

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

Complainant,

Complaint No. 2025-22

v.

ANDREW EPSTEIN, D.O.,

Respondent.

CONSENT ORDER

The West Virginia Board of Osteopathic Medicine (“West Virginia Board” or “Board”) and Andrew Epstein, D.O. (“Respondent” or “Licensee”), agree to entry of the following Consent Order pursuant to W. Va. Code § 30-14-1, *et seq.*, W. Va. Code § 30-1-1 *et seq.*, and the rules of the Board.

STIPULATION OF FACTS

The Board and Respondent stipulate to the truthfulness and accuracy of the following facts:

1. Respondent is a physician licensed to practice medicine in the state of West Virginia, currently holding License Number 4108.
2. On or about January 4, 2024, Respondent entered into a Consent Order with the North Carolina Medical Board (“North Carolina Board”). The North Carolina Board imposed a reprimand, and prohibited Respondent from using his North Carolina Medical License to prescribe the drug Ketamine and any other drug that may contain Ketamine. Respondent was further required to complete continuing medical education hours in medical documentation.

3. The discipline imposed by the North Carolina Board was based on the Respondent's inappropriate prescribing of ketamine to four (4) telehealth patients. Specifically, the North Carolina Consent Order provides that Respondent failed to conduct urine drug screens to each patient before prescribing ketamine; failed to conduct and document physical examinations and obtain comprehensive medical histories before prescribing ketamine; failed to ensure protocols were in place regarding patient monitoring, follow-up, assessment for side effects, and adverse reactions before prescribing ketamine; and failed to establish guidelines for prescribing, dispensing, and monitoring the use of ketamine to prevent misuse.

4. The North Carolina Consent Order provides that the Respondent'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 North Carolina General Statutes § 90-14(a)(6), which is grounds to annul, suspend, revoke, condition, or limit the Respondent's license to practice medicine in North Carolina or to deny any application he may make in the future.

5. The West Virginia Board filed the above-styled complaint against Respondent on November 7, 2025, based on the disciplinary action taken by the North Carolina Board.¹ The West Virginia Board designated the matter as Complaint No. 2025-22. Respondent submitted a response to Complaint on December 30, 2025.

¹ The action taken by the West Virginia Board is based solely on the above-referenced action taken against Respondent by the North Carolina Board.

6. The Board and Respondent voluntarily enter into this Consent Order to resolve Complaint No. 2025-22. *To reiterate, this action is wholly derivative of the action against Respondent taken by the North Carolina Board.*

STIPULATED CONCLUSIONS OF LAW

1. The West Virginia Board of Osteopathic Medicine is a board of examination and registration created for the purpose of regulating the practice of osteopathic medicine and surgery in the State of West Virginia. W. Va. Code § 30-14-1, *et seq.*
2. The Board is authorized to impose sanctions when a licensee has been rendered unfit or unqualified to practice osteopathic medicine in accordance with the applicable standard of care to patients. W. Va. Code R. § 24-1-18 and W. Va. Code § 30-1-8.
3. Based on the Stipulations of Facts, the licensee has engaged in conduct which violates the provisions of W. Va. Code R § 24-1-18.1.7 (having a license subject to discipline in any other state)². Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
4. Pursuant to W. Va. Code § 30-1-8(g), the parties may fully and finally resolve this pending matter without an evidentiary hearing by entering into an informal resolution such as this Consent Order.

² W. Va. Code R. § 24.18.1.7, sets out in relevant part: “[Licensee] Had his or her license to practice osteopathic medicine in any other state, territory, jurisdiction or foreign nation revoked, suspended, restricted or limited, or otherwise acted against, or has been subjected to any other disciplinary action by the licensing authority thereof.”

ACKNOWLEDGEMENT OF RIGHTS

I, Andrew Epstein, D.O., having read this document and by signing my name to it, understand and acknowledge the following:

1. This is a legally binding document that affects my rights and privileges.
2. I have the right to consult a lawyer concerning the terms of this agreement and the legal rights and remedies that may otherwise be available to me, and I have exercised that right in this case.
3. I understand that, without my consent, no permanent legal action may be taken against me except after a hearing.
4. I understand that, instead of accepting this agreement, I may demand that the Board prove the allegations in the above-styled complaint against me by presenting evidence in a hearing conducted under law. If I choose to have a hearing, I would not have the burden of proof. I could, however, present evidence on my own behalf and I would have the right to cross-examine all witnesses who might testify against me. I also understand that I have the right to subpoena witnesses and records in order to compel their production at the hearing.
5. I knowingly and voluntarily waive all such rights and agree to entry of this Consent Order.
6. I acknowledge that this agreement is a legally binding Order. I also acknowledge that, if I violate any terms and conditions of the Order, the Board may take further action as permitted by law.

7. I understand that this is a public document and that the Board is legally obligated to allow any person to review this Consent Order. I also understand that this action and Order may be reported to other boards, to other jurisdictions, to the National Practitioner Data Bank, and to the Federation of State Medical Boards.

8. I understand that, as a result of this Consent Order, other licensing boards and authorities may take adverse action against my license as allowed by laws and regulations governing those boards and authorities.

TERMS OF ORDER

The West Virginia Board does hereby **REPRIMAND** Dr. Epstein.

It is further **ORDERED**:

1) The effective date of the Final Order is the date the Final Order is signed by the President of the Board or his designee;

2) The parties hereby agree that the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent expressly waives the right to seek attorney fee's or costs from the Board in connection with this matter;

3) Respondent and the Board fully understand that this Final Order will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically set forth in the above-styled complaint;

4) This Final Order is a public document that may be reported to other Boards, to other jurisdictions, to the National Practitioner Data Bank, and to the Federation of State Medical Boards; and,

5) Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Final Order of the Board.

I have read and understand each of the provisions of this Consent Order. I agree to abide by the terms set out herein and to be bound by them.

Signed: <u>Andrew M Epstein DO</u>	<u>04/08/2026</u>
Andrew Epstein, D.O. Licensee	Date
<u>Lawrence A. Katz</u>	<u>4-17-26</u>
Lawrence A. Katz Licensee's Counsel	Date

ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:

By agreement of the West Virginia Board of Osteopathic Medicine, it is ORDERED and entered this 20th day of April, 2026.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE:

By: Andy Tanner
Andy Tanner, D.O.
President
West Virginia Board of Osteopathic Medicine