

Hi, just a reminder that you're receiving this email because you have expressed an interest in Bertolino LLP. Don't forget to add tbertolino@bertolinolaw.com to your address book so we'll be sure to land in your inbox!

You may [unsubscribe](#) if you no longer wish to receive our emails.



CLICK HERE
TO JOIN OUR
MAILING LIST

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

- TONY R. BERTOLINO, MANAGING PARTNER

STAY CONNECTED:

[Click here to send to a colleague](#)



BBB Rating: A+

as of 6/12/2017

[Click for Profile](#)

tbertolino@bertolinolaw.com | 800-210-0126 | www.bertolinolaw.com

Employee Spotlight

TERESA C. BRESSI LEGAL ASSISTANT

When asked where she is from, Teresa typically responds "At what time in my life?" Growing up with a father whose chemical engineer profession moved them from project to project, Teresa was born in Oklahoma and subsequently lived in Kansas (twice), Indiana, Arkansas, and Texas by the age of 10. Since living in Texas she has resided in Tyler, San Antonio, Dallas, Houston and finally Austin. It was not easy moving frequently but it had a profound effect on the chameleon she is today.

With formal training in the arts, she went on to become a legal assistant for more than 20 years with her extreme organizational skills and ability to think outside-the-box for creative problem solving. Teresa

has worked for some of the top trial attorneys in the nation assisting them with their multi-million dollar cases involving life-altering events including planes, trains, and automobiles. The most complex case was also the largest plane crash in the history of Honduras. Coordinating with multiple top-notch attorneys and more than 80 clients (not including minors) the case lasted 3 years from beginning to finish wherein they prevailed with an undisclosed settlement which, at the time, was the largest in the United States for this type of litigation.



Teresa is chameleon-like as she quickly adapts to varying situations from the very simple to the extremely difficult and complex. With a passion for efficiency and teamwork she works well with others at all levels of all business. Teresa thrives in a culture that is forward thinking and allows for continuing growth through new experiences and challenges.

Regulation of Telemedicine

Technology paved the way for telemedicine, which is the delivery of medical care to patients via technology that allows health care providers to communicate with and see their patients in real time. The benefits of being able to deliver medical care to patients who are not in the same physical location as the provider are numerous. Telemedicine serves to increase care in rural areas and to patients with mobility issues. It also creates opportunities for continued care via telemonitoring and a reduction on healthcare costs.

The benefits of telemedicine are obvious. Though, it also creates new risks for healthcare providers regarding licensing issues and standards of care. The [Texas Medical Board](#) regulates telemedicine, who can provide it, and to whom, where, and for what medical conditions.

Regulation of Telemedicine in Texas

In Texas, the following providers may treat patients using telemedicine: a physician, physician assistant, or an advanced practice nurse who is supervised by and has delegated authority from a physician. These providers are known as "distant site providers," and they must be licensed to practice in Texas. Further, all medical care provided via telemedicine is held to the same standards of acceptable medical practices as those made in the traditional in-person clinical settings.

For a distant site provider to provide medical care via telemedicine, he or she must establish a physician-patient relationship, which at a minimum includes:

- Establishing that the person requesting the treatment is in fact who the person claims to be;
- Establishing a diagnosis using acceptable medical practices, including documenting and performing patient history, mental status examination, appropriate diagnostic and laboratory testing, and for medical care other than mental health services, a physical examination;
- Discussing with the patient the diagnosis and the evidence for it, the risks and

benefits of various treatment options; and

- Ensuring the availability of the distant site provider or coverage of the patient for appropriate follow-up care.

New patients, or patients presenting with new conditions, may be seen by a distant site provider so long as the care is provided at an "established medical site." An established medical site has qualified staff known as "patient site presenters," who are health care professionals licensed or certified in Texas, such as nurses, EMT's, or pharmacists. For a location to qualify as an established medical site it must also: have sufficient medical equipment to allow the distant site provider to conduct an adequate physical evaluation for the patient's presenting complaint; a sufficient size to ensure patient privacy.

Patient site presenters are not always required for a distant site provider to provide medical care via telemedicine. If the only health care services being delivered are mental health services, or as a follow up for a previously diagnosed condition, then the need for a patient site presenters is at the discretion of the distant site provider.

This is a brief overview of the complex regulations on telemedicine. If you are providing telemedicine, it is critical that you understand and follow the regulations. This is an area of medicine ripe with potential pitfalls for professionals licensed by the Texas Medical Board.

If you have been notified of a complaint filed against you or are facing disciplinary action by the Texas Medical Board based on medical care you provided via telemedicine, it is critical that you seek the advice of an experienced Medical license defense attorney immediately.

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

[BERTOLINO LLP](#) represents licensed professionals across the entire State of Texas. We know how to [build a strong case](#) to protect your license - and your livelihood. [Our results](#) speak for themselves.

If you are facing disciplinary action from a professional licensing board, [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 | June 2017

...Another Month of Dismissals

Texas Board of Occupational Therapy Examiners v. S.G.

The Texas Board of Occupational Therapy Examiners (TBOTE) investigated serious allegations from the father of a six-year old patient ("Patient"), that S.G. purportedly shook the child by the neck in a room full of patients and their families. Our investigation found substantial evidence that the Patient's father exhibited a pattern of volatile behavior, and that S.G. had been explicitly requested to be the only therapist working with the Patient. We further articulated to the Board that S.G.'s

twenty-year practice history and professional reputation are wholly at odds with the allegations in the complaint. Apparently, the Board was satisfied with the explanation provided, as the Complaint was dismissed without further proceedings.

Take-away: We shut down a frivolous complaint at the earliest available opportunity, sparing our client unnecessary emotional toll and legal expenses, and protecting her license.

Texas Board of Occupational Therapy Examiners v. V.G.

The Texas Board of Occupational Therapy Examiners (TBOTE) investigated an allegation from V.G.'s former employer, that he fraudulently billed, for services which he purportedly did not render. This was not the case, and we convinced the Board of as much, solely through submission of a written rebuttal, which marshalled evidence that the complaint lacked integrity, and contained selective stipulations and omissions. The Board dismissed the complaint without taking any further action.

Take-away: The Firm secured a dismissal with a single move.

Q & A

Q: I recently applied to renew my license and the Board has either denied it entirely or is telling me I have to enter some sort of probationary or continuing education program. Do I have to do what they say in order to practice?

A: You cannot practice without the proper license. If the board won't renew your license or won't renew it until you agree with their terms, you may immediately contest their action. You should not practice your profession without the proper license as doing so will likely open you up to violation of Texas law and substantial penalties.

"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