

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of)
) File No. 21-091
JOSHUA NEFF, R.Ph.)
LICENSE NO. 1-100424)

EMERGENCY AGENCY ORDER

Joshua Neff, R.Ph. (the “Respondent”) is currently authorized to practice pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the “Board”) having issued him License No. 1-100424.

It has come to the attention of the Board’s Investigation Member that the Respondent has diverted controlled substances to himself without a prescription for the drugs and he does not have the patient or prescription records required by the Pharmacy Law.

After considering the foregoing, the Board’s Investigation Member, in accordance with the authority granted to her by the Board, enters the following emergency agency order, pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c).

I. FINDINGS OF FACT

For purposes of this order, the Board’s Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 1-100424, which entitled him to practice pharmacy in the State of Kansas (“Respondent’s License”).
2. While Respondent was the Pharmacist-in-Charge (“PIC”) at Dillons Pharmacy, he had access to the drugs and to change the computer on-hands to cover diversion of drugs. The DEA-106 shows the quantity of drugs that were unaccounted for and alleged to be diverted as follows:

Acetaminophen-Codeine #3	143 tablets
Acetaminophen-Codeine #4	104 tablets
Alprazolam 0.5mg	85 tablets
Clonazepam 1mg	287 tablets
Clonazepam 2mg	166 tablets
Diazepam 5mg	171 tablets
Diazepam 10mg	510 tablets
Lorazepam 0.5mg	111 tablets
Tramadol 50mg	849 tablets

3. The Respondent admits to diverting controlled substances to himself who did not have a valid prescription for the drugs on multiple occasions. In May, 2021, Respondent wrote a Voluntary Statement as the PIC to his employer admitting to the wrongful diversion of multiple controlled substances, including codeine, alprazolam, clonazepam, diazepam and tramadol for from four different Dillons pharmacies. In May, 2021, Respondent also sent an email to the Board admitting to wrongful diversion of multiple controlled substances. In addition, Respondent also admits to diverting Methocarbamol 750mg, which is not a controlled substance. Respondent further reports a belief to have an addiction problem.

4. The Respondent does not have the patient or prescription records required by the Pharmacy Law.

5. Diverting controlled substances to an individual who do not have a prescription for the drug poses a serious health risk to that individual and other individuals who may come into possession of the drugs.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board’s Investigation Member makes the following conclusions of law and fact:

1. Respondent’s continuation in the practice of pharmacy would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent

or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's License.

2. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's License pursuant to various provisions of the Pharmacy Act, including K.S.A. 65-1627 (a)(3), (4), (5) and (13).

III. EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c), and based upon the foregoing findings and conclusions, Respondent's License is hereby suspended until further order of the Board, effective immediately.


Within fifteen (15) days after service of this Emergency Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, JD, MBA
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

8/27/21
Date


TERICA GATEWOOD, PharmD
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 2nd day of September, 2021, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Joshua Neff
730 Brent Dr.
Mulvane, KS 67110



Alexandra Blasi, JD, MBA
Executive Director
Kansas Board of Pharmacy