

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:
JOSEPH F. GRILLO, M.D.
License Number MD11095
Controlled Substances Registration Number CMD11095
BMLD Case Number C14-735**

CONSENT ORDER

Joseph F. Grillo, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island and is licensed to prescribe controlled substances under Rhode Island General Laws chapter 21-28, having both a state Controlled Substances Registration and a federal Drug Enforcement Administration Registration to prescribe controlled substances. After reviewing the above-referenced complaint, the Board makes the following:

FINDINGS OF FACT

1. Respondent was licensed as a physician in Rhode Island on February 12, 2003, and his primary specialty is internal medicine. His office is located at 310 Maple Avenue, Barrington, Rhode Island. He is a 1997 graduate of the UMDNJ - Robert Wood Johnson Medical School.
2. The Board received a complaint from a representative of Patient A concerning the quality of care and treatment provided to Patient A.
3. On August 9, 2014, Respondent undertook care of Patient A who presented with a chief complaint of "migraine x 5 days."

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4. Respondent evaluated Patient A and completed an appropriate history, physical exam and medical records for this problem.
5. Evidence from the medical record and Respondent's reply to the Board indicated that Respondent thought Patient A's headache was rapid and severe and required an emergent CT Scan and perhaps lumbar puncture to rule out meningitis. Respondent recommended that Patient A go to an emergency room and gave him a prescription for oxycodone/acetaminophen 5-325 (#20) 1 tablet every 6 hours for pain.
6. The Investigative Committee of the Board noted there is an inconsistency in care that was below the minimal and acceptable standard of care. If Respondent thought the patient had an emergent condition, Respondent should have called 911 for an ambulance or at the very least called the emergency room and sent records. Prescribing an opioid analgesic for a headache which had the likely potential to alter the patient's level of consciousness presents an unnecessary diagnostic dilemma for the emergency room staff, who would not know if the patient's change in level of consciousness was from the disease or the medication. In addition, the quantity of the prescription was out of proportion to what was needed for acute pain.
7. Respondent has violated Rhode Island General Laws § 5-37-5.1(19) for his failure to conform to the minimal standards of acceptable and prevailing medical practice in his area of expertise.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
 - h. This consent order will be reported to the National Practitioner Data Bank, to the Federation of State Medical Boards and on the HEALTH disciplinary webpage.

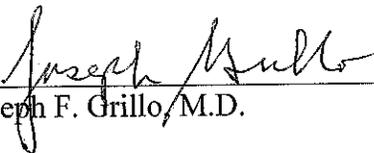
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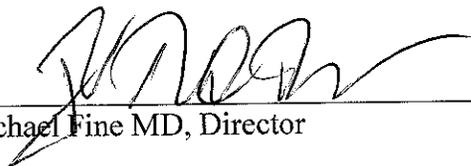
4. Respondent accepts a reprimand on his license based on the above-referenced facts.
5. Respondent agrees to obtain a total of twenty (20) hours of board approved CME regarding neurology and neurologic emergencies above the minimum CME hours required for renewal of licensure.
6. Respondent agrees to pay to the Board within sixty (60) days a fee of \$850 associated with costs of investigating this complaint. The check shall be made to the Rhode Island General Treasury.

Signed this 9 day of March, 2015.



Joseph F. Grillo, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 11 day of Mar, 2015.



Michael Fine MD, Director

3-11-15

