NEW YORK STATE | Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

March 24, 2025

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Andrew Epstein, D.O.
[redacted]

Re: License No. 316186

Dear Dr. Epstein:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 25-045. This order and any penalty provided therein goes into effect March 31, 2025.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,

[redacted]

David Besser, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Lawrence A. Katz, Esq.
Lento Law Group, P.C.
3000 Atrium Way, Suite 200
Mt. Laurel, New Jersey 08054

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC No. 25-045

IN THE MATTER OF ANDREW EPSTEIN, D.O.	CONSENT ORDER

Upon the application of (Respondent) Andrew Epstein, D.O. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 3/20/2025

[redacted]

THOMAS T. LEE, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF ANDREW EPSTEIN, D.O.	CONSENT AGREEMENT

Andrew Epstein, D.O. represents that all of the following statements are true:

That on or about April 7, 2022, I was licensed to practice as a physician in the State of New York, and issued License No. 316186 by the New York State Education Department.

My current address is [redacted] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in an Amended Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I agree not to contest the allegations, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a; and

That no more than 30 days after the Consent Order's effective date, for a period of twenty-four months, Respondent shall be subject to a medical records review of Respondent's New York State patients. This review shall be performed by a licensed physician, board-certified in an appropriate specialty ("practice reviewer"), proposed by Respondent and subject to the Director of OPMC's written approval. No more than 30 days after learning that the approved reviewer is no longer willing or able to serve or no more than 30 days after having been notified by the Director that the reviewer has been discharged for cause, which shall include but not be limited to the inadequacy of the reviewer's reports and/or performance, Respondent shall have an approved successor in place, subject to the Director's written approval. Upon approval, the new reviewer shall perform the duties described in (a) and (c) below. Regardless of the reason necessitating a replacement, if the Director does not approve Respondent's proposed new reviewer, Respondent shall immediately cease the practice of medicine,

unless notified by the Director, in writing, of an extension, which may be granted at the Director's discretion. In that event, Respondent shall propose another reviewer, which the Director has 30 days to approve or disapprove until a reviewer is accepted. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.

a) Respondent shall make available to the reviewer any and all records of Respondent's New York State patients at least monthly and the reviewer shall examine a selection (no fewer than 20) of records of New York State patients maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the reviewer shall be reported within 24 hours to OPMC.

b) Respondent shall be solely responsible for all expenses associated with the review including fees, if any, to the reviewing physician.

c) Respondent shall cause the reviewer to report quarterly, in writing, to the Director of OPMC.

d) The review period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the review period shall resume and Respondent shall fulfill any unfulfilled conditions and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health; and

The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices; and

Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances; and

That Respondent shall enroll in and successfully complete continuing education as directed by the Office of Professional Medical Conduct, subject to the Director of OPMC's prior written approval; and

Respondent shall comply fully with the January 4, 2024, Consent Order of the North Carolina Medical Board and any extension or modification thereof; and

Respondent shall provide a written authorization for the North Carolina Medical Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the North Carolina Order; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the Department all information required by the Department to develop a public physician profile for the licensee; continue to notify the Department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update the Licensee's profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to the Licensee's physician profile information either electronically using the Department's secure web site or on forms prescribed by the Department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the Department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and

Reprimand, probation, public service and/or fines of up to $10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic

verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent

Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 03/06/2025

[redacted]

ANDREW EPSTEIN, D.O.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 3/6/25

[redacted]

LAWRENCE A. KATZ, ESQ.
Attorney for Respondent

DATE: 3/7/25

[redacted]

BELINDA I. KATZ
Senior Attorney
Bureau of Professional Medical Conduct

DATE: 3/17/2025

[redacted]

SHELLY WANG BANDAGO
Director
Office of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

ANDREW EPSTEIN, D.O.

AMENDED

STATEMENT

OF

CHARGES

ANDREW EPSTEIN, D.O., the Respondent, was authorized to practice medicine in New York State on or about April 7, 2022, by the issuance of license number 316186 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 4, 2024, the North Carolina Medical Board issued a Consent Order Reprimanding the Respondent; restricting and prohibiting the Respondent from using his North Carolina license to prescribe the drug Ketamine and any other drug that may contain Ketamine; and requiring the Respondent to complete four hours of Continuing Medical Education on medical record documentation. The North Carolina Board found that Respondent failed to conform to the standards of acceptable and prevailing medical practice in his treatment of four patients in all aspects of care, including diagnosis, treatment, records, and overall care in violation of N.C. Gen. Stat. §90-14(a)(6). More specifically, the Board found that Respondent failed to conduct urine drug screens prior to prescribing Ketamine; failed to conduct and document a thorough physical examination and

comprehensive medical history before prescribing Ketamine; failed to ensure that once Ketamine was prescribed a clear protocol was in place for patient monitoring, follow-up visits, and assessments for side effects and adverse reactions; and failed to establish guidelines for prescribing, dispensing, and monitoring the use of Ketamine to prevent its misuse. On or about December 2, 2024, the North Carolina Medical Board issued a Partial Relief of Consent Order Obligations ordering that the Respondent be relieved of the condition of his Consent Order that restricts prescribing Ketamine or drugs containing Ketamine. All other terms and conditions of the Consent Order remain in effect.

1. The conduct resulting in the North Carolina Board Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

a) N.Y. Education Law § 6530(3) (Practicing the profession with negligence on more than one occasion).

b) N.Y. Education Law § 6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient...)

SPECIFICATION OF CHARGES

HAVING A DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for

a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York state, namely N.Y. Educ. Law §6530 (3) and (32) as alleged in the facts of the following:

1. The facts in Paragraph A, A1 and its subparagraphs.

DATE: February 11, 2025
New York, New York

[redacted]

HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct