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- TONY R. BERTOLINO, MANAGING PARTNER

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## Employee Spotlight

Nick McCoy is a third year law student at the University of Texas School of Law, with a diverse background and set of skills. Before attending law school, he received his MBA from the University of Arizona and worked in the financial services field. His knowledge of business has been particularly useful for a complex case that the Firm recently took on against the Board of Public Accountancy. Nick's background will also serve him well in his plans to eventually pursue public office.



Nick McCoy, Law Clerk

When he is not at school or the office, Nick's life revolves around travelling and wedding-planning with his lovely fiancée. Through their time as a long-distance couple, the two have visited 52 cities. As they tour wedding venues and set plans, they plan to visit Belize - a perfect outlet for the stress of wedding planning.

## Five Ways to Lose Your Professional License

Every year, thousands of professionals in Texas will be disciplined. Last month alone, the Texas Medical Board [sanctioned 45 physicians](#). In June, the Texas Nursing Board issued [499 disciplinary actions](#). Nevertheless, there are a few easy and common ways to lose your license that every licensed professional should

know and avoid.

## **Failing to get help for a substance abuse problem**

Over the last decade, an increasing number of professionals have faced licensing sanctions for issues relating to substance abuse. Considering that [lawyers](#), [doctors](#), and other professionals are at higher risk than members of the public for developing a dependency on drugs or alcohol, this is not entirely surprising.

From a San Diego doctor [passing out at work](#) from drinking, to a Virginia nurse allegedly [assisting in surgery while intoxicated](#), substance abuse is at the center of many licensing complaints. However, it does not have to be this way. Many of the Texas professional boards have created [a free and anonymous](#) substance support network. If you or someone you work with has a drug or alcohol problem, now is the best time to get help, before an addiction issue becomes a licensing issue.

## **Improper handling of clients' money**



If you are practicing in a profession that handles clients' money, you are probably acutely aware of the special responsibility that entails. For example, attorneys and other fiduciaries are [prohibited from commingling](#) their own funds with client funds. For every profession that handles money or property as a fiduciary, those professionals must have certain safeguards in place to assure that clients' property is separate from their own. Sloppy or nonexistent accounting of client funds is a surefire way to find yourself in a licensing complaint.

## **Not answering Board questions truthfully**

Certain situations can trigger requests for information from your Board. When and how to answer those questions is best left to a [professional licensing attorney](#). There is, however, one wrong way to answer the Board: dishonesty. Every professional Board in Texas makes it a separate, sanctionable offense to answer Board inquiries untruthfully.

## **Defaulting on Student Loans**

Defaulting on students loans can hurt more than just your credit score. Texas licensing authorities have repeatedly sanctioned professionals for failure to make on time student loan payments. For example, the [Texas Court of Appeals](#) in 2009 ruled that an attorney who was behind on his loans was therefore not trustworthy or reliable enough to practice law. Similarly, the Texas Medical Board has routinely suspended professionals who fall behind on their payments to the Texas Guarantee Student Loan Corporation.

## **Prescription drug offenses**

Lately, practitioners who deal with clients in chronic pain have faced intense scrutiny for their proscribing practices. Pain management doctors in particular have come under fire for [allegedly over-prescribing opiates](#) to clients. Unlike other cases, where the professionals could mitigate their behavior to avoid sanction, some have

criticized that pain management clinics are being scapegoated as a result of national attention on the issue of addiction.

Your professional license is your livelihood. It represents years of hard work, schooling, and playing by the rules. Nevertheless, even professionals doing their best to follow the rules can find themselves as the subject of a professional licensing complaint.

If this has happened to you [Bertolino LLP](#) can help. We represent 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 are the subject of a professional 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.

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## Hallmark Achievements | October 2016

### Another Strong Month for Protecting the Livelihoods of Licensed Professionals in Texas

The Firm continues its hot-streak with fruitful depositions, and yet another dismissal

*Texas Board of Nursing v. S.H., CRNA*

The Firm's aggressive discovery campaign has paid off for our client, with handsome dividends.

The Board alleged that our Client fell asleep during a laparoscopic procedure. The Firm realized a material fact unbeknownst to the Board, which fundamentally altered the landscape of the case. The Firm began building a new defense theory upon this material fact. Through written discovery, the Firm also surmised that the complaints that initiated the Board's investigation were factually dubious. The Firm followed up on this hunch by deposing the complainants this month. The Firm's pointed questioning ultimately elicited testimony that substantiated the Firm's suspicion; it was revealed that each complainant had indeed made material misrepresentations to the Board. Following this revelation, the Firm zeroed in for the kill, holding another round of depositions to test its new defense theory. The testimony elicited at these depositions unequivocally endorsed the new defense theory. Two business days later, the Board filed a Motion to Dismiss the case.

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## Q & A

**[Q: Should I call the Board or Commission to ask questions about what happens next?](#)**

**A:** No. Oftentimes, license-holders will call the investigator or board to ask questions about what to do next. However, their urge to express to the Board their innocence often leads them to make responsive statements in connection with their questions. Once again, these statements may be construed as admissions and could severely damage your case.

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*"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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