

On The Record . . .

Official Newsletter of BERTOLINO LLP

July 2020



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Our Firm

Tony R. Bertolino, Esq.
Managing Partner

Sheri L. Middlemas
Chief Operating Officer

Frank A. King, Esq.
Senior Associate Attorney

Kayleigh K. Smith, Esq.
Associate Attorney

Kerry J. Bloodsaw, Esq.
Associate Attorney

Penny Smith
Certified Paralegal

London de la Teja
Accounting and Finance Manager

Bruce Kingsley
Client Relations Coordinator

Melissa Caffery
Legal Assistant

Firm Announcements

We Are In This Together - Food Drive for Central Texas Food Bank

The attorneys and staff at Bertolino, LLP, are committed to giving back to our community. Now more than ever, we know the importance of reaching out to our neighbors and giving them support during difficult times.

Please join us in supporting our neighbors by donating to our virtual food drive with Central Texas Food Bank. When faced with hunger, it's difficult to prepare for the unexpected. That's why we're helping Central Texas Food Bank keep their shelves stocked and ready to respond in these uncertain times. For every \$1 donated, Central Texas Food Bank can provide 4 meals. With our goal of \$500, we're hoping to provide over 2,000 meals.

[Click here to donate today](#)

Thank you for helping us help Texans in need!

Live from the "BLAWG": What Happens when a Texas Psychologist is Accused of Failing the Standard of Care?

Those who practice psychology in the state of Texas have pursued their vocation through multiple hurdles over the course of many years. These highly-qualified individuals are vital to the mental health of our communities, as they aid people going through some of life's most difficult challenges. It is therefore imperative that a licensed psychologist do whatever they can to follow the standard of care inherent to the profession in order to avoid any risk of losing their license--and should plan to mount a solid defense against claims they have breach that standard.



Board and Agency Updates



In response to the ongoing Covid-19 pandemic, the State Office of Administrative Hearings issued some of the following guidelines for Phased re-opening.

Judges will use all reasonable efforts to conduct proceedings remotely, unless, upon a showing of good cause, the use of telephone or videoconference is not feasible for a particular hearing or that justice requires that the parties be permitted to appear in person.

Judges will conduct any in-person proceedings according to the Emergency Orders issued by the Chief Administrative Law Judge and guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions, including:

- Lawyers, parties, and witnesses may be required to wait outside of SOAH's facilities until their hearing is called.
- Attendance may be limited to 10 persons including SOAH personnel, and all attendees will be expected to follow social-distancing standards announced by the ALJ as a matter of decorum.
- Parties to in-person proceedings should wear face coverings where possible and, to the extent hard-copy exhibits need to be presented, parties should anticipate using sanitizer and/or wearing gloves as protective measures for handling documents.

All pleadings and exhibits will be pre-filed electronically at least 10-days before the hearing, or as required by the judge, unless there is good cause for not doing so. Self-represented parties who are unable to file documents electronically are allowed to submit documents by mail, hand

delivery, or fax.

On or after June 15, 2020, judges may coordinate with SOAH docketing staff to begin setting a limited number of non-emergency in-person hearings at SOAH's offices, but only if the state district courts in the jurisdiction where the SOAH office resides have resumed similar non-essential in-person proceedings.

For a full list of SOAH's guidelines, please click [here](#).

For further updates, please refer to SOAH's Covid-19 page [here](#).

Hallmark Achievements - July 2020

Texas Board of Nursing v. C.L.

C.L. allegedly failed to follow the proper wasting procedures for medications at a large hospital in Houston, Texas and was accused of using the medication for herself.

C.L. vehemently denied the allegations. In response to the complaint, C.L. hired our firm to compile all the required documentation and respond in writing to the Board's investigators. After doing so, the firm convinced the Board that the allegations had absolutely no merit, and the Board dismissed the complaint.

Texas Appraiser Licensing and Certification Board v. J.A.

J.A. was accused of making material misrepresentations and omissions of fact in appraisal reports by failing to properly complete and document an appraisal of a residential home. As an appraiser with over 35 years of experience, J.A. stood by his assessments in his appraisals.

Due to their vigorous and thorough response to the complaint and negotiations with the Board, the attorneys and staff at Bertolino, LLP, were able to negotiate a contingent dismissal for J.A., avoiding disciplinary action and the imposition of formal disciplinary sanctions.

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