TAMPA MEDICAL PHARMACY,
17 ROBERT A. FEILES
18 Respondent

19 I have read and fully discussed with Respondent VT Pharmacy, Inc. dba Victory Tampa
20 Medical Pharmacy, Robert A. Feiles, the terms and conditions and other matters contained in this
21 Stipulated Surrender of License and Order as to VT Pharmacy, Inc. dba Victory Tampa Medical
22 Pharmacy, Robert A. Feiles. I approve its form and content.

23
24 DATED: 09.25.2021
25 PATRIC HOOPER
26 Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order as to VT Pharmacy, Inc. dba Victory Tampa Medical Pharmacy, Robert A. Feiles is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 10/26/21

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

Leslie Walden

LESLIE A. WALDEN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 6952

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6293
6 Facsimile: (916) 731-2126
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6952

13 **VT PHARMACY, INC. DBA VICTORY**
14 **TAMPA MEDICAL PHARMACY,**
15 **ROBERT A. FEILES, SUSAN E. FEILES**
19300 Vanowen St.
Reseda, CA 91335

FIRST AMENDED ACCUSATION

16 **Permit No. PHY 22006,**

17 **and**

18 **ROBERT A. FEILES**
19 **12165 Viewcrest Rd**
Studio City, CA 91604

20 **Pharmacist License No. RPH 24131**

21 Respondents.

22
23 **PARTIES**

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

27 2. On or about July 1, 1981, the Board of Pharmacy issued Permit Number PHY 22006
28 to VT Pharmacy, Inc. dba Victory Tampa Medical Pharmacy, Robert A. Feiles, Susan E. Feiles

1 (Respondents). The Permit was cancelled on January 3, 2020 due to a discontinuance of business
2 effective May 28, 2019.

3 3. On or about August 13, 1965, the Board of Pharmacy issued Pharmacist License
4 Number RPH 24131 to Robert A. Feiles. The Pharmacist License was in full force and effect at
5 all times relevant to the charges brought herein and will expire on May 31, 2022, unless renewed.

6 **JURISDICTION**

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

10 5. Section 22 of the Code states:

11 “Board” as used in any provisions of this code, refers to the board in which the
12 administration of the provision is vested, and unless otherwise expressly provided, shall include
13 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”
14 “program,” and “agency.”

15 6. Section 4300.1 of the Code states:

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

21 7. Section 118, subdivision (b), of the Code provides that the
22 suspension/expiration/surrender/cancellation of a license shall not deprive the
23 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
24 within which the license may be renewed, restored, reissued or reinstated.

25 8. Section 4307 of the Code states in pertinent part:

26 “(a) Any person who has been denied a license or whose license has been revoked or is
27 under suspension, or who has failed to renew his or her license while it was under suspension, or
28 who has been a manager, administrator, owner, member, officer, director, associate, partner, or

1 any other person with management or control of any partnership, corporation, trust, firm, or
2 association whose application for a license has been denied or revoked, is under suspension or has
3 been placed on probation, and while acting as the manager, administrator, owner, member,
4 officer, director, associate, partner, or any other person with management or control had
5 knowledge of or knowingly participated in any conduct for which the license was denied,
6 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,
7 administrator, owner, member, officer, director, associate, partner, or in any other position with
8 management or control of a licensee as follows:

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

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

13 (b) "Manager, administrator, owner, member, officer, director, associate, partner, or any
14 other person with management or control of a license" as used in this section and Section 4308 ,
15 may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

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

24 **STATUTORY PROVISIONS**

25 5. Section 490 states, in pertinent part:

26 "(a) In addition to any other action that a board is permitted to take against a licensee, a
27 board may suspend or revoke a license on the ground that the licensee has been convicted of a
28

1 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
2 or profession for which the license was issued.

3 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
4 discipline a licensee for conviction of a crime that is independent of the authority granted under
5 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
6 of the business or profession for which the licensee's license was issued.

7 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
8 conviction following a plea of nolo contendere. Any action that a board is permitted to take
9 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
10 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
11 made suspending the imposition of sentence, irrespective of a subsequent order under the
12 provisions of Section 1203.4 of the Penal Code. . . ."

13 9. Section 4022 of the Code states

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

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

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

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

23 10. Section 4301 of the Code states:

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

27 . . .

1 (d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
2 of Section 11153 of the Health and Safety Code .

3 ...

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

6

7 "(l) The conviction of a crime substantially related to the qualifications, functions, and
8 duties of a licensee under this chapter. . . ."

9 11. Section 4306.5 of the Code states in part,

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

11 (a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or
12 her education, training, or experience as a pharmacist, whether or not the act or omission arises in
13 the course of the practice of pharmacy or the ownership, management, administration, or
14 operation of a pharmacy or other entity licensed by the Board.

15

16 12. Health and Safety Code section 11153 provides:

17 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical
18 purpose by an individual practitioner acting in the usual course of his or her professional practice.
19 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
20 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
21 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
22 an order purporting to be a prescription which is issued not in the usual course of professional
23 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
24 controlled substances, which is issued not in the course of professional treatment or as part of an
25 authorized narcotic treatment program, for the purpose of providing the user with controlled
26 substances, sufficient to keep him or her comfortable by maintaining customary use."

27 ////

28

REGULATORY PROVISIONS

13. Section 1714 of the title 16 of the California Code of Regulations states:

...

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

...

(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or 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 substances are stored shall be restricted to a pharmacist.

....

14. Section 1761 of title 16 of the California Code of Regulations states:

(a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.

(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense a controlled substance prescription where the pharmacist knows or has objective reason to know that said prescription was not issued for a legitimate medical purpose.

15. Section 1770 of title 16 of the California Code of Regulations states:

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

1 **COST RECOVERY**

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

6 **DEFINITIONS**

7 17. Roxicodone 30mg, the brand name for oxycodone 30 mg, is a dangerous drug
8 pursuant to Business and Professions Code section 4022, and is a Schedule II Controlled
9 Substance pursuant to Health and Safety Code section 11055 subdivision (b)(1)(M). It is
10 commonly used to treat pain.

11 18. Xanax 2 mg, the brand name for Alprazolam 2 mg, is a dangerous drug pursuant to
12 Business and Professions Code section 4022, and is a Schedule IV Controlled Substance pursuant
13 to Health and Safety Code section 11057 subdivision (d)(1). It is commonly used to treat anxiety.

14 19. Norco 10 mg/325 mg, the brand name for hydrocodone/acetaminophen 10 mg/325
15 mg, is a dangerous drug pursuant to Business and Professions Code section 4022, and is a
16 Schedule II Controlled Substance pursuant to title 21 of the Code of Federal Regulations section
17 1308.12(b)(1)(vi) and title 16 of Health and Safety Code section 11055(b)(1)(I)(ii). It is
18 commonly used to treat pain.

19 20. Phenergan/Codeine Syrup 10 mg- 6.25 mg/5 mL, the brand name for promethazine/
20 codeine syrup 10 mg- 6.25 mg/5 mL, is a dangerous drug pursuant to Business and Professions
21 Code section 4022, and is a Schedule V Controlled Substance pursuant to Health and Safety Code
22 section 11058 subdivision (c)(1). It is commonly used as a cough suppressant.

23 **FACTUAL ALLEGATIONS**

24 21. In or about October 2018, the Board initiated an investigation of Respondent VT
25 Pharmacy, Inc. dba Victory Tampa Medical Pharmacy, Robert A. Feiles, PIC, Susan E. Feiles
26 (Respondent Victory) and Robert A. Feiles (Respondent Feiles) following a report of suspicious
27 ordering of controlled substances from Amerisource Bergen and an internal evaluation of the
28 pharmacy's purchasing and dispensing of controlled substances. After accessing data from

1 Controlled Substance Utilization Review and Evaluation System¹ (CURES), an investigation and
2 audit determined Respondent Victory and Respondent Feiles could not account for significant
3 shortages of oxycodone 30 mg, alprazolam 2 mg, and promethazine/codeine syrup. Additionally,
4 the investigation determined Respondent Victory and Respondent Feiles failed to fulfill their duty
5 of corresponding responsibility when dispensing prescriptions written by Dr. JK².

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Operational Standards and Security against VT Pharmacy, Inc. dba Victory Tampa**
8 **Medical Pharmacy, Robert A. Feiles, PIC, Susan E. Feiles)**

9 22. Respondent Victory is subject to disciplinary action under title 16 of the California
10 Code of Regulations section 1714 subdivision (b) in that it was required to maintain its facilities,
11 space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured
12 and distributed. Respondent Victory was required to be of sufficient size and have an
13 unobstructed area to accommodate the safe practice of pharmacy. Respondent Victory failed to
14 comply. Specifically, an audit of oxycodone 30 mg tablets, promethazine/codeine syrup, and
15 alprazolam 2 mg revealed that from the end of business on or about July 12, 2017 to an
16 inspection on or about February 4, 2019, the Respondent could not account for the following
17 inventory shortages:

- 18 a) 9,577 oxycodone 30 mg tablets;
19 b) 10,598 mL promethazine/codeine syrup; and
20 c) 16,759 alprazolam 2 mg tablets.

21 23. Additional circumstances surrounding this violation are set forth in paragraph 21,
22 above, and are incorporated herein as though set forth in full.

23 **SECOND CAUSE FOR DISCIPLINE**

24 ¹ Controlled Substance Utilization Review and Evaluation System (CURES) is
25 California's Prescription Drug Monitoring Program (PDMP). Pharmacies in California are
26 required to report all filled prescriptions for Schedule II-IV controlled substances to the database
27 every week. The data is collected statewide and can be used by healthcare professionals to
28 evaluate and determine whether their patients are utilizing controlled substances correctly, or if a
patient has used multiple prescribers and multiple pharmacies to fill controlled substance
prescriptions.

² Potential witness initials are used in lieu of real names in order to protect the privacy
interest of those individuals.

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THIRD CAUSE FOR DISCIPLINE

(Operational Standard and Security against Robert A. Feiles)

26. Respondent Feiles as the Pharmacist in Charge of Respondent Victory is subject to disciplinary action under title 16 of the California Code of Regulations section 1714 subdivision (b) in that it was required to maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. Respondent Victory was required to be of sufficient size and have an unobstructed area to accommodate the safe practice of pharmacy. Respondent Feiles is also in violation of section 1714, subdivision (d) as the pharmacist in charge, he was responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Respondent Feiles failed to comply. Specifically, an audit of oxycodone 30 mg tablets, promethazine/codeine syrup, and alprazolam 2 mg revealed that from the end of business on or about July 12, 2017 to an inspection on or about February 4, 2019, the following inventory shortages:

- a) 9,577 oxycodone 30 mg tablets;
- b) 10,598 mL promethazine/codeine syrup; and
- c) 16,759 alprazolam 2 mg tablets.

27. Additional circumstances surrounding this violation are set forth in paragraph 21, above, and are incorporated herein as though set forth in full.

FOURTH CAUSE FOR DISCIPLINE

(Corresponding Responsibility against Robert A. Feiles)

28. Respondent Feiles, while acting as Pharmacist in charge at Respondent Victory is subject to disciplinary action under title 16 of the California Code of Regulations, sections 11153 subdivision (a) and 1761 subdivisions (a) and (b) in that Respondent Victory dispensed 189 controlled substance prescriptions under the prescribing authority of Dr. JK including 173 prescriptions for a total of 14,667 tablets of oxycodone 30 mg. Respondent Victory dispensed these prescriptions in the presence of significant factors of irregularity suggesting the

1 prescriptions were not legitimately written. Objective factors indicating these prescriptions were
2 not written for legitimate medical purposes included the following:

3 a) Dr. JK's prescribing record at Respondent Victory was unusually limited with
4 oxycodone 30 mg accounting for over 44% of Dr. JK's prescriptions.

5 b) While Dr. JK's licensing details page from the California Medical Board's website
6 indicated he was a general practitioner, his limited prescribing profile lacked medications for
7 conditions commonly treated by general practitioners such as diabetes, high blood pressure, high
8 cholesterol, asthma or respiratory infections.

9 c) Dr. JK prescribed controlled substances exclusively in the highest available strength
10 including 173 prescriptions for oxycodone 30 mg tablets and no prescriptions for any lower
11 strength.

12 d) All of Dr. JK's patients received at least one prescription for a commonly abused
13 controlled substance. Twenty-one of twenty-six total patients received oxycodone 30 mg tablets
14 from Dr. JK.

15 e) There were numerous instances when Respondent Victory filled multiple
16 prescriptions from Dr. JK in the same day, sometimes assigning the prescriptions consecutive or
17 nearly consecutive prescription numbers.

18 29. Additional circumstances surrounding this violation are set forth in paragraph 21,
19 above, and are incorporated herein as though set forth in full.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Conviction of a Substantially Related Crime)**

22 30. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
23 (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
24 unprofessional conduct, in that Respondent was convicted of a substantially related crime, as
25 follows:

26 a. On or about January 17, 2020, after nolo contendere, Respondent was convicted of
27 one misdemeanor count of violating Penal Code section 153 subdivision (3) [compounding or
28 concealing a crime] in the criminal proceeding entitled *The People of the State of California v.*

1 *Robert Feiles* (Los Angeles Superior Court, Case No. BA43543). The Court suspended the
2 sentence, placed Respondent on summary probation for six (6) months, and ordered him to pay
3 restitution in the amount of \$24,498.83 to the victim.

4 **OTHER MATTERS**

5 31. Pursuant to Code section 4307, if discipline is imposed on PHY 22006, issued to
6 Respondent Victory, while Respondent Feiles had been an officer and owner and had knowledge
7 of or knowingly participated in any conduct for which the licensee was disciplined, Respondent
8 Feiles shall be prohibited from serving as a manager, administrator, owner, member, officer,
9 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 22006
10 is placed on probation or until Pharmacy Permit Number PHY 22006 is reinstated if it is revoked.

11 **PRAYER**

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

- 14 1. Revoking or suspending Permit Number PHY 22006, issued to VT Pharmacy, Inc.
15 dba Victory Tampa Medical Pharmacy, Robert A. Feiles, Susan E. Feiles;
- 16 2. Revoking or suspending Pharmacist License Number RPH 24131, issued to Robert A.
17 Feiles;
- 18 3. Prohibiting Respondent Robert A. Feiles from serving as a manager, administrator,
19 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
20 Permit Number PHY 22006 is placed on probation or until Pharmacy Permit Number PHY 22006
21 is reinstated if it is revoked.
- 22 4. Prohibiting Respondent Susan E. Feiles from serving as a manager, administrator,
23 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
24 Permit Number PHY 22006 is placed on probation or until Pharmacy Permit Number PHY 22006
25 is reinstated if it is revoked.
- 26 5. Ordering VT Pharmacy, Inc. dba Victory Tampa Medical Pharmacy, Robert A.
27 Feiles, Susan E. Feiles; and Robert A. Feiles to pay the Board of Pharmacy the reasonable costs
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of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 10/11/2021

Signature on File _____

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

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