BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

* CASE NO. 15-CRF-11

MARK E. HOSTETTLER, M.D.

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 14, 2015.

Upon the Report and Recommendation of Ronda Shamansky, State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval, and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

A. SUSPENSION OF CERTIFICATE: Commencing on the thirty-first day following the date on which this Order becomes effective, the certificate of Mark E. Hostettler, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 180 days. During the thirty-day interim, Dr. Hostettler shall not undertake the care of any patient not already under his care.

B. INTERIM MONITORING: During the period that Dr. Hostettler’s certificate to practice medicine and surgery is suspended, Dr. Hostettler shall comply with the following terms, conditions, and limitations:

1. **Obey the Law**: Dr. Hostettler shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.

2. **Declarations of Compliance**: Dr. Hostettler shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there had been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board’s offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board’s offices on or before the first day of every third month.
3. Personal Appearances: Dr. Hostettler shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances shall occur every six months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

4. Required Reporting of Change of Address: Dr. Hostettler shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

C. CONDITIONS FOR REINSTATEMENT OR RESTORATION: The Board shall not consider reinstatement or restoration of Dr. Hostettler’s certificate to practice medicine and surgery until all of the following conditions have been met:

1. Application for Reinstatement or Restoration: Dr. Hostettler shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

2. Personal/Professional Ethics Course(s): At the time he submits his application for reinstatement or restoration, Dr. Hostettler shall submit acceptable documentation of successful completion of a course or course dealing with personal/professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Hostettler submits the documentation of successful completion of the course(s) dealing with personal/professional ethics and personal boundaries with patients, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he learned to his practice of medicine in the future.

The Board may consider the course “Medical Ethics, Boundaries and Professionalism,” presented by Case Western Reserve University School of Medicine and University Hospitals Case Medical Center, on September 10 and 11, 2015, that Dr. Hostettler registered to take as evidence of compliance with this reinstatement condition.

3. Course(s) Concerning Physician/Patient Boundaries: At the time he submits his application for reinstatement or restoration, Dr. Hostettler shall submit acceptable documentation of successful completion of a course or courses on maintaining physician/patient boundaries. The exact
number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Hostettler submits the documentation of successful completion of the course(s) on maintaining physician/patient boundaries, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he learned to his practice of medicine in the future.

4. **Additional Evidence of Fitness to Resume Practice:** In the even that Dr. Hostettler has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of the fitness to resume practice.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Hostettler’s certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. Hostettler shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.

2. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Hostettler is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Hostettler’s certificate will be fully restored.

E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Hostettler violates the terms of this Order in any respect, the Board, after giving his notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Hostettler shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Hostettler shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Hostettler receives from the Board written notification of the successful completion of his probation.

In the event that Dr. Hostettler provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Dr. Hostettler receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Hostettler shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Hostettler shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license.

This requirement shall continue until Dr. Hostettler receives from the Board written notification of the successful completion of his probation.

3. **Required Documentation of the Reporting Required by Paragraph G:** Dr. Hostettler shall provide this Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated
In the matter of Mark E. Hostettler, M.D.

Page 5

report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

[Signature]
Kim G. Rothermel, M.D.
Secretary

(SEAL)

October 14, 2015
Date