



**DEPARTMENT OF JUSTICE  
Drug Enforcement Administration**

**OSRIC MALONE PRIOLEAU, N.P.;  
DECISION AND ORDER**

On February 13, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Osric Malone Prioleau, N.P., of St. Marys, West Virginia (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 4. The OSC proposed the revocation of Registrant’s DEA Certificate of Registration (COR) No. MM2233827, alleging that Registrant is “currently without authority to . . . handle controlled substances in the State of West Virginia, the state in which [he is] registered with DEA.” *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).<sup>1</sup>

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2-3 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 2.<sup>2</sup> “A default, unless excused, shall be deemed to constitute a waiver of the registrant’s/applicant’s right to a hearing and an admission of the factual allegations of the [OSC].” 21 CFR 1301.43(e).

Further, “[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.” *Id.* at 1301.43(f)(1). Here, the Government has requested final agency action

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<sup>1</sup> According to the OSC and Agency records, Registrant’s DEA registration expired on January 31, 2025, before issuance of the OSC. RFAAX 2, at 1, 3. “The Agency has previously held that it is within its jurisdiction and prerogative to adjudicate a matter to finality where a registration expired before issuance of the OSC.” *William Thompson IV, M.D.*, 90 Fed. Reg. 26,610, 26,610 n.1 (2025) (citing *Abdul Naushad, M.D.*, 89 Fed. Reg. 54,059, 54,059-60 (2024)).

<sup>2</sup> Based on the Government’s submissions in its RFAA dated March 28, 2025, the Agency finds that service of the OSC on Registrant was proper. The included Government’s Notice of Service of the OSC indicates that on February 20, 2025, Registrant was personally served with the OSC and signed a receipt of service. RFAAX 1, at 1-4.

based on Registrant’s default pursuant to 21 CFR 1301.43(c), (f), and 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

## **FINDINGS OF FACT**

The Agency finds that, in light of Registrant’s default, the factual allegations in the OSC are deemed admitted. According to the OSC, Registrant’s West Virginia registered nurse license and advanced practice registered nurse license were suspended by the West Virginia Board of Registered Nurses on August 22, 2024. RFAAX 2, at 1-2; *see also* RFAAX 3. According to West Virginia online records, of which the Agency takes official notice,<sup>3</sup> Registrant’s West Virginia licenses have a status of “Inactive – Suspension.” West Virginia Board of Registered Nurses License Lookup, <https://wvrn.boardsofnursing.org/licenselookup/> (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed as a practitioner in West Virginia, the state in which he is registered with DEA.<sup>4</sup>

## **DISCUSSION**

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General may suspend or revoke a registration issued under 21 U.S.C. 823 “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, 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. *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006) (“The Attorney General can register

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<sup>3</sup> Under the Administrative Procedure Act, an agency “may take official notice of facts at any stage in a proceeding – even in the final decision.” United States Department of Justice, Attorney General’s Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

<sup>4</sup> Pursuant to 5 U.S.C. 556(e), “[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.” The material fact here is that Registrant, as of the date of this Order, is not licensed as a nurse in West Virginia. Accordingly, Registrant may dispute the Agency’s finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by e-mail to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration, at [dea.addo.attorneys@dea.gov](mailto:dea.addo.attorneys@dea.gov).

a physician to dispense controlled substances ‘if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.’ . . . The very definition of a ‘practitioner’ eligible to prescribe includes physicians ‘licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices’ to dispense controlled substances. § 802(21).”). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.*, 76 Fed. Reg. 71,371, 71,372 (2011), *pet. for rev. denied*, 481 F. App’x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 Fed. Reg. 27,616, 27,617 (1978).<sup>5</sup>

According to West Virginia statute, “dispense” means “to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.” W. Va. Code § 60A-1-101(i) (West 2025). Further, a “practitioner” means “[a] physician . . . or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.” *Id.* at § 60A-1-101(y)(1).<sup>6</sup>

Here, the undisputed evidence in the record is that Registrant is not a currently licensed practitioner in West Virginia. As discussed above, a nurse must be a licensed practitioner to

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<sup>5</sup> This rule derives from the text of two provisions of the Controlled Substances Act (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, . . . [or] 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(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, 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., James L. Hooper, M.D.*, 76 Fed. Reg. at 71,371-72; *Sheran Arden Yeates, M.D.*, 71 Fed. Reg. 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.*, 58 Fed. Reg. 51,104, 51,105 (1993); *Bobby Watts, M.D.*, 53 Fed. Reg. 11,919, 11,920 (1988); *Frederick Marsh Blanton, M.D.*, 43 Fed. Reg. at 27,617.

<sup>6</sup> Registrant was specifically licensed to distribute controlled substances in West Virginia as an advanced practice registered nurse pursuant to W. Va. Code § 30-7-15a, which provides explicit authority for advanced practice registered nurses to distribute controlled substances in accordance with the West Virginia Uniform Controlled Substances Act (W. Va. Code § 60A, *et. seq.*).

dispense a controlled substance in West Virginia. Thus, because Registrant's nursing licenses are suspended in West Virginia and, therefore, he is not currently authorized to handle controlled substances in West Virginia, Registrant is not eligible to maintain a DEA registration in West Virginia. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

### **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. MM2233827 issued to Osric Malone Prioleau, N.P. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Osric Malone Prioleau, N.P., to renew or modify this registration, as well as any other pending application of Osric Malone Prioleau, N.P., for additional registration in West Virginia.

This Order is effective **[INSERT DATE THIRTY DAYS FROM THE DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**SIGNING AUTHORITY**

This document of the Drug Enforcement Administration was signed on July 10, 2025, by Acting Administrator Robert J. Murphy. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the Federal Register.

**Heather Achbach,**  
*Federal Register Liaison Officer,*  
*Drug Enforcement Administration.*

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