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WRONGFUL DEATH

News related to Mount Carmel Hospital deaths details ongoing litigation and investigation

As of March 11, the ongoing coverage by WBNS-TV of the deaths of patients at Mount Carmel Hospital in Columbus, OH, is proceeding apace:

- March 4 – attorney for Dr. Husel claims immunity from suit in one of the cases filed against the physician based on Ohio law immunizing physicians against suit for acting in good faith “if the decision is to withhold or withdraw life-sustaining treatment, the attending physician determines, in good faith, to a reasonable degree of medical certainty, and in accordance with reasonable medical standards, that both of the following apply: a. the principal is in a terminal condition or in a permanently unconscious state; b. there is no reasonable possibility that the principal will regain the capacity to make informed health care decisions for the principal.” [Haeberle B. Former Mount Carmel doctor’s attorney denies lawsuit allegations, claims Husel is immune. WBNS-TV, 2019 Mar 4; <https://bit.ly/2NXSHHM>]
- March 6 – a report by WBNS-TV includes the following new information.
 - Husel’s attorneys are seeking a hearing before the state medical board over its suspension of his license to practice in Ohio.
 - The identities of 4 patients were announced about whom the hospital says were likely not terminally ill when Husel ordered fentanyl in high doses to be administered. The son of one of these individuals said, “she went in for a biopsy and 11 hours later she was dead.” The widow of a 44-year old decedent said, “her husband was at Mount Carmel three hours before he died after receiving fentanyl.”
 - CMS advised Mount Carmel on February 22 that it was out of compliance with terms of conditions to receive Medicare funding. Although in late February CMS removed the “immediate jeopardy” status of the hospital, “We have determined that the deficiencies cited are significant and limit your hospital’s capacity to render adequate care and to ensure the health and safety of your patients ...” the letters reportedly stated. The reported cited a CMS official as stating that previous surveys leading to the “immediate jeopardy” status were limited to complaints related to pharmacy services, but new surveys will review all areas of the Medicare Conditions of Participation. [Haeberle B. Attorneys identify Mount Carmel patients they say “they were not terminal”. WNBS-TV 2019 Mar 6; <https://bit.ly/2u1s37D>]
- March 6 – another report notes that a joint statement from the Franklin County Prosecutor and the Columbus Division of Police indicated that the two agencies are “vigorously working” on the investigation of Dr. William Husel’s actions while employed at Mount Carmel Hospital in Columbus. The announcement indicated that Husel’s passport had been voluntarily provided to authorities. A criminal law professor from Ohio State University was quoted as saying that proving criminal intent may be difficult and an investigation into the patient records by experts is “just going to take a long time.” [Haeberle B. Prosecutors, police “vigorously working” on investigation into former Mount Carmel doctor. WBNS-TV 2019 Mar 6; <https://bit.ly/2tZ39pc>]