



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

THE STATE BOARD OF PHARMACY

vs

KENT LAWSON HENSON, R.Ph.

THE MATTER OF KENT LAWSON HENSON, DOCKET NO. 6-98-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON WEDNESDAY, JANUARY 23, 1985. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did, on or about July 9, 1984 at Lake Medical Pharmacy, 25701 N. Lakeland Blvd., Euclid, Ohio 44132, knowingly sell, without a prescription given by a practitioner, approximately 13 tablets of Preludin-75mg, a Schedule II controlled substance and prescription drug, an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(1) of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did, on or about August 3, 1984 at Lake Medical Pharmacy, 25701 N. Lakeland Blvd., Euclid, Ohio 44132, knowingly sell, without a prescription given by a practitioner, approximately 59 tablets of Tylenol #3, a Schedule III controlled substance and prescription drug, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Revised Code Chapters 3715., 3719., and 4729. Such conduct is prohibited by Section 2925.03(A)(1) of the Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did, on or about August 13, 1984 at Lake Medical Pharmacy, 25701 N. Lakeland Blvd., Euclid, Ohio 44132, knowingly sell, without a prescription given by a practitioner, approximately 30 tablets of Tylenol #3, a Schedule III controlled substance and prescription drug, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Revised Code Chapters 3715., 3719., and 4729. Such conduct is prohibited by Section 2925.03(A)(1) of the Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did, on or about August 16, 1984 at Lake Medical Pharmacy, 25701 N. Lakeland Blvd., Euclid, Ohio 44132, knowingly sell, without a prescription given by a practitioner, approximately 98 Preludin-25mg, a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Revised Code Chapters 3715., 3719., and 4729. Such conduct is prohibited by Section 2925.03(A)(5) of the Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did, on or about August 16, 1984 at Lake Medical Pharmacy, 25701 N. Lakeland Blvd., Euclid, Ohio 44132, knowingly sell, without a prescription given by a practitioner, approximately 100 tablets of Valium-5mg, a Schedule IV controlled substance and prescription drug, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(1) of the Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson willfully violated the provisions of Chapters 3719. and 4729. of the Revised Code, more than one time; in that, he sold dangerous drugs and Schedule II controlled substances at wholesale without being registered as a wholesale distributor of dangerous drugs and licensed as a wholesaler of controlled substances, to wit: Cocaine HCl solution was sold to Marino Hionis, M.D. and Quentin Kenoyer, M.D.; Demerol injectable was sold to Drs. Kenoyer, Mithnow, Forsythe, M.D.s, and Donald Lewis, D.D.S.; Dexedrine-5mg was sold to Dr. Netherton, M.D.; and, Fentanyl and Sublimaze was sold to Dr. Lewis, D.D.S. Such conduct is prohibited by Section 4729.51(A) of the Revised Code, and Section 1306.04 of Title 21 of the Code of Federal Regulations, and not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct was also in violation of Section 3719.04 of the Revised Code, and Section 1305.03 of the Code of Federal Regulations, since the sales at wholesale were made without using the required official written order form.

- (7) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did, on or about December 30, 1981 and April 26, 1982, knowingly make a false statement in a prescription required by Revised Code Chapter 3719., and knowingly possessed a false or forged prescription, to wit: the quantities prescribed on Prescription No. 55603 for Valium-2mg, and Prescription No. 58044 were increased for the purpose of obtaining remuneration by fraud, misrepresentation, or deception. Such conduct is prohibited by Section 2925.23 of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did, between the dates of March 4, 1982 and February 28, 1983, knowingly make a false statement in a prescription required by Revised Code Chapter 3719. and knowingly possessed a false or forged prescription, to wit: the quantities prescribed for prescriptions numbered 59997, 57279, 59530, 59630, 59903, 59997, 65359, and 66330, all of which were issued for one (1) Seconal-100mg by the practitioner were increased to ten (10) for the purpose of obtaining remuneration by fraud, misrepresentation, or deception. Such conduct is prohibited by Section 2925.23 of the Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did, on or about May 19, 1983 at Lake Medical Pharmacy, 25701 N. Lakeland Blvd., Euclid, Ohio 44132, sell by dispensing controlled substances and drugs of abuse when he knew, or had reasonable cause to believe, such drugs were intended for sale or resale by another person and were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, the quantity and number of different narcotics, and the combinations of controlled substances prescribed and dispensed for the same patient at one time was irrational and could not possibly be for legitimate medical purposes.
- (10) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson was found guilty of a felony on December 10, 1984 by the Cuyahoga County Court of Common Pleas, to wit: illegal possession of approximately 47 capsules of Dexamyl-15mg; in violation of Section 2925.11 of the Revised Code.
- (11) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did hold for sale, or delivery, drugs that were adulterated and/or misbranded. Such conduct is not in accordance with the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, and is prohibited by Section 3715.52 of the Revised Code.
- (12) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did knowingly obtain controlled substances; in violation of Section 3719.81 and Division (D) of Section 4729.51 of the Revised Code, to wit: various controlled substance drug samples.

- (13) From the evidence presented, the State Board of Pharmacy finds that Kent Lawson Henson did not keep a record of all controlled substances received or dispensed; in violation of the provisions of Sections 3719.07 and 3719.37 of the Revised Code, Rules 4729-5-17 and 4729-9-14 of the Administrative Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (13) of the Findings Of Fact constitutes being guilty of a felony and gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (5), (7) through (9), and (13) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (13) of the Findings Of Fact constitutes willfully violating the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the registered pharmacist license of Kent Lawson Henson, R.Ph. No. 03-3-04777:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist license held by Kent Lawson Henson.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist license held by Kent Lawson Henson.
- (C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist license held by Kent Lawson Henson.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

KENT LAWSON HENSON, R.Ph.
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Order of the Board

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: February 26, 1985

FZW/sb

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General
John Pyle, Attorney; 1100 Ohio Savings Plaza; 1801 E. 9th;
Cleveland, OH 44114