
Accordingly, I find that Registrant currently is not licensed to engage in the practice of medicine in New Hampshire, the State in which he is registered with the DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA).

“Upon a finding that the registrant . . . has had his State license or registration suspended . . . or revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.”

With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner’s registration. See, e.g., James L. Hooper, M.D., 76 FR 71,371 (2011), pet. for rev. denied, 481 Fed. Appx. 826 (4th Cir. 2012); Frederick Marsh Blanton, M.D., 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term “practitioner” to mean “a physician . . . or other person licensed, registered, or otherwise permitted by . . . the jurisdiction in which he practices . . . to distribute, dispense, . . . administer . . . a controlled substance in the course of professional practice.” 21 U.S.C. 802(21).

Second, in setting the requirements for obtaining a practitioner’s registration, Congress directed that “[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense controlled substances under the laws of the State in which he practices.” 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess State authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner’s registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he practices. See, e.g., Hooper, supra, 76 FR at 71,371–72; Sheran Arden Yeates, M.D., 71 FR 39,130, 39,131 (2006); Dominick A. Ricci, M.D., 58 FR 51,104, 51,105 (1993); Bobby Watts, M.D., 53 FR 11,919, 11,920 (1988); Blanton, supra, 43 FR at 27,617.

In this case, according to the Board, the Registrant is alleged to have engaged in numerous acts of professional misconduct based upon, inter alia, inappropriate personal relationships with patients, as well as his issuance of controlled substance prescriptions for no legitimate medical purpose in violation of New Hampshire law. GX 3, at 3–9. As a result of Registrant’s alleged misconduct, on September 25, 2017, the Board issued its Order of Emergency License Suspension and Notice of Hearing. On September 26, 2017, Registrant entered into a Preliminary Agreement Not to Practice, whereby he agreed, inter alia, “not to practice medicine . . . including the writing of prescriptions . . . until further order of the Board.” GX 4, at 1. On October 9, 2017, the Board accepted Registrant’s Preliminary Agreement Not to Practice. GX 4, at 3. Consequently, Registrant is not currently authorized to handle controlled substances in the State of New Hampshire, the State in which he is registered with the Agency and, therefore, he is not entitled to maintain his DEA registration. Hooper, supra, 76 FR at 71,371–72, Blanton, supra, 43 FR at 27,617. Accordingly, I will order that Registrant’s registration be revoked, that any pending application for the renewal or modification of his registration be denied, and that any pending application by Registrant for a registration in New Hampshire be denied. 21 U.S.C. 824(a)(3) and 823(f).

Order

Pursuant to 28 CFR 0.100(b) and the authority thus vested in me by 21 U.S.C. 824(a), I order that DEA Certificate of Registration No. BK7282940 issued to Eric Lee Knight, M.D., be, and it hereby is, revoked. Pursuant to 28 CFR 0.100(b) and the authority thus vested in me by 21 U.S.C. 823(f), I further order that any pending application of Eric Lee Knight, M.D., to renew or modify this registration, as well as any other pending application by him for registration in the State of New Hampshire, be, and it hereby is, denied. This Order is effective November 29, 2018.
petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA’s investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- **Docket Number:** M–2018–001–M. **FR Notice:** 83 FR 4929 (2/2/2018). **Petitioner:** Martin Marietta Kansas City, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

  **Mines:** Randolph Deep Mine, MSHA I.D. No. 23–02308, located in Clay County, Missouri; Stamper Underground Mine, MSHA I.D. No. 23–02232 and Parkville Quarry, MSHA I.D. No. 23–01883, located in Platte County, Missouri.

  **Regulation Affected:** 30 CFR 49.6(a)(1) (Equipment and maintenance requirements).


  **Mines:** Sugar Creek Underground Mine, MSHA I.D. No. 23–02171, located in Jackson County, Missouri.

  **Regulation Affected:** 30 CFR 49.6(a)(1) (Equipment and maintenance requirements).

  **Petitioner:** Roslyn B. Fontaine, Deputy Director, Office of Standards, Regulations, and Variances.

  **FR Doc.** 2018–23649 Filed 10–29–18; 8:45 am

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

[Docket No. OSHA–2016–0005]

**Preparations for the 36th Session of the UN Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS)**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Department of Labor.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice is to advise interested persons that on Tuesday, November 13, 2018, OSHA will conduct a public meeting to discuss proposals in preparation for the 36th session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS) to be held December 5 through December 7, 2018, in Geneva, Switzerland. OSHA also will give an update on the Regulatory Cooperation Council (RCC).

Also on Tuesday, November 13, 2018, the Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) will conduct a public meeting (See Docket No. PHMSA–2018–0024 Notice No. 2018–11) to discuss proposals in preparation for the 54th session of the United Nations Subcommittee of Experts on the Transport of Dangerous Goods (UNSCDG) to be held November 26 through December 4, 2018, in Geneva, Switzerland. During this meeting, PHMSA is also requesting comments relative to potential new work items that may be considered for inclusion in its international agenda. PHMSA will also provide an update on recent actions to enhance transparency and stakeholder interaction through improvements to the international standards portion of its website.

**DATES:** Tuesday, November 13, 2018.

**ADDRESSES:** Both meetings will be held at the DOT Headquarters Conference Center, West Building, Oklahoma City Conference Room, 1200 New Jersey Avenue SE, Washington, DC 20590.

**Times and Locations:** PHMSA public meeting: 9 a.m. to 12 p.m. EDT, Oklahoma City Conference Room, OSHA public meeting: 1 p.m. to 4 p.m. EDT, Oklahoma City Conference Room

**Advanced Meeting Registration:** DOT requests that attendees pre-register for these meetings by completing the form at: [https://www.surveymonkey.com/r/ XGN9j7X](https://www.surveymonkey.com/r/XGN9j7X).

Attendees may use the same form to pre-register for both meetings. Failure to pre-register may delay your access into the DOT Headquarters building. Additionally, if you are attending in person, arrive early to allow time for security checks necessary to access the building.

Conference call-in and “Skype meeting” capability will be provided for both meetings. Information on how to access the conference call and “Skype meeting” will be posted when available at: [https://www.phmsa.dot.gov/international-program/international-program-overview-under-upcoming-events](https://www.phmsa.dot.gov/international-program/international-program-overview-under-upcoming-events).

This information will also be posted on OSHA’s Facebook Communication website on the international tab at: [https://](https://)