

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250  
[www.lsbme.org](http://www.lsbme.org)



Telephone: (504) 568-6820

FAX: (504) 599-0500

Writer's Direct Dial:

Ext. \_\_\_\_\_

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In The Matter of :  
**GERARD MICHAEL DILEO, M.D. :**  
(Certificate No. 014149) :

No. 05-I-274

**CONSENT ORDER**

RESPONDENT :  
.....X

Gerard Michael Dileo, M.D. ("Dr. Dileo") is, and at all times pertinent has been, a physician licensed by the state of Louisiana, as evidenced by Certificate No. 014149 and principally engaged in the practice of medicine in and around the parishes of St. Tammany, Jefferson and Ascension. An investigation was conducted by the Board through its Director of Investigations ("DOI") following receipt of complaints concerning the prescribing practices and care provided by Dr. DiLeo while engaged in the practice of medicine at Global Pain Management, LLC ("Global clinic"). Dr. DiLeo, while trained in Obstetrics and Gynecology and who had practiced in that specialty for the most part of his medical career; had been engaged primarily in the practice of pain management at Global clinic in Jefferson and St. Tammany Parishes during the years of 2004 through January of 2007. In the course of the investigation, patient records of Dr. DiLeo's patients, obtained in response to Board subpoena, were evaluated. Based upon this review, the DOI concluded that just cause exists for recommendation that a formal Administrative Complaint be filed against Dr. DiLeo.

Specifically, review of patient records revealed that Dr. DiLeo did not fully investigate patients' complaints of chronic pain prior to beginning chronic narcotic therapy; did not have documented diagnoses; did not have individualized treatment plans; and evidence of diversion or misuse was not properly addressed. Furthermore, the patients received similar medications in similar dosage units. Finally, on several occasions the charts reveal that Dr. DiLeo utilized computer generated clinic notes and prescriptions created two weeks in advance of the patient encounter, which in addition to violating the Pain Rules, could allow for the unauthorized practice of medicine by office staff.

In December of 2006, prior to being notified of the above charges, Dr. DiLeo notified the Board's Director of Investigations, Cecilia Mouton, M.D. that, following hurricane Katrina he was permanently relocating to the state of Florida to pursue his practice in obstetrics and gynecology. He stated that it was his intention to not return to practice in Louisiana at any time in the future.

As evidenced by his subscription hereto Dr. Dileo, without admitting any violation of the Act or the Board's rules, nevertheless acknowledges that the foregoing information would constitute probable cause for the institution of administrative proceedings against his medical licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to have an administrative adjudication of such charges, at which time Dr. Dileo would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §§ 49:955-965, Dr. Dileo, nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. Dr. Dileo also acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. § 49:951, *et seq.*, or which he otherwise may be afforded by any law to contest his agreement to, or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Dileo also hereby authorizes the Investigating Officer designated by the Board with respect hereto, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Dileo expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint, should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:955(D);

**IT IS ORDERED** that the license of Gerard Michael Dileo, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 014149 be placed ON **PROBATION** for a period of five (5) years from the effective date of this order (the "probationary period"); *provided, however*, that Dr. Dileo's license to practice medicine and his continuing exercise of the rights and privileges granted to him thereby, shall be conditioned upon and subject, but not be limited to, his acceptance of and strict compliance with the following terms, conditions and restrictions and other Orders:

**(A) PRACTICE IN LOUISIANA.** Prerequisite to Dr. Dileo practicing medicine in Louisiana and prerequisite to the Board issuing and serving on Dr. Dileo a written order authorizing him to do so, Dr. Dileo shall comply with paragraphs B and C immediately below.

**(B) NOTICE OF RELOCATION TO LOUISIANA; PERSONAL APPEARANCE BEFORE THE BOARD OR DESIGNEE.** In the event that Dr. Dileo should and/or wish to relocate or return to Louisiana for the purpose of practicing medicine, Dr. Dileo shall contact the Board at least sixty (60) days in advance of his desired return and arrange an appearance before the Board or its designee at its next regularly scheduled meeting. At such meeting, Dr. Dileo shall discuss with the Board or its designee his intended plans for the practice of medicine in this state.

**(C) TERMS, CONDITIONS AND RESTRICTIONS.**

**(1) Prohibitions on Practice — Management of Non-Malignant Chronic or Intractable Pain.** At no time following the effective date of this Order shall Dr. Dileo practice medicine in the field of the management of non-malignant chronic or intractable pain. More specifically, at no time following the effective date of this Order shall Dr. Dileo hold himself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient for the long-term management of non-malignant chronic or intractable pain (beyond twelve weeks in any twelve month period), nor shall he receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that renders care and/or treatment to patients for non-malignant chronic or intractable pain or any clinic that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for the management of non-malignant chronic or intractable pain. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. Dileo shall hold any form of license or permit to practice medicine in the state of Louisiana.

**(2) Prescription of Controlled Substances Prohibited.** Except as authorized herein, Dr. Dileo shall not, during the probationary period, prescribe (i) any substance which may be classified, defined, enumerated or included in 21 C.F.R. §1308.11-15 or La. Rev. Stat. §40:964, as a Schedule II, III, IV or V controlled substance; or (ii) any substance which may hereafter be designated as one of the foregoing controlled substances by amendment or supplementation of such regulations and statute; or (iii) the drugs Nubain, Dalgan, Soma, Ultram or Butalbital in any form or generic thereof. The prohibitions contained in this paragraph shall pertain to prescriptions written or issued in Louisiana and shall not prohibit Dr. Dileo from ordering or prescribing any

controlled substance for administration to patients seen in an emergency room or to inpatients at a hospital where he may be employed or exercise staff or clinical privileges utilizing the DEA registration of the facility or hospital and in accordance with such hospital's or facility's policies and procedures governing the administration of controlled substances.

**(3) Attendance at Approved Seminar.** Dr. Dileo shall attend and successfully complete one or more courses of study, pre-approved by the Board, which address the appropriate prescribing of controlled substances and the creation and maintenance of adequate medical records.

**(4) Continuing Medical Education.** Dr. Dileo shall obtain not less than fifty (50) credit hours per year for each year of the probationary period through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within the probationary period. On or before the anniversary date of each year for the five (5) years following the effective date of this Consent Order, Dr. Dileo shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

**(5) Sanction.** By his subscription hereto Dr. Dileo acknowledges that his receipt of written notification from the Board that it has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect, shall, without need for formal hearing or providing him with any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:95I, *et seq.*, or which otherwise may be afforded to him by law, constitute his consent to the immediate suspension of his license to practice medicine in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.

**(6) Cooperation with Board's Probation and Compliance Officer.** Dr. Dileo shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

**(7) Absence from State - Effect on Probation.** Should Dr. Dileo at any time during the probationary period be absent from the state of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period and all

terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Dileo notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Dr. Dileo shall not receive credit toward completion of the probationary period for the time during which he was absent from the state of Louisiana.

**(8) Certification of Compliance with Probationary Terms/Personal Appearance Before the Board.** At least sixty (60) days prior to the conclusion of the probationary period, Dr. Dileo shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed upon him by this Order, and he shall contact the Board and arrange for a personal appearance before the Board or such other individual or committee as may be designated by the Board at its meeting preceding the expiration of the probationary period.

**(9) Probation Monitoring Fee.** For each year of the probationary period Dr. Dileo shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

**(D) ADDITIONAL TERMS, CONDITIONS AND RESTRICTIONS.** In addition to such other terms, conditions and restrictions as are placed upon his Louisiana license by this Order, Dr. Dileo hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length or nature thereof, that the Board in its sole discretion and without a hearing may deem necessary or appropriate to impose upon his Louisiana license should Dr. Dileo at any time in the future seek or decide to relocate to the state of Louisiana for the purpose of practicing medicine.

**IT IS FURTHER ORDERED** that within one hundred twenty (120) days following acceptance of this Consent Order by the Board, Dr. Dileo shall pay a fine of \$5,000.00 to the Board.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Dileo shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Dileo's license to practice medicine in the state of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

In The Matter of  
Gerald Michael Dileo, M.D.

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**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, thus Done, Signed and Effective on this 20<sup>th</sup> day of March, 2008.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

BY:

Kweli J. Amusa, MD  
**KWELI J. AMUSA, M.D.**  
*President*

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**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA FLORIDA  
COUNTY OF HILLSBOROUGH  
PARISH OF \_\_\_\_\_

I, Gerard Michael Dileo, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 11<sup>th</sup> day of March, 2008.

Gerard M. Dileo  
GERARD MICHAEL DILEO, M.D.

WITNESSES:

[Signature]  
Signature  
BRUCE D. LAMB  
Printed Name

401 E. JACKSON ST  
Address Suite 401  
Tampa, FL 33602

[Signature]  
Signature  
Meg Marshall Garrison  
Printed Name

401 E Jackson St Suite 401  
Address Tampa, FL 33602

Sworn to and subscribed before me at Gerard M Dileo in State of Florida, Hillsborough County  
Louisiana, this 11<sup>th</sup> day of  
March, 2008, in the presence of the two stated witnesses.

[Signature]  
Notary Public (signature)  
Karen Blocker

