

(2) Respondent shall notify the Special Agent in Charge of the DEA New Orleans Field Division, or his designee, if he ceases to be employed at LSU Monroe Medical Center.

(3) If Respondent goes into private practice, he shall permit DEA personnel to conduct inspections of his registered location and of his controlled substance records without an Administrative Inspection Warrant.

However, having said that it is in the public interest to issue Respondent a restricted registration, DEA cannot issue him such a registration unless he is authorized to handle controlled substances by the state in which he practices. As discussed above, it is unclear whether Respondent possesses a current valid state controlled substance license. Therefore, the Deputy Administrator concludes that Respondent should be issued a DEA Certificate of Registration subject to the above described conditions once he provides evidence to DEA that he is authorized to handle controlled substances in Louisiana.

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 the application for a DEA Certificate of Registration submitted by Lawrence C. Hill, M.D., be, and it hereby is granted subject to the above described conditions, upon receipt by the DEA New Orleans office of evidence of his state authorization to handle controlled substances. This order is effective June 4, 1999.

Dated: May 25, 1999.

Donnie R. Marshall,
Deputy Administrator.

[FR Doc. 99-14100 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Pablo E. Melgarejo, M.D.; Revocation of Registration

On November 17, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Pablo E. Melgarejo, M.D., of Orlando, Florida, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AM2026284 pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration pursuant to 21 U.S.C. 823(f), for reason that he is not

currently authorized to handle controlled substances in the State of Florida. The order also notified Dr. Melgarejo that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent to Dr. Melgarejo by registered mail to his DEA registered address, but was returned with the notation "not deliverable as addressed, unable to forward." The Order to Show Cause was then sent to Dr. Melgarejo at another address in Florida. This time the order was returned to DEA with the notation that delivery had been refused. Information in the investigative file indicates that the records of the Florida State Attorney's Office in Orange County and the Florida Medical Board show that Dr. Melgarejo failed to appear at a criminal proceeding and has fled the United States.

The Deputy Administrator finds that DEA has made numerous attempts to locate Dr. Melgarejo and has determined that his whereabouts are unknown. It is evident that Dr. Melgarejo is no longer practicing medicine at the address listed on his DEA Certificate of Registration. The Deputy Administrator concludes that considerable effort has been made to serve Dr. Melgarejo with the Order to Show Cause without success. Dr. Melgarejo is therefore deemed to have waived his opportunity for a hearing. The Deputy Administrator now enters his final order in this matter without a hearing and based on the investigative file pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that on July 15, 1998, the Florida Board of Medicine issued an Order revoking Dr. Melgarejo's license to practice medicine effective July 21, 1998, based upon his sexual misconduct with patients.

The Deputy Administrator finds that Dr. Melgarejo is not currently authorized to practice medicine in Florida. It is reasonable to infer that he is also not authorized to handle controlled substances in that state.

The DEA does not have the 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 he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Dr. Melgarejo is not currently licensed to practice medicine or authorized to handle

controlled substances in the State of Florida. Therefore, Dr. Melgarejo is not entitled to a DEA registration in that state.

Accordingly, the Deputy Administration 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 AM2026284, previously issued to Pablo E. Melgarejo, 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 July 6, 1999.

Dated: May 25, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99-14101 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Neil Laboratories, Inc.; Suspension of Shipment

On August 7, 1998, the then-Acting Deputy Administrator of the Drug Enforcement Administration (DEA), issued an Order to Suspend Shipment to Neil Laboratories, Inc. of East Windsor, New Jersey, notifying it that a proposed shipment of 240 kilograms of pseudoephedrine to Oscar Barajas Gomez/Comercializadora Del Noroeste (Comercializadora) of Mexico was suspended pursuant to 21 U.S.C. 971 and 21 CFR 1313.41. The Order to Suspend Shipment stated that DEA believed that the listed chemical may be diverted. Specifically, the order provided Neil Laboratories, Inc.: (1) With the factual and legal basis for the suspension of the shipment; (2) with an opportunity to file a written request for a hearing within 30 days pursuant to 21 CFR 1313.51 through 1313.57; (3) with notice that, should it fail to request a hearing, it would be deemed to have waived the hearing; and (4) with notice that upon the expiration of the 30 day time frame, the Deputy Administrator may then enter his final order in this matter without a hearing.

The order was received by Neil Laboratories, Inc. on August 21, 1998. No request for a hearing has been received by DEA from Neil Laboratories, Inc., or anyone purporting to represent the company in this matter. Subsequently, the investigative file was transmitted to the Deputy Administrator for final agency action.