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

- TONY R. BERTOLINO, MANAGING PARTNER

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Hallmark Achievements | August 2017

Texas State Board of Dental Examiners v. T.J.

Our Client, a pediatric Dentist ("T.J.") with a clean record and excellent practice history, dutifully self-reported an incident where a patient ("Patient") experienced a seizure after sedation, for reasons which have not yet been ascertained. The Board responded by suspending his sedation certifications, without notice, and dragging him to a Probable Cause Hearing, to explain himself.

With his sedation certifications suspended, T.J. was essentially unable to practice, and the logistical nightmare that ensued placed serious strain on the practice. Never before, had our client had any such issues occur from sedation, despite administering the same regimen over 5,000 times.

Through submission of a pre-hearing and post-hearing brief, we were able to convince the Board to abandon its suspension, and dismiss the case from the State Office of Administrative Hearings. Our briefing and performance at the Probable Cause Hearing restored our Client's sedation certifications, and brought his practice back into ordinary working order.

Texas State Board of Physical Therapy Examiners v. K.F.

Our Client, a Physical Therapist ("K.F.") with an impeccable and extensive practice history, was alleged to have made racist remarks to a Hispanic patient ("Patient"). K.F. has cherished Hispanic siblings, and was horrified by the baseless allegations lodged against her. Treading in charged territory, we managed to expose and relay to the Board certain subtle matters, which revealed the Patient's representations were unfounded. Through submission of an expository Response Packet (our proprietary case-opening instrument), we were able to secure a dismissal, at the earliest available juncture.

5 Steps to Effectively Address An Attack On Your Professional License

It can be traumatic to be notified that a licensing board has received a complaint against you for professional misconduct, assigned an investigator, and begun an inquiry into whether you violated a Texas law or Board Rule. After dedicating years to your education and your life to your meaningful work that helps others, your career and reputation are now in jeopardy. With so much at stake when your license is under attack by a state agency or board, you must take immediate steps to defend your professional license.

We recommend immediately addressing the accusations against you with the following five steps. This may only be the beginning, but [our firm](#) believes that mounting a strong defense from the start helps ensure the most favorable outcome in your case.

1. Learn about the Board's process.

When you are under investigation it is in your best interest to understand the licensing board's investigation and complaint resolution process. Each Texas licensing board has their own process on how they handle complaints and accusations against licensees. We encourage you to learn how cases against licensees in your field are carried out, and how they are defended. Make a list of the steps to come, along with any relevant deadlines.

We have published a number of articles on Texas licensing boards and their investigation processes:

- [Overview of the Texas Medical Board's Enforcement Process](#)
- [Overview of the Texas Board of Nursing's Complaint Process](#)
- [Overview of the Texas Board of Veterinary Medical Examiners Complaint Process](#)
- [Overview of the Texas State Board of Pharmacy Complaint Process](#)
- [Possible Disciplinary Action from the Texas State Board of Examiners of Professional Counselors](#)
- [Acupuncturist: What You Need to Know If A Complaint Is Filed with the Texas State Board of Acupuncture Examiners](#)
- [Defending Your Teaching Credentials - Texas Teaching License Defense](#)
- [License Defense for Medical Radiologic Technologists](#)
- [Defending a Complaint Filed with the Texas Board of Occupational Therapy Examiners \(TBOTE\)](#)

For information on your licensing board's process and legal advice specific to your case, [contact us](#) to schedule a case evaluation.

2. Choose your attorney wisely.

Your attorney is your advocate and your partner in the fight to protect your license and your livelihood. Hire an [experienced license defense attorney](#) who instills confidence from the very first meeting.

Here are just a few important questions to ask prospective attorneys during your initial consultation:

- How many administrative law cases like mine have you handled?
- What were the results of those cases?
- What can I expect in the days and weeks to come?
- Are there any steps I should take right now?
- What sort of estimated fees or costs can I expect to pay?

It is vital to choose a lawyer with whom you feel comfortable discussing your case - and it is just as vital not to try to "go it alone." There are countless dangers in do-it-yourself license defense. Hire a [license defense attorney](#) to protect your rights, be your advocate, and guide you through the complaint process.

3. Identify and address upcoming deadlines.

Make sure you are aware of any upcoming deadlines. List them in your calendar immediately, and set reminders so you do not miss them.

For instance, you may have received a letter threatening an investigation or Notice of Setting for a hearing. Check for all relevant dates and deadlines pertaining to necessary responses, actions you need to take, or hearings you need to prepare for and attend.

Discuss pressing deadlines with your license defense attorney. Utilize your attorney's knowledge of the process so that you are fully prepared when essential deadlines or hearings arise.

4. Gather all relevant information.

Gather any and all information and documentation that relate to the issue at hand. This may include: complaint/notice letters, medical or pharmacy records, copies of contracts or property listings, emails, photographs, or other items.

Make a note-log of everything you remember about the situation or incident. Your notes can help guide you and your attorney as you seek to reconstruct what happened. The effort you put in to gathering information and creating detailed notes will help your license defense attorney build a successful legal strategy.

5. Minimize harm to those who may also be affected (i.e. your patients, clients, partners, supervisors).

When your license is being challenged, you may be temporarily prevented from performing certain duties integral to your work. Take steps to minimize harm to your

patients, clients, partner(s), or supervisor by delegating tasks where you can and rearranging your workload so that you can continue to be of service wherever possible.

Professional License Defense

Following the five steps above will give you a strong start to defending your professional license. Allegations of professional misconduct need to be faced head-on and defended against from the start. Your career and livelihood are at stake. As soon as you are notified that a complaint has been filed against you, [contact](#) the experienced license defense attorneys of [BERTOLINO LLP](#).

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

The lawyers at [BERTOLINO LLP](#) know how to carefully research every potential case. We know where to look for evidence and how to use that information to build a successful legal strategy. We know how to navigate the complaint process, gather evidence, question witnesses, and prepare powerful defenses against allegations of misconduct. Our job is to protect your rights and mount the best possible defense.

The professional license defense lawyers at Bertolino Law Firm have consistently won significant cases for doctors, nurses, lawyers, architects, pharmacists and other professionals dealing with issues that could jeopardize their ability to work. [Our results](#) speak for themselves.

If you have received a licensing complaint, [BERTOLINO LLP](#) can help. We represent licensed professionals across the entire State of Texas. 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](#).

Q & A

[Q : I have received a complaint letter informing me that I'm being investigated by a Texas state licensing or regulatory Board. What exactly does that mean?](#)

A: A complaint or letter of investigation is a very serious matter. Your license, and correspondingly your livelihood, may be a risk. The Board may place your license on probation or revoke it entirely. State regulatory and licensing boards such as the Texas Medical Board, Texas Board of Nursing, Texas Real Estate Commission, Texas State Board of Pharmacy and the like may have the ability to conduct investigations into your life and business. In Texas, state boards are in charge of a wide variety of professions and occupations such as real estate agency, insurance agency, plumbing, and architecture.

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when those licenses are under attack by a state agency or board."

-Tony R. Bertolino, Managing Partner

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