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

- TONY R. BERTOLINO, MANAGING PARTNER



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Criminal Charges in Texas and Adverse Action Against Your Professional License

Certain criminal charges can affect your ability to receive or renew a professional license in Texas. If you are facing criminal charges and you hold a professional license or are applying for one, it is critical that you consult with an experienced professional license defense attorney. Licensing matters and administrative law are highly specialized areas your criminal law attorney can handle your criminal matter, your professional licensing matter is best handled by a professional license defense attorney.

Criminal Charges and Disciplinary Action Against Your Professional License

Each Texas licensing board has their own rules and regulations regarding criminal charges, convictions, and arrests. Certain types of crimes will present a bigger problem than others. Criminal conviction for a crime that directly relates to the occupation for which you are seeking licensure is more likely to result in license denial or revocation. Whereas conviction for a misdemeanor crime not related to your occupation may not be as likely to affect your ability to obtain, retain, or renew your professional license.

Disclosing Criminal Charges to the Licensing Board

Whether you need to disclose pending criminal charges to the board depends on the rules of the board. The facts of the specific incident can help a licensing defense attorney determine if and when the board should be notified. Many license holders make the mistake of assuming they do not need to alert the board. Other license-holders do the opposite and alert the board when it is not necessary. In either instance, serious harm to your license may occur. This harm may be preventable with a license defense attorney's advice.

Criminal Conviction and Your Professional License

There are certain criminal convictions that render a license applicant unsuitable for licensure. As you go through the criminal justice process it is important for you to know up-front what the risks to your professional license could be. The choices you make in your criminal defense may affect your professional license, career, and livelihood. If you are a licensed professional in Texas, as soon as you are charged with any crime we urge you to consult with an [experienced professional license defense attorney](#).

Conviction of certain types of criminal offenses may carry severe disciplinary actions by the licensing boards of Texas, including the Texas Medical Board, the Texas Board of Nursing, the Texas State Board of Public Accountancy, the State Bar of Texas, the Texas Department of Licensing and Regulation, and other Texas regulatory boards and agencies.

For example, the Texas Department of Licensing and Regulation (TDRL) regulates occupational licensing for [40 programs](#) and professions. Under state law, the TDRL may deny, suspend, or revoke a license of a person who has been convicted of certain crimes, including:

- An offense that directly relates to the duties and responsibilities of the licensed occupation;
- An offense that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license;
- Conviction of murder, aggravated kidnapping, trafficking of persons, sexual assault, aggravated robbery, burglary, and other enumerated crimes (any offense listed in [Article 42A.054](#) Section 3g, Article 42.12, Code of Criminal Procedure or
- A sexually violent offense as defined by [Article 62.001](#), Code of Criminal Procedure.

[Tex. Occ. Code §53.021](#). Further, any person who is incarcerated for a felony conviction is not eligible to obtain or renew a license issued by the TDRL.

When Your Professional License is at Risk

If you have been charged with or convicted of a crime, it is critical that you know

how this will affect your professional licensure. Our experienced license defense attorneys represent clients from a variety of professions and industries. We have in-depth knowledge of licensing board procedures and how they typically respond to criminal charges or convictions.

Our law firm helps professionals, like you, keep their licenses when those licenses are under attack by a state agency or board.

We offer a [case evaluation](#) to all potential clients. We offer honest answers and straightforward advice. Our dedicated attorneys will take the time to learn about the specifics of your circumstance. With offices in Austin, Houston, and San Antonio, we serve clients all over the state.

[Contact us](#) today or call (800) 210-0126. Come meet with us to learn about how we can help you with your licensing issue.

Follow BERTOLINO LLP on [Facebook!](#)

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Get a copy of Tony R. Bertolino's #1 Bestselling book [When Your License is Under Attack: A Survival Guide for Texas Professionals](#) in hardcover or for Kindle [here](#).

Hallmark Achievements | May 2018

Texas Real Estate Commission v. H.A.

Our Client, H.A., a real estate broker, faced four complaints ("Complaints") filed by an aggressive attorney in H.A.'s community with political ambitions, on behalf of four sets of clients of H.A. The Complaints collectively alleged that H.A. engaged in predatory practices against these clients in his capacity as broker, by failing to disclose certain information he was purportedly required to disclose.

The Texas Real Estate Commission ("TREC") prosecuted H.A. for each of the Complaints but dismissed all in May. Not only did we help preserve H.A.'s license; we also helped preserve his finances, by securing the dismissals through a single written submission for each of the Complaints. Despite the severity of the allegations against H.A., we alleviated the need for a hearing, and did not even need to negotiate. We provided satisfactory proof that many of the purportedly required disclosures did not apply, because of H.A.'s legal status in those transactions.

Texas State Board of Dental Examiners v. K.S., DDS

Our Client, K.S., DDS, faced a complaint ("Complaint") filed by a client who claimed to have been harmed by bridgework which K.S. was involved in. The Texas State Board of Dental Examiners ("Board") prosecuted the Complaint, alleging that K.S. breached the standard of care in bridgework and that she failed to maintain adequate records for the treatment provided to the complainant.

We secured a dismissal of the Complaint at an informal conference before a panel of the Board, following a single written submission, wherein we proved that K.S. indeed maintained perfectly adequate treatment records and was not at fault for the

issues which transpired the bridge. In fact, the complainant's conduct contributed heavily to the issues, and the remaining blame belonged to the laboratory responsible for producing the bridge.

Texas Medical Board v. B.H., MD

Our Client, B.H., MD, faced a complaint ("Complaint") brought by the Texas Medical Board ("Board"), which alleged that B.H. failed to properly utilize the Texas Electronic Death Registry for a patient who passed away at the hospital where B.H. was the attending physician. B.H. did not receive notice of the death certificate from the funeral home until far later than required by law, which was the crux of our argument in his defense.

We secured a dismissal of the Complaint at an informal conference before a panel of the Board, by providing satisfactory evidence that the funeral home was at fault for the late Death Registry entry, not B.H.

Bertolino Team Highlights



Keeping licensed professionals informed with complimentary and valuable information via our website is another way that Bertolino LLP continues to give back to the state of Texas and beyond. Pictured here is Tony R. Bertolino recently giving his time to the State Bar of Texas for a live webcast titled [When Your Law License is Under Attack: Survival Guidance for Texas Attorneys.](#) The webcast was also recorded and is available in the State Bar's CLE library archives for any licensed Texas attorney to access at any time.

"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](#)