

practitioner [be] licensed under the laws of this State”).

As I have previously explained, an entity which voluntarily engages in commerce by shipping controlled substances to persons located in other States is properly charged with knowledge of the laws regarding both the practice of medicine and pharmacy in those States. *United*, 72 FR at 50408. In short, given that Dr. Aghaebuna was licensed to practice medicine in Virginia, and yet was prescribing to persons who did not reside in that State and who frequently lived hundreds of—and in many instances more than a thousand—miles away,<sup>8</sup> Respondent had ample reason to know that the prescriptions were unlawful under both the CSA and the laws of numerous States. *See id.* at 50409.<sup>9</sup>

As the forgoing demonstrates, Respondent knowingly violated Federal law in dispensing thousands of prescriptions which lacked a

legitimated purpose and were issued by practitioners acting outside of the usual course of professional practice. 21 CFR 1306.04(a). Respondent’s experience in dispensing controlled substances is thus characterized by its repeated and flagrant violations of both the CSA and State laws; the scope of its illegal dispensings clearly establish that its continued registration was “inconsistent with the public interest,” and posed “an imminent danger to the public health or safety” which warranted the immediate suspension of its registration.<sup>10</sup> 21 U.S.C. 824(a) & (d).

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 824, as well as 28 CFR 0.100(b) & 0.104, I affirm my order which immediately suspended the now-expired DEA Certificate of Registration, BM3972747, issued to Meetinghouse Community Pharmacy, Inc. This order is effective immediately.

Dated: February 26, 2009.

**Michele M. Leonhart,**

*Deputy Administrator.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Registration

By Notice dated November 26, 2008, and published in the **Federal Register** on December 5, 2008, (73 FR 74194), Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedules I and II:

| Drug                                                     | Schedule |
|----------------------------------------------------------|----------|
| Cathinone (1235) .....                                   | I        |
| Methcathinone (1237) .....                               | I        |
| N-Ethylamphetamine (1475) .....                          | I        |
| N,N-Dimethylamphetamine (1480) .....                     | I        |
| Fenethylamine (1503) .....                               | I        |
| Gamma hydroxybutyric acid (2010) .....                   | I        |
| Ibogaine (7260) .....                                    | I        |
| Lysergic acid diethylamide (7315) .....                  | I        |
| 2,5-Dimethoxy-4-(n)-propylthiophenethylamine(7348) ..... | I        |
| Marihuana (7360) .....                                   | I        |
| Tetrahydrocannabinols (7370) .....                       | I        |
| Mescaline (7381) .....                                   | I        |
| 3,4,5-Trimethoxyamphetamine (7390) .....                 | I        |
| 4-Bromo-2,5-dimethoxyamphetamine (7391) .....            | I        |
| 4-Bromo-2,5-dimethoxyphenethylamine (7392) .....         | I        |
| 4-Methyl-2,5-dimethoxyamphetamine (7395) .....           | I        |
| 2,5-Dimethoxyamphetamine (7396) .....                    | I        |
| 3,4-Methylenedioxymphetamine (7400) .....                | I        |
| 3,4-Methylenedioxym-N-ethylamphetamine (7404) .....      | I        |
| 3,4-Methylenedioxymethamphetamine (7405) .....           | I        |
| 4-Methoxyamphetamine (7411) .....                        | I        |
| Alpha-methyltryptamine (7432) .....                      | I        |
| Diethyltryptamine (7434) .....                           | I        |
| Dimethyltryptamine (7435) .....                          | I        |
| Psilocybin (7437) .....                                  | I        |
| Psilocyn (7438) .....                                    | I        |
| N-Benzylpiperazine (7493) .....                          | I        |
| Etorphine (except HCl) (9056) .....                      | I        |
| Heroin (9200) .....                                      | I        |
| Morphine-N-oxide (9307) .....                            | I        |
| Normorphine (9313) .....                                 | I        |
| Pholcodine (9314) .....                                  | I        |
| Dextromoramide (9613) .....                              | I        |
| Dipipanone (9622) .....                                  | I        |
| Trimeperidine (9646) .....                               | I        |

<sup>8</sup>In particular, I rely on the prescriptions Dr. Aghaebuna issued to residents of California, Hawaii, and Texas. In preparing this Order, I have visited the Web sites of the medical licensing authorities of these States and verified that Dr. Aghaebuna was not licensed by them.

I have also visited the Web sites of the respective State authorities of Illinois, Michigan, and New Hampshire, and determined that Dr. Burr was not licensed in these States. Respondent nonetheless

dispensed prescriptions issued by Dr. Burr for residents of these States in violation of state and Federal laws.

<sup>9</sup>Respondent also had ample reason to know that prescriptions were unlawful because he knew that the prescribers were not physically examining the patients. As Mr. Ithenacho wrote in a March 8, 2007 e-mail, “I do not feel very comfortable at all feeling [sic] medications where I know that there is really no doctor/patient interaction.” Indeed, under

numerous State medical practice standards, with only limited exceptions, a physician must take a medical history and physically examine a patient in order to properly diagnose the patient and recommend treatment options including prescribing a drug. *See, e.g.,* N.J. Admin. Code 13:35–7.1A(a); S.C. Code Regs. 81–28.

<sup>10</sup>To make clear, I would have revoked Respondent’s registration had it not expired prior to the issuance of this Order.

| Drug                                                     | Schedule |
|----------------------------------------------------------|----------|
| Amphetamine (1100) .....                                 | II       |
| Methamphetamine (1105) .....                             | II       |
| Methylphenidate (1724) .....                             | II       |
| Amobarbital (2125) .....                                 | II       |
| Pentobarbital (2270) .....                               | II       |
| Secobarbital (2315) .....                                | II       |
| Phencyclidine (7471) .....                               | II       |
| Phenylacetone (8501) .....                               | II       |
| Cocaine (9041) .....                                     | II       |
| Codeine (9050) .....                                     | II       |
| Dihydrocodeine (9120) .....                              | II       |
| Oxycodone (9143) .....                                   | II       |
| Hydromorphone (9150) .....                               | II       |
| Benzoyllecgonine (9180) .....                            | II       |
| Ethylmorphine (9190) .....                               | II       |
| Meperidine (9230) .....                                  | II       |
| Methadone (9250) .....                                   | II       |
| Dextropropoxyphene, bulk (non-dosage forms) (9273) ..... | II       |
| Morphine (9300) .....                                    | II       |
| Oripavine (9330) .....                                   | II       |
| Thebaine (9333) .....                                    | II       |
| Levo-alphaacetylmethadol (9648) .....                    | II       |
| Oxymorphone (9652) .....                                 | II       |
| Fentanyl (9801) .....                                    | II       |

The company plans to import small quantities of the listed controlled substances for the manufacture of analytical reference standards.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Cerilliant Corporation to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Cerilliant Corporation to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, 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. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: March 4, 2009.

**Joseph T. Rannazzisi,**

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

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 06-78]

#### Steven M. Abbadessa, D.O.; Grant of Restricted Registration

On August 7, 2006, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Steven M. Abbadessa, D.O. (Respondent), of St. Louis, Missouri. The Show Cause Order proposed the denial of Respondent's pending application for a DEA Certificate of Registration as a practitioner, on the ground that his "registration would be inconsistent with the public interest." *Id.* at 1 (citing 21 U.S.C. 823(f)).

The Show Cause Order specifically alleged that "[o]n or about January 1981, [Respondent] illegally possessed and distributed \* \* \* cocaine in violation of 21 U.S.C. 841(a)(1)," that Respondent was subsequently charged and arrested, and that he had admitted to agents that he had been involved "in the illegal distribution of cocaine, a schedule II controlled substance," but that "no further prosecution was undertaken" because he cooperated with authorities. *Id.*

The Show Cause Order next alleged that on December 4, 2001, Respondent was arrested by local police at a hotel in Clayton, Missouri, where he was found to have in his possession cocaine, as well as two prescription controlled substances—a combination drug containing hydrocodone, a schedule III

controlled substance, and alprazolam, a schedule IV controlled substance. *Id.* The Order further alleged that the hydrocodone and the alprazolam "had been dispensed in the name of an acquaintance" of Respondent. *Id.*

Relatedly, the Show Cause Order alleged that Respondent was subsequently indicted in state court on one felony count of possession of cocaine, and two felony counts of obtaining controlled substances by fraud. *Id.* The Order further alleged that on January 31, 2003, Respondent pled guilty to all three counts, but that he was allowed to withdraw his pleas after he completed a "one-year drug program." <sup>1</sup> *Id.* at 1-2.

Respondent, through his counsel, requested a hearing on the allegations. ALJ Ex. 2. The matter was assigned to Administrative Law Judge (ALJ) Gail Randall, who conducted a hearing in St. Louis, Missouri, on May 15 and 16, 2007. At the hearing, both the Government and Respondent put on testimony and introduced documentary evidence into the record. Following the hearing, both parties submitted briefs containing their proposed findings of fact, conclusions of law, and argument.

On February 13, 2008, the ALJ issued her recommended decision (ALJ). In her decision, the ALJ concluded that the

<sup>1</sup> The Order also noted that on March 10, 2003, Respondent had surrendered his DEA registration, that in February 2004, the Missouri State Board for the Healing Arts had entered into a settlement agreement with Respondent under which his medical license was placed on probation for seven years, and that in April 2006, Respondent's state controlled substances registration had been restored. *Id.* at 1-2.