BEFORE THE
BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI

MISSOURI STATE BOARD OF REGISTRATION FOR THE HEALING ARTS Petitioner, v. **ANDREW M. EPSTEIN, D.O.** MO License #: 2023005934 Respondent.	)	Case Nos.: 2024-000329, 2024-001490, 2024-001491, 2024-001492

SETTLEMENT AGREEMENT

COMES NOW Andrew M. Epstein, D.O., ("Licensee") and the Missouri State Board of Registration for the Healing Arts ("the Board") and enter into this agreement for the purpose of resolving the issue of whether Licensee's physician and surgeon's license is subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to sections 536.060 and 621.045, RSMo.[1]

1. Licensee acknowledges that he understands the various rights and privileges afforded to him by law, including the right to a hearing of the charges; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing; the right to present evidence on his own behalf; the right to a decision based upon the record concerning the charges pending against him; and the right to present evidence in mitigation of discipline at a hearing before the Board. Having been advised of these rights provided to him by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights, freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.
2. Licensee acknowledges that he may, at the time this agreement is effective or within fifteen (15) days thereafter, submit this agreement to the Administrative Hearing Commission to determine whether

[1] All statutory references are to the 2024 Cumulative Supplement to the 2016 Revised Statutes of Missouri, unless otherwise stated.

the facts agreed to by the parties constitute grounds to discipline Licensee's license.

3. Licensee acknowledges that he has been advised of his right to consult legal counsel in this matter.
4. The parties stipulate and agree that the discipline agreed to by the Board and Licensee in the consent order in Part III is based only on the agreement set out in Parts I and II herein. Licensee understands that the Board may take further action against him based on facts or conduct not specifically mentioned in this document that is either presently known to the Board or later discovered.
5. Licensee understands and agrees that the Board will maintain this agreement as an open record as required by Chapters 324, 334 and 610, RSMo, and it will report this agreement to the National Practitioner Data Bank ("NPDB") and the Federation of State Medical Boards ("FSMB").

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and Licensee herein jointly stipulate and agree to the following:

6. The Board is an agency of the state of Missouri created and established pursuant to section 334.120, RSMo., for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
7. Licensee is licensed by the Board as a physician and surgeon, license number 2023005934, which was first issued on February 14, 2023. Licensee's license is active and was current and active at all times relevant herein.
8. On January 22, 2024, the Board received a report from the Federal of State Medical Board ("FSMB"), which indicated that the Licensee had his medical license reprimanded, restricted from prescribing Ketamine and any other drug that may contain Ketamine, and was required to complete additional continuing medical education credits by the North Carolina Medical Board ("NC Board").
9. On January 2, 2024, the Licensee entered into a Consent Order with the NC Board. The Licensee and the NC Board agreed to the following:
   a. The Licensee was licensed to practice medicine in North Carolina.
   b. The Licensee prescribed Ketamine to patients in North Carolina through telehealth services.

c. An independent medical expert on behalf of the NC Board reviewed the records of four (4) North Carolina patients treated by the Licensee between February and June 2023.

d. The medical expert found that the Licensee failed to conform to the standards of acceptable and prevailing medical practice in his treatment of the four patients in all aspects of his care, including diagnosis, treatment, records, and overall care.

e. The expert opined that the Licensee failed to conduct urine drug screens, to conduct and document a thorough physical examination and comprehensive medical history on the four patients prior to prescribing Ketamine; the Licensee failed to ensure that, once Ketamine was prescribed to the four patients, a clear protocol was in place for patient monitoring, follow-up visits, and assessments for side effects and adverse reactions; and that the Licensee failed to establish guidelines for prescribing, dispensing, and monitoring the use of Ketamine to prevent its misuse.

10. The NC Board concluded that the Licensee's actions constituted unprofessional conduct, including, but not limited to, a departure from, or the failure to conform to the standards of acceptable and prevailing medical practice, and a violation of and cause for discipline under North Carolina law.

11. On March 27, 2024, the Board received a self-report from the Licensee indicating the Tennessee Board of Osteopathic Examination ("Tennessee Board") reprimanded and fined his license due to the Consent Order issued by the NC Board.

12. On May 1, 2024, the Licensee and the Tennessee Board entered into a Consent Order, wherein the Licensee's Tennessee license to practice medicine was reprimanded, and the Licensee was required to complete additional CME courses and pay the costs of the action to the Tennessee Board.

13. The Tennessee Board took such action as the NC Board's discipline against the Licensee constituted a violation of the Tennessee Osteopathic Practice Act.

14. On March 27, 2024, the Board received a self-report from the Licensee indicating the Texas Board of Osteopathic Examination ("Texas Board") reprimanded and fined his license due to the Consent Order issued the NC Board.

15. On March 22, 2024, the Licensee and the Texas Board entered into a Waiver Order, which resolved a complaint with the Texas Board. The basis for the Texas Board's action were the allegations considered by the NC Board and the NC Board's subsequent discipline imposed upon the Licensee.
16. The Texas Board's Waiver Order required the Licensee to comply with all terms and conditions as agreed to and imposed by the NC Board.
17. On April 5, 2024, the Board received a self-report from the Licensee indicating the Colorado Medical Board ("Colorado Board") issued a letter of admonition against the Licensee due to the Consent Order issued the NC Board.
18. On March 25, 2024, the Colorado Board issued its letter of admonition to the Licensee, wherein the Colorado Board found that the Licensee committed unprofessional conduct in that the Licensee had discipline imposed by the NC Board for an act which would also constitute unprofessional conduct under the laws of the state of Colorado, and thereby a basis for discipline by the Colorado Board.
19. The Colorado Board's letter of admonition was public and formal disciplinary action.
20. The actions taken by the NC Board, the Tennessee Board, the Texas Board, and the Colorado Board upon the Licensee's medical licenses, in the respective states, were final disciplinary actions taken by other states' licensing authorities against the Licensee's right to practice a profession regulated by this chapter by another state and constitute causes for discipline pursuant to sections 334.100.2(8) and 334.102.7(1)(b) RSMo.

II. JOINT CONCLUSIONS OF LAW

21. Cause exists to discipline Licensee's license pursuant to sections 334.100.2(8) and 334.102.7(1)(b) RSMo., which state:

> 334.100.2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:
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> (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of

or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

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334.102.7. (1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of one of the following:

* * * * *

(b) Evidence of final disciplinary action against the licensee's license, certification or registration issued by any other state, by any other agency or entity of this state or any other state or the United States or its territories, or any other country;

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22. Licensee's conduct, as established by the foregoing facts, falls within the intendments of sections 334.100.2(8) and 334.102.7(1)(b) RSMo.

23. Cause exists for the Board to take disciplinary action against Licensee's license under sections 334.100.2(8) and 334.102.7(1)(b) RSMo.

III. CONSENT ORDER ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of section 621.110, RSMo. The following are the terms of the disciplinary order:

24. Licensee, holding physician and surgeon's license 2023005934, is hereby **PUBLICLY REPRIMANDED.**

25. If Licensee is licensed in other jurisdictions, he shall forward written notice of this disciplinary action to the medical licensing authorities of those jurisdictions within thirty (30) days of the effective date of this agreement. Licensee shall submit a copy of the written notice to the Board contemporaneously with sending it to the relevant licensing authority. If Licensee is not licensed in other jurisdictions, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.

26. Licensee shall, within thirty (30) days of the effective date of this agreement, forward written notice of this disciplinary action to all employers, hospitals, nursing homes, out-patient centers, clinics, and any other facility where Licensee practices or has privileges. Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Licensee does not have an employer, staff privileges or practice at any facility, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.

27. Licensee shall, within thirty (30) days of the effective date of this agreement, forward written notice of this disciplinary action to any allied health care professionals supervised by Licensee. Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Licensee does not supervise any allied health professionals, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.

28. For purposes of this agreement and unless otherwise specified herein, all reports, documentation, evaluations, notices, or other materials Licensee is required to submit to the Board in this agreement shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Enforcement, P.O. Box 4, Jefferson City, Missouri 65102.

29. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Licensee not specifically mentioned in this document, either currently known to the Board or later discovered.

30. Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorney's fees and expenses, including any claims pursuant to section 536.087, RSMo., or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of

this agreement in that it survives in perpetuity even in the event that any court of law or administrate tribunal deems this agreement or any portion thereof void or unenforceable.

The effective date of this agreement, including the disciplinary order, is upon the signature and the date entered by the Executive Director of the Board.

LICENSEE

Andrew M Epstein DO 05/27/2025
Andrew M. Epstein, D.O. Date
Licensee

5-28-25
Attorney for Licensee Date
PA Bar No. 30261

BOARD

5/29/25
James Leggett Date
Executive Director

5/29/2025
David A. Dykas Date
General Counsel
Missouri Bar No. 50136