

deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Guerra is not currently authorized to handle controlled substances in Florida, the state in which he practices, and that he was permanently excluded from the Medicare program. The order also notified Dr. Guerra 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 by certified mail to Dr. Guerra at both his registered location in Hialeah, Florida and to the Federal Detention Center in Miami, Florida, where Dr. Guerra was incarcerated. DEA received signed receipts indicating that the Order to Show Cause was received on Dr. Guerra's behalf on March 5, 2002 at the Federal Detention Center and on March 4, 2002 at his registered address. DEA has not received a request for hearing or any other reply from Dr. Guerra or anyone purporting to represent him in this matter. Therefore, the 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. Guerra is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Guerra possessed DEA Certificate of Registration AG8202765. On August 16, 1978, he obtained DEA Certificate of Registration Number AG8202765 as a practitioner in Schedules II through V. On September 30, 2001, that registration expired and was not renewed. On March 11, 2001, he submitted an application for DEA Certificate of Registration as a researcher, seeking authorization to handle controlled substances in Schedule I at a hospital facility in Hialeah, Florida.

On February 10, 2000, Dr. Guerra, along with two other individuals, were charged through a criminal information in the United States District Court, Southern District of Florida with conspiracy to commit mail fraud. Specifically, Dr. Guerra and others were charged with using fraudulent means to obtain approximately \$2.7 million from Medicare in the form of reimbursements from 1990 to January 1997. On April 10, 2001, Dr. Guerra entered a guilty plea to one felony count of mail fraud. As part of his plea, he agreed to pay \$2.7 million in restitution to the United

States Department of Health and Human Services. He was sentenced to forty-eight (48) months imprisonment, and ordered to pay additional fines and assessments. He further agreed to a permanent mandatory exclusion from participation in the Medicare program pursuant to 42 U.S.C. 1320a-7(a). 21 U.S.C. 824(a)(5).

On July 18, 2001, the Florida Department of Health issued an Order of Emergency Suspension of License with respect to Dr. Guerra's medical license. The suspension of his medical license has not been lifted. Therefore, Dr. Guerra is not currently authorized to handle controlled substances in the State of Florida. 21 U.S.C. 824(a)(3).

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 AG8202765 issued to Lazaro Guerra, M.D. be, and hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective December 12, 2002.

Dated: October 28, 2002.

**John B. Brown, III,**

*Deputy Administrator.*

[FR Doc. 02-28661 Filed 11-8-02; 8:45 am]

**BILLING CODE 4410-09-M**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Ramona K. Morris, M.D.; Revocation of Registration**

On April 19, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ramona K. Morris, M.D. (Dr. Morris) of Kingman, Kansas, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, BM6789056 under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Morris is not currently authorized to practice medicine or handle controlled substances in Kansas, the state in which she practices. The order also notified Dr. Morris that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Morris at her

registered location in Kingman, Kansas. DEA received a signed receipt indicating that the Order to Show Cause was received on Dr. Morris's behalf on April 29, 2002. DEA has not received a request for hearing or any other reply from Dr. Morris or anyone purporting to represent her in this matter. Therefore, the 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. Morris is deemed to have waived her hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Morris possessed DEA Certificate of Registration BM6789056. The Deputy Administrator further finds that effective July 9, 2002, the Board of Healing Arts of the State of Kansas revoked Dr. Morris's state license to practice medicine. Therefore, the Deputy Administrator finds that Dr. Morris is not currently authorized to practice medicine in the State of Kansas. As a result, it is reasonable to infer that she is also without authorization to handle controlled substances in that state.

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 business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Muttaiya Darmarajeh, M.D.*, 66 FR 52936 (2001); *Dominick A. Ricci, M.D.*, 58 FR 51104 (1993); *Bobby Watts, M.D.*, 53 FR 11919 (1988).

Here, it is clear that Dr. Morris's medical license has been suspended and she is not licensed to handle controlled substances in the State of Kansas, where she is registered with DEA. Therefore, she is not entitled to a DEA registration in that state.

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 BM6789056, issued to Ramona K. Morris, M.D., and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective December 12, 2002.

Dated: October 28, 2002.

**John B. Brown, III,**

*Deputy Administrator.*

[FR Doc. 02-28658 Filed 11-8-02; 8:45 am]

**BILLING CODE 4410-09-M**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated April 11, 2002, and published in the **Federal Register** on April 26, 2002 (67 FR 20828), Noramco of Delaware, Inc., Division of McNeilab, Inc., which has changed its name to Noramco of Delaware, Inc., Division of Ortho-McNeil, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050) .....	II
Oxycodone (9143) .....	II
Hydrocodone (9193) .....	II
Morphine (9300) .....	II
Thebaine (9333) .....	II

The firm plans to manufacture the listed controlled substances for distribution to its customers as bulk product.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Noramco of Delaware, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Noramco of Delaware, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 21, 2002.

**Laura M. Nagel,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 02-28656 Filed 11-8-02; 8:45 am]

**BILLING CODE 4410-09-M**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Alfred S. Santucci, D.M.D.; Revocation of Registration

On May 13, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Alfred S. Santucci, D.M.D. of Niles, Ohio, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BS1782665 under 21 U.S.C. 824(a), and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Santucci not currently authorized to handle controlled substances in Ohio, the state in which he practices, and had been convicted of a felony involving controlled substances. The order also notified Dr. Santucci that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

By letter of June 10, 2002, Dr. Santucci requested an administrative hearing. On July 9, 2002, DEA filed the Government's Motion for Summary Disposition and Request for Stay of the Filing of Prehearing Statement. The Motion was based upon the argument that no facts were at issue: DEA cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts business. Dr. Santucci did not respond to the Motion. On September 18, 2002, Administrative Law Judge Mary Ellen Bittner certified and transmitted the record in the matter to the Deputy Administrator along with her Opinion and Recommended Decision. In her Decision, the Administrative Law Judge granted DEA's Motion for Summary Disposition and recommended that Dr. Santucci's DEA registration be revoked.

The Deputy Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final order as prescribed by 1301.46, based upon the following findings and conclusions. The Deputy Administrator adopts the

Opinion and Recommended Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitative of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law. The 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 Deputy Administrator finds that Dr. Santucci possesses DEA Certificate of Registration B1782665. On February 14, 2001, Dr. Santucci entered into a consent agreement with Ohio State Dental Board which imposed an indefinite suspension of Dr. Santucci's license to practice dentistry. Loss of state authority to engage in the practice of medicine is an independent ground to revoke a practitioner's registration under 21 U.S.C. 824(a)(3). This agency has consistently held that a person may not maintain a DEA registration if he is without appropriate authority under the laws of the State in which he does business. See Anne Lazar Thorn, M.D., 62 FR 12,847 (DEA 1997); Bobby Watts, M.D., 53 FR 11,919 (DEA 1988); Robert F. Witek, D.D.S., 52 FR 47,770 (DEA 1987).

Dr. Santucci has not denied that he is currently not licensed to practice medicine in Ohio, the jurisdiction in which he is registered. Accordingly, he is not entitled to a DEA registration. As the Administrative Law Judge stated, it is well-settled that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversarial administrative proceedings is not required. See Jesus R. Jaurez, M.D., 62 FR 14,945 (DEA 1997); Dominick A. Ricci, M.D., 58 FR 51,104 (DEA 1993).

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, grants the agency's Motion for Summary Disposition and hereby orders that DEA Certificate of Registration BSS1782665 issued to Alfred S. Santucci, D.M.D. be, and hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective December 12, 2002.

Dated: October 28, 2002.

**John B. Brown, III,**

*Deputy Administrator.*

[FR Doc. 02-28659 Filed 11-8-02; 8:45 am]

**BILLING CODE 4410-09-M**