



## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Ruth Jones, D.O.; Decision and Order

On June 26, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Ruth Jones, D.O., of Everett, Pennsylvania (Applicant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) A, at 1, 4. The OSC proposed the denial of Applicant's application for a DEA Certificate of Registration, Control No. W23004273C, alleging that Applicant was convicted of multiple felonies under Title 21 relating to federal controlled substance laws and that Applicant is mandatorily excluded from participation in all federal health care programs pursuant to 42 U.S.C. 1320a-7(a). *Id.* at 1-2 (citing 21 U.S.C. 824(a)(2), (5)).

The OSC notified Applicant of her right to file a written request for hearing and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). On January 29, 2025, roughly six months after service of the OSC, Applicant filed a hearing request and answers to the OSC allegations (dated January 28, 2025). RFAAX B-C; RFAAX F, at 1.

On February 3, 2025, the Chief Administrative Law Judge John J. Mulrooney, II, (the Chief ALJ) issued an initial Order for prehearing statements. RFAAX D. On February 13, 2025, the Chief ALJ issued an additional Order directing the Government to file a prehearing statement by an amended deadline. *Id.*

On February 7, 2025, the Government filed a Motion to Terminate Proceedings accompanied by proof of service. RFAAX E. In their filing, the Government provided evidence that DEA properly served Applicant with the OSC on July 2, 2024, and July 8, 2024. RFAAX E, at 4-7. The Government argued that the proceedings should be terminated due to the untimeliness of Applicant's hearing request and Applicant's failure to timely file a motion

demonstrating good cause for the untimeliness of her hearing request. RFAAX E, at 1-2.

Applicant timely filed a response. RFAAX F, at 1.

On February 18, 2025, the Chief ALJ issued an Order Terminating Proceedings, concluding that the Government's service of the OSC on Applicant was adequate and that Applicant failed to demonstrate good cause sufficient to excuse her untimely request for hearing. RFAAX F, at 1-2. The Chief ALJ thereby found Applicant to be in default and ordered the termination of proceedings. *Id.* at 2.

“A default, unless excused, shall be deemed to constitute a waiver of the registrant'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.* 1301.43(f)(1). Here, the Government has requested final agency action based on Applicant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 2; *see also* 21 CFR 1316.67.<sup>1</sup>

## **I. FELONY CONVICTION**

### **A. Findings of Fact**

In light of Applicant's default, the factual allegations in the OSC are deemed admitted. 21 CFR 1301.43(e). Applicant is deemed to admit that on May 25, 2021, Applicant was convicted in the United States District Court for the Western District of Pennsylvania of the following felonies: (1) unlawfully dispensing and distributing a Schedule III controlled substance (buprenorphine), in violation of 21 U.S.C. 841(a)(1); (2) conspiracy to unlawfully dispense or

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<sup>1</sup> The RFAA states that “the Acting Administrator is authorized to render the Agency's final order, without a hearing or making a finding of fact in this matter.” RFAA, at 2 (citing 21 CFR 1301.43(c), (f), and 1301.46). However, 21 CFR 1316.67 requires that the Administrator's final order “set forth the final rule and findings of fact and conclusions of law upon which the rule is based.” *See JYA LLC d/b/a Webb's Square Pharmacy*, 90 Fed. Reg. 31244, 31246 n.7 (2025).

distribute Schedule III controlled substances, in violation of 18 U.S.C. 846; and (3) health care fraud, in violation of 18 U.S.C. 2 and 18 U.S.C. 1347. RFAAX A at 1-2.

## **B. Discussion**

Pursuant to 21 U.S.C. 824(a)(2), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA) “upon a finding that the registrant . . . has been convicted of a felony . . . relating to any . . . controlled substance.” 21 U.S.C. 824(a)(2). The Agency has consistently held that it also may deny an application for a DEA registration upon finding that the registrant has been convicted of a felony relating to controlled substances. *Arvinder Singh, M.D.*, 81 Fed. Reg. 8247, 8248 n.3 (2016) (quoting *Kwan Bo Jin, M.D.*, 77 Fed. Reg. 35021, 35021 n.2 (2012)) (“[W]here a registration can be revoked under [21 U.S.C] 824, it can, *a fortiori*, be denied under [21 U.S.C] 823 since the law would not require an agency to indulge in the useless act of granting a license on one day only to withdraw it on the next.”); *Robert Wayne Locklear, MD.*, 86 Fed. Reg. at 33745 (citing *South Corp. v. United States*, 690 F.2d 1369, 1374 (Fed. Cir. 1982)) (“A statutory construction which would impute a useless act to Congress will be viewed as unsound and rejected.”).

As discussed above, the Agency found based on undisputed, substantial record evidence that Applicant has been convicted of multiple felonies related to controlled substances. Accordingly, the Agency finds that undisputed, substantial record evidence establishes the Government’s *prima facie* case for denial of Applicant’s application under 21 U.S.C. 824(a)(2).

## **II. MANDATORY EXCLUSION FROM FEDERAL HEALTHCARE PROGRAMS**

### **A. Findings of Fact**

Applicant is deemed to admit that on June 30, 2022, the U.S. Department of Health and Human Services, Office of Inspector General (HHS/OIG), mandatorily excluded Applicant from participation in Medicare, Medicaid, and all federal health care programs, effective July 20, 2022, for a minimum period of five years, pursuant to 42 U.S.C 1320a-7(a). RFAAX A, at 2.

## **B. Discussion**

Pursuant to 21 U.S.C 824(a)(5), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the CSA upon finding that the registrant “has been excluded (or directed to be excluded) from participation in a program pursuant to section 1320a-7(a) of Title 42.” The Agency has consistently held that it may also deny an application upon finding that an applicant has been excluded from a federal health care program. *Mark Agresti, M.D.*, 90 Fed. Reg. 30098, 30099 (2025); *Samirkumar Shah, M.D.*, 89 Fed. Reg. 71931, 71933(2024); *Arvinder Singh*, 81 Fed. Reg. at 8248 n.3.

As discussed above, the Agency found based on undisputed, substantial record evidence that Applicant has been, and remains, excluded from all federal health care programs. Accordingly, the Agency finds that undisputed, substantial record evidence establishes the Government’s *prima facie* case for denial of Applicant’s application under 21 U.S.C 824(a)(5).

### **III. SANCTION**

Where, as here, the Government has met its *prima facie* burden of showing that Applicant’s application for registration should be denied, the burden shifts to Applicant to show why she can be trusted with a registration. *Morall v. Drug Enf’t Admin.*, 412 F.3d 165, 174 (D.C. Cir. 2005); *Jones Total Health Care Pharmacy, LLC v. Drug Enf’t Admin.*, 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.*, 83 Fed. Reg. 18882, 18904 (2018). The issue of trust is a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.*, 84 Fed. Reg. 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy*, 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, the Agency has required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that she will not engage in future misconduct. *See Jones Total Health Care Pharmacy*, 881 F.3d at 833; *ALRA Labs, Inc. v. Drug Enf’t Admin.*, 54 F.3d 450, 452 (7th Cir. 1995). Historically, the Agency has considered acceptance of responsibility, egregiousness, and deterrence when making this assessment. *See Michael Bouknight*, 90 Fed. Reg. at 31250; *Sasha*

*Melissa Ikramelahai*, 90 Fed. Reg. at 32020-21; *Frank Joseph Stirlacci, M.D.*, 85 Fed. Reg. at 45239-40.

The Agency requires a registrant's unequivocal acceptance of responsibility. *Janet S. Pettyjohn, D.O.*, 89 Fed. Reg. 82639, 82641 (2024); *Mohammed Asgar, M.D.*, 83 Fed. Reg. 29569, 29573 (2018); *see also Jones Total Health Care Pharmacy*, 881 F.3d at 830-31. In addition, a registrant's candor during the investigation and hearing is an important factor in determining acceptance of responsibility and the appropriate sanction. *See Jones Total Health Care Pharmacy*, 881 F.3d at 830-31; *Hoxie v. Drug Enf't Admin.*, 419 F.3d 477, 483-84 (6th Cir. 2005). Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Jones Total Health Care Pharmacy*, 881 F.3d at 833 n.4, 834. The Agency also considers the need to deter similar acts by a registrant and by the community of registrants. *Jeffrey Stein, M.D.*, 84 Fed. Reg. at 46972-73.

Here, Applicant did not timely request a hearing or answer the allegations in the OSC and was deemed to be in default. To date, Applicant has not filed a motion with the Office of the Administrator to excuse the default. 21 CFR 1301.43(c)(1). Applicant has thus failed to properly answer the allegations contained in the OSC and has not otherwise availed herself of the opportunity to refute the Government's case. As such, Applicant has not accepted responsibility for the proven violations, has made no representations regarding her future compliance with the CSA, and has not demonstrated that she can be trusted with registration.

Accordingly, the Agency will order the denial of Applicant's registration.

### **ORDER**

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. § 823(g)(1), I hereby deny the pending application for a DEA Certificate of Registration, Control No. W23004273C, submitted by Ruth Jones, D.O., as well as any other pending application of Ruth Jones, D.O., for additional registration in Pennsylvania. 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 June 22, 2026, by Administrator Terrance Cole. 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.

**Leslie Mayer,**  
*Federal Register Liaison Officer,*  
*Drug Enforcement Administration.*

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