

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State and Local governments. Other: None. This program is administered under the authority of 8 U.S.C. 1252(j) to reimburse States and localities for costs expended in the incarceration of undocumented criminal aliens. The Application Form will be completed by each eligible State and local applicant and will provide information regarding eligible inmate population and incarceration costs for verification and award processing.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 3500 responses at 60 minutes.

(6) An estimate of the total public burden (in hours) associated with the collection: 3,500 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: July 1, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

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Drug Enforcement Administration

[Docket No. 95-40]

Rita M. Coleman, M.D. Revocation of Registration

On May 26, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Rita M. Coleman, M.D., (Respondent), of Baldwin, Maryland, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, AC9351026, under 21 U.S.C. 824(a)(3) and deny any pending applications for renewal of her registration as a practitioner under 21 U.S.C. 823(f), for the reason that, on or about August 24, 1994, the Maryland Board of Physician Quality Assurance (Medical Board) ordered the revocation of her state license to practice medicine. Further, the Show Cause Order noted that, in response to having her medical license revoked, the Maryland State Department of Health and Mental Hygiene revoked the Respondent's state

controlled substances registration. Therefore, the Respondent was not authorized to handle controlled substances in the State of Maryland.

On June 14, 1995, the Respondent filed a response to the Order to Show Cause, presenting matters in rebuttal to the show cause allegations, but failing to either request or to waive her hearing right. On June 19, 1995, a letter was sent from the Office of the Administrative Law Judges, informing the Respondent that she had until July 17, 1995, to elect a hearing. By letter dated July 3, 1995, the Respondent wrote that she did not wish to waive her rights to an administrative hearing, but she also noted that she was not in a position to attend such a hearing. The Respondent also asked that her June letter be considered a written statement of her position in the matter. In response to the Respondent's July letter, Administrative Law Judge Mary Ellen Bittner issued an order dated August 18, 1995, in which she (1) noted the Respondent's conflicting positions, and (2) determined that the Respondent effectively had provided notice that she would not appear at an administrative hearing. Judge Bittner, citing 21 C.F.R. 1301.54(c) and (d), wrote that "a person who waives a hearing may file a statement of position[,] and that a person who requests a hearing but fails to appear may be deemed to have waived the opportunity for a hearing. Consequently, although [the] Respondent asserts that she does not wish to waive her right to a hearing, I deem her statement that she will not appear, in conjunction with her request that her June 11 letter be considered her statement of position, such a waiver."

Accordingly, Judge Bittner ordered that (1) all proceedings before her in the Respondent's case be terminated, and (2) the matter be submitted to the Deputy Administrator for issuance of a final order. On January 23, 1996, the case was transmitted to the Deputy Administrator for his action.

Therefore, the Deputy Administrator, after reviewing the procedural matters in this case, agrees with Judge Bittner and concludes that the Respondent is deemed to have waived her hearing right. Accordingly, after considering the materials submitted, the Deputy Administrator now enters his final order in this matter without a hearing, pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that, on August 24, 1994, after holding an administrative hearing, the Medical Board revoked the Respondent's license

to practice medicine in the State of Maryland. Subsequently, the Division of Drug Control, Maryland State Department of Health and Mental Hygiene, voided the Respondent's State of Maryland Controlled Dangerous Substance Registration Certificate. Thus, the Respondent is not authorized to practice medicine or to prescribe, administer, or dispense controlled substances in the State of Maryland. Further, in her letter filed June 14, 1995, the Respondent has not challenged the authenticity of the Medical Board's revocation order or the order revoking her registration to handle controlled substances. The Respondent has not submitted any evidence contesting the act that her medical license and controlled substances certificate have been revoked.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which she conducts her business. 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. *See Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993); *James H. Nickens, M.D.*, 57 FR 59,847 (1992); *Roy E. Hardman, M.D.*, 57 FR 49,195 (1992); *Myong S. Yi, M.D.*, 54 FR 30,618 (1989); *Bobby Watts, M.D.*, 53 FR 11,919 (1988). Here, it is clear that the Respondent is neither currently authorized to practice medicine nor to dispense controlled substances in the State of Maryland. Therefore, the Respondent currently is not entitled to a DEA registration.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AC9351026 previously issued to Rita M. Coleman, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for the renewal of such registration be, and they hereby are, denied. This order is effective August 7, 1996.

Dated: July 1, 1996.

Stephen H. Greene,

Deputy Administrator.

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