

**IN THE MATTER**

**OF**

**CLAUDE-BERNARD ILIOU, M.D.  
CO-04-07-3313-A**

**COMMISSIONER'S  
SUMMARY  
ORDER**

**TO: CLAUDE-BERNARD ILIOU, M.D.  
1534 Navigator Road  
Punta Gorda, FL 33983**

**CLAUDE-BERNARD ILIOU, M.D.  
18 Westland Road  
Watertown, MA 02472-3548**

**CLAUDE-BERNARD ILIOU, M.D.  
4210 Library Street  
Port Charlotte, FL 33948**

**CLAUDE-BERNARD ILIOU, M.D.  
17506 Brighton Avenue  
Suite C  
Port Charlotte, FL 33954**

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Florida, Department of Health, (hereinafter "Florida Board") has made a finding substantially equivalent to a finding that the practice of medicine by **CLAUDE BERNARD ILIOU, M.D.**, Respondent, licensed to practice medicine in New York state on February 8, 1993, by license number 191402, in that jurisdiction, constitutes an imminent danger to the health, safety, and welfare of its people, as is more fully set forth in documents of the Florida Board, attached hereto, as Appendix "A," and made a part hereof.

It is, therefore:

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **CLAUDE-BERNARD ILIOU, M.D.**, Respondent, shall not practice medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine.

Any practice of medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530 and may constitute unauthorized medical practice, a felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the state of Florida. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct, on a date and at a location to be set forth in a written Notice of Referral Proceeding, together with a Statement of Charges, to be provided to Respondent after the final conclusion of the Florida proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than those set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Florida proceeding, immediately upon such conclusion.**

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU MAY BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW SECTION 230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY FOR THIS MATTER.**

DATE: Albany, New York

9. 3 , 2004



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DENNIS P. WHALEN  
Executive Deputy Commissioner

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

Final Order No. DNH-04-001-ES-001FILED DATE: 12-1-04

Department of Health

By: Erica J. Pines  
Deputy Agency ClerkAPPENDIX ASTATE OF FLORIDA  
DEPARTMENT OF HEALTH

IN RE: The Emergency Suspension of the License of  
Claude-Bernard Iliou, M.D.  
License Number: ME 68894  
Case Numbers 2004-13125 and 2004-19823

ORDER OF EMERGENCY SUSPENSION OF LICENSE

John G. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, hereby ORDERS the Emergency Suspension of the license of Claude-Bernard Iliou, M.D., (Dr. Iliou) to practice as a physician. Dr. Iliou holds license number ME 68894, and his last known address is 17506 Brighton Avenue, Suite C, Port Charlotte, Florida 33954. The following Findings of Fact and Conclusions of Law support the emergency suspension of Dr. Iliou's license to practice as a physician.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of medicine pursuant to Chapters 20, 456, and 458, Florida Statutes.
2. Section 456.073, Florida Statutes, empowers the Secretary of the Department to summarily suspend Dr. Iliou's license to practice as a physician in the State of Florida in accordance with Section 120.60(6), Florida Statutes.
3. Dr. Iliou is, and has been at all times material hereto, licensed to practice medicine in the State of Florida pursuant to Chapter 458, Florida Statutes.
4. The Professionals Recovery Network (PRN) is the impaired practitioners program for the Board of Medicine, pursuant to Section 456.076, Florida Statutes. PRN

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is an independent program that monitors the evaluation, care, and treatment of impaired healthcare professionals. PRN oversees random drug screens and provides for the exchange of information between the treatment providers, PRN, and the Department for the protection of the public.

5. Raymond M. Pomm, M.D., a Board-certified psychiatrist and addictionologist, is the Medical Director of PRN and is charged with responsibility for the oversight of the program and documentation of compliance and noncompliance with PRN monitoring contracts.

6. According to PRN records, Dr. Iliou has a long history of chemical dependency, treatment, and relapse that began in January of 1994. At that time, Dr. Iliou self-reported to PRN while he was in extended residential treatment at Talbot Recovery Center (Talbot) in Atlanta, Georgia. Dr. Iliou was receiving treatment for his illnesses of Chemical Dependency and Recurrent Major Depression.

7. At the time Dr. Iliou was receiving treatment at Talbot, he was licensed to practice medicine only in New York, but he was planning on relocating to Florida after he completed his treatment.

8. In February of 1994, following the completion of his treatment at Talbot, Dr. Iliou entered into a five-year monitoring contract with PRN in which he agreed to submit to regular drug screen tests, attend Alcoholics Anonymous (AA) meetings regularly and obtain outpatient treatment.

9. In May of 1995, Dr. Iliou applied for, and was granted, a license to practice medicine in the State of Florida by the Florida Board of Medicine. The Florida

Board of Medicine granted a license to Dr. Iliou contingent upon his being compliant with the terms of his existing PRN contract.

10. In September of 1997, Dr. Iliou admitted to PRN that he had relapsed on alcohol six months earlier. In response to Dr. Iliou's relapse, PRN required him to attend additional group sessions.

11. In January of 1998, Dr. Iliou experienced a chemical relapse on Fentanyl. As a result of his relapse, PRN referred Dr. Iliou to an extended residential treatment program (his second extended residential treatment program). Dr. Iliou received treatment from January 1998 until April 1998, at Pine Grove/Next Step, in Hattiesburg, Mississippi, a Department-approved treatment provider. While at Pine Grove/Next Step, Dr. Iliou underwent a psychiatric and psychological evaluation. The evaluators diagnosed Dr. Iliou as opiate dependent, with major depressive disorder, and recommended that upon his discharge he enter into a monitoring contract with PRN.

12. Fentanyl is listed in Chapter 893, Florida Statutes, as a schedule II controlled substance. Fentanyl is a potent opioid analgesic. A substance in schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of Fentanyl may lead to severe psychological or physical dependence similar to morphine.

13. Upon his discharge from Pine Grove/Next Step, Dr. Iliou established his second PRN contract.

14. In March of 2000, Dr. Iliou became non-compliant with his PRN contract again by not submitting to urine drug screens and not attending the weekly PRN

monitored group sessions. In addition, PRN received reliable information that Dr. Iliou was using opiates again.

15. As a result of Dr. Iliou's non-compliant behavior, PRN referred him to the Mt. Sinai Medical Center, in Miami Beach, Florida, for residential treatment of his opiate dependency. In June of 2000, Dr. Iliou established his third five-year monitoring contract with PRN.

16. In September of 2000, Dr. Iliou was hospitalized for stabilization of depression. At the time, Dr. Iliou admitted to self-medicating with benzodiazepines.

17. Benzodiazepines are listed in Chapter 893, Florida Statutes, as schedule IV controlled substances and are indicated for the short-term relief of the symptoms of anxiety. The abuse of benzodiazepines can lead to physical and psychological dependence.

18. Following Dr. Iliou's September 2000 hospitalization, he was re-evaluated by Anthony Albanese, M.D., a Department-approved treatment provider. Dr. Albanese concluded that Dr. Iliou should not practice medicine for at least a year due to his chemical dependency and depression and that he should be monitored by PRN.

19. In October of 2000, Dr. Iliou established his fourth PRN monitoring contract.

20. In May of 2001, Dr. Iliou relapsed on Dilaudid (according to PRN, Dr. Iliou crushed and intravenously injected the drug). PRN referred Dr. Iliou to Dr. Albanese for re-evaluation. Dr. Albanese's impression was that Dr. Iliou was suffering from polysubstance dependence with chemical relapse. Dr. Albanese recommended that Dr.

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Iliou refrain from the practice of medicine until he completed two (2) years of successful PRN monitoring.

21. Dilaudid contains hydromorphone, which is a schedule II controlled substance listed in Chapter 893, Florida Statutes. Hydromorphone is a powerful narcotic analgesic indicated for the relief of moderate to severe pain. It has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of Dilaudid may lead to severe physical and psychological dependence.

22. In July of 2001, Dr. Iliou signed his fifth PRN monitoring contract in which he agreed to withdraw from the practice of medicine until PRN approved his return.

23. In December of 2002, Dr. Iliou admitted that he had engaged in the practice of medicine, which was contrary to his agreement with PRN. As a result of his breaking his agreement with PRN, Dr. Iliou was evaluated by Martha Brown, M.D., a board-approved treatment provider. Dr. Brown diagnosed Dr. Iliou as opiate and cannabis dependent, with major depressive disorder and personality disorder. Dr. Brown opined that Dr. Iliou should not be practicing medicine at that time or in the near future. Further, Dr. Brown observed that Dr. Iliou had not been able to put together any extended length of sobriety or recovery in the past ten years. Dr. Brown concluded that Dr. Iliou could not practice medicine with reasonable skill and safety to patients at that time.

24. Following the recommendation of Dr. Brown, Dr. Iliou again agreed to withdraw from practice and to sign a sixth PRN monitoring contract.



25. In March of 2004, Dr. Iliou missed several weekly PRN monitoring group sessions, he failed on numerous occasions to submit to urine drug screens as requested by PRN, he failed to return PRN staff phone calls, and he missed appointments with his psychiatrist. In addition, the Department received information from a pharmacy that Dr. Iliou was practicing medicine, contrary to the direction of PRN and Dr. Brown, by writing prescriptions for OxyContin.

26. OxyContin contains oxycodone, a schedule II controlled substance listed in Chapter 893, Florida Statutes, which is indicated for the management of moderate to severe pain when a continuous, around-the-clock analgesic is needed for an extended period of time. Oxycodone has a high potential for abuse and has a currently accepted, but severely restricted, medical use in treatment in the United States. Abuse of oxycodone may lead to severe physical and psychological dependence.

27. In or about March 2004, PRN attempted to contact Dr. Iliou on numerous occasions. PRN staff left messages for Dr. Iliou, but Dr. Iliou did not respond.

28. On March 30, 2004, Dr. Iliou told his receptionist that he was through with his practice and that he would not be back into the office. Dr. Iliou left several patients' records at his office and he placed the remaining patients' records in a storage unit. Dr. Iliou did not publish a notice of the termination of his practice or notify his patients of the address at which they could obtain their records. Dr. Iliou did not place a sign in a conspicuous location in his office announcing the termination of his practice prior to the termination.

29. In a letter dated April 2, 2004, Dr. Pomm, the Medical Director of PRN,

notified the Department that PRN had exhausted all measures to assist Dr. Illou. Dr. Pomm concluded his letter by stating, "Dr. Illou has multiple potentially impairing illnesses, which gone untreated and unmonitored make him unsafe to practice his profession with reasonable skill and safety and cause him to be a threat to the public health, safety, and welfare."

30. On April 28, 2004, the Department sent Dr. Illou a letter of notification that a complaint had been filed against his license and telling him of his right to respond.

31. As of the date of this Order, the Department has received no response from Dr. Illou or information indicating that any Department-approved treatment provider is monitoring Dr. Illou's chemical dependency and mental health disorders.

32. Section 120.60(6), Florida Statutes (2003), authorizes the Department to suspend a physician's license if the Department finds that the physician presents an immediate serious danger to the public health, safety, or welfare.

33. Rule 64B8-10.002(4), Florida Administrative Code, adopted pursuant to Section 458.309, Florida Statutes, provides:

When a licensed physician terminates practice or relocates and is no longer available to patients, patients should be notified of such termination, sale, or relocation and unavailability by the physician's causing to be published, in the newspaper of greatest general circulation in each county in which the physician practices or practiced and in a local newspaper that serves the immediate practice area, a notice which shall contain the date of termination, sale, or relocation and an address at which the records may be obtained from the physician terminating or selling the practice or relocating or from another licensed physician or osteopathic physician. A copy of this notice shall also be

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Claude Bernard Blou, M.D.  
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submitted to the Board of Medicine within one (1) month from the date of termination, sale, or relocation of the practice. In addition, the licensed physician shall place in a conspicuous location in or on the face of the physician's office, a sign, announcing the termination, sale or relocation of the practice. The sign shall be placed at least thirty days prior to the termination, sale, or relocation of the practice and shall remain until the date of termination, sale, or relocation. Both the notice and the sign shall advise the licensed physician's patients of their opportunity to transfer or receive their records.

34. Section 458.331(1)(nn), Florida Statutes (2003), subjects a physician to discipline, including suspension, for violating any provision of Chapter 458 or Chapter 456, Florida Statutes, or any rules adopted pursuant thereto.

35. Section 458.331(1)(s), Florida Statutes (2003), subjects a physician to discipline, including suspension, for being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

36. Dr. Iliou's long history of substance abuse, treatment, and relapse calls into question his ability to function as a physician with skill and safety to patients. Dr. Iliou's current unwillingness to comply with PRN's and Dr. Brown's recommendation that he not practice medicine based on his current untreated chemical dependence presents a danger to the public health, safety and welfare and does not correspond to that level of professional conduct expected of one licensed to practice medicine in this state. In addition, the manner in which Dr. Iliou terminated his practice demonstrates impaired judgment and indifference to the well-being of his patients.

37. Further, a physician licensed in the State of Florida is one of a small number of licensed professionals allowed to prescribe, administer, and dispense controlled substances by the State of Florida. The Legislature has vested a trust and confidence in these licensed professionals by permitting them to administer, prescribe, and dispense drugs with a high potential for abuse and harm. Dr. Iliou's continued use and abuse of controlled substances constitutes a breach of the trust and confidence that the Legislature placed in him by permitting him to practice medicine.

38. Dr. Iliou's acts manifest such a pattern and propensity for substance abuse that a continuation of this practice is likely to occur. Because Dr. Iliou is currently untreated and unmonitored, nothing short of the immediate suspension of Dr. Iliou's license will protect the public from Dr. Iliou.

#### CONCLUSIONS OF LAW

1. The Secretary of the Department of Health has jurisdiction over this matter pursuant to Section 456.073, Florida Statutes, and Section 20.43(3)(g), Florida Statutes, as set forth above.
2. Based on the foregoing Findings of Fact, the Secretary concludes that Dr. Iliou has violated Section 458.331(1)(s), Florida Statutes (2003), by being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition as evidenced by Dr. Iliou's long history of substance abuse, treatment and relapse and his current unwillingness to comply with the recommendations of PRN and obtain treatment and engage in monitoring.

3. Based on the foregoing Findings of Fact, the Secretary concludes that Dr. Iliou has violated Section 458.331(1)(nn), Florida Statutes (2003), by violating any provision of Chapter 458 or Chapter 456, Florida Statutes, or any rules adopted pursuant thereto by falling to comply with the requirements for terminating a practice as set out in Rule 6488-10.002(4), Florida Administrative Code.

4. The Secretary finds that, based on the facts set forth above, Dr. Iliou's continued practice as a physician constitutes an immediate serious danger to the health, safety, and welfare of the public and that this summary procedure is fair under the circumstances to adequately protect the public.

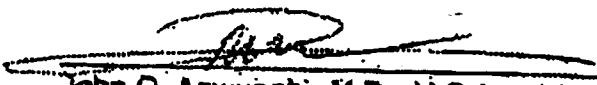
WHEREFORE, in accordance with Section 120.60(6), Florida Statutes, it is

THEREUPON ORDERED THAT:

1. The license of Claude Bernard Iliou, M.D., license number ME 68894, is hereby immediately suspended.

2. A proceeding seeking formal suspension or discipline of the license of Claude Bernard Iliou, M.D., to practice medicine will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes.

DONE and ORDERED this 4<sup>th</sup> day of June, 2004.

  
John O. Agwunobi, M.D., M.B.A., M.P.H.  
Secretary, Department of Health

PREPARED BY:  
Carol L. Gregg F/B/N 181515  
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Claude-Bernard Blyu, M.D.  
License Number: ME 68094  
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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Section 120.60(6), and 120.68, Florida Statutes, the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review in accordance with Florida Rule of Appellate Procedure 9.100, with the Department of Health and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.

IN RE: The Emergency Suspension of the License of  
Claude Gerard Siou, M.D.  
License Number: ME 68864  
Case Number 2004-13725 and 2004-19823