IN AND BEFORE THE OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, *ex rel.* OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS,	)	
Petitioner,	)	
v.	)	**Case No. 2021-012**
ANDREW EPSTEIN, D.O., Medical License No. 7542	)	
Respondent.	)	

CONSENT ORDER

The State of Oklahoma, *ex rel.* Oklahoma State Board of Osteopathic Examiners ("Petitioner" or the "Board"), and Andrew Epstein, D.O., Medical License No. 7542 ("Respondent" or "Dr. Epstein"), offer this Consent Order (herein, "Order" or "Agreement") for acceptance by the Board.

By voluntarily entering into this Order, Respondent admits to certain of the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Osteopathic Medicine Act ("Act"). 59 O.S. § 620 *et seq.*

Respondent, Andrew Epstein, D.O.., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Respondent hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Respondent acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Respondent herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Respondent will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

The Parties stipulate and agree as follows:

1. January 4, 2024, Respondent was the subject of disciplinary action by another state board. Respondent entered into a Consent Order with the North Carolina Medical Board for unprofessional conduct.

2. Specifically, Respondent failed to conform to the standards of acceptable and prevailing medical practice in his treatment of patients in all aspects of his care, including diagnosis, treatment, records, and overall care, especially as it pertained to Respondent prescribing Ketamine to patients.

3. The North Carolina Medical Board ordered that Respondent is (1) reprimanded, (2) restricted and prohibited from using his North Carolina medical license to prescribe the drug Ketamine and any other drug that may contain Ketamine and (3) required to complete four hours of continuing medical education on medical record documentation.

4. On March 22, 2024, the Texas Medical Board issued a Waiver Order based on the actions of the North Carolina Medical Board action of January 2024.

5. On March 25, 2024, the Colorado Medical Board issued Letter of Admonition Order based on the action of the North Carolina Medical Board of January 2024.

6. On May 1, 2024, the Tennessee Health Related Boards issued a reprimand based on the North Carolina Medical Board action of January 2024.

7. On June 24, 2024, the Kentucky Board of Medical License denied an application for licensure based on the actions of the North Carolina Medical Board action of January 2024.

8. On August 16, 2024, the Pennsylvania State Board of Osteopathic Medicine issued a public reprimand based on the actions of the North Carolina Medical Board action of January 2024.

Conclusions of Law

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of osteopathic physicians in the State of Oklahoma. 59 O.S. § 620 *et seq.* and Okla. Admin. Code §§ 510: 1-1 -1 *et seq.*

2. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any osteopathic physician holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 637.1.

3. 9 O.S. § 637 Regulation and Licensing states in pertinent part:

> A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license: ... 2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or **unprofessional conduct**, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including but not limited to the following: ... f. **acting in a manner which results in final disciplinary action** by any professional society or association or hospital or medical staff of such hospital in this or any other state, whether agreed to voluntarily or not, if the action was in any way related to professional conduct, professional competence, malpractice or any other violation of the Oklahoma Osteopathic Medicine Act. (emphasis added).

4. Based on the foregoing, Dr. Epstein, is guilty of unprofessional conduct.

Orders

IT IS THEREFORE ORDERED by the Oklahoma State Board of Osteopathic Examiners as follows:

1. The Board hereby adopts the Agreement of the Parties in this Consent Order, including the Findings of fact and conclusions of law stated herein.

2. **Andrew Michael Epstein, D.O.** is hereby:

   a. Issued a Public Reprimand.

   b. Respondent shall hereafter comply with all terms of the agreement entered on or around January 4, 2024, with the North Carolina Medical Board.

   c. Respondent shall conduct his practice in compliance with the Oklahoma Osteopathic Medicine Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Respondent until clarification of interpretation is received by Respondent from the Board or its authorized designee. 59 O.S. § 620, *et seq.*

   d. Respondent will keep the Board informed of his current home, work, and email address, as well as cell phone number.

e. Respondent shall maintain compliance with continuing medical education credits as required by the Board's statutes and rules.

Any violation of this Order may result in further discipline of Respondent's license to practice osteopathic medicine in the State of Oklahoma.

This Order is a public record and therefore subject to the Oklahoma Open Records Act. Further, This Order may be reportable to the National Practitioner Data Bank pursuant to federal law, including but not limited to, 45 CFR Part 60.

IT IS SO ORDERED AND EFFECTIVE this 12th day of December, 2024.

Chelsey Gilbertson, D.O.
Board President

J. Patrick Quillian (Dec 16, 2024 15:46 MST)

J. Patrick Quillian, OBA #20811
Phillips, Coventon, Quillian & Banner, PLLC
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Special Prosecutor for Petitioner

Andrew M Epstein DO

Andrew Epstein, D.O.
License No. 7542
Respondent

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Andrew Epstein, D.O. - Consent Order

Final Audit Report 2024-12-16

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