

On The Record . . .

Official Newsletter of BERTOLINO LLP

March 2025



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Failing to Follow Professional Licensing Board Orders: What You Need to Know!

By Tony Bertolino, Esq.

If you are a professional facing a disciplinary complaint, you will likely have the chance to resolve your complaint informally by agreeing to a board order. This order



sets forth certain responsibilities and conditions you must complete due to your disciplinary proceedings. For various reasons, if you fail to follow a professional licensing board order, you may face further disciplinary proceedings or other adverse consequences.

Understanding Board Orders

When you are facing a disciplinary complaint before your licensing board or agency, you will have a chance to respond to that complaint. After reviewing your response and completing any other necessary investigation, your licensing board will determine whether it has sufficient evidence to show that you have violated one or more of the rules or laws that govern your profession.

If your licensing board finds a violation, it typically will present you with an agreed board order. The board often schedules an informal conference or meeting to discuss the proposed agreement and negotiate its terms. Most disciplinary cases are resolved through a board order outlining any sanctions and

certain conditions and items you must complete to remain licensed and continue working in your field.

Depending on your circumstances, the provisions in a board order may be designed to penalize you, educate you, and/or ensure that you do not commit similar violations in the future. The severity and duration of the sanctions in your board order depend on the severity of the alleged misconduct at issue and other mitigating and aggravating factors about your situation. Completing the sanctions or other conditions throughout the duration of the board order is intended to allow you to return to full and unrestricted licensure in good standing to continue your career.

Board orders can contain a wide range of conditions and sanctions but often include some or all the following terms:

- Completion of remedial or continuing education courses, typically related to the license holder's alleged misconduct;
- Periodic reporting to the board for compliance purposes;
- Submission of employer evaluations;
- Payment of administrative penalties;
- Completion of a substance abuse assessment, counseling or treatment program, and any follow-up recommendations from that program;
- Undergoing a medical or psychological examination;
- Submitting to random drug testing;
- Placement of your professional license on probationary status;
- On-site supervision and/or monitoring by a person with specific professional qualifications; and
- Restriction from handling a specific type of work-related duty or seeing a specific type of patient, customer, or client for a set period.

Implications of Failing to Comply with Board Orders

If you agree to a board order, you should be aware of the potentially adverse consequences if you fail to follow its terms. Regardless of your opinion of the terms of your board order, once that order is in place, you are bound by

its terms. As a result, failure to comply with any stipulations in your order could result in even more serious implications for your licensure.

Many licensing boards and agencies will assign a staff member to your case to monitor your compliance. That compliance officer can independently verify your compliance with your board order. They also are likely to require you to periodically report and provide evidence of your compliance with the terms of the board order. A failure to follow the board order's terms can lead to further disciplinary action against you. At that point, you will likely face even more severe sanctions, including suspension and/or revocation of your professional license. The licensing board also may impose additional sanctions on you and/or extend your supervision period.

Noncompliance as Grounds for a Separate Disciplinary Action

The rules that govern many professionals often state that noncompliance or noncooperation with a board's order can be an independent ground for disciplinary action. As a result, in addition to sanctions for the alleged misconduct that your licensing board already has decided you committed, you could face new and additional sanctions simply for disregarding a board order.

For example, 22 Tex. Admin. Code Section 217.1(11)(B) states that licensed nurses engage in "unlawful practice" if they violate an order of the Texas Board of Nursing (BON). Therefore, you can receive additional sanctions for failing to comply with the BON order and sanctions for the underlying offense that led to the BON order.

Similarly, 22 Tex. Admin. Code Section 322.4 (b)(7) provides that physical therapists who fail to complete the requirements of an agreed order practice "in a manner detrimental to the public health and welfare." Physical therapists who violate a board order can face additional disciplinary action above and beyond the sanctions for the original offense or misconduct.

Conclusion

Complying with a professional licensing board order is essential to maintaining your license and avoiding further disciplinary

action. Once an order is in place, you are legally bound by its terms, and failure to comply can result in additional sanctions, including suspension or revocation of your license. Licensing boards actively monitor compliance, and noncompliance may serve as an independent basis for further disciplinary proceedings. Understanding the terms of your board order and taking proactive steps to fulfill all requirements is crucial for protecting your career and ensuring a return to good standing in your profession. If you are facing challenges in meeting the conditions of your order, seeking legal guidance can help you navigate the process and mitigate potential risks.

Understanding Myers-Briggs Type Indicators in Our Law Firm

by Sheri Middlemas (INTJ)



At Bertolino Law Firm, we believe that strong teams are built on understanding and collaboration. You may have noticed some of our team members displaying four-letter designations alongside their names in email signatures or titles. These are their Myers-Briggs Type Indicator (MBTI) personality types, and they help us create a more communicative and efficient work environment, both internally and in our interactions with you.

What Is the MBTI?

The MBTI is a widely recognized personality assessment that categorizes individuals into one of 16 personality types based on their preferences in four key areas:

- Extraversion (E) vs. Introversion (I) - How a person directs their energy: outwardly toward people and action or inwardly toward thoughts and reflection.
- Sensing (S) vs. Intuition (N) - How a person takes in information: through concrete facts or patterns and possibilities.
- Thinking (T) vs. Feeling (F) - How a person makes decisions: based on logic and objectivity or personal values and emotions.
- Judging (J) vs. Perceiving (P) - How a person approaches structure: with organization and planning or flexibility and adaptability.

Why We Use MBTI in Our Firm

The legal profession requires a high level of teamwork, communication, and

adaptability. By incorporating MBTI into our workplace culture, we aim to:

- **Enhance Collaboration:** Understanding personality types helps us work better together, leveraging strengths and accommodating different work styles.
- **Improve Communication:** Knowing whether a colleague prefers direct, analytical discussions (T) or a more empathetic, relational approach (F) fosters more effective interactions.
- **Optimize Team Dynamics:** Recognizing diverse problem-solving approaches allows us to create well-rounded teams that deliver comprehensive legal solutions.

What This Means for You

For our clients, seeing MBTI types in our firm's communications signals our commitment to fostering a positive and efficient workplace. It also means you are working with a team that values self-awareness and continuous improvement, qualities that translate to better service and client relationships.

If you are curious about your own MBTI type or want to explore how personality dynamics impact your professional environment, we'd love to discuss it further. At Bertolino Law Firm, we believe that understanding each other better leads to better outcomes for everyone.

Hallmark Achievements

Texas Medical Board v. CP

Facts: Our client, CP, hired us to develop a legal strategy to avoid discipline in connection with the client's criminal matter.

Outcome: The Firm analyzed the facts and applicable law to ascertain the probability of the Board imposing disciplinary action based on the circumstances in connection with CP's criminal matter. It was determined that the law and the facts supported non-disciplinary action. The Firm crafted a robust advocacy response demonstrating the legal and factual basis for a non-disciplinary outcome. The Board determined that they would take no action against the client's license. CP can continue serving patients with a stellar disciplinary record.



Texas State Board of Public Accountancy v. MB

Facts: Our client, MB, hired us to develop a legal strategy to avoid discipline in connection with the client's criminal matter.

Outcome: The Firm analyzed the relevant documents, law, and facts and determined that the factors in connection with the criminal matter militate a non-disciplinary outcome. The Firm submitted an advocacy statement disclosing



the criminal matter accompanied by arguments in support of the Board waiving disciplinary action. The Board closed MB's case without taking action against his license. MB can now continue the career he loves.

So, You've Hired an Attorney – Now What?

by Troy Beaulieu, Esq.



People usually hire an attorney during a stressful period in their life where their livelihood, professional reputation and license are in jeopardy. It is important to recognize and follow some key suggestions to maximize the effectiveness of your attorney and increase the likelihood of a positive outcome to your legal matter. Here are some things to remember as you begin working with your lawyer to defend you.

Avoid Delay

Don't wait; Hire a lawyer now and do not wait until later. The sooner you have an attorney retained the better because your options, timeframes or opportunities for resolving the situation favorably shrink when you delay or try to handle the matter on your own first. Legal matters are complicated and require research, analysis and preparation and responding to serious licensure matters on a short timeframe increases the potential for a poor outcome.

Communicate

Be Open, communicative and transparent with your new attorney. Talk to your lawyer openly and tell the attorney all the details of your situation even if some of it is bad, embarrassing or harmful. Your lawyer is required by law to keep your information confidential and privileged unless you authorize disclosing the information, so you do not need to worry that the attorney will share your information. However, if your attorney does not know all the details it is difficult for the attorney to represent you effectively. Bad facts have a tendency to come out anyway, and you'd hate for your lawyer to be caught off guard without the chance to prepare a defense to details the lawyer is not even aware of.

Look at Your Invoices and Ask Questions About Billing

Make sure to check your invoices and get questions answered about billing. Do not put off or avoid any questions you have. You do not want problems with your account with the law firm to prevent your lawyer from continuing to work on your case. put off or avoid any questions you have. You do not want problems with your account with the law firm to prevent your lawyer from continuing to work on your case.

Let Your Lawyer Do Their Job

It can be hard to turn things over to another person, especially when its your livelihood on the line. But you must have trust in your attorney for the relationship to work and the attorney's efforts to be successful. Generally, your lawyer should be the one communicating on your behalf with the other side to

make the most effective defense for you. If you have questions, talk to your lawyer about their strategy, plan of action and what the next steps will be. If the attorney is not already sharing it, ask your lawyer to provide copies of any communications sent to the opposing party and any work product prepared on your behalf so you can stay up to speed on what's going on. Make sure to talk with your lawyer and avoid taking unilateral action without getting advice, which can cause serious harm to your case.

Listen to Your Attorney's Legal Advice and Consider it Carefully

Your Lawyer is there to look out for your interests and should provide you with solid legal advice on your situation and your options. If you have questions about their advice, ask those questions and get clarification. Make sure to consider the advice your attorney is giving even if it's something you are disappointed, frustrated or perhaps disagree with. You may not like the answer you are hearing, but you need to consider carefully what your attorney is telling you to avoid more serious consequences or damage to your case. If you want to know more about the rationale behind the lawyer's advice, ask them to share with you the law, rules or court decisions they are basing their advice on so you can better understand things.

Provide Documents and Information Timely

When your lawyer asks for material or information, make sure to gather those items quickly and provide them to the attorney. Evaluating your documents is an important part of the process that can impact your options and the legal advice your attorney gives you. Without these materials your lawyer may not be aware of the whole picture, and it can be difficult to give you good legal advice because the lawyer is missing important information.



Know Your Regulator: The Podcast that Inspires You to Engage

Engage with your regulatory agency like never before! Navigating the laws that govern your license and profession can be challenging. That's why we've created **Know Your Regulator**, an educational resource designed to help license holders take charge of their careers. Stay informed with important agency updates, gain valuable

Professional Recognition Days: March Calendar

Team Bertolino is grateful for the expertise and dedication of these professionals. Thank you for your outstanding contributions to your respective industries.

March is National Professional Social Worker

March 2nd: Dental Assistant Week

March 3rd: Navy Reserve Birthday

March 6th: National Dentist Day

March 11th: National Funeral Director

March 12th: Registered Dietitian Nutritionist Day

March 14th: Legal Assistant/ Assistance Day

March 17th: Pediatric Nurse Practitioners Week

March 19th: Certified Nurses Day

insights, and discover opportunities to enhance your professional license.

Don't miss our weekly podcast! Each episode dives into key topics, from navigating complex regulations to tips for building a successful career in your field. Tune in for practical advice and expert interviews.

Empower your license and career, and stay ahead in your industry. Take advantage of our free educational resources by visiting [Know Your Regulator](#) today!

Get Your Free eBook!

Learn how you can proactively protect your license by engaging with your regulator and staying informed about regulatory developments in your industry.

With Bertolino LLP's insights, regulatory insight, suggestions, and information, we can help you minimize your compliance risk profile and stay ahead of your competition by engaging with your regulator.

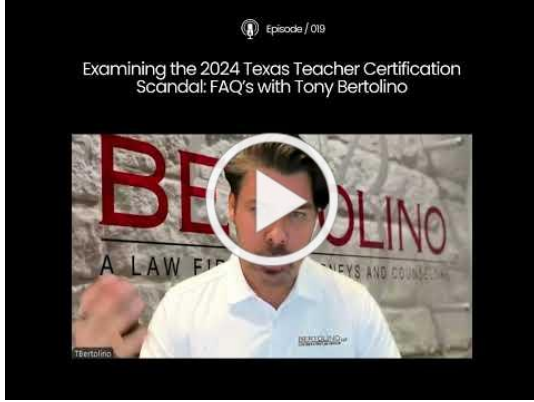


March 23rd: World Meteorological Day

March 25th: National Physicians Week

March 31st: Anesthesia Tech Day





Know Your Regulator
Podcast



Side Bar ...

Supporting the Central Texas Food Bank's Mission

We were honored to spend an afternoon volunteering at the Central Texas Food Bank, supporting their incredible mission to fight hunger in our community. Our team worked alongside other volunteers in the warehouse, helping sort and package over 1,004 bags of sweet potatoes—totaling 5,000 pounds and providing the equivalent of **4,183 meals**. With roles ranging from trimming and tying mesh sacks to quality control and recycling packaging materials, every task played a part in ensuring families receive fresh, nutritious food. **It was eye-opening to see the level of coordination and dedication that goes into making food distribution possible, and we're grateful for the opportunity to contribute.**

The experience reinforced just how vital volunteers are in keeping food assistance programs running smoothly. For those interested in getting involved, the Central Texas Food Bank offers a variety of volunteer opportunities beyond the warehouse, including community food distributions, gardening at their on-site farm, and assisting with nutrition education programs. **Every role helps provide meals to families in need, and we encourage anyone looking to make a difference to explore ways to support this vital mission.**



Dena on the Assembly Line – sorting and packaging boxes for sweet potatoes, ensuring families receive fresh, quality food. Every task helps support the Central Texas Food Bank’s mission to fight hunger in our community!



Sheri Taking a Well-Earned Break – After hours of volunteering, Sheri pauses for a quick snapshot amidst the hustle and bustle of the warehouse.

Team Effort: Sheri, Cimone, Troy, London and Dena enjoy a celebratory moment after completing volunteer work at the Central Texas Food Bank.

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