

# On The Record . . .

Official Newsletter of BERTOLINO LLP

October 2021



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## Our Firm

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*Senior Law Clerk*

## Who May File a Complaint Against a Licensed Professional?

The short answer is “anyone.”

As a licensed professional, you dedicated significant time to your training and to be equipped to properly do your job and help people who require your service. You spent years building a solid reputation for being excellent at your job. But if a complaint is filed against you with a Texas licensing board or regulatory agency, then all that you have worked for will suddenly be placed in jeopardy.

Complaints are filed against all types of licensed professionals in Texas. But regardless of how careful or proactive you are, allegations of wrongdoing can still be levied against your license. Each licensing board in Texas has enforcement procedures in place for how to handle complaints and rules regarding sanctions and penalties that can be handed down.

Anyone can file a complaint against a licensed professional. Complaints against a license-holder may be filed by a patient or former patient, patient's family, a customer or former customer, a client, criminal prosecutor, colleague, boss, another licensee, law enforcement, or even another state agency. Also, many licensing boards have the power to bring complaints themselves. The complaints are then reviewed and often investigated by the licensing board in which it was filed. License-holders also have a legal duty to reply to licensing board investigators when they request more information regarding a complaint. This means you should never ignore a

complaint. Even if a license-holder believes the complaint is meritless, when the licensing board asks for information, evidence, or a response, then the license-holder has a duty to provide those things. Depending on the type of licensing board, failure to timely reply may result in license suspension outright.

If you are notified of a pending complaint against your occupational or professional license, I urge you to seek immediate help from an experienced lawyer. Any complaint filed against you could put your career and livelihood in serious jeopardy. And sure, the complaint may be baseless, or there may be extenuating or mitigating circumstances, but it is your responsibility to convey those important facts to the licensing board.

-Tony R. Bertolino, Managing Partner



### Spotlight: Melissa Caffrey

This month, we would like to recognize Melissa Caffrey for her hard work and dedication, and congratulate her for two years of service with Bertolino Law Firm.

In true Melissa fashion, enjoy these few fun facts about our Legal Assistant.

My nickname at work: Fax Monkey

I am skilled at: Leading people into war

On the weekends and in my free time I am often: Training for public speaking that is also livestreamed

Number one on my bucket list: Go to the tallest tower in Dubai and ride a camel in the desert

The best sweet or salty snack: Sheri's remarks to us in Microsoft Teams

Best movie ever: The Giver

My favorite candy: Whatever I can sneak away from my kids without them noticing

My favorite sports teams: Cool Runnings and Mighty Ducks

If I had a theme song that played every time I walk into the office it would be: Names of God by Laurell Hubick

People say I look like: A cat

The best part of my job: The pressure that is like an aircraft at 40,000 feet

[Learn more about Melissa here](#)



THE VETERANS DAY 5K



THE VETERANS DAY 5K



[Click here to register for the 5th Annual Veteran's Day 5K to benefit Toys for Tots](#)



We are just weeks away from the 5th annual Veteran's Day 5K. Whether you're a seasoned runner or you want to support a good cause, or perhaps both; sign up now for the Veteran's Day 5K on Saturday, November 13th from 7:00AM - 11:00AM. Bring a donation or two for Toys for Tots, support local vendors, and enjoy a walk or run in beautiful Fritz Park.



THE VETERANS DAY 5K



THE VETERANS DAY 5K



## Hallmark Achievements

### Texas Education Agency v. KA

**Facts:** Our client KA, reported herself to her district who then reported her to the Board after a felony arrest. KA was arrested for possession of a controlled substance.



**Outcome:** After the Board's investigation, an informal settlement conference was held. During the conference Bertolino LLP provided an explanation, through client's genuine and honest testimony, of what led to the arrest and an updated status of the criminal matter. The matter was being dismissed by the court pending client's completion of a program. After considering the arguments, the Board offered KA a reprimand. The reprimand did not impact her certificate or hinder her ability to teach. It did not require her to complete any obligations, pay any fine or meet any conditions.



### Texas Behavioral Health Executive Council v. SQ

**Facts:** Our client, SQ, faced a complaint to the Texas Behavioral Health Executive Council (the "Board") regarding an ethics violation of committing Medicaid fraud and that she failed to keep the necessary billing records for the required five years.

**Outcome:** Bertolino LLP prepared a written response with exhibits attached to the Board which refuted the allegation that SQ had deliberately committed Medicaid fraud. The Board came back and issued a Conditional Letter of Agreement for SQ to complete nine hours of continuing education in Billing and Record Keeping, Ethics, Risk Management and/or Family Law. Once SQ submitted the proof of completion, the Board would close the complaint.

### Texas Medical Board v. HF

**Facts:** Our client, HF, faced allegations by the Texas Medical Board ("TMB") that she failed to report on her application for licensure regarding her performance

during post-graduate training. She resigned from a medical toxicology fellowship to work on her Addiction Medicine Board certification and failed to report this information on her medical license application to the Iowa Board of Medicine, who issued her a letter of warning. Her medical license was placed on three-years' probation by the Medical Board of California ("MBC") when it issued her a probationary medical license and placed her on three year's probation. TMB Staff asserts that sufficient facts exist to support a finding that HF was subject to disciplinary action pursuant to §164.051(a)(9) of the Texas Medical Practice Act: [h]olds a license to practice medicine subject to disciplinary action by another state.



**Outcome:** After TMB's investigation, an informal settlement conference was held. Bertolino LLP prepared HF extensively with a mock question and answer session on likely questions to be posed by TMB's Disciplinary Process Review Committee. Based on her testimony and the documentary exhibits presented, TMB recommended that the investigation be closed and issued HF a full license without stipulations.

### Client Survey: Your Opinion Matters

Bertolino LLP strives to be a 100% client-centered law firm. Running a client-centered law firm means putting our clients at the center of our thinking. This goes beyond the legal deliverables the Firm will provide: Being client-centered means truly putting ourselves in our client's shoes and looking at the experience of hiring an attorney and going through a legal matter from our client's point of view.

Each month, we will pose a quick, client-focused survey in this section of our newsletter. We asked our clients to please assist us by taking this survey, as your feedback is essential in our on-going efforts to deliver an amazing client experience.

-Sheri L. Middlemas,  
Chief Operating Officer

How important is it to you that your attorney has expertise in your specific legal matter?

Very important

Select

Important

Select

Neutral

Select

Not important

Select

Thank you!

### Side Bar ...

Please join us as we congratulate our  
Accounts Receivable Manager,



London, and celebrate the newest member of Team Bertolino - Kai! The second son to London and her husband Eddie, Kai came into the world in the early morning hours of September 14th at a healthy 7 pounds, 10 ounces.

Aside from a variable lack of sleep, everyone in the de la Teja house is adjusting well and getting settled into their new family dynamic.

Welcome to your new life chapter, we can't wait to watch the story unfold.

*"A new baby is like the beginning of all things: wonder, hope, a dream of possibilities." - Eda J. Le Shan*

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