

Dated: August 17, 2018.
Uttam Dhillon,
Acting Administrator.
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DEPARTMENT OF JUSTICE
Drug Enforcement Administration
[Docket No. DEA-392]
Importer of Controlled Substances
Registration

ACTION: Notice of registration.
SUMMARY: Registrants listed below have applied for and been granted registration by the Drug Enforcement

Administration (DEA) as importers of various classes of schedule I or II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as importers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for hearing were submitted for these notices.

Table with 3 columns: Company, FR docket, Published. Rows include Fisher Clinical Services, Inc and Unither Manufacturing LLC.

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable basic classes of schedule I or II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I or II controlled substances to the above listed companies.

Dated: August 17, 2018.
John J. Martin,
Assistant Administrator.
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DEPARTMENT OF JUSTICE
Drug Enforcement Administration
Greg N. Rampey, D.O.; Dismissal of Proceedings

On October 27, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Greg N. Rampey, D.O. (Registrant), of Tulsa, Oklahoma. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration No. BR7006085 on the ground that he has

"no state authority to handle controlled substances" in the State of Oklahoma, the State in which he is registered with the DEA. Order to Show Cause, Government Exhibit (GX) 2, at 1, 2 (citing 21 U.S.C. 824(a)(3)). For the same reason, the Order also proposed the denial of any of Registrant's "applications for renewal or modification of such registration and any applications for any other DEA registrations." Id. at 1.

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is the holder of Certificate of Registration No. BR7006085, pursuant to which he is authorized to dispense controlled substances as a practitioner in schedules II through V, at the registered address of 8596 E. 101st, Ste. B, Tulsa, Oklahoma. Id. The Order also alleged that this registration does not expire until April 30, 2018. Id.

As the substantive ground for the proceeding, the Show Cause Order alleged that "on September 21, 2017, the Oklahoma State Board of Osteopathic Examiners cancelled [Registrant's] osteopathic medical license" and his "Oklahoma Bureau of Narcotics and Dangerous Drugs registration is inactive." Id. at 1-2. The Show Cause Order thus alleged that Registrant is "currently without authority to practice medicine or handle controlled substances in the State of Oklahoma, the [S]tate in which [he is] registered with the DEA," and that, as a consequence, "DEA must revoke" his registration. Id. at 2.

The Show Cause Order notified Registrant of (1) his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, (2) the procedure for electing either option, and (3) the consequence for failing to elect either option. Id. (citing 21 CFR 1301.43). The Order also

notified Registrant of his right to submit a corrective action plan. Id. at 2-3 (citing 21 U.S.C. 824(c)(2)(C)).

According to an Affidavit of Service filed in this matter, on October 30, 2017, personnel from DEA's Office of Chief Counsel, Diversion and Regulatory Litigation Section, attempted to serve the Show Cause Order on the Registrant by regular first class mail addressed to the Registrant at his registered address. GX 6. The Government represents that its mailing was not returned as undeliverable. Id. On January 10, 2018, the Government submitted a Request for Final Agency Action (RFAA) representing that Registrant did not request a hearing and "ha[d] not filed any written statement in lieu of a hearing" within 30 days of service and seeking a final order revoking his registration. GX 7, at 2.

On February 6, 2018, the then-Acting Administrator issued an Order noting that the Government's effort at service in this case was "a departure from the Agency's traditional practice." GX 8. The Order further noted that "the Government cites to no authority establishing that a sole effort of mailing by first class mail (with no evidence of delivery to the address) is sufficient to provide constitutionally adequate service for initiating a proceeding under the Due Process Clause." Id. As a result, the then-Acting Administrator directed the Government to either address why its effort was consistent with the Due Process Clause or to engage in additional reasonable efforts to serve Registrant. Id.

On March 29, 2018, my office received the Government's Second Request for Final Agency Action (SRFAA) describing a Diversion Investigator's additional attempts to serve the Show Cause Order and again seeking a final order revoking Registrant's registration. SRFAA, at 2.