

The Bertolino Broadcast



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September 2018



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Firm Announcements

Welcome to the Firm's Updated Newsletter

Things are always progressing here at BERTOLINO LLP, and the format of our monthly newsletter is no different. Our goal is to provide our readers with informative updates related to our law practice, related state and federal law, and our firm in general. So, please, take a second to look around and see what's new!

Live from the "BLAWG"

We at BERTOLINO LLP are here to address any issues surrounding professional licensure you may be facing and to guide you through the disciplinary process adopted by whichever state agency or board regulates your profession. We specialize in cutting through the bureaucratic "red tape" and obtaining results for our clients, and we aim to be THE professional license defense firm in Texas.

As a professional license defense firm, BERTOLINO LLP's practice focuses almost

Our Firm

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Paralegal

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Janis Henderson
Client Liaison

Felina Vasquez
Administrative Assistant

entirely on "administrative law." What is administrative law, you ask? Click the link below to read our law-related blog ("BLAWG") and find out!

[Read More](#)



Board and Agency Updates

U.S. Rep. Seeks to Protect Employees of State Licensing Boards from Personal Liability Arising out of Anti-Trust Litigation

Last July, U.S. Rep. Mike Conaway (R-Texas) [introduced](#) The Occupational Licensing Board Antitrust Damages Relief and Reform Act of 2018 (H.R. 6515).

Mr. Conaway, an accountant by profession and former head of the Texas State Board of Public Accountancy ([TSBPA](#)), introduced the legislation

"[t]o limit private antitrust damages against occupational licensing boards, to promote beneficial reforms of State occupational licensing, and for other purposes."

Proponents of the law, including the National Association of State Boards of Accountancy ([NASBA](#)), [believe](#) the legislation, if passed, would ensure "current and prospective state board members are not deterred from serving their states" by the threat of personal liability arising from Federal Anti-Trust lawsuits.



Team Bertolino Highlights

Last month, we celebrated the birthdays of three staff members: Managing Partner Tony Bertolino (8/29) Senior Associate Christopher Henderson (8/12) and Administrative Assistant Felina Vasquez (8/23).

We enjoyed delicious Italian fare at [Quattro Gatti](#), located right here in beautiful downtown Austin, Texas. Happy Birthday

Hallmark Achievements - August 2018

State Bar of Texas v. C.A.

Our Client, C.A., faced a complaint filed by a former client, which alleged that they had failed to promptly respond to the client's requests for information. C.A. faced the possibility of severe discipline, as failure to promptly respond to client requests for information is the number one basis for attorney discipline by the Texas Bar.

In June 2016, we submitted a written rebuttal, conveying to the Bar that any failure by C.A. to promptly respond to their client's requests for information was rare and stressed that C.A. secured an exceptionally favorable settlement for their client for a very reasonable fee. In August, the Bar provided notice that no "just cause" was found to prosecute C.A.'s case further or impose discipline on C.A.'s license. The case is set to be dismissed.

Texas State Board of Examiners of Psychologists v. DC

Our client, D.C., a former psychologist licensed outside Texas, encountered a challenge in their application for a license to practice psychology in Texas. Years ago, D.C. surrendered their license based on allegations they had on an improper relationship with a former client.

After surrendering their license, D.C. had to close down their practice, settled related civil litigation, drained their retirement accounts, moved to Texas, and wound up in homeless.

The Board requested D.C. provide a written explanation and attend a meeting before all Board members to explain why D.C. should be granted a license despite the surrender of D.C.'s out-of-state license.

We provided evidence to the Board that D.C. had genuine remorse for their conduct (not just its consequences) and had rehabilitated. Christopher Henderson, our Senior Associate, attended the Board meeting with D.C. Shortly thereafter, the Board granted D.C. a license, contingent upon them submitting to continued psychotherapy for 2 years and other minor probationary terms .

IMO K.K.

Our Client, K.K., M.D., fell victim to bad politics while working for a hospital outside Texas. Those politics resulted in K.K.'s application for a full medical license in Texas being held up. K.K. tried, but was unable to work past those issues by himself. Through diligent and persistent efforts, we resolved these issues, and K.K. was granted a full license. They are set to begin practicing medicine in Texas very soon.

Texas Medical Board v. D.S.

Our Client, D.S., was in the midst of a contentious and toxic custody battle with their ex-spouse, who had also filed a complaint against our client with the Texas Medical Board, alleging that our client was addicted to drugs, had violated HIPAA, and improperly prescribed controlled substances and dangerous drugs to non-patients.

We submitted a written response, revealing the truth: that D.S. had committed only one minor violation, while the rest of the allegations were lies the ex-spouse concocted out of spite. We attended an ISC before a panel of the Board, where the complainant, D.S.'s ex-spouse, showed up to repeat their false claims.

Subsequently, the Board proposed a non-disciplinary remedial plan. After minor negotiations with the Board over the language in the plan, D.S. happily signed it.



Upcoming Dates of Interest

- Sept. 8 - Nat'l Pediatric Hematology/Oncology Nurses Day
- Sept. 17 - Constitution and Citizen's Day
- Sept. 19 - Grandparents' Day
- Sept. 22 - First Day of Autumn

Contact Us

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