

IN THE
COURT OF COMMON PLEAS
FOR
FRANKLIN COUNTY

**ANDREW EPSTEIN, D.O.,
5886 E. Placita Alta Reposa
Tucson AZ 85750**

Respondent/Plaintiff/Appellant

Vs.

Case No. _____

**STATE MEDICAL BOARD
OF OHIO**

**RECEIVED:
May 30, 2025**

**(Review of Medical Board Order,
Docket No. 24-CRF-0088)**

**OHIO MEDICAL BOARD,
30 East Broad Street, 3rd Floor
Columbus, Ohio 43215**

Petitioner/Defendant/Appellee

NOTICE OF APPEAL

NOW comes the Respondent, ANDREW EPSTEIN, D.O., and gives notice that he is appealing the Order entered by the Ohio Medical Board on May 14, 2025, revoking the Respondent's medical license and issuing other discipline, to the Court of Common Pleas of Franklin County pursuant to ORC Ann. 119.12. Said Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.

A copy of the Board's May 14, 2025 Order is attached (Exhibit "A"), as is a copy of the Report and Recommendation of State Medical Board Hearing Examiner Kimberly A. Lee, Esquire (Exhibit "B").

Dated: 5-21-25

Respectfully submitted,

LENTO LAW GROUP

BY: 

LAWRENCE A KATZ

Counsel for Respondent/Appellant

Ohio ID # PHV-29074-2025

1814 East Route 70 - Suite 321

Cherry Hill, NJ 08003

Phone: 856.652.2000 EXT 497

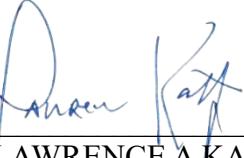
Fax: 856.375.1010

Email: lakatz@lentolawgroup.com

CERTIFICATE OF SERVICE

This is to certify that on May 21, 2025, a copy of the foregoing Notice of Appeal was served on the Ohio Medical Board by email to: contact@med.ohio.gov and license@med.ohio.gov.

LENTO LAW GROUP

BY: 

LAWRENCE A KATZ
Counsel for Respondent/Appellant
Ohio ID # PHV-29074-2025
1814 East Route 70 - Suite 321
Cherry Hill, NJ 08003
Phone: 856.652.2000 EXT 497
Fax: 856.375.1010
Email: lakatz@lentolawgroup.com



Med.Ohio.gov

Mike DeWine, Governor Jim Tressel, Lt. Governor Stephanie Loucka, Executive Director

May 14, 2025

VIA EMAIL ONLY

Andrew Michael Epstein, D.O.
5886 East Placita Alta Reposa
Tucson, AZ 85750
epsteinderm@gmail.com

RE: Case No. 24-CRF-0088

Dear Dr. Epstein:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Kimberly A. Lee, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 14, 2025, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Any party desiring to appeal this order shall file a notice of appeal with the State Medical Board of Ohio, located at 30 E. Broad St., 3rd Floor, Columbus, Ohio 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.

The notice of appeal shall also be filed by the appellant with the court of common pleas of Franklin County or the court of common pleas in the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing is not a resident of and has no place of business in this state, the party shall appeal to the court of common pleas of Franklin County. In filing a notice of appeal with both the Medical Board and the court, the notice that is filed may be either the original notice or a copy of the original notice.

The party filing the appeal shall comply with all requirements of Ohio Revised Code section 119.12 (R.C. 119.12). The notice of appeal shall be filed within fifteen days after the service of the notice of the Medical Board order as provided in section 119.05 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Kim G. Rothermel, M.D.
Secretary

KGR:KAL
Enclosures

30 E. Broad Street, 3rd Floor
Columbus, OH 43215 U.S.A.

Phone: 614 | 466 3934
med.ohio.gov

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services

EXHIBIT "A"

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Kimberly A. Lee, Esq., State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 14, 2025, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Andrew Michael Epstein, D.O., Case No. 24-CRF-0088 as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.





Kim G. Rothermel, M.D.

May 14, 2025 _____

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

Andrew Michael Epstein, D.O.

*

CASE NO. 24-CRF-0088

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on May 14, 2025.

Upon the Report and Recommendation of Kimberly A. Lee, Esq., State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION:** The license of Andrew M. Epstein, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **PERMANENTLY REVOKED**.
- B. **FINE:** Within thirty days of the effective date of this Order, Dr. Epstein shall remit payment in full of a fine of three thousand five hundred dollars (\$3,500.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

EXHIBIT "A"

In the matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088
Page 2

This Order shall become effective immediately upon the date of service of the notification of approval by the Board.



Kim G. Rothermel, M.D.
Kim G. Rothermel, M.D.
Secretary

May 14, 2025
Date

EXHIBIT "A"

EXCERPT FROM THE DRAFT MINUTES OF MAY 14, 2025 IN THE MATTER OF ANDREW M. EPSTEIN, D.O.

.....

REPORTS AND RECOMMENDATIONS

Dr. Bechtel asked the Board to consider the Report and Recommendation appearing on the agenda: Ankita Singh, M.D.; John B. Johnson, M.D.; Geoffrey L. Kamen, M.D.; and Andrew M. Epstein, D.O.

Dr. Bechtel asked all Board members the following questions:

- 1.) Has each member of the Board received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in each of the Reports and Recommendations?
- 2.) Does each member of the Board understand that the Board's disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial?
- 3.) Does each member of the Board understand that in each matter eligible for a fine, the Board's fining guidelines allow for imposition of the range of civil penalties, from no fine to the statutory maximum amount of \$20,000?

ROLL CALL:

Dr. Rothermel	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Ms. Brumby	- aye
Dr. Soin	- aye
Mr. Gondakis	- aye
Dr. Lewis	- aye
Ms. Montgomery	- aye
Dr. Boyle	- aye
Dr. Bechtel	- aye

In accordance with the provision in Ohio Revised Code 4731.22(F)(2), specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the disciplinary matters before the Board today, Dr. Rothermel served as Secretary and Dr. Kakarala served as Supervising Member. In addition, Dr. Bechtel served as Secretary and/or Supervising Member in the matter of Dr. Singh.

During these proceedings, no oral motions may be made by either party.

.....

Andrew M. Epstein, D.O.

.....

Ms. Montgomery moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Dr. Epstein. Dr. Boyle seconded the motion.

.....

A vote was taken on Ms. Montgomery's motion to approve:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Kakarala	- abstain
	Dr. Feibel	- aye
	Ms. Brumby	- aye
	Dr. Soin	- aye
	Mr. Gondakis	- aye
	Dr. Lewis	- aye
	Ms. Montgomery	- aye
	Dr. Boyle	- aye
	Dr. Bechtel	- aye

The motion to approve carried.



**State Medical
Board of Ohio**

Mike DeWine, Governor Jim Tressel, Lt. Governor Melinda Snyder, Interim Executive Director

Med.Ohio.gov

April 24, 2025

VIA EMAIL ONLY

Andrew Michael Epstein, D.O.
5886 East Placita Alta Reposa
Tucson, AZ 85750
epsteinderm@gmail.com

RE: Case Number No: 24-CRF-0088

Dear Dr. Epstein:

Pursuant to Section 119.09, Ohio Revised Code, please find enclosed a copy of the Report and Recommendation of Kimberly A. Lee, Esq., Hearing Examiner, State Medical Board of Ohio [Board] concerning your adjudication hearing which took place on April 1, 2025. The Report and Recommendation, along with the hearing record, will also be sent to members of the Board.

WRITTEN OBJECTIONS

Within ten (10) days of receipt of the Report and Recommendation, you may file written objections at the office of the Board. The written objections shall be considered by the Board at its May 14, 2025, meeting, before approving, modifying, or disapproving the Report and Recommendation.

ORAL PRESENTATIONS

An oral presentation not to exceed five minutes will be permitted at the time the Board considers the Report and Recommendation, provided that a request to orally address is received in the Board offices no fewer than seven (7) days prior to the Board Meeting. The Office of the Attorney General will be permitted to respond to any oral presentation.

Prior to any oral presentation, the Board members will have read the entire hearing record and any objections you file. The Board will not retry the case; thus your arguments are to address the Hearing Officer's Report and Recommendation only.

Please be advised that a court reporter will not be present at the time this matter is considered by the Board. Instead, the Board's minutes serve as the official record of the meeting. If you have any objection to the absence of a court reporter, you must make arrangements to have a court reporter present at your own expense. Please refer to Rule 4731-9-01, Ohio Administrative Code. A copy of the transcript prepared by the court reporter must be supplied to the Medical Board.

In the matter of Andrew Michael Epstein, D.O.
Page 2

This matter will appear on the agenda for the May 14, 2025, Board meeting which is scheduled to begin at 10:00 AM at the 30 E. Broad Street, 3rd Floor, Columbus, OH 43215

If you have further questions, please feel free to contact hearingunit@med.ohio.gov.

Sincerely,

Jackie Moore

Jackie Moore

Hearing Unit Assistant

Cc: Lawrence A. Katz, Esq
Lento Law Group, P.C.
3000 Atrium Way, Suite 200
Mt. Laurel, NJ 08054
lakatz@lentolawgroup.comm

Grant Wilson, Esq.
grant.wilson@OhioAGO.gov

30 E. Broad Street, 3rd Floor
Columbus, OH 43215 U.S.A.

Phone: 614 | 466 3934
med.ohio.gov

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services

EXHIBIT "B"

STATE MEDICAL BOARD
OF OHIO

RECEIVED:
April 23, 2025

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

Andrew M. Epstein, D.O.,
Respondent.

*

Case No. 24-CRF-0088

*

Hearing Examiner Lee

*

REPORT AND RECOMMENDATION

Appearances:

Dave Yost, Attorney General of Ohio, and Grant Wilson, Assistant Attorney General, for the State of Ohio. Larry A. Katz, Esq., on behalf of Dr. Epstein.

Hearing Date: April 1, 2025, by videoconference.

I. PROCEDURAL HISTORY

By letter dated May 8, 2024, the State Medical Board of Ohio notified Andrew M. Epstein, D.O., that it intended to determine whether to take disciplinary action against his license to practice osteopathic medicine in Ohio. *See* Ex. 1a. On May 20, 2024, Dr. Epstein requested a hearing to address the charge brought by the Board. *See* Ex. 1b. The hearing was initially scheduled to be held on October 15, 2024, but it was continued three times, once at the request of the State and twice at the request of Dr. Epstein, with the hearing finally being held on April 1, 2025. *See* June 5, 2024 Scheduling Entry; October 2, 2024 State's Motion to Continue Hearing; October 2, 2024 Entry Granting Continuance; November 19, 2024 Entry Granting Continuance; January 3, 2025 Respondent's Motion for Continuance; and January 30, 2025 Entry Granting Continuance.

Procedural Matter: Upon review of the transcript and the exhibits, Exhibit S was not clearly identified in the record. At the hearing, Exhibit S was identified as an article titled "Expanded Summary: Intranasal Ketamine for the Treatment of Resistant Depression." However, that title does not match the documents provided to the Hearing Examiner as Exhibit S. The Exhibit S provided to the Hearing Examiner prior to the hearing was comprised of two articles titled "Study Indicates Take-at-Home, Oral Ketamine is an Effective Option for Treatment-Resistant Depression" and "Sublingual Ketamine Demonstrated to Be Safe, Effective for Patients with Treatment-Resistant Depression." However, the last two pages of Exhibit U are a January 31, 2025 email from George Gavrilos with the subject line "Intranasal Racemic Ketamine for Treatment-Resistant Depression," and the body of the email includes the title "Expanded Summary: Safety and Efficacy of Intranasal Racemic Ketamine for Treatment-Resistant Depression." Out of an abundance of caution, the Hearing Examiner has included all three of these

EXHIBIT "B"

Report and Recommendation in the Matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088

Page 2

documents in Exhibit S. In addition, Exhibit H was sealed by the Hearing Examiner as it contained the name of a patient.

II. SUMMARY OF THE EVIDENCE¹

A. Background

Dr. Epstein graduated from Midwestern Arizona College of Osteopathic Medicine in 2012 and subsequently completed a residency in dermatology. After practicing dermatology for several years, he transitioned to telehealth as well as operating a men's health clinic. Hearing Transcript ("T.") at 14-15, 30-34. In his telehealth practice, Dr. Epstein utilizes ketamine to treat depression, anxiety, and PTSD. T. at 16. He currently prescribes compounded sublingual ketamine for these conditions. T. at 61. Dr. Epstein also testified that nearly all of his patients have been diagnosed with depression, anxiety, or PTSD by a previous treatment provider. T. at 64.

Dr. Epstein is licensed to practice osteopathic medicine in nearly two dozen states and practices telemedicine. T. at 12-13; Ex. A. He was initially licensed in Ohio in April 2022. T. at 13. He does not currently prescribe ketamine to Ohio patients and has no specific plans to begin doing so. T. at 23.

B. North Carolina Order

On January 2, 2024, Dr. Epstein entered into a Consent Order with the North Carolina Medical Board. The North Carolina Medical Board found that, while Dr. Epstein was residing in Arizona, he was treating North Carolina patients with ketamine via telehealth. The North Carolina Medical Board's expert reviewed Dr. Epstein's records for four such patients between February 2023 and June 2023 and opined that Dr. Epstein (i) failed to conduct urine drug screens prior to the initial ketamine prescription; (ii) failed to conduct and document patient medical histories and physical examinations; (iii) failed to have a protocol for patient monitoring, follow-up visits, and adverse reaction assessments; (iv) and failed to have guidelines in order to prevent the misuse of the ketamine he was prescribing. Ex. 2 at 2-3.

Pursuant to the Consent Order, Dr. Epstein was reprimanded and prohibited from prescribing ketamine. He was also required to complete four hours of continuing medical education on medical record documentation. Ex. 2 at 7. In February 2024, Dr. Epstein completed a 17-hour medical record keeping course. Ex. B. In December 2024, the North Carolina Medical Board lifted the ketamine prescribing prohibition. T. at 35

¹ All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Report and Recommendation in the Matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088

Page 3

At hearing, Dr. Epstein explained how he has addressed the problems specified in the North Carolina Consent Order. While he had not previously been aware that North Carolina required a physical examination prior to prescribing ketamine, he testified that, to the extent possible, he performs physical examination via videoconference by visually appraising the patient. He asks his patients for their weight, heart rate, temperature, and respiratory rate. He also obtains a thorough medical history. T. at 16, 18-19, 45-47. Dr. Epstein testified that he did this prior to the Consent Order, but he "just was not good at documenting." T. at 61. Additionally, Dr. Epstein now requires a urine drug screen prior to first prescribing ketamine to a patient and thereafter orders semi-annual random screens. As Dr. Epstein is a telehealth physician, the patients are referred to testing location near them. T. at 21, 47.

Since the Consent Order, Dr. Epstein ensures that patients sign annual controlled substance agreements, and he also checks prescription databases prior to a new patient appointment and at least every three months thereafter. If he sees another prescriber in the prescription database report, he will contact them to determine whether it is acceptable to prescribe ketamine to that patient. T. at 19-20, 62-63. He testified that he obtains medical records if the patient has been treated with ketamine in the previous six months or if the patient is being prescribed pain medication. T. at 62. He also obtains the medical records related to his patients' previous treatment for the diagnoses of PTSD, anxiety, and depression. T. at 64.

Dr. Epstein sees his telehealth patients on a monthly basis and prescribes a month of medication at a time. T. at 20. At his monthly follow-up appointments with his patients, Dr. Epstein testified that he reviews their symptoms, asks about side effects, performs a psychometric evaluation, and re-assesses their treatment goals. T. at 65-66. While Dr. Epstein only sees his patients via telehealth once a month, he prescribes ketamine to be taken twice a week. T. at 67.

He explained that he only prescribes sublingual ketamine and that he directs every patient to have another person with them when they take the ketamine in order to monitor for complications. Dr. Epstein referred to these monitors as "trip sitters." However, Dr. Epstein does not require that these trip sitters have medical training. T. at 22. Dr. Epstein testified that trip sitters essentially know when to call 911 and have "a basic understanding of like basically a good samaritan on the street who sees someone in needs, we need to contact emergency medical services." T. at 58. Dr. Epstein explained that the only complications he has witnessed are elevated heart rate and blood pressure, both of which usually resolve within an hour. Dr. Epstein acknowledged that an allergic reaction was also possible. T. at 22-23, 58.

When asked what this experience has taught him, Dr. Epstein testified:

So this experience has taught me that some of my practices were not up to par, and I suffered the consequences with North Carolina. And since then, it's been a real ordeal on managing all this. And it's taught me a lot. And it's made me a better doctor through my prescribing, my monitoring and my protocols and my research on the topic that we're talking about today.

EXHIBIT "B"

Report and Recommendation in the Matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088

Page 4

And, you know, now my protocols are the best -- I feel they're the best. And it's difficult to believe that someone could actually have a better set, based off of all the research that I've been doing and the courses that I've been taking and the experts in the field that I've talked to.

T. at 25-26.

Dr. Epstein described his current prescribing habits as "much more strict" and his patient monitoring as "very thorough." T. at 57.

C. Texas Order

On March 22, 2024, the Texas Medical Board issued a Waiver Order in which the Texas Medical Board essentially took no additional action against Dr. Epstein but required that he fully comply with all terms of the Consent Order with the North Carolina Medical Board. Ex. 3.

D. Additional Information

Actions by Other Boards

Dr. Epstein is currently licensed in 23 states. As of the hearing, 11 states had not taken action against Dr. Epstein's license based on the Consent Order with the North Carolina Medical Board while 10 other states had taken minor action ranging from the Texas Medical Board's Waiver Order to reprimands and a letter of admonishment. Ex. A.

CME

Since the North Carolina Medical Board Consent Order, Dr. Epstein has completed a significant number of continuing medical education courses regarding the prescribing of controlled substances and ketamine as well as other subjects. T. at 24-25, 36-38. Ex. B.

Letters in Support

Dr. Epstein provided several letters from his ketamine patients. These patients expressed how Dr. Epstein and ketamine have helped with their conditions. Exs. C-G.

Journal Articles

Dr. Epstein submitted a number of journal articles related to the use of ketamine and psychedelics. Exs. J-U.

EXHIBIT "B"

Report and Recommendation in the Matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088

Page 5

III. BOARD ALLEGATIONS

The Board alleged in the Notice as follows:

- (1) On or about January 2, 2024, [Dr. Epstein] entered into a Consent Order [North Carolina Order] with the North Carolina Medical Board [North Carolina Board], based on a complaint involving [his] prescribing of Ketamine to at least four patients who lived in North Carolina. Under the terms of the North Carolina Order, [Dr. Epstein was] reprimanded, and [he was] restricted and prohibited from using [his] North Carolina medical license to prescribe Ketamine and any drug that may contain Ketamine. [He] also [was] ordered to complete continuing medical education in medical record documentation.***
- (2) On or about March 22, 2024, [Dr. Epstein] entered into a Waiver Order [Texas Order] with the Texas Medical Board, based on the North Carolina Order. Under the terms of the Texas Order, [he was] to comply with all terms, conditions, and requirements of the North Carolina Order. ***

Ex. 1a at 1.

IV. FINDINGS OF FACT

1. On January 2, 2024, Dr. Epstein entered in a Consent Order with the North Carolina Medical Board. The Consent Order was based on Dr. Epstein's care and treatment of four North Carolina patients with ketamine. Under the terms of the Consent Order, Dr. Epstein was reprimanded and prohibited from using his North Carolina medical license to prescribe ketamine and any drug that may contain ketamine. He was also ordered to complete four hours of continuing medical education on medical record keeping. Dr. Epstein completed the required continuing medical education hours, and the North Carolina Medical Board lifted the probation on prescribing Ketamine in December 2024.
2. On March 22, 2024, Dr. Epstein entered into a Waiver Order with the Texas Medical Board. This Waiver Order was based on the North Carolina Medical Board Consent Agreement. Under the terms of the Waiver Order, Dr. Epstein was to comply with all the terms, conditions, and requirements of the North Carolina Medical Board Consent Order.

V. CONCLUSIONS OF LAW

The North Carolina Medical Board Consent Agreement and the Texas Medical Board Waiver Order, as described in Findings of Fact 1 and 2 above, individually, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender;

EXHIBIT "B"

Report and Recommendation in the Matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088

Page 6

denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that phrase is used in R.C.4731.2(B)(22).

Pursuant to R.C. 4731.225, the Board is authorized to impose a penalty for these violations. The Board's guidelines for this violation provide as follows:

Minimum Fine: \$3,500
Maximum Fine: \$20,000

RATIONALE FOR THE PROPOSED ORDER

Dr. Epstein's practice of prescribing ketamine via telehealth is concerning. He is a dermatologist, not a trained psychiatrist, yet he is regularly treating patients for PTSD, depression, and anxiety with ketamine, a dangerous medication. He does not see any of these patients in person, and the ketamine is not administered at a facility where the patient can be monitored. Rather, Dr. Epstein allows his patients to use compounded sublingual ketamine at home so long as someone is around who can call 911. He does not require that his patients be continually monitored or that the person with them be medically trained. Dr. Epstein seemed aware that at least some formulations of ketamine are required to be administered while under actual medical supervision as he mentioned Spravato. Dr. Epstein provided numerous journal articles in support of ketamine prescribing. However, the North Carolina Medical Board's issue was not simply that he was prescribing ketamine but that he failed to conform to the standards of acceptable care while prescribing ketamine.

The Board decided a similar case in January 2024. In that case, Dr. Scott Smith had surrendered his DEA registration after he issued prescriptions for controlled substances, including ketamine, to patients in states he was not licensed to practice, and he did not check the prescription drug monitoring programs as required. While the DEA surrender was the basis of the Board's action, the Board's discussion of Dr. Smith's case showed a deep concern for the prescribing of ketamine via telehealth, particularly as there is no continuous monitoring of vitals or medical professionals present while the ketamine is being administered. Concerns regarding the use of compounded sublingual ketamine were also noted. In that case, the Board permanently revoked Dr. Smith's Ohio license. The same is recommended here.

PROPOSED ORDER

It is hereby ORDERED that:

A. **PERMANENT REVOCATION:** The license of Andrew M. Epstein, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **PERMANENTLY REVOKED**.

EXHIBIT "B"

Report and Recommendation in the Matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088

Page 7

B. **FINE:** Within thirty days of the effective date of this Order, Dr. Epstein shall remit payment in full of a fine of three thousand five hundred dollars (\$3,500.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

This Order shall become effective immediately upon the date of service of the notification of approval by the Board.



Kimberly A. Lee
Hearing Examiner

EXHIBIT "B"

MARYELLEN O'SHAUGHNESSY

**FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS**

CASE TITLE: ANDREW EPSTEIN DO -VS- OHIO MEDICAL BOARD

CASE NUMBER: 25CV004499

**TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:
CERTIFIED MAIL**

DOCUMENTS TO BE SERVED:

NOTICE OF APPEAL-ADMIN APPEAL/WORKERS COMP

EXHIBITS Exh 1

EXHIBITS Exh B

PROPOSED DOCUMENTS TO BE SERVED:

UPON:

OHIO MEDICAL BOARD

30 EAST BROAD STREET

3RD FLOOR

COLUMBUS, OH 43215

JUVENILE CITATIONS ONLY:

HEARING TYPE:

Date already scheduled at : Courtroom:

Electronically Requested by: Lawrence A Katz

Attorney for:

STATE MEDICAL BOARD
OF OHIO

RECEIVED:
May 21, 2025

BEFORE THE
STATE MEDICAL BOARD
OF THE
STATE OF OHIO

OHIO MEDICAL BOARD,

Petitioner

Vs.

Case No. 24-CRF-0088

ANDREW EPSTEIN, D.O.,

Respondent

NOTICE OF APPEAL

NOW comes the Respondent, ANDREW EPSTEIN, D.O., and gives notice that he is appealing the Order entered by the Ohio Medical Board on May 14, 2025, revoking the Respondent's medical license and issuing other discipline, to the Court of Common Pleas of Franklin County pursuant to ORC Ann. 119.12. Said Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.

A copy of the Board's May 14, 2025 Order is attached (Exhibit "A"), as is a copy of the Report and Recommendation of State Medical Board Hearing Examiner Kimberly A. Lee, Esquire (Exhibit "B").

Dated: 5-21-25

Respectfully submitted,

LENTOLAW GROUP

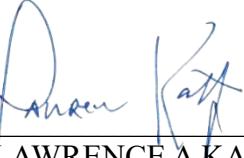
BY: 

LAWRENCE A KATZ
Counsel for Respondent
Ohio ID # PHV-29074-2025
1814 East Route 70 - Suite 321
Cherry Hill, NJ 08003
Phone: 856.652.2000 EXT 497
Fax: 856.375.1010
Email: lakatz@lentolawgroup.com

CERTIFICATE OF SERVICE

This is to certify that on May 21, 2025, a copy of the foregoing Notice of Appeal was served on the Ohio Medical Board by email to: contact@med.ohio.gov and license@med.ohio.gov.

LENTO LAW GROUP

BY: 

LAWRENCE A KATZ
Counsel for Respondent
Ohio ID # PHV-29074-2025
1814 East Route 70 - Suite 321
Cherry Hill, NJ 08003
Phone: 856.652.2000 EXT 497
Fax: 856.375.1010
Email: lakatz@lentolawgroup.com

May 14, 2025

VIA EMAIL ONLY

Andrew Michael Epstein, D.O.
5886 East Placita Alta Reposa
Tucson, AZ 85750
epsteinderm@gmail.com

RE: Case No. 24-CRF-0088

Dear Dr. Epstein:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Kimberly A. Lee, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 14, 2025, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Any party desiring to appeal this order shall file a notice of appeal with the State Medical Board of Ohio, located at 30 E. Broad St., 3rd Floor, Columbus, Ohio 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.

The notice of appeal shall also be filed by the appellant with the court of common pleas of Franklin County or the court of common pleas in the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing is not a resident of and has no place of business in this state, the party shall appeal to the court of common pleas of Franklin County. In filing a notice of appeal with both the Medical Board and the court, the notice that is filed may be either the original notice or a copy of the original notice.

The party filing the appeal shall comply with all requirements of Ohio Revised Code section 119.12 (R.C. 119.12). The notice of appeal shall be filed within fifteen days after the service of the notice of the Medical Board order as provided in section 119.05 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Kim G. Rothermel, M.D.
Secretary

KGR:KAL
Enclosures

30 E. Broad Street, 3rd Floor
Columbus, OH 43215 U.S.A.

Phone: 614 | 466 3934
med.ohio.gov

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services

EXHIBIT "A"

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Kimberly A. Lee, Esq., State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 14, 2025, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Andrew Michael Epstein, D.O., Case No. 24-CRF-0088 as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.





Kim G. Rothermel, M.D.

May 14, 2025

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

Andrew Michael Epstein, D.O.

*

CASE NO. 24-CRF-0088

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on May 14, 2025.

Upon the Report and Recommendation of Kimberly A. Lee, Esq., State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION:** The license of Andrew M. Epstein, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **PERMANENTLY REVOKED**.

- B. **FINE:** Within thirty days of the effective date of this Order, Dr. Epstein shall remit payment in full of a fine of three thousand five hundred dollars (\$3,500.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

EXHIBIT "A"

In the matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088
Page 2

This Order shall become effective immediately upon the date of service of the notification of approval by the Board.



Kim G. Rothermel, M.D.

Kim G. Rothermel, M.D.
Secretary

May 14, 2025

Date

EXHIBIT "A"

EXCERPT FROM THE DRAFT MINUTES OF MAY 14, 2025 IN THE MATTER OF ANDREW M. EPSTEIN, D.O.

REPORTS AND RECOMMENDATIONS

Dr. Bechtel asked the Board to consider the Report and Recommendation appearing on the agenda: Ankita Singh, M.D.; John B. Johnson, M.D.; Geoffrey L. Kamen, M.D.; and Andrew M. Epstein, D.O.

Dr. Bechtel asked all Board members the following questions:

- 1.) Has each member of the Board received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in each of the Reports and Recommendations?
- 2.) Does each member of the Board understand that the Board's disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial?
- 3.) Does each member of the Board understand that in each matter eligible for a fine, the Board's fining guidelines allow for imposition of the range of civil penalties, from no fine to the statutory maximum amount of \$20,000?

ROLL CALL:

Dr. Rothermel	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Ms. Brumby	- aye
Dr. Soin	- aye
Mr. Gonidakis	- aye
Dr. Lewis	- aye
Ms. Montgomery	- aye
Dr. Boyle	- aye
Dr. Bechtel	- aye

In accordance with the provision in Ohio Revised Code 4731.22(F)(2), specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the disciplinary matters before the Board today, Dr. Rothermel served as Secretary and Dr. Kakarala served as Supervising Member. In addition, Dr. Bechtel served as Secretary and/or Supervising Member in the matter of Dr. Singh.

During these proceedings, no oral motions may be made by either party.

Andrew M. Epstein, D.O.

Ms. Montgomery moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Dr. Epstein. Dr. Boyle seconded the motion.

A vote was taken on Ms. Montgomery's motion to approve:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Kakarala	- abstain
	Dr. Feibel	- aye
	Ms. Brumby	- aye
	Dr. Soin	- aye
	Mr. Gondakis	- aye
	Dr. Lewis	- aye
	Ms. Montgomery	- aye
	Dr. Boyle	- aye
	Dr. Bechtel	- aye

The motion to approve carried.

STATE MEDICAL BOARD
OF OHIO

RECEIVED:
April 23, 2025

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 24-CRF-0088

Andrew M. Epstein, D.O.,

*

Hearing Examiner Lee

Respondent.

*

REPORT AND RECOMMENDATION

Appearances:

Dave Yost, Attorney General of Ohio, and Grant Wilson, Assistant Attorney General, for the State of Ohio. Larry A. Katz, Esq., on behalf of Dr. Epstein.

Hearing Date: April 1, 2025, by videoconference.

I. PROCEDURAL HISTORY

By letter dated May 8, 2024, the State Medical Board of Ohio notified Andrew M. Epstein, D.O., that it intended to determine whether to take disciplinary action against his license to practice osteopathic medicine in Ohio. *See* Ex. 1a. On May 20, 2024, Dr. Epstein requested a hearing to address the charge brought by the Board. *See* Ex. 1b. The hearing was initially scheduled to be held on October 15, 2024, but it was continued three times, once at the request of the State and twice at the request of Dr. Epstein, with the hearing finally being held on April 1, 2025. *See* June 5, 2024 Scheduling Entry; October 2, 2024 State's Motion to Continue Hearing; October 2, 2024 Entry Granting Continuance; November 19, 2024 Entry Granting Continuance; January 3, 2025 Respondent's Motion for Continuance; and January 30, 2025 Entry Granting Continuance.

Procedural Matter: Upon review of the transcript and the exhibits, Exhibit S was not clearly identified in the record. At the hearing, Exhibit S was identified as an article titled "Expanded Summary: Intranasal Ketamine for the Treatment of Resistant Depression." However, that title does not match the documents provided to the Hearing Examiner as Exhibit S. The Exhibit S provided to the Hearing Examiner prior to the hearing was comprised of two articles titled "Study Indicates Take-at-Home, Oral Ketamine is an Effective Option for Treatment-Resistant Depression" and "Sublingual Ketamine Demonstrated to Be Safe, Effective for Patients with Treatment-Resistant Depression." However, the last two pages of Exhibit U are a January 31, 2025 email from George Gavrilos with the subject line "Intranasal Racemic Ketamine for Treatment-Resistant Depression," and the body of the email includes the title "Expanded Summary: Safety and Efficacy of Intranasal Racemic Ketamine for Treatment-Resistant Depression." Out of an abundance of caution, the Hearing Examiner has included all three of these

documents in Exhibit S. In addition, Exhibit H was sealed by the Hearing Examiner as it contained the name of a patient.

II. SUMMARY OF THE EVIDENCE¹

A. Background

Dr. Epstein graduated from Midwestern Arizona College of Osteopathic Medicine in 2012 and subsequently completed a residency in dermatology. After practicing dermatology for several years, he transitioned to telehealth as well as operating a men's health clinic. Hearing Transcript ("T.") at 14-15, 30-34. In his telehealth practice, Dr. Epstein utilizes ketamine to treat depression, anxiety, and PTSD. T. at 16. He currently prescribes compounded sublingual ketamine for these conditions. T. at 61. Dr. Epstein also testified that nearly all of his patients have been diagnosed with depression, anxiety, or PTSD by a previous treatment provider. T. at 64.

Dr. Epstein is licensed to practice osteopathic medicine in nearly two dozen states and practices telemedicine. T. at 12-13; Ex. A. He was initially licensed in Ohio in April 2022. T. at 13. He does not currently prescribe ketamine to Ohio patients and has no specific plans to begin doing so. T. at 23.

B. North Carolina Order

On January 2, 2024, Dr. Epstein entered into a Consent Order with the North Carolina Medical Board. The North Carolina Medical Board found that, while Dr. Epstein was residing in Arizona, he was treating North Carolina patients with ketamine via telehealth. The North Carolina Medical Board's expert reviewed Dr. Epstein's records for four such patients between February 2023 and June 2023 and opined that Dr. Epstein (i) failed to conduct urine drug screens prior to the initial ketamine prescription; (ii) failed to conduct and document patient medical histories and physical examinations; (iii) failed to have a protocol for patient monitoring, follow-up visits, and adverse reaction assessments; (iv) and failed to have guidelines in order to prevent the misuse of the ketamine he was prescribing. Ex. 2 at 2-3.

Pursuant to the Consent Order, Dr. Epstein was reprimanded and prohibited from prescribing ketamine. He was also required to complete four hours of continuing medical education on medical record documentation. Ex. 2 at 7. In February 2024, Dr. Epstein completed a 17-hour medical record keeping course. Ex. B. In December 2024, the North Carolina Medical Board lifted the ketamine prescribing prohibition. T. at 35

¹ All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

At hearing, Dr. Epstein explained how he has addressed the problems specified in the North Carolina Consent Order. While he had not previously been aware that North Carolina required a physical examination prior to prescribing ketamine, he testified that, to the extent possible, he performs physical examination via videoconference by visually appraising the patient. He asks his patients for their weight, heart rate, temperature, and respiratory rate. He also obtains a thorough medical history. T. at 16, 18-19, 45-47. Dr. Epstein testified that he did this prior to the Consent Order, but he “just was not good at documenting.” T. at 61. Additionally, Dr. Epstein now requires a urine drug screen prior to first prescribing ketamine to a patient and thereafter orders semi-annual random screens. As Dr. Epstein is a telehealth physician, the patients are referred to testing location near them. T. at 21, 47.

Since the Consent Order, Dr. Epstein ensures that patients sign annual controlled substance agreements, and he also checks prescription databases prior to a new patient appointment and at least every three months thereafter. If he sees another prescriber in the prescription database report, he will contact them to determine whether it is acceptable to prescribe ketamine to that patient. T. at 19-20, 62-63. He testified that he obtains medical records if the patient has been treated with ketamine in the previous six months or if the patient is being prescribed pain medication. T. at 62. He also obtains the medical records related to his patients’ previous treatment for the diagnoses of PTSD, anxiety, and depression. T. at 64.

Dr. Epstein sees his telehealth patients on a monthly basis and prescribes a month of medication at a time. T. at 20. At his monthly follow-up appointments with his patients, Dr. Epstein testified that he reviews their symptoms, asks about side effects, performs a psychometric evaluation, and re-assesses their treatment goals. T. at 65-66. While Dr. Epstein only sees his patients via telehealth once a month, he prescribes ketamine to be taken twice a week. T. at 67.

He explained that he only prescribes sublingual ketamine and that he directs every patient to have another person with them when they take the ketamine in order to monitor for complications. Dr. Epstein referred to these monitors as “trip sitters.” However, Dr. Epstein does not require that these trip sitters have medical training. T. at 22. Dr. Epstein testified that trip sitters essentially know when to call 911 and have “a basic understanding of like basically a good samaritan on the street who sees someone in needs, we need to contact emergency medical services.” T. at 58. Dr. Epstein explained that the only complications he has witnessed are elevated heart rate and blood pressure, both of which usually resolve within an hour. Dr. Epstein acknowledged that an allergic reaction was also possible. T. at 22-23, 58.

When asked what this experience has taught him, Dr. Epstein testified:

So this experience has taught me that some of my practices were not up to par, and I suffered the consequences with North Carolina. And since then, it’s been a real ordeal on managing all this. And it’s taught me a lot. And it’s made me a better doctor through my prescribing, my monitoring and my protocols and my research on the topic that we’re talking about today.

And, you know, now my protocols are the best -- I feel they're the best. And it's difficult to believe that someone could actually have a better set, based off of all the research that I've been doing and the courses that I've been taking and the experts in the field that I've talked to.

T. at 25-26.

Dr. Epstein described his current prescribing habits as "much more strict" and his patient monitoring as "very thorough." T. at 57.

C. Texas Order

On March 22, 2024, the Texas Medical Board issued a Waiver Order in which the Texas Medical Board essentially took no additional action against Dr. Epstein but required that he fully comply with all terms of the Consent Order with the North Carolina Medical Board. Ex. 3.

D. Additional Information

Actions by Other Boards

Dr. Epstein is currently licensed in 23 states. As of the hearing, 11 states had not taken action against Dr. Epstein's license based on the Consent Order with the North Carolina Medical Board while 10 other states had taken minor action ranging from the Texas Medical Board's Waiver Order to reprimands and a letter of admonishment. Ex. A.

CME

Since the North Carolina Medical Board Consent Order, Dr. Epstein has completed a significant number of continuing medical education courses regarding the prescribing of controlled substances and ketamine as well as other subjects. T. at 24-25, 36-38. Ex. B.

Letters in Support

Dr. Epstein provided several letters from his ketamine patients. These patients expressed how Dr. Epstein and ketamine have helped with their conditions. Exs. C-G.

Journal Articles

Dr. Epstein submitted a number of journal articles related to the use of ketamine and psychedelics. Exs. J-U.

III. BOARD ALLEGATIONS

The Board alleged in the Notice as follows:

- (1) On or about January 2, 2024, [Dr. Epstein] entered into a Consent Order [North Carolina Order] with the North Carolina Medical Board [North Carolina Board], based on a complaint involving [his] prescribing of Ketamine to at least four patients who lived in North Carolina. Under the terms of the North Carolina Order, [Dr. Epstein was] reprimanded, and [he was] restricted and prohibited from using [his] North Carolina medical license to prescribe Ketamine and any drug that may contain Ketamine. [He] also [was] ordered to complete continuing medical education in medical record documentation.***
- (2) On or about March 22, 2024, [Dr. Epstein] entered into a Waiver Order [Texas Order] with the Texas Medical Board, based on the North Carolina Order. Under the terms of the Texas Order, [he was] to comply with all terms, conditions, and requirements of the North Carolina Order. ***

Ex. 1a at 1.

IV. FINDINGS OF FACT

1. On January 2, 2024, Dr. Epstein entered in a Consent Order with the North Carolina Medical Board. The Consent Order was based on Dr. Epstein's care and treatment of four North Carolina patients with ketamine. Under the terms of the Consent Order, Dr. Epstein was reprimanded and prohibited from using his North Carolina medical license to prescribe ketamine and any drug that may contain ketamine. He was also ordered to complete four hours of continuing medical education on medical record keeping. Dr. Epstein completed the required continuing medical education hours, and the North Carolina Medical Board lifted the probation on prescribing Ketamine in December 2024.
2. On March 22, 2024, Dr. Epstein entered into a Waiver Order with the Texas Medical Board. This Waiver Order was based on the North Carolina Medical Board Consent Agreement. Under the terms of the Waiver Order, Dr. Epstein was to comply with all the terms, conditions, and requirements of the North Carolina Medical Board Consent Order.

V. CONCLUSIONS OF LAW

The North Carolina Medical Board Consent Agreement and the Texas Medical Board Waiver Order, as described in Findings of Fact 1 and 2 above, individually, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender;

denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that phrase is used in R.C.4731.2(B)(22).

Pursuant to R.C. 4731.225, the Board is authorized to impose a penalty for these violations. The Board's guidelines for this violation provide as follows:

Minimum Fine: \$3,500
Maximum Fine: \$20,000

RATIONALE FOR THE PROPOSED ORDER

Dr. Epstein's practice of prescribing ketamine via telehealth is concerning. He is a dermatologist, not a trained psychiatrist, yet he is regularly treating patients for PTSD, depression, and anxiety with ketamine, a dangerous medication. He does not see any of these patients in person, and the ketamine is not administered at a facility where the patient can be monitored. Rather, Dr. Epstein allows his patients to use compounded sublingual ketamine at home so long as someone is around who can call 911. He does not require that his patients be continually monitored or that the person with them be medically trained. Dr. Epstein seemed aware that at least some formulations of ketamine are required to be administered while under actual medical supervision as he mentioned Spravato. Dr. Epstein provided numerous journal articles in support of ketamine prescribing. However, the North Carolina Medical Board's issue was not simply that he was prescribing ketamine but that he failed to conform to the standards of acceptable care while prescribing ketamine.

The Board decided a similar case in January 2024. In that case, Dr. Scott Smith had surrendered his DEA registration after he issued prescriptions for controlled substances, including ketamine, to patients in states he was not licensed to practice, and he did not check the prescription drug monitoring programs as required. While the DEA surrender was the basis of the Board's action, the Board's discussion of Dr. Smith's case showed a deep concern for the prescribing of ketamine via telehealth, particularly as there is no continuous monitoring of vitals or medical professionals present while the ketamine is being administered. Concerns regarding the use of compounded sublingual ketamine were also noted. In that case, the Board permanently revoked Dr. Smith's Ohio license. The same is recommended here.

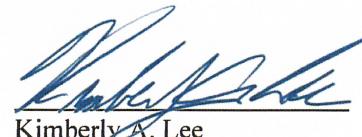
PROPOSED ORDER

It is hereby ORDERED that:

A. **PERMANENT REVOCATION:** The license of Andrew M. Epstein, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **PERMANENTLY REVOKED**.

B. **FINE:** Within thirty days of the effective date of this Order, Dr. Epstein shall remit payment in full of a fine of three thousand five hundred dollars (\$3,500.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

This Order shall become effective immediately upon the date of service of the notification of approval by the Board.



Kimberly A. Lee
Hearing Examiner



State Medical Board of Ohio

30 E. Broad St., 3rd Floor
Columbus, Ohio 43215
(614) 466-3934
www.med.ohio.gov

NOTICE OF FINE

BILL TO
Andrew Michael Epstein
5886 E Placita Alta Reposa
Tucson, AZ 85750-1058

INVOICE # 24-CRF-0088
LICENSE # 34.015719CTR
BOARD APPROVAL DATE 5/14/2025
PAYMENT DUE DATE 30 Days After Receipt

DESCRIPTION	AMOUNT
Fine due pursuant to a Board Order approved by the State Medical Board of Ohio on 5/14/2025	\$3,500
TOTAL DUE	\$3,500

PAYMENT TERMS

- Payments can be made through eLicense with a credit card
- Fines must be paid in full (No partial payments are accepted)
- Delinquent accounts will be certified to the Ohio Attorney General for collection, which will result in additional collection costs and accrual of interest

The Medical Board does NOT offer payment plans

Staff cannot modify the amount or conditions of a fine issued by the Medical Board

PAYMENT INSTRUCTIONS

- Navigate to <https://elicense.ohio.gov>
- Select the **Log In** tile
- Enter your email and password, and then select **LOGIN**
- On your eLicense Dashboard, select the red cart icon at the top of the page
- On your Cart page, select the fine and then select **Continue**
- Select **Continue** again to be redirected to a payment gateway
- Enter your credit card information and follow the onscreen prompts

If you encounter problems accessing eLicense, contact technical assistance by calling (855) 405-5514 on weekdays from 8:00 am to 5:00 pm EST.

If you have questions about this invoice or the information contained herein, please contact:
Nicholas.Blaine@med.ohio.gov



April 24, 2025

VIA EMAIL ONLY

Andrew Michael Epstein, D.O.
5886 East Placita Alta Reposa
Tucson, AZ 85750
epsteinderm@gmail.com

RE: Case Number No: 24-CRF-0088

Dear Dr. Epstein:

Pursuant to Section 119.09, Ohio Revised Code, please find enclosed a copy of the Report and Recommendation of Kimberly A. Lee, Esq., Hearing Examiner, State Medical Board of Ohio [Board] concerning your adjudication hearing which took place on April 1, 2025. The Report and Recommendation, along with the hearing record, will also be sent to members of the Board.

WRITTEN OBJECTIONS

Within ten (10) days of receipt of the Report and Recommendation, you may file written objections at the office of the Board. The written objections shall be considered by the Board at its May 14, 2025, meeting, before approving, modifying, or disapproving the Report and Recommendation.

ORAL PRESENTATIONS

An oral presentation not to exceed five minutes will be permitted at the time the Board considers the Report and Recommendation, provided that a request to orally address is received in the Board offices no fewer than seven (7) days prior to the Board Meeting. The Office of the Attorney General will be permitted to respond to any oral presentation.

Prior to any oral presentation, the Board members will have read the entire hearing record and any objections you file. The Board will not retry the case; thus your arguments are to address the Hearing Officer's Report and Recommendation only.

Please be advised that a court reporter will not be present at the time this matter is considered by the Board. Instead, the Board's minutes serve as the official record of the meeting. If you have any objection to the absence of a court reporter, you must make arrangements to have a court reporter present at your own expense. Please refer to Rule 4731-9-01, Ohio Administrative Code. A copy of the transcript prepared by the court reporter must be supplied to the Medical Board.

This matter will appear on the agenda for the May 14, 2025, Board meeting which is scheduled to begin at 10:00 AM at the 30 E. Broad Street, 3rd Floor, Columbus, OH 43215

If you have further questions, please feel free to contact hearingunit@med.ohio.gov.

Sincerely,

Jackie Moore

Jackie Moore

Hearing Unit Assistant

Cc: Lawrence A. Katz, Esq
Lento Law Group, P.C.
3000 Atrium Way, Suite 200
Mt. Laurel, NJ 08054
lakatz@lentolawgroup.comm

Grant Wilson, Esq.
grant.wilson@OhioAGO.gov

STATE MEDICAL BOARD
OF OHIO

RECEIVED:
April 23, 2025

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

Andrew M. Epstein, D.O.,
Respondent.

*
*
*
*

Case No. 24-CRF-0088
Hearing Examiner Lee

REPORT AND RECOMMENDATION

Appearances:

Dave Yost, Attorney General of Ohio, and Grant Wilson, Assistant Attorney General, for the State of Ohio. Larry A. Katz, Esq., on behalf of Dr. Epstein.

Hearing Date: April 1, 2025, by videoconference.

I. PROCEDURAL HISTORY

By letter dated May 8, 2024, the State Medical Board of Ohio notified Andrew M. Epstein, D.O., that it intended to determine whether to take disciplinary action against his license to practice osteopathic medicine in Ohio. *See* Ex. 1a. On May 20, 2024, Dr. Epstein requested a hearing to address the charge brought by the Board. *See* Ex. 1b. The hearing was initially scheduled to be held on October 15, 2024, but it was continued three times, once at the request of the State and twice at the request of Dr. Epstein, with the hearing finally being held on April 1, 2025. *See* June 5, 2024 Scheduling Entry; October 2, 2024 State's Motion to Continue Hearing; October 2, 2024 Entry Granting Continuance; November 19, 2024 Entry Granting Continuance; January 3, 2025 Respondent's Motion for Continuance; and January 30, 2025 Entry Granting Continuance.

Procedural Matter: Upon review of the transcript and the exhibits, Exhibit S was not clearly identified in the record. At the hearing, Exhibit S was identified as an article titled "Expanded Summary: Intranasal Ketamine for the Treatment of Resistant Depression." However, that title does not match the documents provided to the Hearing Examiner as Exhibit S. The Exhibit S provided to the Hearing Examiner prior to the hearing was comprised of two articles titled "Study Indicates Take-at-Home, Oral Ketamine is an Effective Option for Treatment-Resistant Depression" and "Sublingual Ketamine Demonstrated to Be Safe, Effective for Patients with Treatment-Resistant Depression." However, the last two pages of Exhibit U are a January 31, 2025 email from George Gavrilos with the subject line "Intranasal Racemic Ketamine for Treatment-Resistant Depression," and the body of the email includes the title "Expanded Summary: Safety and Efficacy of Intranasal Racemic Ketamine for Treatment-Resistant Depression." Out of an abundance of caution, the Hearing Examiner has included all three of these

EXHIBIT "B"

documents in Exhibit S. In addition, Exhibit H was sealed by the Hearing Examiner as it contained the name of a patient.

II. SUMMARY OF THE EVIDENCE¹

A. Background

Dr. Epstein graduated from Midwestern Arizona College of Osteopathic Medicine in 2012 and subsequently completed a residency in dermatology. After practicing dermatology for several years, he transitioned to telehealth as well as operating a men's health clinic. Hearing Transcript ("T.") at 14-15, 30-34. In his telehealth practice, Dr. Epstein utilizes ketamine to treat depression, anxiety, and PTSD. T. at 16. He currently prescribes compounded sublingual ketamine for these conditions. T. at 61. Dr. Epstein also testified that nearly all of his patients have been diagnosed with depression, anxiety, or PTSD by a previous treatment provider. T. at 64.

Dr. Epstein is licensed to practice osteopathic medicine in nearly two dozen states and practices telemedicine. T. at 12-13; Ex. A. He was initially licensed in Ohio in April 2022. T. at 13. He does not currently prescribe ketamine to Ohio patients and has no specific plans to begin doing so. T. at 23.

B. North Carolina Order

On January 2, 2024, Dr. Epstein entered into a Consent Order with the North Carolina Medical Board. The North Carolina Medical Board found that, while Dr. Epstein was residing in Arizona, he was treating North Carolina patients with ketamine via telehealth. The North Carolina Medical Board's expert reviewed Dr. Epstein's records for four such patients between February 2023 and June 2023 and opined that Dr. Epstein (i) failed to conduct urine drug screens prior to the initial ketamine prescription; (ii) failed to conduct and document patient medical histories and physical examinations; (iii) failed to have a protocol for patient monitoring, follow-up visits, and adverse reaction assessments; (iv) and failed to have guidelines in order to prevent the misuse of the ketamine he was prescribing. Ex. 2 at 2-3.

Pursuant to the Consent Order, Dr. Epstein was reprimanded and prohibited from prescribing ketamine. He was also required to complete four hours of continuing medical education on medical record documentation. Ex. 2 at 7. In February 2024, Dr. Epstein completed a 17-hour medical record keeping course. Ex. B. In December 2024, the North Carolina Medical Board lifted the ketamine prescribing prohibition. T. at 35

¹ All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

At hearing, Dr. Epstein explained how he has addressed the problems specified in the North Carolina Consent Order. While he had not previously been aware that North Carolina required a physical examination prior to prescribing ketamine, he testified that, to the extent possible, he performs physical examination via videoconference by visually appraising the patient. He asks his patients for their weight, heart rate, temperature, and respiratory rate. He also obtains a thorough medical history. T. at 16, 18-19, 45-47. Dr. Epstein testified that he did this prior to the Consent Order, but he "just was not good at documenting." T. at 61. Additionally, Dr. Epstein now requires a urine drug screen prior to first prescribing ketamine to a patient and thereafter orders semi-annual random screens. As Dr. Epstein is a telehealth physician, the patients are referred to testing location near them. T. at 21, 47.

Since the Consent Order, Dr. Epstein ensures that patients sign annual controlled substance agreements, and he also checks prescription databases prior to a new patient appointment and at least every three months thereafter. If he sees another prescriber in the prescription database report, he will contact them to determine whether it is acceptable to prescribe ketamine to that patient. T. at 19-20, 62-63. He testified that he obtains medical records if the patient has been treated with ketamine in the previous six months or if the patient is being prescribed pain medication. T. at 62. He also obtains the medical records related to his patients' previous treatment for the diagnoses of PTSD, anxiety, and depression. T. at 64.

Dr. Epstein sees his telehealth patients on a monthly basis and prescribes a month of medication at a time. T. at 20. At his monthly follow-up appointments with his patients, Dr. Epstein testified that he reviews their symptoms, asks about side effects, performs a psychometric evaluation, and re-assesses their treatment goals. T. at 65-66. While Dr. Epstein only sees his patients via telehealth once a month, he prescribes ketamine to be taken twice a week. T. at 67.

He explained that he only prescribes sublingual ketamine and that he directs every patient to have another person with them when they take the ketamine in order to monitor for complications. Dr. Epstein referred to these monitors as "trip sitters." However, Dr. Epstein does not require that these trip sitters have medical training. T. at 22. Dr. Epstein testified that trip sitters essentially know when to call 911 and have "a basic understanding of like basically a good samaritan on the street who sees someone in needs, we need to contact emergency medical services." T. at 58. Dr. Epstein explained that the only complications he has witnessed are elevated heart rate and blood pressure, both of which usually resolve within an hour. Dr. Epstein acknowledged that an allergic reaction was also possible. T. at 22-23, 58.

When asked what this experience has taught him, Dr. Epstein testified:

So this experience has taught me that some of my practices were not up to par, and I suffered the consequences with North Carolina. And since then, it's been a real ordeal on managing all this. And it's taught me a lot. And it's made me a better doctor through my prescribing, my monitoring and my protocols and my research on the topic that we're talking about today.

And, you know, now my protocols are the best -- I feel they're the best. And it's difficult to believe that someone could actually have a better set, based off of all the research that I've been doing and the courses that I've been taking and the experts in the field that I've talked to.

T. at 25-26.

Dr. Epstein described his current prescribing habits as "much more strict" and his patient monitoring as "very thorough." T. at 57.

C. Texas Order

On March 22, 2024, the Texas Medical Board issued a Waiver Order in which the Texas Medical Board essentially took no additional action against Dr. Epstein but required that he fully comply with all terms of the Consent Order with the North Carolina Medical Board. Ex. 3.

D. Additional Information

Actions by Other Boards

Dr. Epstein is currently licensed in 23 states. As of the hearing, 11 states had not taken action against Dr. Epstein's license based on the Consent Order with the North Carolina Medical Board while 10 other states had taken minor action ranging from the Texas Medical Board's Waiver Order to reprimands and a letter of admonishment. Ex. A.

CME

Since the North Carolina Medical Board Consent Order, Dr. Epstein has completed a significant number of continuing medical education courses regarding the prescribing of controlled substances and ketamine as well as other subjects. T. at 24-25, 36-38. Ex. B.

Letters in Support

Dr. Epstein provided several letters from his ketamine patients. These patients expressed how Dr. Epstein and ketamine have helped with their conditions. Exs. C-G.

Journal Articles

Dr. Epstein submitted a number of journal articles related to the use of ketamine and psychedelics. Exs. J-U.

III. BOARD ALLEGATIONS

The Board alleged in the Notice as follows:

- (1) On or about January 2, 2024, [Dr. Epstein] entered into a Consent Order [North Carolina Order] with the North Carolina Medical Board [North Carolina Board], based on a complaint involving [his] prescribing of Ketamine to at least four patients who lived in North Carolina. Under the terms of the North Carolina Order, [Dr. Epstein was] reprimanded, and [he was] restricted and prohibited from using [his] North Carolina medical license to prescribe Ketamine and any drug that may contain Ketamine. [He] also [was] ordered to complete continuing medical education in medical record documentation.***
- (2) On or about March 22, 2024, [Dr. Epstein] entered into a Waiver Order [Texas Order] with the Texas Medical Board, based on the North Carolina Order. Under the terms of the Texas Order, [he was] to comply with all terms, conditions, and requirements of the North Carolina Order. ***

Ex. 1a at 1.

IV. FINDINGS OF FACT

1. On January 2, 2024, Dr. Epstein entered in a Consent Order with the North Carolina Medical Board. The Consent Order was based on Dr. Epstein's care and treatment of four North Carolina patients with ketamine. Under the terms of the Consent Order, Dr. Epstein was reprimanded and prohibited from using his North Carolina medical license to prescribe ketamine and any drug that may contain ketamine. He was also ordered to complete four hours of continuing medical education on medical record keeping. Dr. Epstein completed the required continuing medical education hours, and the North Carolina Medical Board lifted the probation on prescribing Ketamine in December 2024.
2. On March 22, 2024, Dr. Epstein entered into a Waiver Order with the Texas Medical Board. This Waiver Order was based on the North Carolina Medical Board Consent Agreement. Under the terms of the Waiver Order, Dr. Epstein was to comply with all the terms, conditions, and requirements of the North Carolina Medical Board Consent Order.

V. CONCLUSIONS OF LAW

The North Carolina Medical Board Consent Agreement and the Texas Medical Board Waiver Order, as described in Findings of Fact 1 and 2 above, individually, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender;

denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that phrase is used in R.C.4731.2(B)(22).

Pursuant to R.C. 4731.225, the Board is authorized to impose a penalty for these violations. The Board’s guidelines for this violation provide as follows:

Minimum Fine: \$3,500
Maximum Fine: \$20,000

RATIONALE FOR THE PROPOSED ORDER

Dr. Epstein’s practice of prescribing ketamine via telehealth is concerning. He is a dermatologist, not a trained psychiatrist, yet he is regularly treating patients for PTSD, depression, and anxiety with ketamine, a dangerous medication. He does not see any of these patients in person, and the ketamine is not administered at a facility where the patient can be monitored. Rather, Dr. Epstein allows his patients to use compounded sublingual ketamine at home so long as someone is around who can call 911. He does not require that his patients be continually monitored or that the person with them be medically trained. Dr. Epstein seemed aware that at least some formulations of ketamine are required to be administered while under actual medical supervision as he mentioned Spravato. Dr. Epstein provided numerous journal articles in support of ketamine prescribing. However, the North Carolina Medical Board’s issue was not simply that he was prescribing ketamine but that he failed to conform to the standards of acceptable care while prescribing ketamine.

The Board decided a similar case in January 2024. In that case, Dr. Scott Smith had surrendered his DEA registration after he issued prescriptions for controlled substances, including ketamine, to patients in states he was not licensed to practice, and he did not check the prescription drug monitoring programs as required. While the DEA surrender was the basis of the Board’s action, the Board’s discussion of Dr. Smith’s case showed a deep concern for the prescribing of ketamine via telehealth, particularly as there is no continuous monitoring of vitals or medical professionals present while the ketamine is being administered. Concerns regarding the use of compounded sublingual ketamine were also noted. In that case, the Board permanently revoked Dr. Smith’s Ohio license. The same is recommended here.

PROPOSED ORDER

It is hereby ORDERED that:

A. **PERMANENT REVOCATION:** The license of Andrew M. Epstein, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **PERMANENTLY REVOKED**.

EXHIBIT "B"

B. **FINE:** Within thirty days of the effective date of this Order, Dr. Epstein shall remit payment in full of a fine of three thousand five hundred dollars (\$3,500.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

This Order shall become effective immediately upon the date of service of the notification of approval by the Board.



Kimberly A. Lee
Hearing Examiner

May 14, 2025

VIA EMAIL ONLY

Andrew Michael Epstein, D.O.
5886 East Placita Alta Reposa
Tucson, AZ 85750
epsteinderm@gmail.com

RE: Case No. 24-CRF-0088

Dear Dr. Epstein:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Kimberly A. Lee, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 14, 2025, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Any party desiring to appeal this order shall file a notice of appeal with the State Medical Board of Ohio, located at 30 E. Broad St., 3rd Floor, Columbus, Ohio 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.

The notice of appeal shall also be filed by the appellant with the court of common pleas of Franklin County or the court of common pleas in the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing is not a resident of and has no place of business in this state, the party shall appeal to the court of common pleas of Franklin County. In filing a notice of appeal with both the Medical Board and the court, the notice that is filed may be either the original notice or a copy of the original notice.

The party filing the appeal shall comply with all requirements of Ohio Revised Code section 119.12 (R.C. 119.12). The notice of appeal shall be filed within fifteen days after the service of the notice of the Medical Board order as provided in section 119.05 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Kim G. Rothermel, M.D.
Secretary

KGR:KAL
Enclosures

30 E. Broad Street, 3rd Floor
Columbus, OH 43215 U.S.A.

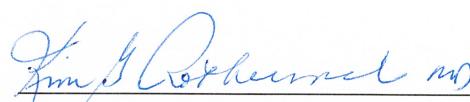
Phone: 614 | 466 3934
med.ohio.gov

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Kimberly A. Lee, Esq., State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 14, 2025, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Andrew Michael Epstein, D.O., Case No. 24-CRF-0088 as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.





Kim G. Rothermel, M.D.

May 14, 2025

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

Andrew Michael Epstein, D.O.

*

CASE NO. 24-CRF-0088

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on May 14, 2025.

Upon the Report and Recommendation of Kimberly A. Lee, Esq., State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION:** The license of Andrew M. Epstein, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **PERMANENTLY REVOKED**.

- B. **FINE:** Within thirty days of the effective date of this Order, Dr. Epstein shall remit payment in full of a fine of three thousand five hundred dollars (\$3,500.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

In the matter of Andrew M. Epstein, D.O.
Case No. 24-CRF-0088
Page 2

This Order shall become effective immediately upon the date of service of the notification of approval by the Board.



Kim G. Rothermel, M.D.
Kim G. Rothermel, M.D.
Secretary

May 14, 2025

Date



EXCERPT FROM THE DRAFT MINUTES OF MAY 14, 2025 IN THE MATTER OF ANDREW M. EPSTEIN, D.O.

.....

REPORTS AND RECOMMENDATIONS

Dr. Bechtel asked the Board to consider the Report and Recommendation appearing on the agenda: Ankita Singh, M.D.; John B. Johnson, M.D.; Geoffrey L. Kamen, M.D.; and Andrew M. Epstein, D.O.

Dr. Bechtel asked all Board members the following questions:

- 1.) Has each member of the Board received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in each of the Reports and Recommendations?
- 2.) Does each member of the Board understand that the Board's disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial?
- 3.) Does each member of the Board understand that in each matter eligible for a fine, the Board's fining guidelines allow for imposition of the range of civil penalties, from no fine to the statutory maximum amount of \$20,000?

ROLL CALL:

Dr. Rothermel	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Ms. Brumby	- aye
Dr. Soin	- aye
Mr. Gonidakis	- aye
Dr. Lewis	- aye
Ms. Montgomery	- aye
Dr. Boyle	- aye
Dr. Bechtel	- aye

In accordance with the provision in Ohio Revised Code 4731.22(F)(2), specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the disciplinary matters before the Board today, Dr. Rothermel served as Secretary and Dr. Kakarala served as Supervising Member. In addition, Dr. Bechtel served as Secretary and/or Supervising Member in the matter of Dr. Singh.

During these proceedings, no oral motions may be made by either party.

.....

Andrew M. Epstein, D.O.

.....

Ms. Montgomery moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Dr. Epstein. Dr. Boyle seconded the motion.

.....

A vote was taken on Ms. Montgomery's motion to approve:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Kakarala	- abstain
	Dr. Feibel	- aye
	Ms. Brumby	- aye
	Dr. Soin	- aye
	Mr. Gonidakis	- aye
	Dr. Lewis	- aye
	Ms. Montgomery	- aye
	Dr. Boyle	- aye
	Dr. Bechtel	- aye

The motion to approve carried.

STATE MEDICAL BOARD
OF OHIO

RECEIVED:
April 23, 2025

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 24-CRF-0088

Andrew M. Epstein, D.O.,
Respondent.

*

Hearing Examiner Lee

*

REPORT AND RECOMMENDATION

Appearances:

Dave Yost, Attorney General of Ohio, and Grant Wilson, Assistant Attorney General, for the State of Ohio. Larry A. Katz, Esq., on behalf of Dr. Epstein.

Hearing Date: April 1, 2025, by videoconference.

I. PROCEDURAL HISTORY

By letter dated May 8, 2024, the State Medical Board of Ohio notified Andrew M. Epstein, D.O., that it intended to determine whether to take disciplinary action against his license to practice osteopathic medicine in Ohio. *See* Ex. 1a. On May 20, 2024, Dr. Epstein requested a hearing to address the charge brought by the Board. *See* Ex. 1b. The hearing was initially scheduled to be held on October 15, 2024, but it was continued three times, once at the request of the State and twice at the request of Dr. Epstein, with the hearing finally being held on April 1, 2025. *See* June 5, 2024 Scheduling Entry; October 2, 2024 State's Motion to Continue Hearing; October 2, 2024 Entry Granting Continuance; November 19, 2024 Entry Granting Continuance; January 3, 2025 Respondent's Motion for Continuance; and January 30, 2025 Entry Granting Continuance.

Procedural Matter: Upon review of the transcript and the exhibits, Exhibit S was not clearly identified in the record. At the hearing, Exhibit S was identified as an article titled "Expanded Summary: Intranasal Ketamine for the Treatment of Resistant Depression." However, that title does not match the documents provided to the Hearing Examiner as Exhibit S. The Exhibit S provided to the Hearing Examiner prior to the hearing was comprised of two articles titled "Study Indicates Take-at-Home, Oral Ketamine is an Effective Option for Treatment-Resistant Depression" and "Sublingual Ketamine Demonstrated to Be Safe, Effective for Patients with Treatment-Resistant Depression." However, the last two pages of Exhibit U are a January 31, 2025 email from George Gavrilos with the subject line "Intranasal Racemic Ketamine for Treatment-Resistant Depression," and the body of the email includes the title "Expanded Summary: Safety and Efficacy of Intranasal Racemic Ketamine for Treatment-Resistant Depression." Out of an abundance of caution, the Hearing Examiner has included all three of these

documents in Exhibit S. In addition, Exhibit H was sealed by the Hearing Examiner as it contained the name of a patient.

II. SUMMARY OF THE EVIDENCE¹

A. Background

Dr. Epstein graduated from Midwestern Arizona College of Osteopathic Medicine in 2012 and subsequently completed a residency in dermatology. After practicing dermatology for several years, he transitioned to telehealth as well as operating a men's health clinic. Hearing Transcript ("T.") at 14-15, 30-34. In his telehealth practice, Dr. Epstein utilizes ketamine to treat depression, anxiety, and PTSD. T. at 16. He currently prescribes compounded sublingual ketamine for these conditions. T. at 61. Dr. Epstein also testified that nearly all of his patients have been diagnosed with depression, anxiety, or PTSD by a previous treatment provider. T. at 64.

Dr. Epstein is licensed to practice osteopathic medicine in nearly two dozen states and practices telemedicine. T. at 12-13; Ex. A. He was initially licensed in Ohio in April 2022. T. at 13. He does not currently prescribe ketamine to Ohio patients and has no specific plans to begin doing so. T. at 23.

B. North Carolina Order

On January 2, 2024, Dr. Epstein entered into a Consent Order with the North Carolina Medical Board. The North Carolina Medical Board found that, while Dr. Epstein was residing in Arizona, he was treating North Carolina patients with ketamine via telehealth. The North Carolina Medical Board's expert reviewed Dr. Epstein's records for four such patients between February 2023 and June 2023 and opined that Dr. Epstein (i) failed to conduct urine drug screens prior to the initial ketamine prescription; (ii) failed to conduct and document patient medical histories and physical examinations; (iii) failed to have a protocol for patient monitoring, follow-up visits, and adverse reaction assessments; (iv) and failed to have guidelines in order to prevent the misuse of the ketamine he was prescribing. Ex. 2 at 2-3.

Pursuant to the Consent Order, Dr. Epstein was reprimanded and prohibited from prescribing ketamine. He was also required to complete four hours of continuing medical education on medical record documentation. Ex. 2 at 7. In February 2024, Dr. Epstein completed a 17-hour medical record keeping course. Ex. B. In December 2024, the North Carolina Medical Board lifted the ketamine prescribing prohibition. T. at 35

¹ All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

At hearing, Dr. Epstein explained how he has addressed the problems specified in the North Carolina Consent Order. While he had not previously been aware that North Carolina required a physical examination prior to prescribing ketamine, he testified that, to the extent possible, he performs physical examination via videoconference by visually appraising the patient. He asks his patients for their weight, heart rate, temperature, and respiratory rate. He also obtains a thorough medical history. T. at 16, 18-19, 45-47. Dr. Epstein testified that he did this prior to the Consent Order, but he “just was not good at documenting.” T. at 61. Additionally, Dr. Epstein now requires a urine drug screen prior to first prescribing ketamine to a patient and thereafter orders semi-annual random screens. As Dr. Epstein is a telehealth physician, the patients are referred to testing location near them. T. at 21, 47.

Since the Consent Order, Dr. Epstein ensures that patients sign annual controlled substance agreements, and he also checks prescription databases prior to a new patient appointment and at least every three months thereafter. If he sees another prescriber in the prescription database report, he will contact them to determine whether it is acceptable to prescribe ketamine to that patient. T. at 19-20, 62-63. He testified that he obtains medical records if the patient has been treated with ketamine in the previous six months or if the patient is being prescribed pain medication. T. at 62. He also obtains the medical records related to his patients’ previous treatment for the diagnoses of PTSD, anxiety, and depression. T. at 64.

Dr. Epstein sees his telehealth patients on a monthly basis and prescribes a month of medication at a time. T. at 20. At his monthly follow-up appointments with his patients, Dr. Epstein testified that he reviews their symptoms, asks about side effects, performs a psychometric evaluation, and re-assesses their treatment goals. T. at 65-66. While Dr. Epstein only sees his patients via telehealth once a month, he prescribes ketamine to be taken twice a week. T. at 67.

He explained that he only prescribes sublingual ketamine and that he directs every patient to have another person with them when they take the ketamine in order to monitor for complications. Dr. Epstein referred to these monitors as “trip sitters.” However, Dr. Epstein does not require that these trip sitters have medical training. T. at 22. Dr. Epstein testified that trip sitters essentially know when to call 911 and have “a basic understanding of like basically a good samaritan on the street who sees someone in needs, we need to contact emergency medical services.” T. at 58. Dr. Epstein explained that the only complications he has witnessed are elevated heart rate and blood pressure, both of which usually resolve within an hour. Dr. Epstein acknowledged that an allergic reaction was also possible. T. at 22-23, 58.

When asked what this experience has taught him, Dr. Epstein testified:

So this experience has taught me that some of my practices were not up to par, and I suffered the consequences with North Carolina. And since then, it’s been a real ordeal on managing all this. And it’s taught me a lot. And it’s made me a better doctor through my prescribing, my monitoring and my protocols and my research on the topic that we’re talking about today.

And, you know, now my protocols are the best -- I feel they're the best. And it's difficult to believe that someone could actually have a better set, based off of all the research that I've been doing and the courses that I've been taking and the experts in the field that I've talked to.

T. at 25-26.

Dr. Epstein described his current prescribing habits as "much more strict" and his patient monitoring as "very thorough." T. at 57.

C. Texas Order

On March 22, 2024, the Texas Medical Board issued a Waiver Order in which the Texas Medical Board essentially took no additional action against Dr. Epstein but required that he fully comply with all terms of the Consent Order with the North Carolina Medical Board. Ex. 3.

D. Additional Information

Actions by Other Boards

Dr. Epstein is currently licensed in 23 states. As of the hearing, 11 states had not taken action against Dr. Epstein's license based on the Consent Order with the North Carolina Medical Board while 10 other states had taken minor action ranging from the Texas Medical Board's Waiver Order to reprimands and a letter of admonishment. Ex. A.

CME

Since the North Carolina Medical Board Consent Order, Dr. Epstein has completed a significant number of continuing medical education courses regarding the prescribing of controlled substances and ketamine as well as other subjects. T. at 24-25, 36-38. Ex. B.

Letters in Support

Dr. Epstein provided several letters from his ketamine patients. These patients expressed how Dr. Epstein and ketamine have helped with their conditions. Exs. C-G.

Journal Articles

Dr. Epstein submitted a number of journal articles related to the use of ketamine and psychedelics. Exs. J-U.

III. BOARD ALLEGATIONS

The Board alleged in the Notice as follows:

- (1) On or about January 2, 2024, [Dr. Epstein] entered into a Consent Order [North Carolina Order] with the North Carolina Medical Board [North Carolina Board], based on a complaint involving [his] prescribing of Ketamine to at least four patients who lived in North Carolina. Under the terms of the North Carolina Order, [Dr. Epstein was] reprimanded, and [he was] restricted and prohibited from using [his] North Carolina medical license to prescribe Ketamine and any drug that may contain Ketamine. [He] also [was] ordered to complete continuing medical education in medical record documentation.***
- (2) On or about March 22, 2024, [Dr. Epstein] entered into a Waiver Order [Texas Order] with the Texas Medical Board, based on the North Carolina Order. Under the terms of the Texas Order, [he was] to comply with all terms, conditions, and requirements of the North Carolina Order. ***

Ex. 1a at 1.

IV. FINDINGS OF FACT

1. On January 2, 2024, Dr. Epstein entered in a Consent Order with the North Carolina Medical Board. The Consent Order was based on Dr. Epstein's care and treatment of four North Carolina patients with ketamine. Under the terms of the Consent Order, Dr. Epstein was reprimanded and prohibited from using his North Carolina medical license to prescribe ketamine and any drug that may contain ketamine. He was also ordered to complete four hours of continuing medical education on medical record keeping. Dr. Epstein completed the required continuing medical education hours, and the North Carolina Medical Board lifted the probation on prescribing Ketamine in December 2024.
2. On March 22, 2024, Dr. Epstein entered into a Waiver Order with the Texas Medical Board. This Waiver Order was based on the North Carolina Medical Board Consent Agreement. Under the terms of the Waiver Order, Dr. Epstein was to comply with all the terms, conditions, and requirements of the North Carolina Medical Board Consent Order.

V. CONCLUSIONS OF LAW

The North Carolina Medical Board Consent Agreement and the Texas Medical Board Waiver Order, as described in Findings of Fact 1 and 2 above, individually, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender;

denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that phrase is used in R.C.4731.2(B)(22).

Pursuant to R.C. 4731.225, the Board is authorized to impose a penalty for these violations. The Board’s guidelines for this violation provide as follows:

Minimum Fine: \$3,500
Maximum Fine: \$20,000

RATIONALE FOR THE PROPOSED ORDER

Dr. Epstein’s practice of prescribing ketamine via telehealth is concerning. He is a dermatologist, not a trained psychiatrist, yet he is regularly treating patients for PTSD, depression, and anxiety with ketamine, a dangerous medication. He does not see any of these patients in person, and the ketamine is not administered at a facility where the patient can be monitored. Rather, Dr. Epstein allows his patients to use compounded sublingual ketamine at home so long as someone is around who can call 911. He does not require that his patients be continually monitored or that the person with them be medically trained. Dr. Epstein seemed aware that at least some formulations of ketamine are required to be administered while under actual medical supervision as he mentioned Spravato. Dr. Epstein provided numerous journal articles in support of ketamine prescribing. However, the North Carolina Medical Board’s issue was not simply that he was prescribing ketamine but that he failed to conform to the standards of acceptable care while prescribing ketamine.

The Board decided a similar case in January 2024. In that case, Dr. Scott Smith had surrendered his DEA registration after he issued prescriptions for controlled substances, including ketamine, to patients in states he was not licensed to practice, and he did not check the prescription drug monitoring programs as required. While the DEA surrender was the basis of the Board’s action, the Board’s discussion of Dr. Smith’s case showed a deep concern for the prescribing of ketamine via telehealth, particularly as there is no continuous monitoring of vitals or medical professionals present while the ketamine is being administered. Concerns regarding the use of compounded sublingual ketamine were also noted. In that case, the Board permanently revoked Dr. Smith’s Ohio license. The same is recommended here.

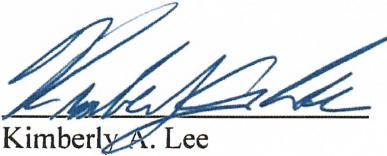
PROPOSED ORDER

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION:** The license of Andrew M. Epstein, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **PERMANENTLY REVOKED**.

B. **FINE:** Within thirty days of the effective date of this Order, Dr. Epstein shall remit payment in full of a fine of three thousand five hundred dollars (\$3,500.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

This Order shall become effective immediately upon the date of service of the notification of approval by the Board.



Kimberly A. Lee
Hearing Examiner



May 8, 2024

Case number: 24-CRF-0088

Andrew M. Epstein, D.O.
6834 E. Snyder Rd.
Tucson, AZ 85750-6165

epsteinderm@gmail.com

Dear Doctor Epstein:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about January 2, 2024, you entered into a Consent Order [North Carolina Order] with the North Carolina Medical Board [North Carolina Board], based on a complaint involving your prescribing of Ketamine to at least four patients who lived in North Carolina. Under the terms of the North Carolina Order, you were reprimanded, and you were restricted and prohibited from using your North Carolina medical license to prescribe Ketamine and any drug that may contain Ketamine. You also were ordered to complete continuing medical education in medical record documentation. A copy of the North Carolina Order is attached hereto and incorporated herein.
- (2) On or about March 22, 2024, you entered into a Waiver Order [Texas Order] with the Texas Medical Board, based on the North Carolina Order. Under the terms of the Texas Order, you were to comply with all terms, conditions, and requirements of the North Carolina Order. A copy of the Texas Order is attached hereto and incorporated herein.

The North Carolina Order as alleged in paragraph (1) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The Texas Order as alleged in paragraph (2) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the Board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of service of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of service of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual’s license or certificate to practice, refuses to renew an individual’s license or certificate to practice, or refuses to reinstate an individual’s license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.”

Copies of the applicable sections are enclosed for your information.

THE STATE MEDICAL BOARD OF OHIO



Kim G. Rothermel, M.D.
Secretary

KGR/CDP/lv
Enclosures

Via email: epsteinderm@gmail.com

cc: Lawrence A. Katz
Lento Law Group, P.C.
3000 Atrium Way, Suite 200
Mount Laurel, NJ 08054

Lakatz@lentolawgroup.com

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.

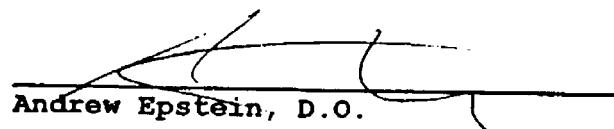
11. Upon execution by Dr. Epstein and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to 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, D.O.
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

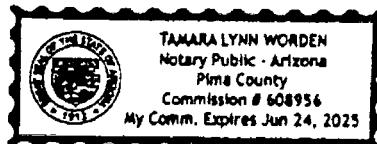
I, Tamara Lynn Worden, do hereby certify that Andrew Epstein, D.O. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

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



IN THE MATTER OF
THE LICENSE OF
ANDREW MICHAEL EPSTEIN, D.O.

BEFORE THE
TEXAS MEDICAL BOARD

WAIVER ORDER

On the 22 day of March, 2024, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of Andrew Michael Epstein, D.O. (Respondent). This Order was drafted by Board Staff Attorney Germaine Jones.

AGREEMENTS

1. Staff is authorized to offer this Waiver Order to resolve this Complaint.
2. Respondent expressly agreed to waive their right to an Informal Settlement and instead agrees to the entry of this Waiver Order.
3. The jurisdiction of the Board over this matter, including the entry of this Waiver Order, is undisputed.
4. 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. 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. 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.
5. Staff asserts the allegation in Paragraph No. 4 is a violation of §164.051(a)(9) of the Act.
6. Respondent does not admit or deny the Board staff's allegation or claimed violations.

7. Section 164.002(d) of the Act provides that this Waiver Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

TERMS

1. Respondent shall comply with all terms, conditions, and requirements of the agreement entered on or around January 4, 2024, with the North Carolina Medical Board and shall document such compliance with the Board. Respondent agrees to provide documentation showing compliance with the terms, conditions, and requirements of the probation agreement to the Compliance Department of the Board within a reasonable time, and shall sign any authorization required for the Board to obtain such documentation of compliance.

2. Any violation of the terms of this Waiver Order, including failure to cooperate, shall be a basis for disciplinary action by the Board. Respondent agrees that any proceeding related to this Waiver Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

3. This Waiver Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the terms required in Paragraph No. 1.

THIS WAIVER ORDER IS A PUBLIC RECORD.

(SIGNATURE PAGES FOLLOW)

I, ANDREW MICHAEL EPSTEIN, D.O., HAVE READ AND UNDERSTAND THE FOREGOING WAIVER ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS WAIVER ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND. VERBAL, WRITTEN OR OTHERWISE.

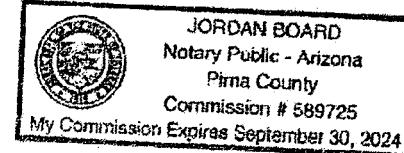
DATED: March 4, 2024


Andrew Michael Epstein, D.O.
Respondent

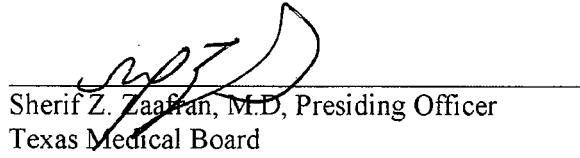
State of Arizona

County of Pima

The foregoing instrument was acknowledged
before me this 4 day of March 20 24
Notary Public Jordan Board
My commission Expires 09/30/24



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 22 day
of March, 2024.


Sherif Z. Zafran, M.D., Presiding Officer
Texas Medical Board

From: Acknowledgement
To: legal@med.ohio.gov
Subject: Ack: May Notice of Opportunity for Hearing - Epstein
Date: Thursday, May 9, 2024 8:54:23 AM

RMail Acknowledgement - Proof of Sending

This message certifies that the email below was sent.

Categories	Message Details
To:	<epsteinderm@gmail.com> <lakatz@lentolawgroup.com>
Cc:	<legal@med.ohio.gov>
Subject:	May Notice of Opportunity for Hearing - Epstein
Received by RMail:	(UTC) 05/09/2024 12:53:27 PM (Local) 05/09/2024 08:53:27 AM
Tracking Number:	78DF3A2A0890BBA805621D5972F92D3FE82015C0
Client Code:	
Features Used:	 

Notes:

1. *UTC represents Coordinated Universal Time: <https://www.rmail.com/resources/coordinated-universal-time/>
2. RMail will send a Registered Receipt™ record within two hours as your proof of delivery, content, and official time.
3. All Bcc addresses will be included in your Registered Receipt email.
4. The Registered Receipt email contains the full list of the recipient addresses to which the message was transmitted.

For more information about RMail® services, visit www.rmail.com.

An RPost® Technology

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.