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. FS7068249 issued to Spring Valley Family Pharmacy. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f), I hereby deny any pending application of Spring Valley Family Pharmacy to renew or modify this registration, as well as any other pending application of Spring Valley Family Pharmacy for additional registration in Ohio. This Order is effective August 2, 2021.

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–14165 Filed 7–1–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–829]

Importer of Controlled Substances Application: United States Pharmacopeial Convention

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: United States Pharmacopeial Convention has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 2, 2021. Such persons may also file a written request for a hearing on the application on or before August 2, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on March 24, 2021, United States Pharmaceopeial Convention, 7135 English Muffin Way, Frederick, Maryland 21704, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Methcathinone	1237	I
Methaqualone	2565	I
Lysergic acid diethylamide	7315	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
3,4-Methylenedioxyamphetamine	7400	I
4-Methoxyamphetamine	7411	I
Codeine-N-oxide	9053	I
Difenoxin	9168	I
Heroin	9200	I
Morphine-N-oxide	9307	I
Norlevorphanol	9634	I
Methamphetamine	1105	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
Phenylacetone	8501	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Dihydrocodeine	9120	II
Diphenoxylate	9170	II
Levomethorphan	9210	II
Levorphanol	9220	II
Meperidine	9230	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Thebaine	9333	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Alfentinil	9737	II
Sufentanil	9740	II

The company plans to import the bulk control substances for distribution as analytical reference standards to its customers for analytical testing of raw materials.

Approval of permit applications will occur only when the registrant's business activity is consistent with what

is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–14210 Filed 7–1–21; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 19–22]

Keith A. Jenkins, N.P.; Decision and Order

On February 19, 2020, the Drug Enforcement Administration (hereinafter, DEA or Government) Administrative Law Judge Mark M. Dowd (hereinafter, ALJ), issued a Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (hereinafter, RD) on the action to revoke the DEA Certificate of Registration Numbers MJ3401609 and MJ4509331 of Keith A. Jenkins, N.P. The ALJ transmitted the record to me on March 10, 2020. Having reviewed and considered the entire administrative record before me, I adopt the ALJ's RD with modifications, where noted herein.[*A]

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby dismiss the Order to Show Cause issued to Keith A. Jenkins, N.P. I further order that any pending applications for renewal of DEA Certificates of Registration MJ3401609 and MJ4509331 be granted. This Order is effective immediately.

D. Christopher Evans,

Acting Administrator.

Paul Soeffing, Esq., for the Government
Robert W. Liles, Esq. and Meaghan K. McCormick, Esq., for the Respondent

Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge

The Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OSC),[1] dated April 23, 2019, seeking to revoke the Respondent's Certificates of Registration (COR), numbers ''MJ3401609 and MJ4509331, pursuant to 21 U.S.C. 824(a)(5), and deny any applications for renewal or modification of such registration and any applications for any other DEA registrations pursuant to 21 U.S.C. 824(a)(5),'' because the Respondent has been excluded from participation in a program pursuant to section 1320a–7(a) of Title 42. OSC, at 1. The Respondent requested a hearing on May 16, 2019,[2] and prehearing proceedings were initiated.[3] A hearing was conducted in this matter on November 20, 2019, at the DEA Hearing Facility in Arlington, Virginia.

The issue ultimately to be adjudicated by the Acting Administrator, with the assistance of this recommended decision, is whether the record as a whole establishes by a preponderance of the evidence that the Respondent's subject registration with the DEA should be revoked pursuant to 21 U.S.C. 824(a)(5).

After carefully considering the testimony elicited at the hearing, the admitted exhibits, the arguments of counsel, and the record as a whole, I have set forth my recommended findings of fact and conclusions of law below.

The Allegations

In the OSC, the Government contends that the DEA should revoke the Respondent's DEA COR because he has been excluded from participation in a program pursuant to section 1320a–7(a) of Title 42.

Specifically, the Government alleges the following:

1. Respondent is registered with the DEA as an MLP-nurse practitioner in Schedules II through V under DEA Certificate of Registration MJ3401609, at 105 Vanner Rd., Mt. Juliet, TN 37122. Respondent is also registered with the DEA under DEA Certificate of Registration MJ4509331, at 3909 Woodley Rd., Toledo, OH 43606, with a mailing address of 105 Vanner Rd., Mt. Juliet, TN 37122. Respondent's registrations both expire by their terms on December 31, 2020. *Id.* Prior to the current action, Respondent's DEA Certificates of Registration have not been the subject of disciplinary or other adverse action by the DEA.

2. On August 7, 2017, Respondent entered an ''Alford Plea of Guilty to a Felony'' to the offense of ''False Statement to Medicaid.'' On August 1l, 2017, the Circuit Court of Fairfax County, Virginia entered its sentencing Order for Respondent's offense of ''False Statement for Payment (F)'' in violation of Va. Code Section 32.1–314(F) FRD 3337F9. *See Commonwealth of Virginia* v. *Keith Allen Jenkins,* No. FE–2017–0000711 (Fairfax Cty. Cir. Ct.).

3. Based on Respondent's conviction, the U.S. Department of Health and Human Services, Office of Inspector General (''HHS/OIG''), by letter dated February 28, 2018, mandatorily excluded Respondent from participation in Medicare, Medicaid and all federal health care programs for a minimum period of five years pursuant to 42 U.S.C. 1320a–7(a), effective March 20, 2018. Notwithstanding the fact that the underlying conduct for which the Respondent was convicted had no nexus to controlled substances, the Respondent's mandatory exclusion from Medicare, Medicaid, and all federal health care programs by HHS/OIG warrants revocation of the Respondent's registration pursuant to 21 U.S.C. 824(a)(5). *See, e.g., Richard Hauser, M.D.,* 83 FR 26308 (2018).

The Hearing

Government's Opening Statement

The Government outlined its case in its Opening Statement. The Government seeks the revocation of the Respondent's registrations pursuant to 21 U.S.C. 824(a)(5), as the Respondent has been excluded from a program pursuant to § 1320a–7a of Title 2. Tr. 12. The Government explained that in 2017, the Respondent entered an Alford plea of guilty, to the felony offense of false statement to Medicaid, in the Circuit Court of Fairfax County, Virginia. On the basis of that conviction, in 2018, the Department of Health and Human Resources, Office of Inspector General mandatorily excluded the Respondent from participation in Medicare, Medicaid and all federal health care programs pursuant to 42 U.S.C. 1320a-7(a). The Respondent's exclusion remains in effect. *Id.*

Respondent's Opening Statement

In his Opening Statement, the Respondent noted he has stipulated to all of the operative facts of the case. *Id.* at 13. The Respondent conceded he was convicted as charged, he was excluded from participation from Medicare, Medicaid and all federal health benefit programs, as alleged. Acknowledging the evidentiary burden shift to him, upon the *prima facie* showing of these facts, the Respondent argued that his

[*A] I have made minor, nonsubstantive, grammatical changes to the RD. Where I have made any substantive changes, omitted language for brevity or relevance, or where I have added to or modified the ALJ's opinion, I have bracketed the modified language and explained the edit in a footnote marked with an asterisk and a letter in alphabetical order.

[1] ALJ Ex. 1.

[2] ALJ Ex. 2.

[3] ALJ Ex. 3.