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Texas Board of Nursing to Remove Certain Disciplinary Actions from BON Website Under Texas house Bill 2950

Texas [House Bill 2950](#) addresses the continuation and functions of the Texas Board

of Nursing (BON). The Bill creates a number of new regulations for the practice of nursing in Texas as well as affirmative duties the BON must carry out.

Texas Board of Nursing Must Remove Certain Disciplinary Actions from Its Website

Under HB 2950 the BON is to remove certain disciplinary actions from the BON website. This amendment to the Texas Nursing Practices Act helps nurses avoid a permanent disciplinary mark on their record.

Pursuant to the Bill, the BON "shall remove a disciplinary action from the nurse licensure verification page on the board's Internet website if:

1. The disciplinary action is the only disciplinary action taken against the nurse;
2. The disciplinary action was taken by the Board for a violation that is not related to the practice of nursing;
3. The disciplinary action did not result in the suspension or revocation of, or the probation of the suspension or revocation of the nurse's license;
4. The disciplinary action does not provide any indication that continued practice by the nurse may risk harm to a patient; and
5. The nurse has successfully completed the requirements imposed by the Board in the disciplinary order related to the disciplinary action."

[Nursing Practices Act § 301.1583](#) as amended by HB 2950. The BON has until March 1, 2019 to remove these disciplinary actions from its website.

This amendment helps Texas nurses who have a disciplinary action on their record and meet the above criteria in a myriad of ways. Once removed, affected nurses will be better able to secure employment and obtain affordable malpractice insurance. It will also serve Texas nurses wishing to become licensed in other states to not have a disciplinary action on their record.

Other Requirements of House Bill 2950

Texas HB 2950 continues the Texas Board of Nursing for another 12 years, until September 1, 2029. The Bill further creates new requirements for the BON, including:

- Requires the BON to ensure that license denials and disciplinary actions are connected to the applicant's or license holder's conduct, and that the conduct is determined to affect the person's ability to practice nursing.
- Requires the BON to develop a path to initial licensure for graduates of out-of-state programs that are determined not to be substantially equivalent to Texas programs.

BON Peer Assistance Program

The Bill also creates a number of new requirements in regard to the peer assistance program. Under the Bill the BON must develop guidelines to establish individualized requirements for participants in a peer assistance program. These guidelines must include a formal process that allows a nursing student to request a re-evaluation of the requirement to participate in the peer assistance program upon initial licensure.

[Nursing Practices Act § 301.257\(1\)](#) as amended by HB 2950.

Further, the BON must, as appropriate, allow for a waiver of the peer assistance program "if the board is satisfied the person has achieved a satisfactory period of

treatment or documented sobriety, as defined by the board rules[,] Id. § [301.257\(m\)\(3\)](#) as amended by HB 2950. And the BON must develop guidelines to establish meaningful performance goals for evaluating the success of the peer assistance program.

Enhanced Nurse Licensure Compact (eNLC)

Additionally, HB 2950 repeals the current Nurse Licensure Compact and replaces it with an updated version of the Compact. The new [enhanced Nurse Licensure Compact \(eNLC\)](#) is meant to allow nurses to have mobility across state borders and to increase access to care while maintaining public protection.

Hire An Experienced BON License Defense Attorney

If you have been notified of a complaint filed against you with the Texas Board of Nursing, [Bertolino LLP](#) can help. We are experienced BON license defense attorneys and we know how to navigate the BON's complaint process. We are prepared to represent you at any legal hearing or proceeding regarding your nursing license.

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

[BERTOLINO LLP](#) proudly represents licensed professionals across the entire State of Texas. To best serve our clients we have offices in Austin, Houston, and San Antonio. Our honest, experienced attorneys will fight aggressively on behalf of your license and reputation. [Contact us](#) today or call (800) 210-0126 and schedule a case evaluation.

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 | January 2018

Texas Education Agency v. M.A

In 2014, while our Client, M.A., worked as a Physics teacher at a public high school, a group of female students from the 11th grade would study in M.A.'s office, during downtime. The door to M.A.'s office was always left wide upon, and the students would come and go as they pleased. M.A. had a purely platonic, professional relationship with the students, and would often assist them with their assignments while they were in her office.

After the students graduated, and reached majority age, M.A. and one of the students ("Student") began texting one another. Eventually, the texting took on a romantic nature. After sending a flirtatious message, which she regretted, M.A. immediately deleted the Student's contact information, and did not reach out again. Shortly thereafter, M.A. received a series of calls in the dead of night - around 2:00 a.m. When she picked up the phone, M.A. was threatened, by a female voice, that if she did not resign, due to her relationship with the Student, the caller would destroy her family and her career.

M.A. dutifully contacted leadership in her school district, described what happened and confessed her relationship with the Student. Shortly thereafter, M.A. was terminated, and reported to the Texas Education Agency ("Agency"). After successful briefing and oral argument at an informal hearing, we secured an outright dismissal, and cleared our Client's name at the earliest available juncture of the case.

Bertolino Team Highlights



Team Bertolino gathered with our significant others to celebrate the approaching holidays with food and festivities, and to acknowledge one another for our individual gifts and talents that contribute to the firm's success. Team Bertolino would like to extend a very Happy & Prosperous New Year to all of you as well!

"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