



**NOTICE OF SUMMARY SUSPENSION
AND
OPPORTUNITY FOR HEARING**

January 25, 2019

Case number: 19-CRF-

William Scott Husel, D.O.
4757 Aberdeen Avenue
Dublin, OH 43016

Dear Doctor Husel:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Sections 4731.22(B)(2), 4731.22(B)(6), and/or 4731.22(B)(34), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (4), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Bruce R. Saferin, D.P.M., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate/license to practice osteopathic medicine and surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice osteopathic medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the Board intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to grant or register or renew or reinstate your license or certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) During or about February 2015 through November 2018, in the course of your osteopathic medical practice, you undertook the care of critically ill patients who were receiving care through the Mount Carmel Health System [Mount Carmel]. On or about December 5, 2018, Mount Carmel terminated your employment after determining that the medical treatment you provided was below the standard of care and jeopardized the safety of patients. Specifically, Mount Carmel's internal investigation found that at least twenty-seven patients received doses of controlled substances that significantly exceeded the acceptable dose range and were at fatal levels.

- (2) On or about January 11, 2018, through January 14, 2018, you undertook the care of Patient B.M., as identified on the attached Patient Key. (The Patient Key is confidential and shall be withheld from public disclosure.) You ordered, personally administered, or caused to be administered, inappropriate and excessive doses of controlled substances to this patient, including 1,000 mcg of fentanyl IV push and 6 mg midazolam IV push. The patient expired within minutes of receiving such medications.
- (3) On or about October 22, 2018, through October 24, 2018, you undertook the care of Patient J.T., as identified on the attached Patient Key. (The Patient Key is confidential and shall be withheld from public disclosure.) You ordered, personally administered, or caused to be administered, inappropriate and excessive doses of controlled substances to this patient, including 1,000 mcg of fentanyl IV push and 10 mg hydromorphone IV push. The patient expired within minutes of receiving such medications.
- (4) On or about January 22, 2019, you appeared for an investigative office conference with representatives of the Board for approximately thirty-five minutes. When questioned, you asserted your Fifth Amendment right against self-incrimination to virtually all questions including, but not limited to, the following:
 - a. What is your understanding of a lethal dose of fentanyl?
 - b. What is your understanding of the toxicity of fentanyl when it is combined with a benzodiazepine?
 - c. In twenty-seven patients identified by Mount Carmel as receiving potentially lethal doses of fentanyl or a combination of fentanyl and midazolam, did you administer drugs to these patients for the purpose of ending their lives?

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute a "[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," as that clause is used in Section 4731.22(B)(2), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute a "departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Additionally, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, were in bad faith, and/or outside of the scope of your authority, and/or not in accordance with reasonable medical standards. Therefore, Chapter 2133., Ohio Revised Code, is not applicable.

Furthermore, your acts, conduct, and/or omissions as alleged in paragraph (4) above, individually and/or collectively, constitute "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an

investigative interview, an investigative office conference, at a deposition, or in written interrogatories . . . ,” as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to grant or register or renew or reinstate your certificate or license to practice osteopathic medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.
Secretary

KGR/RJM-TCN/jb
Enclosures

CERTIFIED MAIL #91 7199 9991 7038 7136 7196
RETURN RECEIPT REQUESTED

cc: BY PERSONAL DELIVERY

cc: Levi J. Tkach
Graff & McGovern, LPA
604 East Rich Street
Columbus, OH 43215

CERTIFIED MAIL #91 7199 9991 7038 7136 7202
RETURN RECEIPT REQUESTED

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
WILLIAM SCOTT HUSEL, D.O. :
CASE NUMBER: 19-CRF- :

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 25th day of January, 2019.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Bruce R. Saferin, D.P.M., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Dr. Husel has violated Sections 4731.22(B)(2), 4731.22(B)(6), and/or 4731.22(B)(34), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,


Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. Husel's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 25th day of January, 2019:

It is hereby ORDERED that the certificate of William Scott Husel, D.O., to practice osteopathic medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Dr. Husel, shall immediately cease the practice of osteopathic medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.


Kim G. Rothermel, M.D.
Secretary

(SEAL)

January 25, 2019
Date

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in a conference call on January 25, 2019, scheduled pursuant to Section 4731.22(G), Ohio Revised Code, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order in the Matter of William Scott Husel, D.O., Case number: 19-CRF-_____ as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.



Kim G. Rothermel, M.D., Secretary

(SEAL)

January 25, 2019
Date



January 25, 2019

Case number: 19-CRF-

William Scott Husel, D.O.
4757 Aberdeen Avenue
Dublin, OH 43016


Dear Doctor Husel:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, made at a conference call on January 25, 2019, scheduled pursuant to Section 4731.22(G), Ohio Revised Code, adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.43, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO


Kim G. Rothermel, M.D.
Secretary

KGR/RJM-TCN/jb
Enclosures