licensed to practice medicine in Ohio, the state in which he is registered with DEA.[3]

## Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.''

With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).'').[4] The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).

According to Ohio statute, ''[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog,'' except pursuant to a ''prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose.'' Ohio Rev. Code § 2925.11(A), (B)(1)(d) (2025). Further, a '' '[l]icensed health professional authorized to prescribe drugs' or 'prescriber' means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice.'' *Id.* § 4729.01(I). The Ohio statute further defines an authorized prescriber as ''[a] physician authorized under Chapter 4731 of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.'' *Id.* § 4729.01(I)(5). Additionally, Ohio law permits ''[a] licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice'' to prescribe or administer schedule II, III, IV, and V controlled substances to patients. *Id.* § 3719.06(A)(1)(a)–(b).

Here, the undisputed evidence in the record is that Registrant lacks a license to practice medicine in Ohio. As discussed above, an individual must be a licensed health professional authorized to prescribe drugs in order to handle controlled substances in Ohio. Thus, because Registrant lacks a license to practice medicine in Ohio and, therefore, is not authorized to handle controlled substances in Ohio, Registrant is not eligible to maintain a DEA registration in Ohio. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

## Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FG3579503 issued to Timothy Genetta, D.O. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Timothy Genetta, D.O., to renew or modify this registration, as well as any other pending application of Timothy Genetta, D.O., for additional registration in Ohio. This Order is effective August 10, 2026.

## Signing Authority

This document of the Drug Enforcement Administration was signed on June 22, 2026, by Administrator Terrance Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

**Leslie Mayer,**

*Federal Register Liaison Officer, Drug Enforcement Administration.*

[FR Doc. 2026–13992 Filed 7–9–26; 8:45 am]

**BILLING CODE 4410–09–P**

[3] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to handle controlled substances in Ohio. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27617.

# DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

## Mark Allen, D.D.S.; Decision and Order

On November 24, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Mark Allen, D.D.S., of Edmond, Oklahoma (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration, No. AA1668803, alleging that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Oklahoma, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 3.[1] ''A default,

[1] Based on the Government's submissions in its RFAA dated March 3, 2026, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on December 1, 2025, DI mailed a copy of the OSC to Registrant's

Continued

unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

## Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, on October 31, 2023, Registrant's Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) license expired by its own terms. RFAAX 1, at 2. According to Oklahoma online records, of which the Agency takes official notice,[2] Registrant's OBNDD registration is inactive. OBNDD Registrant Search, *https://obnddc.us.thentiacloud.net/webs/obnddc/register* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to handle controlled substances in Oklahoma, the state in which he is registered with DEA.[3]

## Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.''

With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).''). The Agency has applied these principles consistently. *See, e.g., Lawrence Rudolph, D.M.D.,* 89 FR 79310 (2024); *Henry-Norbert O. Ndekwe, M.D.,* 90 FR 15990 (2025); *Benson Sergiles, P.A.,* 90 FR 32016 (2025).[4]

Pursuant to Oklahoma's Uniform Controlled Dangerous Substances Act, ''[e]very person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes any controlled dangerous substance within or into this state . . . shall obtain a registration issued by the Director of the [OBNDD], in accordance with rules promulgated by the Director.'' Okla. Stat. tit. 63, § 2–302(A) (2025).[5]

Here, the undisputed evidence in the record is that Registrant currently lacks authority to handle controlled substances in Oklahoma because his OBNDD registration is inactive. As discussed above, a person must hold a valid OBNDD registration to dispense a controlled substance in Oklahoma, subject to limited exceptions not applicable here. Thus, because Registrant lacks authority to handle controlled substances in Oklahoma, Registrant is not eligible to maintain a DEA registration in Oklahoma. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

## Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. AA1668803 issued to Mark Allen, D.D.S. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Mark Allen, D.D.S., to renew or modify this registration, as well as any other pending application of Mark Allen, D.D.S., for additional registration in Oklahoma. This Order is effective August 10, 2026.

## Signing Authority

This document of the Drug Enforcement Administration was signed on June 18, 2026, by Administrator Terrance Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this

registered address, which is also Registrant's mailing address. RFAAX 2, at 2. The same day, DI then emailed Registrant a copy of the OSC to Registrant's registered email address and did not receive an error message indicating that the email was not delivered. *Id.* DI also confirmed that a review of her email system showed that the email had been delivered. *Id.* Here, the Agency finds that Registrant was successfully served the OSC by email and that DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)); *see also Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful).

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[3] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to handle controlled substances in Oklahoma. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., Elias Garcia Garcia, P.A.,* 90 FR 31242 (2025); *Jason Weakley, R.N., A.P.R.N.,* 90 FR 10085 (2025); *Khursheed Haider, M.D.,* 90 FR 21950 (2025).

[5] Although there are limited circumstances under which a person ''may lawfully possess controlled dangerous substances'' without a registration issued by the Director of the OBNDD, based on the information furnished by the Government, none are applicable here. *Id.* § 2–302(H).

document upon publication in the **Federal Register**.

**Leslie Mayer,**

*Federal Register Liaison Officer, Drug Enforcement Administration.*

[FR Doc. 2026–13989 Filed 7–9–26; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Ruth Jones, D.O.; Decision and Order

On June 26, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Ruth Jones, D.O., of Everett, Pennsylvania (Applicant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) A, at 1, 4. The OSC proposed the denial of Applicant's application for a DEA Certificate of Registration, Control No. W23004273C, alleging that Applicant was convicted of multiple felonies under Title 21 relating to federal controlled substance laws and that Applicant is mandatorily excluded from participation in all federal health care programs pursuant to 42 U.S.C. 1320a–7(a). *Id.* at 1–2 (citing 21 U.S.C. 824(a)(2), (5)).

The OSC notified Applicant of her right to file a written request for hearing and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). On January 29, 2025, roughly six months after service of the OSC, Applicant filed a hearing request and answers to the OSC allegations (dated January 28, 2025). RFAAX B–C; RFAAX F, at 1.

On February 3, 2025, the Chief Administrative Law Judge John J. Mulrooney, II, (the Chief ALJ) issued an initial Order for prehearing statements. RFAAX D. On February 13, 2025, the Chief ALJ issued an additional Order directing the Government to file a prehearing statement by an amended deadline. *Id.*

On February 7, 2025, the Government filed a Motion to Terminate Proceedings accompanied by proof of service. RFAAX E. In their filing, the Government provided evidence that DEA properly served Applicant with the OSC on July 2, 2024, and July 8, 2024. RFAAX E, at 4–7. The Government argued that the proceedings should be terminated due to the untimeliness of Applicant's hearing request and Applicant's failure to timely file a motion demonstrating good cause for the untimeliness of her hearing request. RFAAX E, at 1–2. Applicant timely filed a response. RFAAX F, at 1.

On February 18, 2025, the Chief ALJ issued an Order Terminating Proceedings, concluding that the Government's service of the OSC on Applicant was adequate and that Applicant failed to demonstrate good cause sufficient to excuse her untimely request for hearing. RFAAX F, at 1–2. The Chief ALJ thereby found Applicant to be in default and ordered the termination of proceedings. *Id.* at 2.

''A default, unless excused, shall be deemed to constitute a waiver of the registrant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e). Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Applicant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 2; *see also* 21 CFR 1316.67.[1]

#### I. Felony Conviction

*A. Findings of Fact*

In light of Applicant's default, the factual allegations in the OSC are deemed admitted. 21 CFR 1301.43(e). Applicant is deemed to admit that on May 25, 2021, Applicant was convicted in the United States District Court for the Western District of Pennsylvania of the following felonies: (1) unlawfully dispensing and distributing a Schedule III controlled substance (buprenorphine), in violation of 21 U.S.C. 841(a)(1); (2) conspiracy to unlawfully dispense or distribute Schedule III controlled substances, in violation of 18 U.S.C. 846; and (3) health care fraud, in violation of 18 U.S.C. 2 and 18 U.S.C. 1347. RFAAX A at 1–2.

*B. Discussion*

Pursuant to 21 U.S.C. 824(a)(2), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA) ''upon a finding that the registrant . . . has been convicted of a felony . . . relating to any . . . controlled substance.'' 21 U.S.C. 824(a)(2). The Agency has consistently held that it also may deny an application for a DEA registration upon finding that the registrant has been convicted of a felony relating to controlled substances. *Arvinder Singh, M.D.,* 81 FR 8247, 8248 n.3 (2016) (quoting *Kwan Bo Jin, M.D.,* 77 FR 35021, 35021 n.2 (2012)) (''[W]here a registration can be revoked under [21 U.S.C] 824, it can, *a fortiori,* be denied under [21 U.S.C] 823 since the law would not require an agency to indulge in the useless act of granting a license on one day only to withdraw it on the next.''); *Robert Wayne Locklear,* MD., 86 FR at 33745 (citing *South Corp.* v. *United States,* 690 F.2d 1369, 1374 (Fed. Cir. 1982)) (''A statutory construction which would impute a useless act to Congress will be viewed as unsound and rejected.'').

As discussed above, the Agency found based on undisputed, substantial record evidence that Applicant has been convicted of multiple felonies related to controlled substances. Accordingly, the Agency finds that undisputed, substantial record evidence establishes the Government's *prima facie* case for denial of Applicant's application under 21 U.S.C. 824(a)(2).

#### II. Mandatory Exclusion From Federal Healthcare Programs

*A. Findings of Fact*

Applicant is deemed to admit that on June 30, 2022, the U.S. Department of Health and Human Services, Office of Inspector General (HHS/OIG), mandatorily excluded Applicant from participation in Medicare, Medicaid, and all federal health care programs, effective July 20, 2022, for a minimum period of five years, pursuant to 42 U.S.C 1320a–7(a). RFAAX A, at 2.

*B. Discussion*

Pursuant to 21 U.S.C 824(a)(5), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the CSA upon finding that the registrant ''has been excluded (or directed to be excluded) from participation in a program pursuant to section 1320a–7(a) of Title 42.'' The Agency has consistently held that it may also deny an application upon finding that an applicant has been excluded from a federal health care program. *Mark Agresti, M.D.,* 90 FR 30098, 30099 (2025); *Samirkumar Shah, M.D.,* 89 FR 71931, 71933(2024); *Arvinder Singh,* 81 FR at 8248 n.3.

[1] The RFAA states that ''the Acting Administrator is authorized to render the Agency's final order, without a hearing or making a finding of fact in this matter.'' RFAA, at 2 (citing 21 CFR 1301.43(c), (f), and 1301.46). However, 21 CFR 1316.67 requires that the Administrator's final order ''set forth the final rule and findings of fact and conclusions of law upon which the rule is based.'' *See JYA LLC d/b/a Webb's Square Pharmacy,* 90 FR 31244, 31246 n.7 (2025).