

# On The Record . . .

Official Newsletter of BERTOLINO LLP

May 2021



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## Our Firm

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## Common Errors Licensed Professionals Make When Facing a Board Complaint

If you are a license holder and you receive a notice that a formal complaint has been filed against your license by a Texas licensing agency or board, it will likely become one of the biggest fears in your life. It goes without saying that a formal complaint can have enormous repercussions on your reputation, career, and livelihood. The repercussions can range from a mere disciplinary “slap on the wrist” all the way to outright revocation of a license to practice in a career that you love. As such, when such a notice arrives in the mail, by email or by courier, it can be a quite natural response to make a couple of errors. But it is extremely important that professionals handle things properly if they have any hopes of achieving a positive outcome.

For example, sometimes a license holder will receive the notice of complaint and set it aside, putting it out of sight and out of mind. DON'T DO THAT. At the very least, it can result in a failure to submit a response on time, which the licensing authority is likely to interpret as failing to respond at all. Where it comes to the complaint process, deadlines are to be considered hard and fast. Not making a timely response puts a real dent in a professional's credibility. It can also result in the forfeiture of certain legal rights and can bring on further sanctions or disciplinary action. And yet, responding in a timely fashion becomes more difficult the longer a license holder waits—not least because a proper response often entails the collecting of various records

and other forms of evidence, which may take time.

It's also very important to respond to each of the allegations made in a given complaint. Smoothing over allegations that a professional knows to be baseless is not the way to go. It's highly unlikely that a Board will unilaterally dismiss a complaint without the professional confronting it head-on. A direct response to every allegation is the only way to go, even if it requires a bit of redundancy.

-Managing Partner, Tony Bertolino



## Spotlight: Bruce Kingsley



This month, we would like to recognize Bruce for his hard work and dedication, and congratulate him on two years of service with the Firm. Here are a few fun facts about our Client Relations Coordinator.

My nickname at work: The Funny Man

I am skilled at: Fixing things (and probably breaking things)

The best part of my job: The people I work with and the people that I am able to help

If a theme song played every time I walk into the office it would be: "The Man" by The Killers

On the weekends and in my free time I am often: Spending time with my family and riding my Harley

Number one on my bucket list: Travel to Japan

The best sweet or salty snack: Caramel and pretzels

Best movie ever: The Godfather

My favorite candy: JuJu Fish

My favorite sports teams: Tennessee Titans and Syracuse Orange

[Click here to read more about Bruce](#)

## 5th Annual Veteran's Day 5K

Whether you are a serious runner looking for your next PR or



searching for a great team-building event, join us for the 5th Annual Veteran's Day 5K Fun Run to benefit the Toys for Tots Program.

- Tiered-Pricing, register early and save
- Chip Timers for competitive runners
- Finisher Medals first 200 people to register
- Plenty of SWAG
- FREE WINE for all finishers over 21

[\*\*REGISTER TODAY!\*\*](#)

### Hallmark Achievements - May 2021

#### *Texas Physician Assistant Board v. TC*

**Facts:** TC is a licensed Physician Assistant since 2007. He had been disciplined by the Texas Physician Assistant Board for unprofessional and dishonorable conduct and for violating Board orders. The Board entered several Modification Orders afterwards for failure to comply with earlier Orders, including requirements for continuing medical education and restrictions on his license. On December 20, 2019, the Board entered an Order of Temporary Suspension Without Notice, suspending his license as a physician assistant. TC's previous attorney did not appeal his Temporary Suspension Order Without Notice of Hearing, and TC's Texas Physician Assistant License was canceled.

**Outcome:** TC engaged Bertolino Law Firm afterwards and filed an Application for Temporary Suspension or Restriction of Texas Physician Assistant License

With Notice of Hearing. A hearing was held in which evidence and testimony that TC did not violate the Board Orders was heard by the Board. After the hearing, the Board entered an Order of Temporary Restriction which lifted the temporary suspension placed on TC's license.

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*Texas Department of Insurance v. PE*

**Facts:** Our client PE, faced a complaint filed by 3<sup>rd</sup> party that claimed that she fraudulently applied for life insurance policies in the complainant's children's names. TDI prosecuted the matter and filed a petition with the State Office of Administrative Hearing. At the hearing, TDI tried to show that our client committed fraud based on several witness statements. During the hearing, Bertolino LLP discredited the witness statements and argued that TDI could not meet their burden.

**Outcome:** After an all-day hearing, Bertolino LLP secured a favorable decision from the administrative law judge who denied TDI's request that our client's license be revoked.

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