

Memorandum of Understanding

Between

THE TEXAS BOARD OF PROFESSIONAL ENGINEERS

And

THE TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Under the Texas Geoscience Practice Act (Texas Occupations Code Chapter 1002), the Texas Board of Professional Geoscientists ("Geoscience Board") is authorized to promulgate and enforce all rules and regulations necessary to ensure that the practice of geoscience is performed in compliance with the Texas Geoscience Practice Act to protect the public health, safety, and welfare.

Under the Texas Engineering Practice Act (Texas Occupations Code Chapter 1001), the Texas Board of Professional Engineers ("Engineering Board") is authorized to promulgate and enforce all rules and regulations necessary to ensure that the practice of engineering is performed in compliance with the Texas Engineering Practice Act to protect the public health, safety, and welfare.

In consideration of the provisions of the Texas Geoscience Practice Act, Texas Occupations Code §1002.004 (j), the Geoscience and Engineering Boards have entered into this Memorandum of Understanding ("MOU") to clarify each agency's separate and common authority by developing a common process and methodology to identify professional services that are engineering and regulated by the Engineering Board, professional services that are geoscience and regulated by the Geoscience Board, and professional services that are both engineering and geoscience. Professional services that are both engineering and geoscience can be legally performed by either Professional Engineers and board registered Engineering Firms or by Professional Geoscientists and board registered Geoscience Firms and are regulated under the statute and rules promulgated by their respective Boards.

This MOU is promulgated pursuant to the statutes and rules of the Texas Geoscience Practice Act and the Texas Engineering Practice Act and definitions provided therein.

The Geoscience and the Engineering Boards agree that:

I. Professional Work.

Both Professional Engineers and Professional Geoscientists licensed in Texas may perform, offer to perform, and certify by signature and seal any work for which they are qualified and authorized to perform under their respective Acts.

II. Standing Joint Committee.

The Engineering and Geoscience Boards agree to create a standing joint committee with three members appointed by the Chair of each Board, with the concurrence of the respective Boards. Two members from each Board will be licensed by their respective Boards and one member from each Board will be a public member. A quorum of the committee shall be four members consisting of at least two members of each Board.

- A. The purpose of the Standing Joint Committee will be to review matters that affect both Boards, develop a mutually cooperative, effective, and collaborative process to identify and resolve issues pertaining to overlap between the professions to effectively protect the public health, safety, and welfare in the State of Texas. The committee will report its findings to both Boards with recommendations for adoption of joint opinions, policies, procedures, agreements, methodologies, or rules.
- B. Members shall be appointed for three-year staggered terms, with one Engineering Board member's term and one Geoscience Board member's term expiring on August 31 of each year. Co-committee Chairs will be elected from the membership of the committee by the committee upon convening, as the first order of business. All Committee members will be voting members. Committee meetings will alternate between the headquarters of the two Boards.

III. Standing Joint Committee Review of Overlapping Work

- A. The Standing Joint Committee will review whether a licensed Professional Geoscientist ("PG") or a registered Geoscience Firm may offer, provide, or perform work that is both engineering (which is not expressly prohibited under the Geoscience Practice Act, under Texas Occupations Code §1002.004) and geoscience, if that work is incidental and specific to the work of a Professional Geoscientist, provided the PG has demonstrated competence in that area of work, identified the registration status of the firm, and signed and sealed the work as a PG.
- B. The Standing Joint Committee will review whether a licensed Professional Engineer ("PE") or a registered Engineering Firm may offer, provide, or perform work that is both engineering and geoscience, if that work is incidental and specific to the work of a Professional Engineer, provided that the PE has demonstrated competence in that area of work, identified the registration status of the firm, and signed and sealed the specific as a PE.


- C. A PG may not sign or seal engineering work as a PE or otherwise represent that work in his or her responsible charge is engineering. A PE may not sign or seal geoscience work as a PG or otherwise represent that work in his or her responsible charge is geoscience.

IV. Complaint Procedures

- A. A complaint against a PG or a Geoscience Firm offering to provide or providing engineering work shall be initially filed with the Engineering Board. A complaint against a PE or an Engineering Firm offering to provide or providing geoscience work shall be initially filed with the Geoscience Board. Each Board will send a letter to the other Board when it is determined that a registrant or licensee may be offering to provide, providing, or practicing in its professional field inappropriately. That letter must summarize the complaint against the PG or Geoscience Firm or PE or Engineering Firm. The letter must also ask if the other Board's statutes and rules would allow the registrant or licensee to offer to provide, provide, or perform the work that is the subject of the complaint.
- B. A complaint against an unlicensed individual or an unregistered firm offering or performing geoscience should be filed with the Geoscience Board. A complaint against an unlicensed individual or an unregistered firm offering or performing engineering should be filed with the Engineering Board.
- C. Questions regarding potential overlap or joint jurisdiction between the Geoscience Board and the Engineering Board may be submitted to either Board and shall be resolved to the satisfaction of each agency. If an issue is not resolved, then it could be considered through the efforts of the Standing Joint Committee established under Section II of this MOU.


V. Approval, Review and Amendment.

This MOU is entered into by the Engineering Board and the Geoscience Board by signature of each Board's Executive Director. If a signatory to this MOU determines that the terms of the MOU cannot be fulfilled, the signatory or those designated by the signatories will consult to seek amendment of the MOU. In addition, as necessary, the Boards will periodically reevaluate this MOU and update it as necessary to ensure that it remains consistent with applicable laws and regulations, and protects the health, safety and welfare of the public. This document represents the full and complete agreement between the two agencies. The MOU will become effective on the date of the last signature, and shall remain in effect unless rescinded by both Boards by formal vote, confirmed in writing by the respective Executive Directors.



LANCE KINNEY, P.E.
Executive Director
TEXAS BOARD OF PROFESSIONAL ENGINEERS

9/14/10
Date



MICHAEL D. HESS
Executive Director
TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

14 SEPT 2010
Date

First approved February 2005; amended and approved by Standing Joint Committee April 10, 2008; amendments recommended by Standing Joint Committee, approved by both full Boards (TBPE on August 26, 2010 and TBPG on June 3, 2010) for signature by each Board's Executive Directors.