

Hi, just a reminder that you're receiving this email because you have expressed an interest in Bertolino LLP. Don't forget to add tbertolino@bertolinolaw.com to your address book so we'll be sure to land in your inbox!

You may [unsubscribe](#) if you no longer wish to receive our emails.



CLICK HERE
TO JOIN OUR
MAILING LIST

"...ALWAYS WORKING RELENTLESSLY TO PROTECT AND DEFEND OUR CLIENTS' PROFESSIONAL LICENSES."

- TONY R. BERTOLINO, MANAGING PARTNER

STAY CONNECTED:

[Click here to send to a colleague](#)



tbertolino@bertolinolaw.com | 800-210-0126 | www.bertolinolaw.com

Employee Spotlight

Sarah brings her wealth of office experience and people skills to bear on her daily duties at the Firm. She has been integral to the development and implementation of the Firm's policies and procedures, a reflection of her attention to detail. Her penchant for organization has also earned Sarah the lead in preparation of hearing and trial materials - a critical role. Sarah has proven herself to be a strong facilitator, and an all-around positive contributor to all aspects of the Firm's operations.

Sarah is deeply dedicated to the practice of yoga, which is evident to any fortunate enough to attend classes with her. When she is not at the office, doing yoga, or walking her cat, Sarah frequents local music venues and festivals. She is best known around the office for her stylish, unique heels, many of which belonged to her grandmother.



Sarah Reich Legal
Administrative Assistant

The National Practitioner Data Bank

The National Practitioner Data Bank is a federal search tool that allows hospitals, state licensure boards, and healthcare entities to see a provider's disciplinary history and liability claims. Because a report to the NPDB can be used to exclude providers from health plans, deny credentialing, influence hiring, and raise your malpractice premiums, it is important that all practitioners understand what the NPDB is and how they can avoid a report.

The National Practitioner Data Bank (NPDB) is a federal database that collects reports of medical liability settlements and judgments, clinical privileges, and exclusions on health care providers. The NPDB also tracks state actions against a practitioner's license. The scope of the NPDB is expansive; nearly every credential involved in the delivery of healthcare, including mental health, is tracked by the database. At this time, the NPDB contains 1.28 million reports.

Much of the reporting to NPDB is automatic and required by federal law. According to federal law, certain medical liability payments, actions against clinical privileges, disciplinary actions, and healthcare related criminal charges must be reported to the NPDB. The NPDB is required to make this information available to state licensure boards, hospitals, and other healthcare entities.

Because of the wide scope of the NPDB, a report is not the necessarily a measure of competence or quality. For example, providers are frequently subject to baseless claims of malpractice. Sometimes, those claims are settled because of cost, expediency, or other business factors. Other times, the provider might oppose a settlement, but have little voice in the decision. Nevertheless, these claims can result in a report to the National Practitioner Data Base, whether or not the provider was actually at fault. Cynthia Grubbs, the former director overseeing the NPDB, has noted the potential for injustice in this reporting mechanism. "We understand that at the data bank. We are not here to be the bad guy," she said. "We try to get the message out that just because you have a payment or even a couple, it doesn't make you a bad practitioner."

Nevertheless, a report on the NPDB can be a black mark on the provider's record and there are things you can do to avoid a report. First, if you have a report on the NPDB, you likely already know about it. When a report is filed, the NPDB starts a mandatory reporting process. As part of that process, practitioners who have been reported receive notice and an opportunity to add to a report or initiate a dispute. There have, however, been practitioners who did not receive notice either because of a change in address or other issues. For this reason, providers are encouraged to periodically request their own report history, available here on the NPDB website.

Second, it is important to remember that if you have been the subject of a disciplinary complaint, a malpractice suit, or removal of privileges, it can be reported to the NPDB. For this reason, hiring an attorney who is experienced in dealing with both professional licensing and the NPDB can help save your license and your reputation. The experienced and aggressive attorneys at Bertolino Law can help you clarify an existing NPDB report, fight a NPDB dispute, and, most importantly, resolve professional licensing issues such that a NPDB report is never created.

Bertolino LLP is the firm doctors, nurses, and other licensed professionals turn to when facing a professional complaint, investigation, or NPDB report. Our honest, experienced attorneys will fight aggressively on behalf of your license and reputation. Our firm is committed to helping licensed professionals in Dallas, Ft.

Worth, El Paso, Waco, Amarillo, Arlington, Brownsville, Corpus Christi, Plano, and Lubbock and any other major city in the State of Texas. If you have questions or need to speak with an attorney about professional license defense, click [here](#) to contact us or call 800-210-0126.

Hallmark Achievements | December 2016

Texas Real Estate Commission v. J.R.

Our Client, a proficient real estate agent, plead out of a non-violent felony charge entirely unrelated to the practice of real estate. The Commission sought to revoke our Client's license, and refused to make any settlement offer. After the final hearing on the merits, both parties submitted closing briefs for the consideration of the presiding Administrative Law Judge (ALJ).

On November 9, 2016, the ALJ propounded a Proposal for Decision (PFD) that contemplates allowing our Client to retain his license. This favorable PFD demonstrates that the ALJ found the Firm's defense more persuasive than the Commission's claim.

Upon receipt of the PFD, the Firm wasted no time in drafting and filing Exceptions to the PFD, within which the Firm presented legal authority and analysis to the ALJ warranting further reduction of the sanction. The Commission neither responded to the Exceptions, nor filed their own. The Commission's silence signals their assent to the Firm's successful efforts to ward off the unreasonable revocation attempt.

Through our tactful, aggressive litigation and trial strategy, **the Firm persuaded the ALJ, against the odds, to allow our Client to retain his livelihood.**

Texas Board of Nursing v. N.J.

Our Client, a Registered Nurse, conceded to the Board's allegations prior to retaining the Firm. The Board proposed a settlement offer, called an Agreed Board Order (ABO), that was extremely adverse, and would have severely limited the scope of prospective employers. This ABO contained a skewed and misleading presentation of the facts at issue, which would have been attached to our Client's public nursing profile. Our Client retained the Firm to negotiate this settlement offer.

And the Firm did just that: through extensive correspondence with the Board, the Firm negotiated a far more favorable settlement offer. Specifically, the Firm submitted two waves of Exceptions to the ABO, both of which yielded success. The amended ABO reflecting these Exceptions broadens the scope of indirect supervisors and entails a dramatically more favorable presentation of the facts at issue.

The Firm's successful negotiation broadened our Client's employment options and minimized the impact on our Client's livelihood.

Q & A

[Q: The complaint or letter has some deadline dates within it. What happens if I miss the deadline?](#)

A: If you have not responded and a deadline has passed, our recommendation is to contact an attorney immediately. The attorney can review your case and contact the board on your behalf. An attorney may be able to negotiate an extension of time with the Board even if the deadline has lapsed.

"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

tbertolino@bertolinolaw.com | 800-210-0126 | www.bertolinolaw.com