circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.'' *Id.* at 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (e), (f), 1301.46. RFAA, at 4; *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. 21 CFR 1301.43(e). Accordingly, Registrant admits that in 2022, he was convicted of one count of conspiracy to commit health care fraud and wire fraud, and 11 counts of health care fraud, in violation of 18 U.S.C. 1349, 1347. RFAAX 2, at 2. As a result of Registrant's conviction,[2] the United States Department of Health and Human Services, Office of Inspector General (HHS/OIG), mandatorily excluded Registrant from participation in Medicare, Medicaid, and all federal health care programs pursuant to 42 U.S.C. 1320a–7(a) for a minimum period of 47 years. *Id.* The exclusion became effective on January 19, 2023. *Id.* Accordingly, the Agency finds substantial record evidence that Registrant has been excluded from participation in Medicare, Medicaid, and all Federal health care programs.

Discussion

Pursuant to 21 U.S.C. 824(a)(5), the Attorney General may suspend or revoke a registration 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 OSC solely alleges that Registrant's registration should be revoked as a result of his mandatory exclusion ''from participation in Medicare, Medicaid, and all Federal health care programs pursuant to 42 U.S.C. 1320a–7(a).'' RFAAX 2, at 1 (citing 21 U.S.C. 824(a)(5)). Above, the Agency found that HHS/OIG mandatorily excluded Registrant from participation in Medicare, Medicaid, and all Federal health care programs pursuant to 42 U.S.C. 1320a–7(a), for a minimum of 47 years. *Id.* at 2. Accordingly, the Agency finds that the Government established a *prima facie* case for revoking Registrant's registration, that Registrant did not rebut that *prima facie* case, and that there is substantial record evidence supporting the revocation of Registrant's registration. 21 U.S.C. 824(a)(5).

Sanction

Where, as here, the Government has presented a *prima facie* case showing that Registrant's registration should be revoked, the burden shifts to Registrant to show why he can be entrusted with the responsibility carried by a registration. *Morall* v. *Drug Enforcement Admin.,* 412 F.3d 165, 174 (D.C. Cir. 2005); *Jones Total Health Care Pharmacy,* 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.,* 83 FR 18882 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, the Agency has required that registrants who have committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that they will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833. A registrant's acceptance of responsibility must be unequivocal. *Id.* at 830–31. In addition, a registrant's candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 and n.4. The Agency has also considered the need to deter similar acts by the specific registrant and by the community of registrants. *Jeffrey Stein, M.D.,* 84 FR at 46972–73.

Here, Registrant failed to answer the allegations contained in the OSC, submit a corrective action plan, or otherwise avail himself of the opportunity to refute the Government's case. As such, Registrant has made no representations as to his future compliance with the CSA nor demonstrated that he can be entrusted with registration. Moreover, the evidence presented by the Government shows that Registrant was convicted of charges related to health care fraud, further indicating that Registrant cannot be entrusted with registration.

Accordingly, the Agency will order the revocation of Registrant's registration.

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. BA2032441, issued to Mark Agresti, M.D. 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 Agresti, M.D., to renew or modify this registration, as well as any other pending application of Mark Agresti, M.D., for additional registration in Florida. This Order is effective August 6, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on July 1, 2025, by Acting Administrator Robert J. Murphy. 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**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

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[2] The underlying conviction forming the basis for mandatory exclusion from participation in federal health care programs need not involve controlled substances to provide the grounds for revocation or denial pursuant to Section 824(a)(5). *See Moustafa M. Aboshady, M.D.,* 90 FR 15992, 15993 n.5 (2025) (collecting cases).

DEPARTMENT OF JUSTICE

[OMB Number 1105–0New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Antitrust Division, Department of Justice.

ACTION: 60 Day notice.

SUMMARY: The Department of Justice (DOJ), Antitrust Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 8, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the

proposed information collection instrument with instructions or additional information, please contact Sarah Oldfield, Deputy Chief Legal Advisor, Department of Justice, Antitrust Division, 950 Pennsylvania Ave. NW, Room 3304, Washington, DC 20530 (email: *sarah.oldfield@usdoj.gov;* phone: 202–305–8915).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Justice, Antitrust Division, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.

2. *The Title of the Form/Collection:*

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the Antitrust Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary respondents will be individuals or households. The Healthcare Competition Complaint form facilitates reporting by members of the public of complaints, concerns, or information regarding potential antitrust violations. Respondents will be able to complete and submit information electronically through the Healthcare Competition Complaint form on the Department of Justice's website.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,345 respondents annually and 12 minutes for an individual to respond.

6. *An estimate of the total public burden (in hours) associated with the collection:* 28,140 annual burden hours.

7. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,345 members of the public will respond annually to the Healthy Competition Complaint form. Based on a survey conducted of a sample of respondents, the amount of time estimated for an individual to respond is 12 minutes.

8. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 28,140 hours.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Washington, DC 20530.

Dated July 3, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

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BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0099]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement With Change of a Previously Approved Collection; USMS Medical Forms

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The U.S. Marshals Service (USMS), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until August 7, 2025.

FOR FURTHER INFORMATION CONTACT: The proposed information collection was previously published in the **Federal Register** on May 2, 2025, 90 FR 18868, allowing a 60-day comment period. If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Assistant Chief Karl Slazer/Management Support Division, U.S. Marshals Service Headquarters, 1215 S Clark St., Ste. 10017, Arlington, VA 22202–4387, by telephone at 703–740–2316 or by email at *karl.slazer@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Abstract: As a law enforcement agency, the United States Marshals Service has unique medical requirements that prevent USMS from using current medical-related Standard and Optional forms. These forms have been developed to allow USMS to ensure that the applicants, contract employees and current federal employees who work in operational law enforcement positions are physically fit enough to perform their duties safely and successfully.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement with change of a previously approved collection.

2. *The Title of the Form/Collection:* USMS Medical Forms.

3. *The agency form numbers, if any, and the applicable component of the Department sponsoring the collection:*