



**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

Public

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

May 6, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Claude Bernard Iliou, M.D.
17506 Brighton Avenue
Suite C
Port Charlotte, Florida 33954

Claude Bernard Iliou, M.D.
1534 Navigator Road
Punta Gorda, Florida 33983

Claude Bernard Iliou, M.D.
18 Westland Road
Watertown, Massachusetts 02472-3548

Claude Bernard Iliou, M.D.
4210 Liberty Street
Port Charlotte, Florida 33948

Claude Bernard Iliou, M.D.
4921 Abate Avenue
North Port, Florida 34286-8209

Claude Bernard Iliou, M.D.
26317 Barbinos Drive
Punta Gorda, Florida 33983-5774

Robert Bogan, Esq.
NYS Department of Health
Office of Professional Medical Conduct
433 River Street - 4th Floor
Troy, New York 12180

RE: In the Matter of Claude Bernard Iliou, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 05-95) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

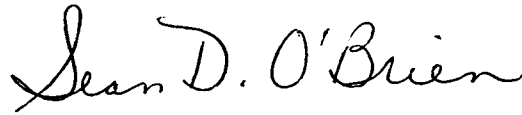
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Sean D. O'Brien". The signature is written in a cursive style with a large initial 'S' and 'O'.

Sean D. O'Brien, Director
Bureau of Adjudication

SDO:cah
Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
CLAUDE BERNARD ILIOU, M.D.

DETERMINATION

AND

ORDER

BPMC 05-95

COPY

A Commissioner's Summary Order dated September 3, 2004, and a Notice of Hearing and Statement of Charges, both dated February 17, 2005, were served, as that term is defined in Public Health Law §230(10)(d), upon the Respondent, **CLAUDE BERNARD ILIOU, M.D.** **ELEANOR KANE, M.D.**, Chairperson, **JAMES ADAMS, M.D.** and **SR. MARY THERESA MURPHY**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on April 21, 2005, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.** The Respondent did not appear at the hearing in person or by an attorney, did not file an answer and did not request an adjournment.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Sections 230(12)(b) and 230(10)(p). The first cited statute provides, in pertinent part, that when the duly authorized professional disciplinary agency of another jurisdiction has made a finding substantially equivalent to a finding that the practice of medicine by the licensee in that jurisdiction constitutes an imminent danger to the health of its people, or when such an agency had disciplined the licensee for acts which, had they been committed in New York, would have constituted grounds for the issuance of a Commissioner's Order under subdivision (a) (imminent danger), the commissioner may order the licensee, by written notice, to discontinue or refrain from the practice of medicine in New York in whole or in part pending a hearing.

The latter statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

The Commissioner in this case issued a summary order on September 3, 2004, based upon the issuance of an Order of Emergency Suspension of License by the Secretary of the State of Florida Department of Health.

On February 17, 2005, the Department instituted this proceeding, after Respondent's license was revoked by the State of Florida, charging Respondent with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d), based upon actions constituting violations of subdivisions (7), (8) and (29). Copies of the Commissioner's Order, and the Notice of Referral Proceeding and the Statement of Charges, are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:	None
For the Respondent:	None

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex.". These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. **CLAUDE BERNARD ILIOU, M.D.**, the Respondent, was authorized to practice medicine in New York State on February 8, 1993, by the issuance of license number 191402 by the New York State Education Department. (Ex. 7)
2. On June 4, 2004, the Secretary of the State of Florida Department of Health issued, pending a hearing, an Order of Emergency Suspension of License against Respondent's Florida medical license. The Order concludes that Respondent was

“...unable to practice medicine with reasonable skill and safety to patients...” because of his “...long history of substance abuse, treatment and relapse and his current unwillingness to comply with the recommendations of PRN [Professionals Recovery Network] and obtain treatment and engage in monitoring.” (Ex. 1)

3. On September 3, 2004, the Commissioner of the New York State Department of Health issued a Commissioner’s Summary Order suspending Respondent’s New York license based upon the Florida suspension. (Ex. 1)
4. On December 16, 2004, the State of Florida Board of Medicine revoked Respondent’s license after he failed to appear at a hearing to adjudicate, or otherwise respond to, an Administrative Complaint alleging, among other things, his long-term and largely uncontrolled abuse of narcotics, failures of treatment, failures to comply with his treatment and monitoring agreements with PRN, psychiatric problems, failure to comply with conditions placed on his license, and improper closure of his practice. (Ex. 8)
5. On February 17, 2005, the Department issued a Notice of Hearing and Statement of Charges alleging that the conduct leading to the revocation Respondent’s license by the Florida Board constituted misconduct in New York State. (Ex. 4)

JURISDICTION

The Respondent did not appear at the hearing in person or by an attorney, did not file an answer and did not request an adjournment. There is, in fact, no evidence that he received the Notice of Hearing and Statement of Charges. Accordingly, before the merits can be addressed, the subject of service must be considered.

The Department attempted unsuccessfully to serve Respondent personally and by Certified Mail at 6 different locations, five in Florida and one in Massachusetts. The Florida

addresses included addresses with the following characteristics: the current address of his ex-wife, whom he deserted in April, 2004; the address of his parents; the last address listed in a LexisNexis person search; the address at which he was served by the Florida Board; and an address he lived at up until 1999. The Massachusetts address was the address at which his last driver's license was registered (Ex.'s 5-7, 9 and 10; representations of Mr. Bogan at the hearing). Respondent did not reside at any of the Florida addresses, and the process server that attempted to serve him at the Massachusetts address stated in his affidavit that he was "evading" service (Ex. 5).

Inasmuch as personal service was unsuccessful after due diligence, the Department was authorized by Public Health Law §230(10)(d) to serve Respondent by Registered or Certified Mail sent "...to [his] last know address...". The Department sent copies of the documents by Certified Mail, Return Receipt Requested to the addresses listed above, and since they were the best addresses the Department had for Respondent, the Administrative Law Judge ruled that the Department had satisfied the statutory requirements for service of process, and that the hearing could proceed on the merits. Any failure of actual service was occasioned by Respondent's failure to list his current address with licensing authorities as required by law, and/or by his evasion of process.

HEARING COMMITTEE CONCLUSIONS

The hearing Committee concludes that the conduct resulting in the Florida Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to New York Education Law §6530(9)(b) and (d), in that the conduct would have constituted misconduct in New York, had it been committed here, under:

- New York Education Law §6530(7) (practicing while impaired by alcohol, drugs, physical or mental disability);
- New York Education Law §6530(8) (being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects);
- New York Education Law §6530(29) (violating any term or condition or limitation imposed on the licensee);

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case establishes that On December 16, 2004, the State of Florida Board of Medicine revoked Respondent's license after he failed to appear at a hearing to

adjudicate, or otherwise respond to, an Administrative Complaint alleging, among other things, his long-term and largely uncontrolled abuse of narcotics, failures of treatment, failure to comply with his treatment and monitoring agreements with PRN, failure to comply with conditions placed on his license, psychiatric problems, and improper closure of his practice. This revocation followed the summary suspension of Respondent's license by that Board. The Administrative Complaint alleges that in late March, 2004, after a series of failures to attend mandated monitoring sessions, failures to submit to urine drug screens, and failure to respond to PRN contacts, he essentially abandoned his practice without notice and, according to other documents in the record, apparently disappeared.

No reason can be found from this record to keep alive Respondent's privilege to practice in this state. Respondent is, as far as this record reveals, a danger to his patients and without any reasonable chance of rehabilitation. The appropriateness of the summary suspension by the New York State Commissioner of Health is amply demonstrated by the record.

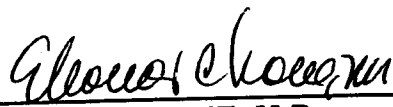
ORDER

IT IS HEREBY ORDERED THAT:

1. The New York medical license of **CLAUDE BERNARD ILIOU, M.D.** is hereby **REVOKED.**

This **ORDER** shall be effective upon service on the Respondent pursuant to Public Health Law section 230(10)(h).

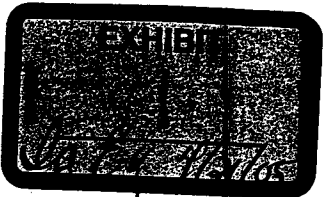
DATED: Rhinebeck, New York
5 May, 2005



ELEANOR KANE, M.D.
Chairperson

JAMES ADAMS, M.D.
SR. MARY THERESA MURPHY

APPENDIX 1



STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF

COMMISSIONER'S
SUMMARY
ORDER

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

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



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. DEK-04-001-150-001
 FILED DATE: 12-7-04
 Department of Health
 By: Erica J. Rivers
 Deputy Agency Clerk

APPENDIX A

STATE OF FLORIDA
 DEPARTMENT OF HEALTH

IN RE: The Emergency Suspension of the License of
 Claude-Bernard Ilou, 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 Ilou, M.D., (Dr. Ilou) to practice as a physician. Dr. Ilou 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. Ilou'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. Ilou's license to practice as a physician in the State of Florida in accordance with Section 120.60(6), Florida Statutes.
3. Dr. Ilou 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

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

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.

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. Ilou. Dr. Pomm concluded his letter by stating, "Dr. Ilou has multiple potentially impacting 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. Ilou 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. Ilou or information indicating that any Department-approved treatment provider is monitoring Dr. Ilou'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

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 failing to comply with the requirements for terminating a practice as set out in Rule 64B8-10.002(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 4th 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
Assistant General Counsel
DOH, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
(850) 414-8126 - Telephone
(850) 414-1989 - Telefax

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

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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 Bernard Hou, M.D.
License Number: ME 40864
Case Number 2004-17125 and 2004-19023



STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
CLAUDE BERNARD ILIOU, M.D.
CO-04-07-3313-A

NOTICE OF
REFERRAL
PROCEEDING

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

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 Liberty Street
Port Charlotte, FL 33948

CLAUDE BERNARD ILIOU, M.D.
4921 Abate Avenue
North Port, FL 34286-8209

CLAUDE BERNARD ILIOU, M.D.
26317 Barbinos Drive
Punta Gorda, FL 33983-5774

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 21st day of April 2005, at 10:00 in the forenoon of that day at the Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be

offered that would show that the conviction would not be a crime in New York state. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. SEAN O' BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before April 11, 2005.


Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before April 11, 2005, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
February 17, 2005


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

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

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
CLAUDE BERNARD ILIOU, M.D.
CO-04-07-3313-A

STATEMENT
OF
CHARGES

CLAUDE BERNARD ILIOU, M.D., the Respondent, was authorized to practice medicine in New York state on February 8, 1993, by the issuance of license number 191402 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 16, 2004, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), REVOKED Respondent's license to practice medicine, based on mental illness and/or repeated use of alcohol, drugs or narcotics which render him unable to practice medicine with reasonable skill and safety; not fulfilling the conditions of his limited license as specified by the Florida Board; and failing to properly terminate his medical practice.

B. The conduct resulting in the Florida Board disciplinary actions against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(7) (by practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability);
2. New York Education Law §6530(8) (being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects); and/or
3. New York Education Law §6530(29) (by violating any term or condition or limitation imposed on the licensee).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional misconduct by a duly authorized professional disciplinary agency or another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license revocation would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *February 17, 2005*
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct