



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

MAY 23 2002

Food and Drug Administration
Rockville MD 20857

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

0307 02 MAY 28 09:23

Richard Elliott Humphreys
13021 Maple Springs Drive
Fredericksburg, VA 22408

**RESCISSION OF NOTICE OF OPPORTUNITY FOR HEARING
ON PROPOSAL TO DEBAR
Docket No. 00N-1525**

Dear Mr. Humphreys:

In a letter dated September 27, 2001, the Food and Drug Administration (FDA) proposed to issue an order under section 306(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 335a(a)(2)(B)) permanently debaring you from providing services in any capacity to a person that has an approved or pending drug product application. FDA based the proposal on a finding that you were convicted of a felony under 18 U.S.C. 1001 for making false statements and representations to FDA concerning a recall of adulterated compressed medical oxygen tanks.

The September 27, 2001, letter also offered you an opportunity for a hearing to show why you should not be debarred. In response, you submitted a request for hearing in a letter dated October 29, 2001, claiming that the proposal to debar was not initiated within 5 years of your conviction, as required by section 306(l)(2) of the Act (21 U.S.C. 335a(l)(2)). On November 28, 2001, you submitted the information relied upon to support your request for hearing. FDA has reviewed the information, which includes documentation showing that the United States District Court for the Eastern District of Virginia accepted your plea of guilty on July 15, 1996, and entered a judgment of conviction on October 4, 1996. In view of this evidence, and by this letter FDA is rescinding the September 27, 2001, proposal to debar you under section 306(a)(2)(B) of the Act.

Sincerely yours,

Janet Woodcock, M.D.
Director
Center for Drug Evaluation and Research

cc:

Alvin J. Lorman
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

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