

is authorized to practice medicine and handle controlled substances in California subject to his continued participation in the Medical Board's Diversion Program. But, as Judge Bittner stated, "inasmuch as State licensure is a necessary but not sufficient condition for a DEA registration, * * * this factor is not determinative."

As to factors two and four, Respondent's experience in handling controlled substances and his compliance with applicable laws, Respondent has admitted that he issued controlled substance prescriptions in fictitious names, took office samples of controlled substances, and used his authority over subordinates to obtain controlled substances. Clearly these actions violated 21 U.S.C. 843(a)(3) as well as California law. However, the Deputy Administrator finds that Respondent's behavior was motivated by his addiction to controlled substances for which he has since received extensive rehabilitative treatment.

As previously discussed, factor three is relevant since the Deputy Administrator finds that Respondent was convicted of a felony offense relating to controlled substances.

Regarding factor five, there is no question that Respondent abused controlled substances for several years prior to November 1997 when he was arrested. Particularly troubling to the Deputy Administrator is that Respondent abused these substances while performing his duties as a physician.

In light of Respondent's abuse of controlled substances, the methods he employed to obtain the drugs, and his felony conviction, the Deputy Administrator agrees with Judge Bittner that the Government has made a prima facie case that Respondent's continued registration would be inconsistent with the public interest. Judge Bittner concluded however that while "Respondent's misconduct was obviously egregious[,] his testimony and that of his witnesses was credible" that Respondent now understands the gravity of his actions and is remorseful, that he had been conscientious in pursuing his recovery, and that he has a support network, including appropriate monitoring at his workplace, to assist him in those efforts."

Therefore, Judge Bittner recommended that Respondent be permitted to retain his DEA registration subject to the following restrictions:

1. For three years after issuance of a final order in this proceeding, Respondent shall not be employed as a

physician with any entity that does not impose the same conditions on him that MedClinic imposed in the February 26, 1998, Last Chance Agreement.

2. Each calendar quarter, Respondent shall provide the Special Agent in Charge of the local DEA office (or that agent's designee) a list of all controlled substance prescriptions he has issued, including the patient's name and contact information, the name of the substance, the dosage form, strength, and quantity prescribed of the substance, and the number of refills authorized, if any.

The Deputy Administrator agrees with Judge Bittner that revocation of Respondent's DEA registration is not warranted. Respondent has accepted responsibility for his actions. He underwent extended inpatient treatment for his addiction, completed the court-ordered treatment program, and is still participating in the Medical Board's Diversion Program. His practice of medicine, as well as his continued recovery, is monitored by the Medical Board's Diversion Program, his employer through the Last Chance Agreement, and the hospital's Wellness Committee. However, the Deputy Administrator is troubled by the relatively short period of time that Respondent has been drug-free. Therefore, the Deputy Administrator concludes that additional restrictions should be imposed on Respondent's DEA Certificate of Registration in order to protect the public health and safety.

The Deputy Administrator concludes that Respondent's DEA Certificate of Registration should be continued subject to the following restrictions for three years from the effective date of this final order:

1. Respondent shall continue to participate in the Medical Board of California's Diversion Program regardless of whether the Medical Board authorizes the termination of his participation at an earlier date.

2. Respondent shall not practice medicine as a solo practitioner and he shall not be employed as a physician with any entity that does not impose the same conditions on him that MedClinic imposed in the February 26, 1998 Last Chance Agreement.

3. Upon request, Respondent shall submit copies of the results of his random urine screens to DEA.

4. Respondent shall not prescribe any controlled substances for himself or any immediate family member.

5. Each calendar quarter, Respondent shall provide to the Special Agent in Charge of the local DEA office, or his designee, a log of all controlled substances that he prescribes, dispenses

or administers, including the patient's name and contact information, the name of the substance, the dosage form, strength and quantity prescribed, administered or dispensed, and the number of refills authorized on prescriptions, if any.

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 BR1670012, previously issued to Edson W. Redard, M.D., be and it hereby is continued, subject to the above described restrictions. This order is effective June 12, 2000.

Dated: May 4, 2000.

Donnie R. Marshall,
Deputy Administrator.

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DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—Assessment of Institutional Culture

AGENCY: National Institute of Corrections, Department of Justice.

ACTION: Solicitation for a cooperative agreement.

SUMMARY: The Department of Justice (DOJ), National Institute of Corrections (NIC) announces the availability of funds in FY-2000 for a cooperative agreement to develop and document a methodology and process to assess institutional culture within prison settings.

Background

Beginning in 1996 the Prisons Division initiated a special emphasis on addressing staff sexual misconduct. NIC's approach to assisting agencies has included on-site technical assistance, training programs and dissemination of information. Throughout the extensive work with institutions in addressing staff sexual misconduct, consistent themes from correctional staff and the offender population underscore the importance of the institutional environment. Additional work at NIC in the area of mission change of institutions and the identification of the challenges of keeping an effective workforce also provide background for NIC's interest in institutional culture. Staff and inmate relations, consistent and fair supervisors, well trained staff, and strong institutional and agency

leadership teams are some of the components critical to a healthy environment highlighted by these projects. NIC's expanded interest in assessing institutional culture will be enhanced by this project's development of practical and data based assessment tools. The tools developed in this project to effectively assess an institution's culture will contribute to the next phase of NIC's strategic plan on Institutional Culture. These assessment tools will be used to develop strategic management plans for institutions that might include use of change agents, training and intensive assistance to influence or change an organization's culture.

Project Scope

The project on "Assessment of Institutional Culture" will provide for the development of methodology and a refinement of assessment tools for continuing NIC's ability to respond to correctional agencies in the critical area of institutional culture. The outcome of an institution specific cultural assessment process will provide critical information to correctional decision makers on managing complex dynamics within a prison environment.

The project objectives of this cooperative agreement are as follows:

- Conduct a review of work currently being managed within the NIC Prisons Division on staff sexual misconduct, mission change and prison workforce to more fully understand the assessment activities currently being used to assist agencies.

- Prepare a summary review of approaches being used by NIC, as well as other government and private organizations to assess cultural components or "drivers" of organizational or institutional culture. The review should include case examples with potential application to prison culture. Assessment components may include instrumentation, focus groups, on-site assessments and other cultural assessment tools. The review should include current thinking in the understanding of organizational culture and should recognize the complexity of collecting information in a custodial environment.

- Design a range of assessment tools/activities with suggested criteria for determining selection of these assessment activities based on possible presenting problems (e.g. increased institutional violence, high turnover, staff sexual misconduct) that are effective on an institutional level.

- Conduct on-site work at two facilities using recommended assessment tools. Facilities will be

selected in consultation with NIC program manager.

- Develop a final report that documents the range of assessment tools or approaches with selection criteria or guidance for their use, documentation of the on-site work, and recommendations to NIC for further development of work in the area of institutional culture.

Specific Requirements

The successful applicant will propose a project approach that will ensure accomplishment of each of the stated objectives of this project. The applicant will assure that the project team offers technical expertise in the area of organizational or cultural assessment. The project design will reflect a prison based approach in understanding the application of current thinking in cultural assessment. Additional requirements include the following:

1. The selected applicant will be required to attend a preliminary meeting for the purposes of: an overview of current NIC work in the area of institutional culture; an overview of critical issues identified by practitioners; and a refinement of the project work plan.

2. Coordinate with NIC project director at critical points in the project.

Authority: Public Law 93-415

Funds Available

The award will be limited to \$75,000 (direct and indirect costs) and project activity must be completed within 9 months of the date of award. The use of these funds does include the on-site work at two institutions and travel and per diem should be considered to accomplish these aspects of the project. Funds may not be used for construction, or to acquire or build real property. This project will be a collaborative venture with the NIC Prisons Division.

Application Requirements

Applications must prepare a proposal that defines their plan for meeting the goals and requirements of this project. They are expected to define the conceptual framework most appropriate and relevant and the methodology to be used in pursuing the project goals. In addition, they will identify a project staff in which all of the requisite skills are represented and who have made a commitment of time to the project. The proposal will demonstrate a practical and data based approach to effective assessment of institutional culture in prison settings.

Deadline for Receipt of Applications

Applications must be received by 4 pm on Wednesday, 6/28/00. They

should be addressed to: Director, National Institute of Corrections, 320 First Street, NW, Room 5007, Washington, DC 20534. Hand delivered applications should be brought to 500 First Street, NW, Washington, DC 20534. The front desk will call Bobbi Tinsley at (202) 307-3106, extension 0 for pickup.

ADDRESSES AND FURTHER INFORMATION:

Requests for the application kit, should be directed to Judy Evens, Cooperative Agreement Control Office, National Institute of Corrections, 320 First Street, NW, Room 5007, Washington, DC 20534 or by calling 800-995-6423, ext. 159, 202-307-3106, ext. 159, or e-mail: jevans@bop.gov. A copy of this announcement, application and forms may also be obtained through the NIC web site: <http://www.nicic.org> (click on "What's New" and "Cooperative Agreements"). All technical and/or programmatic questions concerning this announcement should be directed to Andie Moss, Project Manager, at 320 First Street, NW, Room 5007, Washington, DC 20534 or by calling 800-995-6423, ext. 140, 202-307-3106, ext. 140, or e-mail: amoss@bop.gov.

Eligibility Applicants: An eligible applicant is any state or general unit of local government, public or private agency, educational institution, organization, team, or individual with the requisite skills to successfully meet the outcome objectives of the project.

Review Considerations: Applications received under this announcement will be subjected to an NIC 3 to 5 member Peer Review Process.

Number of Awards: One (1).

NIC Application Number: 00P07. This number should appear as a reference line in your cover letter and also in box 11 of Standard Form 424.

Executive Order 12372

This program is subject to the provisions of Executive Order 12372. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. Applicants (other than Federally-recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC), a list of which is included in the application kit, along with further instructions on proposed projects serving more than one State.

(Catalog of Federal Domestic Assistance Number: 16.603)

Dated: May 8, 2000.

Morris L. Thigpen,

Director, National Institute of Corrections.

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DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—"Transition From Prison to the Community"

AGENCY: National Institute of Correction—Department of Justice.

ACTION: Solicitation for a cooperative agreement

SUMMARY: The Department of Justice (DOJ), National Institute of Corrections (NIC) announces the availability of funds in FY 2000 for a cooperative agreement to initiate the project "Transition from Prison to the Community." NIC will make a multi-year award based on funding being available in the subsequent years to develop a coordinated approach to effectively transition offenders from prison to the community.

A cooperative agreement is a form of assistance relationship where NIC is substantially involved during the performance of the award. An award is made to an organization who will, in concert with NIC, identify the method and approach in developing a transition program.

Background

Return to prison is the sanction of choice by releasing authorities for offenders who violate the conditions of their release. It is estimated that approximately 35 to 40% of new admissions to state correctional facilities are the results of violations while under parole supervision. Many violations are generally technical in nature and a significant number are attributable to incomplete and/or inadequate release planning, imposition of unrealistic rules and ineffective case management. It is believed that through a systematic approach to planning, the transition from prison to the community can be managed more effectively, resulting in a greater opportunity for successful community reintegration as measured by a reduction in the reincarceration of released offenders under community supervision.

It is essential to coordinate the activities of the three (3) principal entities involved in the custody, release and supervision of offenders. Those key organizations are the state correctional institutions, the states releasing

authority and the community supervision agency. The proper identification of the released population participating in the transition process, must be established through clear articulated criteria. The use of a dynamic assessment tool(s) to assist in identifying the risks and needs of the targeted offender population will be required. The instrument should assist in the development of institutional programs, pre-release plans and community supervisions strategies, in order to address the specific risk(s) and need(s) of the individual offender.

Purpose

The purpose of this initiative is to establish through organizational policy and procedure a model approach for the transitioning of offenders from prison to the community. The model will bring together the prison administration, the releasing authority for the jurisdiction and the community supervision component for joint development of policies and procedures affecting the custody, release and supervision of offenders targeted for the transition initiative. The model should include an assessment tool(s) that is dynamic in nature to address programming and supervision requirements.

Objectives:

- To utilize the research and relevant literature regarding best practices in effective intervention and what works.
- To utilize an assessment tool that is dynamic in nature.
- To formalize a model of operating policies, across multiple agencies, for the transition process.
- To increase the effectiveness and efficiency for each organization involved in the transition process.
- To develop a monograph upon completion of the project, providing an overview of the process.

Application Requirement

Applicants must prepare a proposal that describes their plan to meet the projects objectives which should include a schedule identifying benchmarks of significant tasks in chart form. Applicants must identify their key project staff and the relevant expertise of each.

The proposal should address the following areas:

- Targeting population for release
- Assessment tools
- Relapse prevention and intervention strategies
- Range of alternative sanctions
- Individual intervention plans
- Case management method
- Community aftercare

Authority: Public Law 93-415

Funds Available

The award will be limited to a maximum of \$250,000 (direct and indirect costs). Funds may only be used for the activities that are linked to the desired outcome of the project. No funds are transferred to state or local governments. This project will be a collaborative venture with the NIC Community Corrections Division.

Deadline For Receipt of Applications:

Applicant must be received by 4 P.M. Eastern Time on June 30, 2000.

ADDRESSES AND FURTHER INFORMATION:

Request for the application kit should be directed to Judy Evens, Cooperative Agreement Control Office, National Institute of Corrections, 320 First Street, NW, Room 5007, Washington, D.C. 20534 or by calling (800) 995-6423, extension 159 or (202) 307-3106, extension 159. She can also be contacted by E-mail via jevans@bop.gov. All technical and or programmatic questions concerning this announcement should be directed to Cranston J. Mitchell at the above address or by calling (800) 995-6423, extension 153 or (202) 307-3106, extension 153, or by E-mail via cjmitchell@bop.gov. Applicant forms may be also be obtained through the NIC web site: <http://www.nicic.org> (click on "What's New" and "Cooperative Agreements").

Mailed and express delivery applications should be sent to: National Institute of Corrections, 320 First Street, NW, Room 5007, Washington, D.C. 20534. Hand delivery should be marked 500 First Street NW. The front desk will call Bobbi Tinsley (307-3106 and press 0) to come to the desk for pickup.

Eligible Applicants: An eligible applicant is any State or general unit of local government, public or private agency, educational institution, organization, team or individual with the required skills to successfully meet the outcome objectives of the project.

Review Considerations: Applications received under this announcement will be subjected to an NIC three to five member Peer Review Process.

Number of Awards: One (1)

NIC Application Number: 00C06. This number should appear as a reference line in the cover letter and also in box 11 of Standard Form 424.

Executive Order 12372

This program is subject to the provisions of Executive Order 12372. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain