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Employee Spotlight

Whitney Prince is the Legal Administrative Assistant and Marketing Coordinator for Bertolino LLP. Ms. Prince brings her robust real estate marketing expertise to bear in her role as Marketing Coordinator, expanding Bertolino LLP's public profile throughout Texas.

In addition to facilitating a myriad of online marketing projects, Ms. Prince provides assistance in many aspects of litigation for the Firm. Her wealth of experience working in real estate is particularly valuable as it pertains to cases before the Texas Real Estate Commission.

Through her experience as a licensed professional, Ms. Prince understands the

importance of license defense.



Whitney Prince
Legal Administrative Assistant/Marketing
Coordinator

Pitfalls of Websites, Social Media, & Licensing

Increasingly, posts made by professionals on their websites and social media have become the subject of disciplinary complaints. In recent years, there are more than a few cringe-worthy examples: the [nurse suspended](#) for taking inappropriate pictures of her patient while he was unconscious, the [attorney suspended](#) for directing his paralegal to "friend" the opposing party on Facebook to spy on them, or the [doctor reprimanded](#) for posting potentially identifying patient information to social media. Nevertheless, while these cases illustrate spectacular lapses in professional judgment, it is a mistake to assume that disciplinary complaints are limited to these more egregious examples of unprofessional conduct.

Professional boards are more likely than ever before to take real action against a professional's license for conduct that occurred in the virtual world. In 2012, nearly [90 percent](#) of state medical boards had seen a complaint based on social media. Today, disciplinary complaints based on websites and social media are even more common. This surge has prompted organizations like the [American Medical Association](#), [American Nurses Association](#), [American Bar Association](#), and others to create social media and website guides to help their members ethically navigate these technologies while still making meaningful connections to promote their practices.

Nevertheless, even professionals opting out of social media accounts are not immune. In the past years, disciplinary boards have become more active pursuing professionals for content on their practices' webpage. In 2015, the Texas Court of Appeals decided [Brooks v. Texas Medical Board](#), a case involving a cease and desist order against a Chiropractor. In that case, Amber Brooks, D.C. maintained a website that listed her credentials, professional offerings, and information for new and existing clients. In particular her website stated that she "assists her patients in achieving optimal health by using bio-medical and functional medicine to help support growing bodies" and that she had "seen remarkable results on a variety of disorders." The Medical Board took action, finding that Brook's website violated a chiropractor's scope of practice.



The troubling aspect of this case for practitioners is that unlike other licensees who are disciplined for their online postings, Brooks was disciplined for what she did not post online. In particular, the Third District Court of Appeals took issue with Brook's incomplete description of her services on the website. Specifically, as a chiropractor, she was limited to treating the spine and muscular-skeletal system, and the court found that by omitting these words in particular from her website, she was offering treatment that constituted the unlicensed practice of medicine.

The lesson from Brooks v. Texas Medical Board is clear: professionals can be held responsible not just for what they say online, but also what they fail to say. Not only are professional boards taking a hard look at what goes on in social media, and instituting a title wave of new cases based on unprofessional conduct online, board are now scrutinizing webpage and advertising material in the same way.

The Bertolino Law Firm is here to help you avoid the pitfalls of websites, social media, and licensing. If you have been the subject of a disciplinary complaint or have questions about your online presence and licensing, contact us today. You deserve and need an experienced attorney who knows how to protect your license and livelihood. With an office principally based in downtown Austin, Texas, our law firm is committed to helping licensed professionals throughout the State of Texas. Whether you are a physician, nurse, plumber or dentist, and you need to speak with an attorney about protecting your professional license, click [here](#) to contact us or call 800-210-0126.

"Our law firm helps professionals, like you, keep their licenses when those licenses are under attack by a state agency or board."

-Tony R. Bertolino, Managing Partner

Answers to Your Professional Licensing Questions

Q&A

Q: While I consider my options, should I call the Board and explain myself?

A: Until you are ready to respond in full to the complaint notice or letter of investigation, you should not directly respond to the Board at all. Responses made to the Board before you hire an experienced attorney may still be held against you as admissions of guilt. These initial responses, often made out of fear and confusion, can significantly harm you and your license. Based on our experience with these matters, the most prudent action is to have the complaint or letter of investigation reviewed by an attorney. The attorney can then assist you in making a response that fully conveys your side of the events and gives the Board no unfair advantage over you. **Learn more here**