without a hearing pursuant to 21 C.F.R. 1301.43(d) and (3) and 1301.46.

The Acting Deputy Administrator finds that on or about September 18, 1989, Dr. DeBlanco was found guilty in the Common Pleas Court of Franklin County, Ohio of one count of Medicaid fraud, one count of grand theft, and ten counts of forgery as a result of allegations that Dr. DeBlanco inappropriately billed Medicaid for services which she did not provide. Thereafter, on May 11, 1990, the State Medical Board of Ohio (Ohio Board) revoked Dr. DeBlanco's license to practice medicine and surgery. Subsequently, in a Final Order dated May 10, 1995, the State of Florida, Board of Medicine, (Florida Board) placed Dr. DeBlanco's medical license on probation for three years subject to various terms and conditions. This action was based upon convictions, the action of the Ohio Board, and her failure to report the action of the Ohio Board to the Florida Board.

On May 26, 1995, Dr. DeBlanco submitted an application for a DEA Certificate of Registration. Dr. DeBlanco answered ''no'' to the question which asked, ''Has the applicant ever been convicted of a crime in connection with controlled substances under State or Federal law, or ever surrendered or had a Federal controlled substance registration revoked, suspended, restricted or denied, or ever had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation?'' A DEA investigator contacted Dr. DeBlanco to inquire about her negative response to the question on the application. By letter dated August 17, 1995, Dr. DeBlanco indicated that she ''did not adequately understand the question.'' Dr. DeBlanco stated that:

> I have never been convicted of a crime concerning controlled substances or had a DEA problem. I lost my Ohio license because of a billing error. Case is no appeal, possibly will be over-turned at a scheduled hearing September 29, 1995. Have had Florida license since 1977 with never a problem. Never been a question about my medical care. My license is unrestricted on probation due to 1989 Ohio problem. * * *

Pursuant to 21 U.S.C. § 823(f), the Deputy Administrator may deny an application for a DEA Certificate of Registration if he determines that such registration would be inconsistent with the public interest. In determining the public interest, the following factors are considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

The Acting Deputy Administrator finds that there is no evidence before him that Dr. DeBlanco has improperly dispensed controlled substances or that she has been convicted of an offense relating to controlled substances. However, it is undisputed that the Ohio Board revoked her Ohio medical license and the Florida Board placed her Florida medical license on probation for three years. In her August 1995 letter to DEA, Dr. DeBlanco alleged that the Ohio Board's action was on appeal and could be overturned following a scheduled hearing in September 1995, however, Dr. DeBlanco did not respond to the Order to Show Cause and therefore did not present any evidence that the Ohio Board's action has been overturned. Consequently, based upon the evidence before him, the Acting Deputy Administrator concludes that Dr. DeBlanco's Ohio medical license remains revoked.

Regarding factors four and five, the Acting Deputy Administrator finds that Dr. DeBlanco violated 21 U.S.C. 843(a)(4) by indicating on her application for registration that she had never had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation, when in fact Ohio had revoked her medical license in 1990, and Florida had placed her license on probation for three years just weeks before she submitted her application for registration with DEA. Dr. DeBlanco did not respond to the Order to Show Cause and therefore did not offer any evidence regarding the falsification. In her August 1995 letter to DEA, Dr. DeBlanco indicated that she did not adequately understand the question. However, the Acting Deputy Administrator finds that the question is clearly worded and therefore concludes that Dr. DeBlanco falsified her application for registration. It has been held in previous cases that, ''(s)ince DEA must rely on the truthfulness of information supplied by applicants in registering them to handle controlled substances, falsification can not be tolerated.'' Bobby Watts, M.D., 58 FR 46995 (1993); see also, Leonel Tano, M.D., 62 FR 22968 (1997).

The Acting Deputy Administrator concludes that based upon the action taken against her medical licenses in Ohio and Florida, her material falsification of her application for registration, and the lack of any mitigating evidence offered in response to the Order to Show Cause, Dr. DeBlanco's application must be denied at this time.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the application, submitted by Anne D. Dr. DeBlanco, M.D., on May 26, 1995, for a DEA Certificate of Registration, be, and it hereby is denied. This order is effective August 8, 1997.

Dated: June 30, 1997.

James S. Milford,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Paul W. Teegardin, D.V.M.; Denial of Application

On February 25, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Paul W. Teegardin, D.V.M., of Ashville, Ohio, notifying him of an opportunity to show cause as to why DEA should not deny his application, dated December 6, 1995, for a DEA Certificate of Registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that his registration would be inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

''(1) (Dr. Teegardin's) last DEA registration, AT6745648, expired in November 1997. On two occasions in 1990–91, (he) prescribed for (himself) and received diazepam injectable, a Schedule IV controlled substance, and Darvocet, a Schedule IV controlled substance. These prescriptions were issued not in the course of usual professional practice and not for a

legitimate medical purpose, in violation of 21 U.S.C. §§ 841(a)(1) and 843(a)(3).

(2) On July 29, 1995, (Dr. Teegardin) prescribed for (himself) and received Darvocet, a Schedule IV controlled substance. On August 10, 1995, (he) prescribed diazepam injectable, a Schedule IV controlled substance, purportedly for administration to a feline patient. These prescriptions were issued not in the course of usual professional practice and not for a legitimate medical purpose, in violation of 21 U.S.C. §§ 841(a)(1) and 843(a)(3)''. The order also notified Dr. Teegardin that should not request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was personally served on Dr. Teegardin on April 2, 1997. No request for a hearing or any other reply was received by the DEA from Dr. Teegardin or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Teegardin is deemed to have waived his hearing right. After considering the relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 C.F.R. 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that Dr. Teegardin has not possessed a valid DEA Certificate of Registration since 1977. A joint investigation by DEA and the Ohio Veterinary Medical Licensing Board (Board) revealed that Dr. Teegardin had issued at least four controlled substance prescriptions while not authorized to do so. On October 4, 1995, during an interview with a Board investigator, Dr. Teegardin admitted that in the past approximately ten years, he had issued prescriptions to himself for ''dangerous drugs'' to treat an unidentified health problem and had issued prescriptions to a Clara Teegardin for a non-veterinary purpose.

The investigation also revealed that Dr. Teegardin issued a prescription for Valium, a Schedule IV controlled substance, for the cat of a retired dentist, which was telephoned into a local pharmacy. On December 4, 1995, after Dr. Teegardin discovered that the Board was questioning the issuance of the prescription, Dr. Teegardin reportedly contacted the pharmacist and the retired dentist and attempted to convince them to remove his name as the prescriber on the prescription and to replace his name with the name of the retired dentist. In addition, Dr. Teegardin admitted that he failed to maintain patient files or medical records in certain situations which is a violation of state law and he failed to comply with several subpoenas issued by the Board also in violation of state law.

On February 19, 1997, the Board and Dr. Teegardin entered into a settlement agreement whereby Dr. Teegardin was suspended for 60 days from the practice of veterinary medicine and fined $500.00. In addition, Dr. Teegardin's license was placed on probation with the requirement that he attend 60 hours of continuing education.

Pursuant to 21 U.S.C. § 823(f), the Deputy Administrator may deny an application for a DEA Certificate of Registration if he determines that such registration would be inconsistent with the public interest. In determining the public interest, the following factors are considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

Dr. Teegardin issued prescriptions for controlled substances without being registered with DEA to do so. As a result, he violated both Federal and state law regarding controlled substances. In addition, he failed to comply with other state laws regarding his practice of veterinary medicine. Based upon the Board's investigation, Dr. Teegardin's license to practice veterinary medicine was suspended for a period of time and then placed on probation. The Acting Deputy Administrator is particularly troubled by Dr. Teegardin's efforts, after learning that he was under investigation, to have his name removed as the prescriber from a controlled substance prescription. Dr. Teegardin did not respond to the Order to Show Cause and therefore did not offer any mitigation evidence. Consequently, the Acting Deputy Administrator concludes that based upon the evidence before him, Dr. Teegardin's registration would be inconsistent with the public interest.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the application, submitted by Paul W. Teegardin, D.V.M., on December 6, 1995, for a DEA Certificate of Registration, be, and it hereby is, denied. This order is effective August 8, 1997.

Dated: July 1, 1997.

James S. Milford,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB emergency approval; Application for naturalization.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. OMB approval has been requested by July 31, 1997. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Debra Bond, 202–395–7316, Department of Justice Desk Officer, Washington, DC 20503.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until September 8, 1997. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;