

As found above, upon reviewing the patient files of the undercover officers as well as D.V., the Government's Expert found that Applicant issued controlled substances for other than a legitimate medical purpose and outside the usual course of professional practice. As support for his conclusion, the Expert observed that Applicant failed to perform detailed histories and adequate physical examinations, failed to develop any treatment plan other than to prescribe controlled substances, prescribed large and excessive doses of controlled substances, failed to properly monitor patients, and failed to keep legible and complete medical records. I agree with the Expert's analysis and conclude that Applicant knowingly diverted controlled substances including oxycodone (schedule II) and alprazolam (schedule IV) to the undercover officers and D.V. and thus violated federal law. 21 U.S.C. 841(a)(1); 21 CFR 1306.04(a). I further find that Applicant's misconduct was egregious. This finding provides reason alone to deny Applicant's application.

However, the record also supports the conclusion that Applicant exceeded the authority of his registration by prescribing controlled substances in schedules which were outside the scope of his registration. Pursuant to 21 U.S.C. 822(b), "[p]ersons registered by the Attorney General . . . to . . . dispense controlled substances . . . are authorized to possess . . . or dispense such substances . . . to the extent authorized by their registration." (emphasis added).

As found above, on October 5, 2009, Applicant applied for a new registration as a practitioner. Notwithstanding that the application form clearly instructed him to check all drug schedules for which he sought authority, Applicant checked the box for only schedule II narcotics. Accordingly, the Agency granted him a registration which was limited to schedule II narcotics. Applicant did not seek authority to dispense controlled substances in the additional schedules until June 6, 2011.

Thus, between October 6, 2009 (the date the application was granted) and June 6, 2011, Applicant could not lawfully prescribe any controlled substances outside of those narcotics in schedule II. The record, however, contains fifteen prescriptions for Xanax (alprazolam) and two prescriptions for Valium (diazepam), both of which are schedule IV controlled substances, as well as five prescriptions for Adderall (amphetamine), a schedule II non-narcotic, which Applicant issued without authority to do so. Even though Applicant eventually obtained a

registration for the remaining drug schedules, Applicant was responsible for ensuring that he had obtained the necessary authority for each schedule of controlled substances he intended to dispense. I thus conclude that Applicant violated federal law by dispensing controlled substances for which he lacked authorization. 21 U.S.C. 822(b) & 841(a)(1).

Accordingly, I find that the Government's evidence with respect to factor two and four establishes a *prima facie* case that granting Applicant's application "would be inconsistent with the public interest." *Id.* § 823(f). Because Applicant failed to respond to the Show Cause Order, whether by requesting a hearing or submitting a written statement, and thus has failed to offer any evidence to the contrary, I will order that his application be denied.

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b) and 0.104, I order that the application of Richard D. Vitalis, D.O., for a DEA Certificate of Registration as a practitioner, be, and it hereby is, denied. This Order is effective immediately.

Dated: November 10, 2014.

**Thomas M. Harrigan,**

*Deputy Administrator.*

[FR Doc. 2014-27206 Filed 11-17-14; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Parole Commission

#### Sunshine Act Meeting

**TIME AND DATE:** 10:30 a.m., Friday, November 21, 2014.

**PLACE:** U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Determination on seven original jurisdiction cases.

**CONTACT PERSON FOR MORE INFORMATION:** Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346-7001.

Dated: November 14, 2014.

**Isaac Fulwood,**

*Chairman, U.S. Parole Commission.*

[FR Doc. 2014-27444 Filed 11-14-14; 4:15 pm]

**BILLING CODE 4410-31-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Certificate of Medical Necessity

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, "Certificate of Medical Necessity," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before December 18, 2014.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201410-1240-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201410-1240-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks approval under the PRA for revisions to the Certificate of Medical Necessity, Form CM-893, information collection that a coal miner's physician completes and the OWCP uses to determine whether the miner meets impairment standards to qualify for durable medical equipment, home nursing, and/or pulmonary rehabilitation. This information collection has been classified as a revision, because of minor changes to the form designed to help a medical provider better understand the information needed to be provided. An accommodation statement has also been added to the form to inform a respondent who has a mental or physical limitation to contact the OWCP if further assistance is needed in completing the claims process. The Black Lung Benefits Act authorizes this information collection. See 30 U.S.C. 901.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240-0024. The current approval is scheduled to expire on December 31, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 7, 2014 (79 FR 46280).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240-0024. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-OWCP.

*Title of Collection:* Certificate of Medical Necessity.

*OMB Control Number:* 1240-0024.

*Affected Public:* Individuals or Households.

*Total Estimated Number of Respondents:* 2,500.

*Total Estimated Number of Responses:* 2,500.

*Total Estimated Annual Time Burden:* 965 hours.

*Total Estimated Annual Other Costs Burden:* \$1,460.

Dated: November 12, 2014.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2014-27262 Filed 11-17-14; 8:45 am]

**BILLING CODE 4510-CK-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

[Application No. D-11819]

#### Notice of Hearing on Proposed Individual Exemption Involving Credit Suisse AG (Hereinafter, Either Credit Suisse AG or the Applicant)

**AGENCY:** Employee Benefits Security Administration, U.S. Department of Labor.

**ACTION:** Notice of Hearing.

**SUMMARY:** Notice is hereby given that the Department of Labor (the Department) will hold a hearing on January 15, 2015, relating to a proposed individual exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974, as amended (ERISA), and the Internal Revenue Code of 1986, as amended (the Code) that, if granted, would affect the ability of certain

entities related to Credit Suisse AG to continue to rely upon the relief provided by Prohibited Transaction Class Exemption (PTE) 84-14. A notice of pendency of the proposed exemption was published in the **Federal Register** at 79 FR 52365 (September 3, 2014).

**DATES:** The hearing will be held on January 15, 2015, beginning at 10:00 a.m., EST.

**ADDRESSES:** The hearing will be held at the U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, in Room C5320.

**FOR FURTHER INFORMATION CONTACT:** Erin S. Hesse, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693-8546 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On September 3, 2014, the Department published in the **Federal Register**, at 79 FR 52365, a notice of pendency of a proposed individual exemption that, if granted, would permit: Certain affiliates of Credit Suisse AG (the Credit Suisse Affiliated Entities); and certain entities in which Credit Suisse AG owns a 5% or more interest (the Credit Suisse Related Entities), to continue to rely on the relief provided by Prohibited Transaction Class Exemption (PTE) 84-14,<sup>1</sup> notwithstanding a judgment of conviction against Credit Suisse AG for one count of conspiracy to violate section 7206(2) of the Internal Revenue Code in violation of Title 18, United States Code, Section 371, to be entered in the District Court for the Eastern District of Virginia in Case Number 1:14-cr-188-RBS. In that notice, the Department invited interested persons to submit written comments and any requests for a public hearing on the proposed exemption.

In response to the notice, the Department received several comments that expressed concern about the merits of the proposed exemption, including: whether the proposed exemption was in the interest of employee benefit plans and their participants and beneficiaries; and whether the safeguards in the proposed exemption are adequate to protect the rights of participants and beneficiaries of such employee benefit plans. The submissions received by the Department are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of

<sup>1</sup> 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).