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Employee Spotlight

Maggie earned her Bachelor's Degree in Political Science with minors in Economics and Spanish from the University of New Orleans in 2003. She was awarded her Juris Doctor degree, magna cum laude, from Western State College of Law in 2008. During law school, she served as the Year in Review Editor for the Western State College of Law Law Review and graduated in the top five percent of her class. She was admitted to the California State Bar in 2008, the Louisiana State Bar in 2009, and the Texas State Bar in 2016. Maggie is admitted to practice in all state courts of California and Louisiana, as well as, the United States District Court for the Central District of California and the Eastern District of Louisiana.



Maggie Simoneaux-Cuaso, Esq.
Senior Associate Attorney

Maggie experienced tremendous success as a civil litigator representing clients in ERISA, personal injury, wrongful death, medical malpractice and family law cases. Maggie has successfully represented clients at trial, mediation and binding arbitration where her clients received settlements and/or verdicts in excess of one million dollars.

In her downtime, Maggie enjoys mountain biking, working out, and spending time with

The Targeting of Pain Doctors by Medical Boards

Medical boards nationwide have been increasing oversight and regulation of doctors and medical professionals who work in pain clinics. In June, the Texas Medical Board instituted new rules relating to the management of chronic pain. These new rules include some traps for the unwary in what has become an increasingly politicized climate surrounding prescription drugs and pain clinics.

Nationwide Trends in Enforcement

The increase in abuse of prescription drugs in the United States has led to increased enforcement measures against doctors. State boards of medicine, law enforcement, and the Drug Enforcement Administration have increased enforcement against pain clinics in particular. Nevertheless, increased enforcement measures against practitioners can have negative unintended consequences for both patients and the practice of medicine.

In particular, by cracking down on so called "pill mills," some states have seen a sudden spike in illicit drugs as substitutes for prescription pain killers and an increase in opiate related deaths. As important, when pain clinics are abruptly closed, patients are left without a doctor and often without care. Further, many of these investigations begin with a suspension of a practitioner's DEA number and a seizure of their practice and assets, making it difficult for accused physicians to defend themselves and their licenses. Nevertheless, the nationwide trend is toward increased scrutiny of doctors treating chronic pain and Texas is no different.

Texas Rules for the Treatment of Chronic Pain

In 2015, the Texas Medical Board's Minimum Requirements for the Treatment of Chronic Pain rules came into effect. For the first time, these rules iterated a mandatory minimum standard of care for doctors treating patients with chronic pain in Texas. Among the sweeping changes was the clarification that these rules are mandatory, rather practice guidelines. Together, these rules create an administrative enforcement regime that requires patients to sign a contract, attend a periodic review, and other documentation and regulatory requirements.

Recent Amendments to the Texas Pain Management Rules

This summer, the Texas Medical Board announced a first set of revisions to these rules. Effective July 7, 2016, covering physicians are now allowed to prescribe dangerous and scheduled drugs for the treatment of chronic pain. This expansion is tempered with the requirement that if someone other than the primary pain physician or a covering physician prescribe, "the terms of the agreement must require that at or before the patient's next date of service, the patient notify the primary pain management physician or covering physician about the prescription(s) issued." The amendment also loosened some of the restrictions on which pharmacy could fill a prescription. Nevertheless, this change comes with an enhanced record keeping requirement that "the agreement's terms must require that at or before the patient's next date of service, the patient notify the primary pain management physician or covering physician of the circumstances and identify the pharmacy that dispensed

the medication."

Together, these two amendments will require that practices revise their existing pain management contracts in order to maintain compliance with these rules. Because of the increasing scrutiny of doctors treating patients with chronic pain, it is far better to have a proactive approach toward compliance. The [Bertolino Law Firm](#) can help.

The Bertolino Law Firm focuses on helping licensed professionals in Dallas, Ft. Worth, El Paso, Waco, Amarillo, Arlington, Brownsville, Corpus Christi, Plano, and Lubbock and any other major city in the State of Texas. If you have been the subject of a licensing complaint, you need an attorney who knows how to defend and protect your license to practice. If you have questions or need to speak with an attorney about professional license defense, please call 800-210-0126 or [click here](#) to contact us. You can also find free resources including the [Do's and Don't's of Professional License Defense](#) on our website at www.bertolinolaw.com

Hallmark Achievements | November 2016

THE HOT STREAK CONTINUES - THE FIRM'S DEPOSITIONS GET RESULTS

E.R.G. v. R.V.

Following an aggressive deposition campaign conducted by the Firm, the parties have begun initial discussions that may lead to settlement of the case. The Firm intends to take the lead in brokering this arrangement. If successful, this proposed settlement could save our client substantial resources at an early juncture in the case.

C.S. & M.H. v. W.G.

Our Client, a funeral service director, was alleged to have breached the standard of care. Following dismissal of the complaint by the Funeral Service Commission, the complainants have pursued a civil claim against our Client. In the latest of a series of victories, the Firm has filed a MOTION TO EXCLUDE EXPERT against the Plaintiffs. Due largely to successful depositions, the grounds for this motion have been pled to an evidentiary standard far greater than required. If successful, this Motion will eviscerate Plaintiffs' case and tilt the odds further in our Client's favor

Q & A

[Q: What happens if I don't respond at all to the Board's Complaint Letter or Notice?](#)

A: Failure to respond to a board complaint or investigation may result in adverse action against your license. In many cases, ignoring the Board order permits the Board to take action against you. Ignoring the issue does not make it go away. In many cases, not responding is treated as essentially admitting guilt.

"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

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