DHP – MAILROOM

MAR 2 4 2025

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: ANDREW EPSTEIN, D.O.
License Number: 0102-207608
Case Number: 236308

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine ("Board") and Andrew Epstein, D.O., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Epstein's license to practice osteopathic medicine in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Andrew Epstein, D.O., was issued License Number 0102-207608 to practice osteopathic medicine on October 31, 2022, which is scheduled to expire on June 30, 2026.

2. Dr. Epstein violated Virginia Code § 54.1-2915.A(5) in that:

a. By Consent Order dated January 4, 2024 ("North Carolina Order"), the North Carolina Medical Board ("North Carolina Board") reprimanded Dr. Epstein, and imposed the following terms and conditions:

- He was restricted and prohibited from using his North Carolina medical license to prescribe Ketamine and any other drug that may contain Ketamine.
- He was ordered to complete four (4) hours of pre-approved continuing medical education ("CME") on medical record documentation within six (6) months of the date of the Consent Order and submit evidence of completion of the required CME to the Board's Monitoring Coordinator within five (5) days of completing the course.

- He was ordered to meet with the Board or members of the Board for an investigative interview at such times as requested by the Board, and upon request provide the Board with any information the Board deemed necessary to verify compliance with the terms and conditions of this Consent Order.

b. The North Carolina Order was based on findings that, following an expert review of the records of four patients Dr. Epstein treated via telemedicine platform from around February 2023 to June 2023, Dr. Epstein prescribed Ketamine and 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 to the patients, 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.

c. By Waiver Order dated March 22, 2024 ("Texas Order"), the Texas Medical Board ("Texas Board") ordered that Dr. Epstein comply with the North Carolina Order, provide documentation showing compliance with the terms, conditions and requirements of the probation agreement within a reasonable time, and sign any authorization required for the Board to obtain such documentation of compliance. The Waiver Order will automatically terminate upon Dr. Epstein's submission of sufficient evidence to the Compliance Division of the Texas Board that he has successfully completed the terms. This action was based on the action taken against Dr. Epstein's license by the North Carolina Board. The Texas Board website shows "Status Cleared" on December 16, 2024.

d. By Consent Order dated May 1, 2024 ("Tennessee Consent Order"), the Tennessee Board of Osteopathic Examination ("Tennessee Board") reprimanded Dr. Epstein, ordered him to successfully complete within one year the three (3) day medical course entitled, "Proper Prescribing of

Controlled Substances" offered by Vanderbilt University Medical Center or an equivalent course approved in advance in writing by the Board's Consultant, and within 30 days after completion, to provide proof of compliance therewith, and ordered him to pay the costs of prosecuting the case, including administrative costs, not to exceed $4,000.00. This action was based on the action taken against Dr. Epstein's license by the North Carolina Board.

3. On March 25, 2024, the Colorado Medical Board issued Dr. Epstein a Letter of Admonition based on the action taken against Dr. Epstein's license by the North Carolina Board.

4. By Order dated August 16, 2024 ("Pennsylvania Order"), the Commonwealth of Pennsylvania State Board of Osteopathic Medicine ("Pennsylvania Board") approved and adopted a Consent Agreement dated June 4, 2024, and issued Dr. Epstein a public reprimand. This action was based on the action taken by the North Carolina Board.

5. By email to a Senior Investigator with the Department of Health Professions ("DHP"), dated June 5, 2024, Dr. Epstein, through his attorney, provided evidence that he fully complied with the requirements of the North Carolina Order and he provided a copy of his registration form and payment for the course required by the Tennessee Board, "Proper Prescribing of Controlled Substances," offered by Vanderbilt University Medical Center, which was scheduled to be held on July 17, 2024 - July 19, 2024. Dr. Epstein stated in addition to the four hours of CME the North Carolina Board ordered, he completed the PBI Medical Record Keeping course for a total of 17 hours. Further, he reported that since this incident, he has changed his practice habits and charting and documentation habits, stating that:

- Consent for treatment agreements with patients are signed/renewed annually.
- Contracts (with risk and benefits explained) are signed/renewed annually.

- PMP checks are performed on the initial visit, the initial follow-up visit and every three months thereafter and individual treatment goals are discussed and documented and revisited monthly.
- Psychometric evaluations are done at every visit as opposed to being done only at the initial visit and every three months thereafter.
- He is more conservative with prescribing habits and recommending OTC supplements to augment treatment prior to increasing medication as well as effectively reducing some patients' dosages due to the length of treatment with positive results.

6. By letter to the Board of Medicine received by DHP on October 28, 2024, Dr. Epstein's attorney stated Dr. Epstein has fully complied with the requirements of the North Carolina Order and has taken more coursework than required.

7. By Partial Relief of Consent Order Obligation dated December 2, 2024, the North Carolina Board ordered that Dr. Epstein be relieved of the condition of his Consent Order that restricts him from prescribing Ketamine or drugs containing Ketamine.

CONSENT

Andrew Epstein, D.O., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Lawrence A. Katz, Esq.;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;

4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice osteopathic medicine in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that Andrew Epstein, D.O., is REPRIMANDED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED: 3/24/2025

A TRUE COPY TESTE:
VIRGINIA BOARD OF MEDICINE

SEEN AND AGREED TO:

Andrew Epstein, D.O.

STATE OF ARIZONA
COUNTY/CITY OF Pima / Tucson, TO WIT:

Subscribed and sworn to before me, a notary public in and for the State of Arizona at large, on this 10th day of March, 2025.

JORDAN BOARD
Notary Public - Arizona
Pima County
Commission # 671845
My Commission Expires September 30, 2028

Notary Public

My commission expires: September 30, 2028

Registration No.: 671845