

Public



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

February 1, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jude B. Mulvey, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2512
Albany, New York 12237

Issaac A. Grillo, M.D.
REDACTED

Issaac A. Grillo, M.D.
REDACTED

Issaac A. Grillo, M.D.
REDACTED

Naren Chaganti, Esq.
713 The Hamptons Lane
Town & Country, MO 60317

RE: In the Matter of Issaac A. Grillo, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 11-27) 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), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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,

REDACTED

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah
Enclosure

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

-----X
IN THE MATTER : DETERMINATION
: :
OF : AND
: :
ISAAC A. GRILLO, M.D. : ORDER
CO-04-11-5691-A :
-----X

BPMC #11-27

COPY

A Notice of Referral Proceeding and Statement of Charges, both dated August 17, 2006, were served upon the Respondent, Isaac A. Grillo, M.D. LYON M. GREENBERG, M.D. (Chair), WILLIAM A. TEDESCO, M.D., and DAVID F. IRVINE, DHSc, R.P.A.-C, 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. LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. The Department of Health appeared by Jude B. Mulvey, Esq., Associate Counsel. The Respondent failed to appear, either in person or by counsel. A hearing was held on January 19, 2011. Evidence was received and witnesses sworn and heard 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 Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §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.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b) and (d), in that he was found guilty of improper professional conduct by a duly authorized professional disciplinary agency of another state (California), and his license revoked for conduct, which would, if committed in New York State, constitute professional misconduct under the laws of this state. A copy of the Statement of Charges is attached to this Determination and Order in Appendix I.

The Department was unsuccessful in its attempt to personally serve Respondent with the pleadings in this case (Exhibit #2). However, the Department did achieve substituted service by mailing the documents by certified mail to

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §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.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b) and (d), in that he was found guilty of improper professional conduct by a duly authorized professional disciplinary agency of another state (California), and his license revoked for conduct, which would, if committed in New York State, constitute professional misconduct under the laws of this state. A copy of the Statement of Charges is attached to this Determination and Order in Appendix I.

The Department was unsuccessful in its attempt to personally serve Respondent with the pleadings in this case (Exhibit #2). However, the Department did achieve substituted service by mailing the documents by certified mail to

Respondent's last known address. (Exhibits #3, 7). Accordingly, the Administrative Law Judge ruled that the Board had obtained jurisdiction over the Respondent, and the case proceeded in his absence.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent 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.

1. Isaac A. Grillo, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State on November 15, 1985 by the issuance of license number 164746 by the New York State Education Department. (Ex. #4).

2. On or about May 17, 2006, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by an Amended Decision (hereinafter "California Decision"), revoked Respondent's license to practice medicine, based on his failure to successfully complete a PACE program, as a result of unprofessional conduct and incompetence, as required by a prior California Board Order. (Exhibit #5).

3. The underlying allegations in this case involved Respondent's failure to diagnose a paralysis and cervical spine injury of a prisoner at Salinas Valley State Prison, who had suffered subluxation (dislocation) of the C4-5 vertebrae, resulting in quadriplegia. (Exhibit #5).

4. By a stipulated settlement between Respondent and the California Board, Respondent agreed to undergo a Physician Assessment and Clinical Education ("PACE") program at the University of California at San Diego. Respondent further agreed that if he failed to successfully complete the PACE program he would be suspended from the practice of medicine. (Exhibit #5).

5. The results of the PACE assessment revealed that Respondent "lacks the knowledge, training, and clinical judgment necessary to avoid potentially serious errors in patient management and subsequent care". The assessment team recommended that Respondent successfully complete a three-year residency in Family Medicine or Internal Medicine. (Exhibit #5).

6. By a Mandate entered January 7, 2009, the United States Court of Appeals for the Ninth Circuit dismissed Respondent's final appeals regarding the determination by the California Board. (Exhibit #8).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The evidence clearly established that Respondent's California medical license was revoked by the California Board, based upon his poor medical care of an inmate in a California correctional facility. Moreover, the PACE evaluation, conducted pursuant to a prior Order of the California Board, demonstrated that Respondent lacked the skills, knowledge and judgment necessary to practice the profession.. Accordingly, he is guilty of professional misconduct in violation of New York Education Law §6530(9)(b) and §6530(9)(d). Therefore, the First and Second Specifications of professional misconduct set forth in the Statement of Charges are sustained.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or

probation, censure and reprimand, and the imposition of monetary penalties.

The evidence clearly demonstrated that Respondent lacks the necessary knowledge, skills and judgment necessary to successfully practice medicine. Respondent failed to appear at the hearing to present any evidence which might mitigate the sanction to be imposed. Thus, it is clear that he has abandoned any right to retain his license to practice medicine in the State of New York.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The First and Second Specifications of professional misconduct, as set forth in the Statement of Charges (Exhibit # 1) are SUSTAINED;

2. Respondent's license to practice medicine in New York State be and hereby is REVOKED;

3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and

such service shall be effective upon receipt.

DATED: Albany, New York

Feb 1st, 2011

REDACTED

~~LYON M. GREENBERG, M.D. (CHAIR)~~

WILLIAM A. TEDESCO, M.D.

DAVID F. IRVINE, DHSc, R.P.A.-C

TO: Jude B. Mulvey, Esq.
Associate Counsel
New York State Department of Health
Corning Tower, Room 2512
Albany, New York 12237

Isaac A. Grillo, M.D.

REDACTED

Isaac A. Grillo, M.D.

REDACTED

Isaac A. Grillo, M.D.

REDACTED

Naren Chaganti, Esq.
713 The Hamptons Lane
Town & Country, MO 60317

APPENDIX I

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

IN THE MATTER
OF
ISAAC A. GRILLO, M.D.
CO-04-11-5691-A

STATEMENT
OF
CHARGES

ISAAC A. GRILLO, M.D., Respondent, was authorized to practice medicine in New York state on November 15, 1985, by the issuance of license number 164746 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 17, 2006, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by an Amended Decision (hereinafter "California Decision"), revoked Respondent's license to practice medicine, based on his failure to successfully complete a PACE program, as a result of unprofessional conduct and incompetence, as required by a prior California Board Order.

B. The conduct resulting in the California Board disciplinary action 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(5) (incompetence on more than one occasion);
2. New York Education Law §6530(6) (gross incompetence); and/or
3. New York Education Law §6530(29) (violating a condition 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 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, 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 or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

DATED: *August 17*, 2006
Albany, New York

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