

patient information, to which he had access based on his position of trust as a V.A. physician, to create fraudulent invoices in an attempt to cover up his income tax evasion. . . . These factors underscore the seriousness of his dishonest scheme.” *Jeffrey S. Stein, M.D.*, HHS Appeals Board, at 6. It is this activity, which demonstrates a lack of integrity, coupled with Respondent’s statement attempting to minimize the connection of his crimes to his medical practice that give me the most pause in determining the nature or appropriateness of a sanction in this case. *See Dubin*, 61 FR at 60728 (revoking based on respondent’s “continual use of the Medical Assistance claims, the names and provider numbers of his employee dentists without their permission” and finding that “these actions cast substantial doubt on Respondent’s integrity.”).

Respondent must convince the Administrator that his acceptance of responsibility and remorse are sufficiently credible to demonstrate that the misconduct will not recur. In some circumstances, the Agency has found that repentance and honesty weigh in favor of continuing to entrust the respondent with a registration. *See, e.g., Melvin N. Seglin, M.D.*, 63 FR 70431, 70433 (1998) (The ALJ was “persuaded that Respondent has accepted responsibility for his misconduct and that is not likely to recur.” The Deputy Administrator agree[d] with [the ALJ], finding it significant that Respondent did not attempt to conceal his misconduct and in fact was quite straightforward with the investigator.”). Here, Respondent pled guilty and stated remorse and seemingly accepted responsibility, but the crime itself demonstrates a complex scheme in which he misused patients’ personal information to conceal his original crime of tax fraud. *See RFAA Ex. 3*, at 7.

If Respondent were to repeat such dishonest interference in the context of a DEA investigation, it could impact the Agency’s mission in preventing the diversion and misuse of controlled substances. DEA budgets for approximately 1,625 Diversion positions involved in regulating more than 1.8 million registrants overall.⁵ Ensuring that a registrant is honest and does not avoid detection through fraudulent documentation is crucial to the Agency’s ability to complete its mission

of preventing diversion within such a large regulated population.

“While mandatory exclusion can provide an independent basis for revocation, DEA has often reserved that sanction to cases where ‘there were serious questions as to the integrity of the registrant.’” *Kwan Bo Jin, M.D.*, 77 FR 35021, 35026 (2012) (quoting *Anibal P. Herrera, M.D.*, 61 FR 65075, 65078 (1996) (permitting the continuation of registration with restriction where respondent fully accepts responsibility and has paid restitution)). I will refrain from revocation in this case because of the conflicting information in the record with regard to Respondent’s integrity and because I appreciate the forthright nature of his statements regarding acceptance of responsibility. However, in light of his diminishment of the full extent of his crimes, and without having the benefit of a hearing to weigh the credibility of such statements, I believe that the record presents a legitimate concern that Respondent might impede a DEA investigation in the same manner as he obstructed his IRS investigation. Even though he has accepted responsibility and demonstrated remorse, he also glossed over the misuse of patient information, which seems consistent with his prior behavior of concealing his crimes. I am concerned that, although Respondent may not be likely to commit tax fraud again, he may be dishonest in dealing with Diversion Investigators or DEA Special Agents in the future. I believe that some degree of sanction is appropriate to prevent Respondent from circumventing the CSA requirements to the detriment of its effective implementation in order to protect the public. Therefore, I will suspend Respondent’s registration for a period of two years. The suspension is significantly less than his eight-year federal health care program exclusion, because the CSA is not bound by the same minimal suspension standards as HHS. Respondent has paid his restitution, he has completed his incarceration and is fulfilling his probation, but I must ensure that he is fully candid and cooperative and his fraudulent behavior is not likely to recur in order to entrust him with a CSA registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby suspend DEA Certificate of Registration No. FS6587868 issued to Jeffrey Stein, M.D. for a period of two years starting from the effective date of this Order. This Order is effective October 7, 2019.

Dated: August 23, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–19305 Filed 9–5–19; 8:45 am]

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DEPARTMENT OF JUSTICE

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision; Correction

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Notice; correction.

SUMMARY: The Department of Justice, Executive Office for Immigration Review, submitted a 60-day notice for publishing in the **Federal Register** on August 28, 2019 soliciting comments to an information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The document contained incorrect information listed in the **DATES** section, providing a comment due date of September 27, 2019.

FOR FURTHER INFORMATION CONTACT:

Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone (703) 305–0289.

SUPPLEMENTARY INFORMATION:

Correction: In the **Federal Register** of August 28, 2019, in FR Doc. 2019–18566, on page 45173, the **DATES** section is corrected to read as follows:

DATES: Comments are encouraged and will be accepted for 60 days until October 28, 2019.

Dated: August 30, 2019.

Melody Braswell,

Department Clearance Officer.

[FR Doc. 2019–19145 Filed 9–5–19; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On August 30, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Arkansas in the lawsuit entitled *United States, et al. v. Delek Logistics Operating, LLC, and SALA Gathering Systems, LLC, Case No. 1:18-cv-01040-SOH*.

⁵ See DEA FY2020 Budget Request available at <https://www.justice.gov/jmd/page/file/1142431/download>.