

FILED OF RECORD

JUN 24 2024

K.B.M.L

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. D2402

IN RE: THE APPLICATION TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH OF KENTUCKY FILED BY ANDREW EPSTEIN, D.O., 5886 E. PLACITA ALTA REPOSA, TUSCON, ARIZONA 85750

ORDER DENYING APPLICATION FOR LICENSURE

At its June 20, 2024 meeting, the Kentucky Board of Medical Licensure (“the Board”) took up the *Application for Medical/Osteopathic License* in the Commonwealth of Kentucky filed by Andrew Epstein, D.O. (“the applicant”). In addition to the application, the Board reviewed the following pertinent information: the applicant’s letter of explanation, dated February 28, 2024; PBI Education Certificate of Participation in PBI Medical Record Keeping, undated; Documentation of CME credits and attendance, dated January 19, 2023 through January 4, 2024; Letter from Lawrence A. Katz, counsel for the applicant, received March 25, 2024; Federation Credentials Verifications Service Report, dated April 24, 2023; Letter in Support from Steven Salzman D.O., dated January 22, 2024; North Carolina Medical Board Consent Order, dated January 4, 2024; Texas Medical Board Waiver Order, dated March 4, 2024; State of Tennessee Department of Health Consent Order, dated May 1, 2024; and Colorado Medical Board Letter of Admonition, dated March 25, 2024.

The applicant was given notice of the Board’s June 20, 2024 meeting and an opportunity to be heard. He did not appear.

Having considered all the information presented and being sufficiently advised, the Board makes the following Findings of Fact and Conclusions of Law and denies the Application for a Kentucky Medical/Osteopathic License filed by Andrew Epstein, D.O.

FINDINGS OF FACTS

1. On or about June 6, 2023, Andrew Epstein, D.O., submitted an application for a license to practice osteopathy in the Commonwealth of Kentucky.
2. The applicant's osteopathic specialty is dermatology.
3. The applicant is also licensed to practice medicine in multiple states, including North Carolina, Tennessee, Texas, and Colorado.
4. On or about January 4, 2024, the applicant entered into a Consent Order with the North Carolina Medical Board in which he admitted the following pertinent facts:
 - 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.
5. Pursuant to the North Carolina Consent Order, the applicant's conduct constituted unprofessional conduct, including but not limited to, a departure from, or failure to conform to the standards of acceptable and prevailing medical practice.
6. Pursuant to the North Carolina Consent Order, the applicant was reprimanded; required to complete continuing medical education; and restricted and prohibited from prescribing the drug Ketamine and any other drug that may contain Ketamine.
7. On or about March 4, 2024, the applicant entered into a Waiver Order with the Texas Medical Board pursuant to which he resolved a complaint against his Texas license by agreeing to demonstrate compliance with the terms of his North Carolina Consent Order.
8. On or about March 25, 2024, the Colorado Medical Board issued a letter of admonition, a formal disciplinary action, against the applicant's Colorado license.
9. On or about May 1, 2024, the applicant entered into a Consent Order, a formal disciplinary action, with the Tennessee Board of Osteopathic Examiners and pursuant to which the applicant was reprimanded; required to complete continuing medical education; and required to reimburse the costs of prosecution.

CONCLUSIONS OF LAW

1. By submitting an application for a medical license to the Board, the applicant's medical license is subject to regulation and discipline by the Board.
2. KRS 311.571 provides that the Board may deny licensure to an applicant without a prior evidentiary hearing upon a finding that the applicant has violated any provision of KRS 311.595 or 311.597, or is otherwise unfit to practice.
3. KRS 311.595(17) provides that the Board may deny an application for a license based upon proof that the licensee:

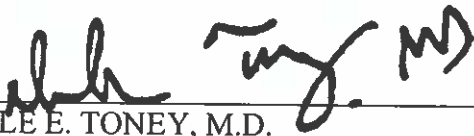
Had his license to practice medicine or osteopathy in any other state, territory, or foreign nation revoked, suspended, restricted, or limited or has been subjected to other disciplinary action by the licensing authority thereof. This subsection shall not require relitigation of the disciplinary action.

4. Based upon the Findings of Fact, the applicant engaged in conduct which violates the provisions of KRS 311.595(17). Accordingly, there are legal grounds for the Board to deny licensure to the applicant.

ORDER DENYING APPLICATION FOR LICENSURE

After due deliberation, the Board hereby ORDERS that the *Application for Medical/Osteopathic License* in the Commonwealth of Kentucky filed by Andrew Epstein, D.O., is hereby DENIED.


SO ORDERED this 24th day of June, 2024.



DALE E. TONEY, M.D.
ACTING PRESIDENT

Certificate of Service

I certify that the original of this Order Denying Application for Licensure was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, and copies were mailed via certified mail return-receipt requested to the applicant, Andrew Epstein, D.O., 5886 E. Placita Alta Reposa, Tucson, Arizona 85750, and his counsel, Lawrence A. Katz, Esq., Lento Law Group, P.C., 3000 Atrium Way, Suite 200, Mount Laurel, New Jersey 08054 on this 24th day of June, 2024.



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EFFECTIVE DATE AND APPEAL RIGHTS

This Order Denying Application for Licensure is effective upon filing.

Pursuant to KRS 311.571(7), KRS 311.593(2), and KRS 13B.140, the applicant may obtain judicial review of this Order by filing a Petition for Judicial Review in Jefferson Circuit Court within thirty (30) days after this Order is mailed or delivered by personal service, as noted above. Copies of the petition shall be served by the applicant upon the Board and its General Counsel or Assistant General Counsel. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested, along with a copy of this Order.