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## Hallmark Achievements | February 2017

*A Month of Strong Results which Alleviate Need for Hearings*

Our Client, Willie Lee Griffin, Jr. and Griffin Mortuary, is finally vindicated by the Texas Funeral Service Commission and a Lubbock County Civil Court.

A lawsuit brought against Willie Lee Griffin, Jr., owner and founder of Griffin Mortuary in Lubbock, was tossed out of civil court on Friday morning with no finding of fault. Our Firm secured the win after a week-long jury trial. Mr. Griffin and our legal team worked very hard on this case and it is so rewarding to finally vindicate his name. But the story of vindicating the revered funeral home and its charismatic owner spans far longer.

In late 2013, Charlette Tanner-Starr and Marcie Hall filed a complaint with the Texas Funeral Service Commission, alleging that Mr. Griffin mishandled the funeral of their father, the late Pastor Charles Tanner. The Commission - the authority on funerary practice standards - tossed the complaint with no finding of fault.

Apparently unsatisfied, Ms. Tanner-Starr and Ms. Hall, the plaintiffs, filed a civil lawsuit against Mr. Griffin in early 2015, seeking \$2,000,000 for alleged mental

anguish. Just days later, the plaintiffs and their attorneys made a series of press releases against Mr. Griffin on KMAC and everythinglubbock.com.

Although several Lubbock residents were prepared to testify in Mr. Griffin's defense, the case was tossed before the opportunity even arose. After the verdict was reached, interviews with the jurors revealed that Mr. Griffin's testimony about his passion for serving the Lubbock community hit home. After nearly two years of litigation and hours of witness testimony, the record has been set straight. The plaintiffs received a take-nothing verdict, and are liable for court costs.

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## **New Year, New Professional Licensing Laws**

When midnight tolled bringing us into 2017, it brought with it new laws that affect licensing rules and regulations. If you are a licensed professional, we know you do your best to follow the rules, and we're here to help you understand the changes that have taken effect. To that end, below is a list of 3 recent changes to professional licensing laws in Texas.

### **Fingerprints For Real Estate Appraisers**

As of January 1, 2017, anyone applying for or renewing a real estate appraiser license must submit fingerprints for an FBI criminal background check to be completed. Fingerprints will not need to be provided again for future license renewals; however, there will be a fee for subsequent background checks.

Anyone who has previously been fingerprinted for real estate broker, sales agent, inspector or easement or right-of-way licenses do not need to be finger printed again. However, if you fall into this category, you will have to pay the subsequent background check fee.

The fingerprints must be in a specified format, and the approved vendor is MorphoTrust. For more information, visit the Texas Appraiser Licensing & Certification Board (TALCB) page [here](#).

### **New "3 Strike" Rule For Nursing Homes**

Senate Bill 304, also known as the "Three Strikes Rule," creates new regulations on long-term care facilities and nursing home facilities relating to health and safety violations. [The bill](#) mandates that the Department of Aging and Disability Services revoke the operating licenses of nursing homes that have been cited for health and safety violations 3 times within a 24-month period.

For two-years running, Texas has ranked last in nursing home quality nationally. SB 304 was met with some opposition and concern that closing facilities may have unintended adverse consequences for residents, families, and healthcare workers. Ultimately the bill was approved in the Texas Senate by a 30-0 vote and the Texas House of Representatives by a 138-1 vote.

### **New Treatment of Confidential Health Information**

House Bill 2641 relates to the dissemination of confidential health information. The bill's intent is to ensure that public health systems containing patient health data are able to exchange information securely and in accordance with national data

exchange standards.

[The bill](#) creates a Class A misdemeanor crime that healthcare officials could be charged with. House Bill 2641 makes it illegal for any healthcare official in Texas to disseminate confidential health information with the intent to violate provisions of the law, which are only intended for confidential health information to be shared with proper agencies.

**To keep up with changes in licensing laws and trending topics, follow [Bertolino LLP](#) on [Facebook](#).**

At Bertolino LLP, we understand that your professional license is your livelihood. It represents years of hard work, schooling, and playing by the rules. Nevertheless, even professionals doing their best to follow the rules can find themselves as the subject of a professional licensing complaint.

If you have received a licensing complaint, [Bertolino LLP](#) can help. We represent licensed professionals across the entire State of Texas. Our honest, experienced attorneys will fight aggressively on behalf of your license and reputation.

If you have questions or need to speak with an attorney about professional license defense, please call 800-210-0126 or click [here](#) to contact us. You can also find free resources including the [Do's and Don'ts of Professional License Defense](#) on our website.

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## Q & A

### **Q: I was ticketed or arrested. Do I need to notify the Board?**

**A:** Possibly. The facts of the specific incident may help an attorney determine if and when the board should be notified. It is important to realize that in some instances your "personal life" may actually be subject to the authority of the board. Many license-holders make the mistake of assuming they do not need to alert the board. Other license-holders do the opposite and alert the board when it is not necessary. In either case, serious harm to your license may occur. This harm may be preventable with an attorney's advice.

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*"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*