

On The Record . . .

Official Newsletter of BERTOLINO
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Firm Announcements

Happy New Year from Team Bertolino!

We at BERTOLINO LLP hope you and your family enjoyed a Merry Christmas, Happy Chanukah, Happy Kwanzaa, Happy Holidays, and Happy New Year!

With the new year comes an opportunity to change things up. Speaking of, keep an eye out for some very exciting developments occurring here at BERTOLINO LLP in the coming months!



Live from the "BLAWG": Common Mistakes Licensees Make When Facing a Complaint

No licensed professional wants to be on the receiving end of a letter from the board/agency regulating their profession informing them someone has filed a complaint



against them.

As a licensed professional, you cannot control whether a client, patient, or customer files a complaint, although instilling best practices will help avoid them. What you can control, however, is how you respond to the complaint.

Read more at our BLAWG to find out the common mistakes licensees make and best practices for responding to a complaint.

Board and Agency Updates

Texas Sunset Advisory Commission Proposes Termination of Texas State Board of Plumbing Examiners

In a [report](#) prepared for the upcoming legislative session, the Texas Sunset Advisory Commission recommended that the Texas State Board of Plumbing Examiners (TSBPE), which was formed in 1947, be abolished and oversight of the plumbing profession be relegated to the Texas Department of Licensing and Regulation (TDLR).

The Commission acknowledged the importance of the plumbing trade, especially after recent disasters like Hurricane Harvey and the central Texas floods of 2018, and lamented the fact that the demand for competent plumbers has risen with Texas's population growth, while the supply has plateaued.

Upon review of TSBPE's operations, the Commission found several issues, including the following:

- The TSBPE struggled to meet the demand from licensees and the public and misplaced efforts and resources without fully addressing core issues, such as backlogged exams, poor customer service, and growing complaint caseloads and resolution times;
- The existence of needless barriers to becoming a plumber or advancing in a



plumbing career, such as placing unnecessary burdens on the industry by requiring apprentice registration and onerous supervision requirements that have no clear benefit, administering outdated exams and an unprecedented backlog of ungraded exams, and overregulating continuing education, which increases costs for licensees;

- Inefficient and unnecessary aspects of the TSBPE's complaint resolution processes, such as cumbersome statutory enforcement committee, unforced enforcement efforts, and a lack of easily accessible disciplinary information

Given the issues above, the Committee suggested transferring the regulation of plumbing to TDLR and reconstituting the existing plumbing board as an "advisory board," streamlining license-types and eliminating unnecessary or overly cumbersome restrictions, loosening supervision requirements, authorizing the outsourcing of exam creation and administration, and revamping the investigations and enforcement processes to be more in line with those of other agencies.



Texas Department of Insurance Issues 2018 Biennial Report

The state legislature requires government agencies to file a report containing recommendations and policy discussions for the upcoming legislative session, which occurs every two years. In turn, the state legislature uses the report to determine what, if any, legislative proposals will best address the recommendations raised by the report.

On December 14, 2018, the Texas Department of Insurance (TDI) filed their [report](#) with the legislature. Among the recommendations and points of discussion contained in the report were the following:

- Amend the Insurance Code to require property policies to include a prominent disclosure when the policy does not cover flood damage, either by requiring TDI to adopt rules addressing such disclosure or by specifically providing for the same by statute;

- Amend the Insurance Code to help ensure that both consumers and the Texas Windstorm Insurance Association (TWIA) have sufficient time to settle claims and resolve disputes;
- Amend the Transportation Code to designate the Texas Department of Motor Vehicles (TxDMV) or the Texas Department of Public Safety (DPS) as the lead agency for the financial responsibility verification program known as "TexasSure."
- Amend the Occupations Code to transfer amusement ride regulation to a more appropriate agency, such as the Texas Department of Licensing and Regulation (TDLR) and provide them with the appropriate authority to enforce compliance with the law; and
- Amend the Insurance Code and Labor Code to delete references to "classification relativities," which are designed to establish the relative risk of job classifications in terms of workers' compensation costs and are used by workers' compensation insurers to help set rates for an insured business.

In addition to those policy recommendations, the report also addresses issues related to lessons learned from Hurricane Harvey, consumer reports and audits related to TWIA, non-standard auto insurance, the Affordable Care Act, and consumer bills from out-of-network providers for the difference between the amount charged and the amount paid by the health insurance plan.



Upcoming Dates of Interest

Jan. 21 - Martin Luther King, Jr. Day

Jan. 26 - Spouse's Day

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