



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060309-062)

In The Matter Of:

**RANDY HOSTETLER, R.Ph.**

6318 South Harlan Way  
Littleton, Colorado 80123  
(R.Ph. No. 03-1-12226)

### INTRODUCTION

THE MATTER OF RANDY HOSTETLER CAME FOR CONSIDERATION ON AUGUST 9, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

RANDY HOSTETLER WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witness

1. Betty Jones, R.Ph., Ohio State Board of Pharmacy

#### Respondent's Witnesses

None

#### State's Exhibits

1. Notice of Opportunity For Hearing letter [03-09-06]
  - 1A. Procedural
2. Renewal Application for Pharmacist License of Randy Hostetler [08-23-05]
3. Stipulated Summary Suspension, The State Board of Pharmacy, State of Colorado vs. Randy Hostetler, Case No. RL PH DLQEE [12-08-04]; Diversion Program Contract [01-07-04]
4. Statement of Michael G. Lupo [11-21-03]
5. Renewal Application for Pharmacist License of Randy Hostetler [10-19-01]; Misdemeanor Infractions, State of Colorado vs. Randy A. Hostetler, Case No. 97T-015405 [12-09-97]; Terms and Conditions of Sentence [04-15-98]; Misdemeanor Infractions, State of Colorado vs. Randy A. Hostetler, Case No. 98T-009929 [08-13-98]; Terms and Conditions of Sentence [10-28-98]
6. E-Mail letter from Donna Lindsey to Betty Jones [11-16-05]

7. Letter from Susan L. Warren to Thomas E. Callison, Esq. [11-22-05]
8. E-Mail letter from Donna Lindsey to Betty Jones [12-20-05]
9. Renewal Application for Pharmacist License of Randy Hostetler [10-06-98]
10. Renewal Application for Pharmacist License of Randy Hostetler [07-13-99]

### Respondent's Exhibits

None

### FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) On March 9, 2006, Randy Hostetler was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit any contentions in writing.
- (2) As demonstrated by return receipt dated March 13, 2006, Randy Hostetler received the letter of March 9, 2006, informing him of the allegations against him and his rights.
- (3) Randy Hostetler has not responded in any manner to the letter of March 9, 2006, and has not requested a hearing in this matter, therefore the matter was referred to the Board for consideration.
- (4) Records of the Board of Pharmacy indicate that Randy Hostetler was originally licensed by the State of Ohio as a pharmacist on August 10, 1977, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (5) Randy Hostetler is abusing liquor or drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Randy Hostetler's license to practice pharmacy in the State of Colorado was summarily suspended on December 8, 2004, for theft of drugs, personal addiction, and falsifying his pharmacist's renewal application. The State Board Of Pharmacy, State of Colorado vs. Randy Hostetler, Case No. RL PH DLQEE. Randy Hostetler relapsed during his mandated treatment on three different occasions. Randy Hostetler's license to practice pharmacy in Colorado remains suspended. Such conduct indicates that Randy Hostetler is within the ambit of Section 4729.16(A)(3) of the Ohio Revised Code.
- (6) Randy Hostetler did, on or about August 10, 1998, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Randy Hostetler indicated on his Ohio pharmacist license renewal application that he had not been charged with a crime when in fact Randy Hostetler had been convicted in Colorado of driving while intoxicated. People of the State of Colorado vs. Randy Hostetler, Case No. 97T-15405, Jefferson County, Colorado. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (7) Randy Hostetler did, on or about July 8, 1999, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Randy Hostetler indicated on his Ohio pharmacist license renewal application that he had not been charged with a crime when in fact Randy Hostetler had been convicted in Colorado of driving while intoxicated. People of the State of Colorado vs. Randy Hostetler, Case

No. 98T-009929, Jefferson County, Colorado. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

(8) Randy Hostetler did, on or about October 17, 2005, and again on or about December 19, 2005, fail to cooperate with, and divulge all relevant information when requested to the Board of Pharmacy Specialist engaged in an investigation. Specifically, Randy Hostetler refused to speak about the facts that led to the Colorado Board suspending his license to practice pharmacy. Such conduct is in violation of Section 4729.19 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (5) through (7) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (5) through (8) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(3) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

(4) The State Board of Pharmacy concludes that paragraph (8) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

(5) The State Board of Pharmacy concludes that paragraphs (6) and (7) of the Findings of Fact constitute being guilty of committing fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the Board under Chapter 4729. of the Revised Code as provided in Division (A)(10) of Section 4729.16 of the Ohio Revised Code.

#### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Randy Hostetler as follows:

(A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-12226, held by Randy Hostetler and such suspension is effective as of the date of the mailing of this Order.

(1) Randy Hostetler, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(2) Randy Hostetler, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

(B) Further, the Board will consider any petition filed by Randy Hostetler for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of his license to practice pharmacy in Ohio providing Randy Hostetler personally appear at the hearing before the Ohio Board of Pharmacy and demonstrate his fitness to practice pharmacy to the satisfaction of the Board.

Upon such time as the Board may consider reinstatement, Randy Hostetler will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

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.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: SEPTEMBER 14, 2006