



*New York State Board for Professional Medical Conduct*

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H.  
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*NYS Department of Health*  
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*NYS Department of Health*  
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*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

February 25, 2000

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Scott Henson, M.D.  
3417 Teays Valley Road  
Hurricane, WV 25526

RE: License No. 200162

Dear Dr. Henson:

Enclosed please find Order #BPMC 00-54 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 25, 2000**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Carolyn Shearer, Esq.  
Hinman, Straub, Pigors & Manning  
121 State Street  
Albany, NY 12207-1693

Timothy J. Maher, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER	: SURRENDER
OF	: ORDER
SCOTT L. HENSON, M.D.	: BPMC # 00-54

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SCOTT L. HENSON, M.D., says:

On or about July 18, 1995, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 200162 by the New York State Education Department. My address is P.O. Box 68, Milton, West Virginia.

I understand that I have been charged with three specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I plead no contest to the Third Specification set forth in the Statement of Charges, in full satisfaction of all of the specifications.

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any

way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. To the extent that I have not already done so, I shall comply with all of the terms and conditions set forth in Appendix B, which are incorporated by reference to my application. I agree that in consideration of the acceptance of this proposal, I shall not in the future apply for a medical license in the State of New York, nor shall I seek the restoration of the license surrendered pursuant to this Order, if accepted. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, and to my attorney by certified mail return receipt requested.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

  
SCOTT L. HENSON, M.D.  
Respondent

AGREED TO:

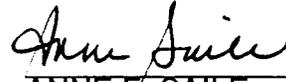
Date: 2/7/00, 1999

  
CAROLYN SHEARER, Esq.  
Attorney for Respondent

Date: 2/14/00, 1999

  
TIMOTHY J. MAHAR  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: 2/15, 1999

  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of SCOTT L. HENSON, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement and to Respondent's attorney by certified mail return receipt requested.

DATED: 2/17/00

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : STATEMENT  
OF : OF  
SCOTT L. HENSON, M.D. : CHARGES

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SCOTT L. HENSON, M.D., the Respondent, was authorized to practice medicine in New York State on July 18, 1995 by the issuance of license number 200162 by the New York State Education Department. Respondent is currently registered to practice medicine for the period from July 1, 1997 through January 1, 1999.

**FACTUAL ALLEGATIONS**

A. Respondent, during the period between July 1996 and March 1998, wrote and/or renewed prescriptions for Kwelcof (hydrocodone), in the name of patients and/or individuals other than himself (said patients and individuals are identified in Appendix A) when in fact the prescriptions were not given to the patient and/or to the individual named on the prescription form and/or the prescriptions were filled by Respondent for his own use.

SPECIFICATIONS  
FIRST SPECIFICATION  
FRAUDULENT PRACTICE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(2) by reason of his having practiced the profession fraudulently, in that Petitioner charges:

1. The facts in paragraphs A.

SECOND SPECIFICATION  
MORAL UNFITNESS

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(20) by reason of his having engaged in conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

2. The facts in paragraphs A.

THIRD SPECIFICATION  
FILING A FALSE REPORT

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(21) by reason of his having willfully made or filed a false report, in that Petitioner charges:

3. The facts in paragraphs A.



1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to OPMC at Hedley Park Place, 433 River Street 4th Floor, Troy, NY 12180-2299 his original license to practice medicine in New York State and current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.