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- TONY R. BERTOLINO, MANAGING PARTNER

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Hallmark Achievements | September 2017

Texas Medical Board v. J.J.

Our Client, a Medical Radiologist ("J.J.") was investigated, by the Texas Medical Board ("Board"), for two criminal charges on his record, pursuant to the transfer of jurisdiction over Medical Radiologists from the Texas Department of Health and Human Services ("DHHS"). J.J. had previously disclosed both offenses to DHHS upon becoming licensed for the first time, and, yet, the Board still proposed public discipline, which may have interfered with J.J.'s employment prospects and professional reputation.

E.G., as Executor of Estate of R.G., Decedent v. R.V.

By virtue of our substantial knowledge of the legal authority governing the manifold professional licenses recognized in Texas, we successfully mediated a commercial services contract dispute. Just before mediation, we devised a legal theory, which revealed said contract to have been illegal and void, due to Defendant ("R.V.") lacking the statutorily-required licensure to perform the commercial services contracted for. Because Decedent ("R.G.") was not aware that Defendant was not properly licensed, E.G. reserved a viable claim to recover under the void contract.

In the Midst of the Opioid Epidemic: Prescription Violations Discovered Through The Texas Prescription Monitoring Program (PMP)

Over the past few years, Texas lawmakers, law enforcement, and licensing boards have been going after doctors for allegedly overprescribing highly addictive drugs for pain management. Opioid abuse is on the rise in our country, and [Texas is taking steps](#) to address this serious public health problem. People are becoming addicted to illicit street drugs and lawfully prescribed pain medications. Prescribed pain medications are controlled substances. These medications have valid medical uses, though they also come with the potential for abuse and addiction. The Texas Prescription Monitoring Program was created in an effort to address this growing problem.

The [Texas Prescription Monitoring Program \(PMP\)](#) "collects and monitors prescription data for all Schedule II, III, IV and V controlled substances dispensed by a pharmacy in Texas or to a Texas resident from a pharmacy located in another state." The PMP is also used by health care practitioners to monitor their patients' prescription history.

Providers Prescribing Controlled Substances

Texas closely tracks and compiles prescription data through the PMP. The PMP is designed to discover prescription violations. Providers who abuse their prescribing power will quickly put their medical license in jeopardy.

In the licensing board's zeal to address opioid abuse, providers who have done nothing wrong may be subject to investigation. If you are notified of an investigation or complaint against you, understand that your license, career, and livelihood are at risk. It is critical that you consult with an [experienced professional license defense attorney](#) immediately.

Pharmacists Dispensing Controlled Substances

Texas closely tracks the distribution of controlled substances by pharmacies. Failure to follow the rules and regulations for dispensing controlled substances will rapidly jeopardize a pharmacist's license.

Pharmacies that dispense controlled substances are required to:

- Have a current Federal DEA registration in order to possess, administer, prescribe, or dispense controlled substances.
- Report the dispensing of any controlled substance directly to the Texas State Board of Pharmacy's contracted vendor APPRISS.
- Submit data to the PMP no later than the seventh day after the prescription is completely filled.

Pharmacies and pharmacists who fail to properly report are jeopardizing their license and may face administrative penalties, including license suspension or revocation. Civil or criminal penalties may also be pursued.

Medical License and Pharmaceutical License Defense

Allegations of prescription violations need to be faced head-on and defended against from the start. If your medical license or pharmaceutical license is under attack by your licensing board or other state agency, we urge you to hire a license defense attorney immediately. You have the right to defend yourself. Hiring an attorney to help you mount a strong defense serves to protect your license, reputation, financial interests, and your career; it does not make you look guilty.

The lawyers at [BERTOLINO LLP](#) know how to carefully research every potential case. We know the regulations on prescription drugs and we have successfully defended doctors, prescribing health care providers, and pharmacists dealing with issues regarding prescribing and dispensing prescription medication. [Our results](#) speak for themselves.

Your career and livelihood are at stake. As soon as you are notified that an investigation is being conducted 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.

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.

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Q & A

Q: Generally, after receiving a complaint notice, what are my legal options?

A: After receiving a complaint or letter of investigation, you have several options. You can attempt to respond to the allegations on your own, you can do nothing and hope for the best, or you can contact an attorney to defend you and your license. The most important thing to remember is that the Board's chief mission is to protect the public. The Board has no interest in assisting you in defending your license. The Board's interest is adverse to your own. In this way, the Board is not your friend, which means the "do nothing and hope for the best" option is definitely not an option.

"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

