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

- TONY R. BERTOLINO, MANAGING PARTNER

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Employee Spotlight

As an Associate Attorney for Bertolino LLP, Christina Heeth is on your side to resolve your case effectively and efficiently. Originally from The Woodlands, Texas, Ms. Heeth graduated from the University of Houston with an undergraduate degree in Political Science, Biology, and Business Administration, before attending South Texas College of Law. While in law school, she was a member of several organizations including but not limited to Delta Theta Phi, Oil and Gas Society, and STCL COOGS. When she is not at the Firm, Christina enjoys traveling, spending time with family, and exploring the vibrant food culture in Austin.



Christina Heeth
Associate Attorney

Alternative Dispute Resolution: An Aid in the Disposition of Professional Complaints

Alternative dispute resolution has taken civil practice by storm, but did you know that it is also available for most licensed professionals facing disciplinary action in Texas?

Alternative dispute resolution (ADR) is the general legal term for resolving disputes outside of a hearing or courtroom. This general term encompasses processes like mediation, arbitration, conciliation, and negotiation. Many praise alternative dispute resolution because it tends to be faster, less expensive, and avoids the unpredictability of litigation. Moreover, the attorneys of [BERTOLINO LLP](#) have experienced great success using ADR on behalf of clients facing professional complaints against their licenses.

What the ADR process looks like in practice depends on the procedures of the Board. The [Texas Board of Nursing](#), for example, offers nurses two opportunities to use the ADR process before proceeding to a hearing. For those licensees facing a complaint, the Board of Nursing reviews the complaint and conducts an investigation. An investigation typically takes anywhere from five to twelve months to complete. If the investigation reveals alleged violations of the Nurse Practice Act, the investigation and proposed orders are forwarded to the licensee. At that time, the nurse and his or her attorney have the opportunity to negotiate with the Board, offering revisions to the proposed orders or arguing for dismissal of the complaint in full. This process is called the Informal Settlement Process.

If this informal process is not productive, the licensee still has the ability to participate in a second process, called the Formal Settlement Process. In this process, the nurse will have the opportunity to respond to a formal complaint in writing. This allows the licensee another opportunity to continue negotiation without proceeding to a hearing. This process has been so successful in resolving licensing complaints that many professional boards follow this model or something like it. The Texas Medical Board, Texas Real Estate Commission, the State Bar of Texas, and others all have adopted some form of ADR to aid in the disposition of professional complaints.

This process has become so efficient that most of the cases before Texas professional boards are resolved through the use of ADR. For example, in 2015, the [Texas Medical Board saw 686 cases](#) move through the investigative process towards litigation. Of those 686 cases, 610 were resolved at the Informal Settlement Conference stage.

The best results from ADR happen when you have retained an experienced attorney who knows that process and can help negotiate a settlement or argue for a dismissal at an early stage. By having an attorney by your side protecting your rights throughout this process, you can be assured that you are proactively gathering the facts and evidence you need should ADR be unsuccessful, while fighting for your license and livelihood.

[BERTOLINO LLP](#) is the firm doctors, attorneys, and other licensed professionals turn to when facing a professional complaint or investigation. Whether you can resolve your case through ADR or think that want to take your case to a hearing, our honest, experienced attorneys will fight aggressively on behalf of your license and reputation. Our firm is committed to helping licensed professionals throughout the State of Texas. If you have questions or need to speak with an attorney about professional license defense, click [here](#) to contact us or call 800-210-0126.

Hallmark Achievements | July 2016

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

The Firm pulls the proper levers to secure two outright dismissals

Texas Board of Physical Therapy Examiners v. C.C., PT, DPT

The Board alleged that our client abandoned a patient, and the Firm secured **outright dismissal of all allegations**. Specifically, submission of a rebuttal packet and presentation of oral arguments at an Informal Settlement Conference (ISC) compelled the Board to grant dismissal. ISCs are conducted at a very early juncture in the course of cases before the State Office of Administration. Thus, the Firm completely prevented adverse action by the Board in short order and at minimal cost to our client.

Texas Board of Nursing v. K.W., RN

The Board alleged that our client breached the standard of patient care. Solely through submission of a robust rebuttal packet, the Firm secured **outright dismissal of all allegations** against our client. Once again, the Firm completely prevented adverse action by the Board at minimal cost to our client, this time at the earliest possible juncture.

Q & A

Q: Do I really need an attorney?

A: Absolutely. For assistance in defending your license, do not seek help from the investigator or any other Board personnel. Our recommendation is to seek the advice of an experienced and dedicated license defense attorney as soon as possible. Do not respond to the Board on your own. The Board has experienced staff attorneys who are very knowledgeable about the law. With that said, you will also need a defense attorney with experience.

"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