BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Andrew Epstein, D.O.,	)	**CONSENT ORDER**
	)	
Respondent.	)	

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Andrew Epstein, D.O. ("Dr. Epstein"). Dr. Epstein makes the following admissions, and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Epstein was first issued a license to practice medicine by the Board on or about October 14, 2022, license number 2022-02776.

At all times relevant, Dr. Epstein practiced telemedicine from a location in Tucson, Arizona.

Dr. Epstein is a contract provider for an online telehealth platform offering a variety of services and treatments. He lives in Arizona and treats patients nationwide in states where he is licensed.

On May 5, 2023, the Board received a complaint from Patient A regarding a telehealth appointment in which he was prescribed Ketamine by Dr. Epstein. The Board thereafter obtained the medical records of three other North Carolina patients who Dr. Epstein prescribed Ketamine to via the telemedicine platform. These patients shall be collectively referred to as Patients A-D. Dr. Epstein treated Patients A-D from on or about February 2023 to June 2023.

The Board had Dr. Epstein's records regarding his care of Patients A-D reviewed by an independent medical expert, who authored reports with opinions of the care provided by Dr. Epstein. The Board expert found that Dr. Epstein failed to conform to the standards of acceptable and prevailing medical practice in his treatment of Patients A-D in all aspects of his care, including diagnosis, treatment, records, and overall care. Specifically, the Board expert opined as follows:

a. Dr. Epstein failed to conduct urine drug screens prior to prescribing Ketamine to Patients A-D;

b. Dr. Epstein failed to conduct and document a thorough physical examination and comprehensive medical history from Patients A-D before prescribing Ketamine;

c. Dr. Epstein failed to ensure that, once Ketamine was prescribed to Patients A-D, a clear protocol was in place for patient monitoring, follow-up visits, and assessments for side effects and adverse reactions; and

d. Dr. Epstein failed to establish guidelines for prescribing, dispensing, and monitoring the use of Ketamine to prevent its misuse.

CONCLUSIONS OF LAW

Dr. Epstein's conduct, as described above, constitutes unprofessional conduct, including, but not limited to, a departure from, or the failure to conform to the standards of acceptable and prevailing medical practice, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Epstein's license to practice medicine or to deny any application he may make in the future.

PROCEDURAL STIPULATIONS

Dr. Epstein acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Epstein knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Epstein acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Epstein desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

NOW, THEREFORE, with Dr. Epstein's consent, it is ORDERED that:

1. Dr. Epstein is hereby REPRIMANDED.

2. Dr. Epstein is restricted and prohibited from using his North Carolina medical license to prescribe the drug Ketamine and any other drug that may contain Ketamine.

3. Dr. Epstein shall complete four (4) hours of continuing medical education ("CME") on medical record documentation within six (6) months of the date of this Consent Order. This CME must be pre-approved by the Board's Office of the Medical Director by contacting the Board's Monitoring Coordinator at boardmonitoring@ncmedboard.org. Dr. Epstein shall submit evidence of completion of the above required CME to the Board's Monitoring Coordinator within five (5) days of completing the course.

4. Dr. Epstein shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

5. Dr. Epstein shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

6. Upon request, Dr. Epstein shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

7. If Dr. Epstein fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke his license to practice medicine and to deny any application he might make in the future or then have pending for a license to practice medicine.

8. This Consent Order shall take effect immediately upon its execution by both Dr. Epstein and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

9. Should Dr. Epstein request relief from this Consent Order, the Board is under no obligation to grant the request and will consider all relevant facts, including Dr. Epstein's disciplinary history with the Board. Any request for relief shall be submitted to the Board's Monitoring Coordinator.

10. Dr. Epstein hereby waives any requirement under any law or rule that this Consent Order be served on him.

11. Upon execution by Dr. Epstein and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 4th day of January, 2024.

NORTH CAROLINA MEDICAL BOARD

By: Christine Khandelwal, DO

Christine M. Khandelwal, D.O., MHPE
President

Consented to this the 2 day of January, 2024.

Andrew Epstein, D.O.

State of Arizona

County of Pima

I, Tamara Lynn Worden, do hereby certify that Andrew Epstein, D.O. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 2 day of January, 2024.

Tamara Lynn Worden
Notary Public

(Official Seal)

My Commission Expires: June 24, 2025

TAMARA LYNN WORDEN
Notary Public - Arizona
Pima County
Commission # 608956
My Comm. Expires Jun 24, 2025