

STRATEGIC PLAN 2021-2025



TEXAS BOARD OF
PROFESSIONAL
GEOLOGISTS

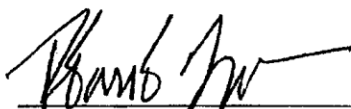
STRATEGIC PLAN
FISCAL YEARS 2021 to 2025

BY

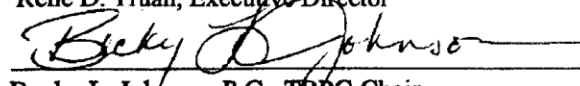
THE TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Appointed Board Member	Dates of Term	Hometown
Becky Johnson, P.G., Chair	2018-2023	Fort Worth
W. David Prescott II, P.G., Vice-Chair	2019-2025	Amarillo
Steven Fleming, P.G., Secretary/Treasurer	2016-2021	San Antonio
Brandon Stowers	2018-2023	Austin
Mark N. Varhaug, P.G., C.P.G.	2018-2023	Dallas
Bereket M. Derie, Ph.D., P.G.	2016-2021	Round Rock
Edward F. Janak, Jr., P.G.	2019-2025	Fredericksburg
Margon K. Dillard	2020-2025	Richmond
Vacant		

DATE OF SUBMISSION
JUNE 1, 2020

SIGNED: 

Rene D. Truan, Executive Director

APPROVED: 

Becky L. Johnson, P.G., TBPG Chair

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**Cover photo: W. David Prescott II, PG*

TBPG Mission

The Texas Board of Professional Geoscientists' (TBPG) mission is to protect public health, safety, welfare, as well as the state's natural resources, by ensuring only qualified persons carry out the public practice of geoscience and enforcing the Code of Professional Conduct that the TBPG established for its licensees.

TBPG Philosophy

To accomplish our mission, we will:

- Ensure that only individuals who meet established standards are licensed to carry out the public practice of geoscience in the State of Texas;
- Use TBPG's statutory authority to clearly define the parameters of the geoscience profession;
- Act in accordance with ethical standards, accountability, and efficiency in the licensing and enforcement processes;
- Base decisions on the law, sound geoscientific principles, appropriate standards of practice, and fiscal responsibility;
- Ensure that rules are necessary, effective, and current;
- Continue to promote strong geoscientific practice through the Continuing Education program;
- Monitor compliance of licensees with TBPG rules clearly and consistently;
- Ensure consistent, just, and timely enforcement when the Act or TBPG rules are violated; and,
- Hire, develop, and retain an effective, diverse workforce.

TBPG Operational Goals and Action Plans

Operational Goal 1: Licensing. To ensure that individuals applying for licensure or certification in the state of Texas as Professional Geoscientists (“PG”) or Geoscientists-in-Training (“GIT”) meet/exceed licensing and certification requirements as set forth in the Texas Geoscience Practice Act (“Geoscience Act”) and related Rules promulgated by the TBPG. It is further the TBPG’s goal to ensure that entities seeking to register as Geoscience Firms complete the necessary application and meet/exceed other registration requirements as established by the TBPG. With respect to existing licenses, certifications, and registrations, it is the TBPG’s goal to ensure that the renewal process is efficient and effective to maintain the established standards for the practice of geoscience in the State of Texas.

Specific Action Items to Achieve Your Goal:

- a) Ensure that updated information regarding TBPG licensure, registration, and certification requirements is readily available and accessible to potential applicants, ongoing through August 31, 2025.
- b) Ensure the TBPG’s application forms are updated to require applicants to submit only information necessary to determine whether each applicant meets the TBPG licensing requirements, ongoing through August 31, 2025.
- c) Ensure that TBPG staff reviews applications in a timely and efficient manner, provides prompt feedback to applicants, assists applicants with the application process, refers appropriate applications and applicant requests to TBPG or a TBPG Committee, and issues licenses, registrations, and certifications in a timely fashion when applicants have demonstrated the necessary qualifications, ongoing through August 31, 2025.

TBPG has set the date by which specific action items will be accomplished as “ongoing through August 31, 2025” or the end of this five-year plan, to reflect that the activity will occur throughout the five-year period.

Describe How Your Goal or Action Items Supports Each Statewide Objective:

1. Accountable to tax and fee payers of Texas.

TBPG is accountable to tax and fee payers for its licensing rules, forms, procedures and the accuracy and efficiency with which TBPG staff perform the core function of issuing PG licenses, Geoscience Firm registrations, and GIT certifications, in accordance with the Geoscience Act and other state laws.

The action items to achieve this goal support the statewide vision of accountability to taxpayers and the TBPG’s fee payers: applicants for and holders of licenses, registrations, and certifications issued by the TBPG.

Key components of public accountability include:

- Providing information for potential applicants that is clear and easy to understand regarding the qualifications and requirements of PG licensure, Geoscience Firm registration, and GIT certification.
- Providing streamlined forms to collect the information needed to establish the identity of the applicant and determine whether the applicant meets the requirements.
- Performing the process of reviewing applications, providing timely feedback to applicants, referring applications to TBPG or TBPG Committee, when appropriate, and issuing the licenses, registrations or certifications when requirements have been met.

2. Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including the elimination of redundant and non-core functions. TBPG’s core function of licensing is

efficient if: the TBPG’s licensing rules clarify the requirements, and public information regarding the requirements and the application process is available to potential applicants, TBPG staff facilitate the TBPG Board or Board Committee’s review of special circumstances and applicant requests, and staff issue licenses in a timely manner using the minimum resources to perform the function in accordance with the Geoscience Act and other laws. Licensing is also more efficient if the forms provided are efficient in collecting just the right amount of information.

3. Effective in fulfilling core functions, measuring success in achieving performance measures and implementing plans to continuously improve.

TBPG staff review applications in a timely manner, provide prompt feedback to applicants, assist applicants with the application process, refer appropriate applications and/or applicant requests to a TBPG committee, as appropriate, and issue licenses, registrations, and certifications promptly when applicants have demonstrated the necessary qualifications.

TBPG’s licensing performance measures assist in identifying how effectively TBPG performs the licensing and renewal core function. Please see Schedule B.

Texas attracts qualified geoscientists from all over the world. Thus, it is important to the economy that qualified individuals have a clear path to licensure. A key part of TBPG’s licensing process is the identification of these and other applicants’ special circumstances and TBPG’s continuous assessment of how well TBPG’s Rules or processes facilitate fair review of each individual’s qualifications. To the extent that rules or processes can be improved, the action items require that TBPG make those changes and improvements.

4. Providing excellent customer service.

Excellent customer service in TBPG’s licensing process involves providing clear information regarding the requirements of licensure, firm registration and GIT certification; assisting applicants with the application process and processing applications and issuing licenses in a timely manner. The action items support excellent customer service.

5. Transparent such that TBPG actions can be understood by any Texan.

As described in the action items, when there is a need for the TBPG or a TBPG Committee to review an applicant’s qualifications or an applicant’s special request, TBPG staff refer the application to a TBPG Committee and, when appropriate, to the full Board. These reviews are performed during public meetings in compliance with the Texas Open Meetings Act.

In addition, TBPG provides a searchable database of current licensees on its agency website.

Describe any other considerations relevant to your goal or action item:

Information Technology: TBPG’s information technology consists of an internal network on which documents related to policy, budget, personnel, etc. are stored. As of 2020, the network is managed/supported by the Health Professions Council Information Technology Support Service (HPC ITSS). TBPG also has a contract with HPC ITSS for use and support of its cloud-based Versa:Regulation database that TBPG uses to manage the agency’s licensing and enforcement information.

Regulation of the public practice of geoscience is very important to Texans because the competent, ethical, and accountable practice of geoscience protects human health and safety, protects natural resources, and assists in preventing fraud, waste and abuse related to public and private projects.

Professional geoscience services are highly technical in nature. To provide professional geoscience services competently and safely, a person must have engaged in a university level course of study specializing in a specific discipline of geoscience; demonstrated technical competence through a discipline-specific examination on the fundamentals and practice of the discipline; and have at least five years of qualifying work experience under the direct supervision of a qualified individual. Because of the nature of the work performed by PGs, society has placed a great deal of trust and responsibility in Professional Geoscientists and they must abide by a code of professional conduct. Through statutorily defined requirements, the state has set the standard by which PGs are licensed.

Regulated Disciplines of Geoscience

According to the enabling statute, geoscience is “the science of the Earth and its origin and history, the investigation of the Earth’s environment and its constituent soils, rocks, minerals, fossil fuels, solids and fluids and the study of the natural and introduced agents, forces and processes that cause changes in and on the Earth.”

The TBPG licenses Professional Geoscientists (PGs) in accordance with criteria set forth in the Texas Geoscience Practice Act (Geoscience Act) and the Rules of the Board. The TBPG issues licenses in three disciplines:

- Geology
- Geophysics
- Soil Science

Geology is the discipline of geoscience that addresses the science of the origin, composition, structure, and history of the Earth and its constituent soils, rocks, minerals, fossil fuels, solids, fluids and gases and the study of the natural and introduced agents, forces and processes that cause changes in and on the Earth and is applied with judgment to develop ways to utilize, economically, those natural and introduced agents, forces and processes for the benefit of mankind. There are many areas of geology, which include, but are not limited to, the following: historical geology, physical geology, economic geology, mineralogy, paleontology, structural geology, mining geology, petroleum geology, physiography, geomorphology, geochemistry, hydrogeology, petrography, petrology, volcanology, stratigraphy, engineering geology, and environmental geology.

Geophysics refers to science that involves the study of the physical Earth by means of measuring its natural and induced energy or forces, and the interpretation of these measurements, applied with judgment to benefit and protect the public.

Soil Science is the science of soils, their classification, origin and history, and the investigation and interpretation of physical, chemical, morphological and biological characteristics of soils including, among other things, their ability to produce vegetation and the fate and movement of physical, chemical and biological contaminants.

Examples of Highly Technical Work Performed by Professional Geoscientists (PGs)

- Environmental Geology (protection of groundwater resources): Proper subsurface investigation, interpretation and characterization of accidental spills of toxics (e.g., gasoline from leaking storage tanks, perchloroethylene or “perc” used in dry cleaning services, etc.) performed by PGs are fundamental steps in ensuring adequate clean-up or remediation of releases of hazardous or toxic substances so that these contaminants do not reach groundwater or surface water, potentially adversely impacting drinking water supplies. The sources of contamination are many and Texas’ remediation (clean-up) programs are risk-based, meaning that we leave small amounts of contamination in place so long as those concentrations do not pose a threat to human health or the

environment. The cost of remediation is paid by government, private citizens, corporations, or a combination of these. Therefore, investigations that define the horizontal and vertical extent of these impacts, as well as determining what contamination can be safely left in place, is crucial to minimizing the remediation costs expended while still protecting human health and the environment. With manufacturing contributing \$234 billion to the Texas gross domestic product in 2019, minimizing the potential adverse impacts of spills and releases keeps the Texas economy growing while protecting our natural resources.

- Environmental Geology (safe disposal/storage of waste): PGs perform surface and subsurface geologic investigations, interpretation, and characterization for consideration in the design and placement of solid waste (landfill) sites and underground injection wells for disposal of hazardous waste, as permitted through the Texas Commission on Environmental Quality. The subsurface characterizations performed are key to preventing these wastes from adversely impacting soils, groundwater or surface water. These facilities cannot be permitted without this type of professional geoscientific investigation.
- Hydrogeology: PGs explore the subsurface for new sources of groundwater, delineate aquifers, and identify the optimum location to drill for potable groundwater. PGs also perform mapping, characterization and computer simulation/modeling of groundwater recharge rates to assist in local and statewide water resource planning. Groundwater supplies are extensively used, not only for drinking purposes for approximately half of the residents in Texas, but also for agricultural crop and livestock production that contributed \$15 billion to the Texas gross domestic product in 2019.
- Engineering Geology: PGs perform surface and subsurface geologic investigation, interpretation, and characterization for consideration in the design of engineered structures such as dams, buildings, bridges, roads, industrial power plants, etc., and perform the investigation and analysis of natural hazard processes, such as landslides, faults, subsidence, coastal erosion, and the erosion of creek and river banks, and sedimentation in lakes and reservoirs. PGs evaluate the strength and stability of the materials upon which roads and structures are built. Failure to properly evaluate the subsurface and avoid geologic failures can result in significant human suffering, loss of life, and property damage.
- Soil Science: PGs specializing in soil science characterize and map soils across the landscape. Important soil characteristics identified and studied by PGs include water/precipitation infiltration, percolation, sediment movement, and agricultural plant production. Additionally, soil scientists also help industries such as mining to reclaim natural and modified ecosystems after the extraction of resources. Soil scientists include agricultural sales, agronomy, commodity market analysis, and crop management specialists.
- Geophysics: PGs study the Earth's gravity, magnetic, electrical, and volcanic and seismic activity. They use this knowledge to locate minerals and other resources, identify geologic faults, natural hazards, and monitor and assess seismic activity. Many geophysicists are employed in the discovery and recovery of oil and gas, where they conceive, design and carry out applied geophysical research to resolve technical problems using best practices, algorithms and software to conduct comprehensive geophysical studies and analyses related to hydrocarbon exploration.

Operational Goal 2: Compliance/Enforcement. To ensure that, in the state of Texas, only qualified and duly licensed PGs offer and perform non-exempt professional geoscience services for the public. TBPG's goal is to ensure that licensed, certified, and registered PGs, GITs, and Geoscience Firms provide geoscience services in compliance with the TBPG's Code of Professional Conduct, the Geoscience Act, and related Rules promulgated by the TBPG.

Specific Action Items to Achieve Your Goal:

- a) Ensure that the Geoscience Act's licensure, certification, and registration requirements are enforced through actions, processes, and procedures authorized by the Geoscience Act and other state laws

by timely addressing complaints alleging the unlawful practice of geoscience or any other alleged violations of the Geoscience Act, ongoing through August 31, 2025.

- b) Ensure that licensed PGs, registered Geoscience Firms, and certified GITs adhere to TBPG’s Code of Professional Conduct and other TBPG Rules through actions, processes, and procedures authorized and required by the Geoscience Act and other state laws by timely addressing complaints alleging violations of the Geoscience Act and Board Rules, ongoing through August 31, 2025.
- c) Ensure that the TBPG develops, defines and appropriately implements an updated process for filing a complaint with the TBPG and a process by which such complaints are investigated and resolved by August 31, 2022.

TBPG has set the date by which specific action items (a and b above) will be accomplished as “ongoing through August 31, 2025” or the end of this five-year plan, to reflect that the activity is one that will occur throughout the five year period.

Describe How Your Goal or Action Items Supports Each Statewide Objective:

- 1. Accountable to tax and fee payers of Texas.

TBPG is accountable to tax and fee payers for its enforcement of the Geoscience Act. Final disciplinary actions taken by the Appointed Board are posted on the TBPG’s website.

The Geoscience Act provides for the protection of the public health, safety, welfare, and the state’s natural resources through the requirement that individuals and firms that offer or perform non-exempt professional geoscience services be licensed or registered by criteria specified in the Geoscience Act. The Geoscience Act also requires TBPG to adopt a Code of Professional Conduct that is applicable to all of its license holders. The Code of Professional Conduct requires that PGs and Geoscience Firms provide professional geoscience services ethically and competently.

Any member of the public who becomes aware of unlicensed individuals or unregistered firms offering or performing professional geoscience services may file a complaint with TBPG.

The TBPG or members of the public who believe that a license holder has violated the Code of Professional Conduct or other TBPG Rules may also file a complaint. In addition, the TBPG is authorized to initiate a complaint if TBPG becomes aware of such activity. The Appointed Board is authorized by the Geoscience Act to impose disciplinary actions for unlicensed and unregistered practice violations, as well as violations of the Geoscience Act, the Code of Professional Conduct, and other TBPG Rules.

- 2. Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including the elimination of redundant and non-core functions.

Efficiency and appropriate return on investment are achieved by streamlining internal processes, eliminating workflow redundancy, and providing responsive customer service in a transparent manner.

Other than the consideration of formal disciplinary actions by the Appointed Board, the majority of TBPG’s enforcement efforts have been streamlined to be performed by just one full time equivalent position (FTE). In addition, TBPG Appointed Board Members may participate by providing technical expertise in the review of complaint investigations. The Assistant Attorney General appointed to TBPG and the Executive Director also provide legal and administrative oversight to TBPG’s enforcement processes. Overall, the resources applied to TBPG’s enforcement efforts are lean and efficient and yield the expected results, as demonstrated by the agency’s performance measures.

3. Effective in fulfilling core functions, measuring success in achieving performance measures and implementing plans to continuously improve.

TBPG enforcement staff reviews complaints received and initiates complaint investigations when complaints are within the TBPG's jurisdiction. Upon determination that prima facie evidence of a violation exists, enforcement staff opens a complaint and initiates the complaint investigation process.

TBPG's enforcement Performance Measures assist in identifying how effectively TBPG performs the complaint investigation and complaint resolution. Please see Schedule B.

TBPG continuously reviews and updates its enforcement and complaint procedures in an effort to streamline and improve existing processes with the goal of improving performance, service and transparency.

4. Providing excellent customer service.

TBPG understands that complaints are often difficult to resolve in a manner that satisfies all involved parties. Providing excellent customer service related to an investigation begins with a clear and defined process that allows Complainants and Respondents the opportunity to present information about, and in response to, the issues(s), concerns and merits of a complaint. Complaint information must be reviewed fairly and accurately without bias, and appropriate disciplinary action is taken only after due process safeguards in the Geoscience Act and the Administrative Procedure Act have been provided.

TBPG's objective in investigating and resolving complaints is to get it right every time. Investigative staff makes the effort to obtain thorough information regarding the circumstances that are the subject of each complaint. Staff ensures that Complainants have the opportunity to express their concerns and provide evidence to support the concerns. Staff also ensures that Respondents to complaints have the opportunity to respond and provide evidence regarding the issue(s). Most of TBPG's complaints that result in disciplinary action are resolved by an Agreed Board Order, signed by the respondent. Agreement in the resolution of a complaint that results in disciplinary action is usually indicative that all parties are satisfied with the process.

5. Transparent such that TBPG actions can be understood by any Texan.

TBPG has defined its complaint investigation and resolution process in Board Rules. It has also provided a description of the process for filing a complaint with the TBPG and a description of the complaint investigation and resolution process on its website.

Complainants are kept aware of the status of a complaint from the time it is received until the complaint is dispensed with, either through formal disciplinary action or dismissal of the complaint, through notices and quarterly updates. Any citizen can review the disciplinary actions taken by the TBPG on the TBPG's website.

Describe any other considerations relevant to your goal or action item:

Information Technology: TBPG's information technology consists of an internal network on which documents related to policy, budget, personnel, etc. are stored. The network is managed/supported by the Health Professions Council Information Technology Support Service (HPC ITSS). TBPG also has a contract with HPC ITSS for use and support of its cloud-based Versa:Regulation a regulatory database TBPG uses to manage the agency's licensing and enforcement processes.

Except in the performance of certain activities identified in the Texas Occupations Code, Title 6, Subtitle A, Chapter 1002 (the Texas Geoscience Practice Act, or Geoscience Act), only a person licensed as a Professional Geoscientist by the TBPG may offer or perform non-exempt geoscientific work for the public.

For example, only a PG is authorized to submit geoscientific work to a state or local government entity of Texas or to perform non-exempt geoscience services for the public, such as a land owner or a business.

The accountability of PGs and registered Geoscience Firms is a part of the State of Texas' efforts to protect citizens and combat fraud, waste and abuse of public funds.

In its oversight of these processes, government agencies, such as the Texas Commission on Environmental Quality, can rely on TBPG's PG licensure and Geoscience Firm registration to help determine whether submittals, permit applications or reports are technically complete. Governmental agencies and the general public can turn to the TBPG if there are concerns with the technical competency of submitted geoscience work. Government agencies and the general public may also turn to the TBPG if there are concerns with the ethics involved in public geoscience work submitted to them.

Operational Goal 3: Information & Outreach. To provide key information about TBPG responsibilities, licensing requirements, and how to refer complaints. To keep the general public, the regulated community, and state agencies subject to or affected by the Geoscience Act informed of the requirement of licensure/registration, the requirements to become licensed or registered, and the requirement to report all perceived and actual violations of the Geoscience Act to the TBPG. It is further the TBPG's goal to assist prospective licensees with information that fosters a path to licensure and to support current licensees by providing accurate and up to date information related to licensing, Board actions, career development, and continuing education.

Specific Action Items to Achieve Your Goal:

- a) Maintain an up to date website displaying information regarding the requirement of licensure/registration and the requirements to become licensed or registered through August 31, 2025.
- b) Maintain updated information regarding the TBPG's complaint filing process and continue to provide an online complaint filing process. This information will continue to be updated as necessary, ongoing through August 31, 2025. This will be accomplished by publishing the relevant information on the TBPG's website and publications available for dissemination through TBPG's outreach efforts.
- c) Agency staff will continue to provide training to other relevant state agencies' staff regarding TBPG and the TBPG's complaint filing process, ongoing through August 31, 2025.

TBPG has set the date by which specific action items will be accomplished as "ongoing through August 31, 2025" or the end of this five-year plan, to reflect that the activity is one that will occur throughout the five year period.

Describe How Your Goal or Action Items Supports Each Statewide Objective:

1. Accountable to tax and fee payers of Texas.

Since September 1, 2013, TBPG is required by TOC §1002.201 to prepare information of public interest describing the regulatory functions of the TBPG and the procedures by which complaints are filed and resolved, to make information available to the public and other state agencies, and to maintain on the TBPG website information regarding the procedures for filing a complaint and the means by which a person may electronically file a complaint with TBPG. Also effective September 1, 2013, TBPG is required by TOC §1002.206 to educate other state agency staff regarding TBPG's complaint filing and resolution procedures.

TBPG is accountable to tax and fee payers for this core function. The TBPG has developed the public information required by the Geoscience Act and has trained staff of relevant state agencies having

statewide control or jurisdiction. For the next five years, the ongoing task is to keep the information and publications up to date and to continue to partner with and provide training to statewide agencies as changes occur. The public nature of these actions provides for accountability to tax and fee payers.

2. Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including the elimination of redundant and non-core functions.

TBPG actions toward this goal are efficient. Most of TBPG's regulatory publications are provided in digital format only on the TBPG's website. Relevant publications (application forms, Rules, the Geoscience Act) are easily viewed and printed by a user, if desired. If requested, TBPG can also print and send publications to the public. There are venues in which TBPG staff or volunteer Board Members present on a regulatory topic or staff a booth to provide printed regulatory information and engage with our licensees and the public. TBPG controls the risk of waste by limiting its stock on hand and by limiting the regulatory details that are more likely to change with rule and procedure improvements discussed in other goals. TBPG has also been efficient in its scheduling of in-person training sessions by using venues in which multiple state agencies' staff may attend, providing in-house training to larger audiences or to audiences who will benefit the most. Since the initial phase of training to statewide agencies was completed, most training is provided by staff through a live online web presentation.

3. Effective in fulfilling core functions, measuring success in achieving performance measures and implementing plans to continuously improve.

TBPG's performance measures for this goal quantify the number of information requests received and the number of informational packets distributed to individuals and establishments. The agency has reached a relative balance in its provision of information to the public by having information regarding the regulatory functions of the TBPG clearly stated and well laid out on the agency website. Additionally, TBPG staff and board members engage in outreach, such as training and conference presence (booths). In addition, TBPG sends out quarterly newsletters by e-mail regarding TBPG's activities and relevant topics.

4. Providing excellent customer service.

To drive excellent customer service, information regarding the regulatory functions of the TBPG is made available to the public and appropriate state agencies through publications on the agency website and through other informational publications such as brochures and fact sheets. TBPG also provides online and in-person training related to ethics and licensing requirements mandated by the Geoscience Act.

5. Transparent such that agency actions can be understood by any Texan.

Information regarding the regulatory functions of the TBPG and the procedures by which complaints are filed with and resolved by the TBPG is made available to the public and appropriate state agencies through the agency website, direct correspondence, and publications such as brochures and fact sheets available for dissemination through outreach efforts. Agency staff and Board members also provide informational presentations to geoscience organizations as requested.

TBPG staff continues to support partnerships with other state agencies and provide training to staff regarding the regulatory functions of the TBPG and the procedures by which concerns or complaints can be filed with the TBPG.

Describe any other considerations relevant to your goal or action item:

Information Technology: TBPG's information technology consists of an internal network on which documents related to policy, budget, personnel, etc. are stored. As of 2020, the network is managed/supported by the Health Professions Council Information Technology Support Service (HPC ITSS). TBPG also contracts with Full Fusion to host the agency website. TBPG also uses Constant Contact

to manage an e-mail distribution of quarterly newsletters and updates for licensees and other TBPG stakeholders.

TBPG, through the day-to-day activities of the agency, and through communication with industry professionals, is aware that there is a need for continued education directed toward the general public so that more Texans, property owners, and those doing related business in Texas are aware of the requirement of licensure, the duty of TBPG to enforce the Geoscience Act and the Code of Professional Conduct, and the protection provided by these functions. There is also a need for the Board to continue to provide training to licensees on the Code of Professional Conduct, general ethics, and continuing education requirements to maintain a license.

Redundancies and Impediments – COVID-19 Pandemic

During the ongoing COVID-19 Pandemic, TBPG continues to identify impacts to agency operations, licensing candidates, current licensees, and the citizens of Texas. In late March, staff continued daily operations remotely and implemented a limited in-office schedule for essential functions. At the same time, staff was set to administer the National ASBOG exam, which is a qualifying exam for licensure of GITs and PGs. TBPG proactively cancelled the Texas exam, taking the lead in response to evolving local, state and federal guidelines. Ultimately, all states followed TBPG's lead and all registered candidates were deferred to a future test date. Additionally, as a result of delegation of authority measures taken by the TBPG after Hurricane Harvey, this agency was well prepared to respond proactively to assist our licensees. Under a pre-positioned rule, agency leadership implemented disaster response measures to assist licensees by restructuring continuing education requirements and approving payment deferrals for licensees who faced economic hardships as a result of the COVID-19 pandemic. These measures were supported and approved by the Board during a teleconference board meeting. To date, TBPG has not identified any redundancies or impediments related to this disaster.

Redundancies and Impediments – Complaint Record Confidentiality

Service, Statute, Rule or Regulation (provide Specific Citation, if applicable)
Texas Geoscience Practice Act: Texas Occupations Code §1002.202

Describe why the Service, Statute, Rule or Regulation is Resulting in Inefficient or Ineffective Agency Operations

The Texas Geoscience Practice Act, in TOC §1002.202(e) states, “The board shall maintain the confidentiality of a *complaint* from the time of receipt through the conclusion of the investigation of the *complaint*. Complaint information is not confidential after the date formal charges are filed.”

The question has been raised regarding precisely what information relating to a complaint the board shall maintain as confidential from the time of receipt through the conclusion of the investigation of the complaint, as described by TOC §1002.202(e). Is it the intent that only the actual complaint submitted by a member of the public, described by §1002.202(b) or initiated by the board or a board staff member, described by §1002.202(c) is the information the board shall maintain as confidential? What about other information that is assembled administratively and through investigation?

TBPG believes that it must maintain the confidentiality of not just the actual complaint, but all information relating to the complaint to meet the intent of TOC §1002.202(e). Providing all of the other records pertaining to a complaint while holding the actual complaint confidential, as defined by TOC §1002.202(b) and (c), would serve no purpose. TBPG notes that the second sentence seems to support the notion that all information in a complaint record should be maintained as confidential. TOC §1002.202(e), second sentence, states, “*Complaint information* is not confidential after the date formal charges are filed.” TBPG believes the use of the term, “*Complaint information*”, sets further context to that which the board is required to maintain as confidential. Assuming the intent is to keep all of the information confidential, it would be helpful if that which the board is to maintain as confidential is clarified in the first sentence.

Provide Agency Recommendation for Modification or Elimination

Sec. 1002.202. COMPLAINTS. (a) A person may file a complaint alleging a violation of this chapter or a rule adopted under this chapter.

(b) A complaint from a member of the public must be:

- (1) in writing;
- (2) sworn to by the person making the complaint; and
- (3) filed with the secretary-treasurer or electronically through the board's Internet website.

(c) A complaint that is initiated by the board or board staff must be:

- (1) in writing; and
- (2) signed by the person who became aware of information that may indicate a violation.

(d) A complaint must contain sufficient information for the board to determine whether the board has the jurisdiction and authority to resolve the complaint. If the board does not have the jurisdiction and authority, the Board shall dismiss the complaint. A complaint must have sufficient information for the Board to commence an investigation, though the amount of information ultimately required for the board to determine the validity of the complaint may be more than the information initially included with the complaint.

(d-1) The board shall accept a complaint regardless of whether the complaint is notarized.

(e) The board shall maintain the confidentiality of all information pertaining to a complaint from the time of receipt through the conclusion of the investigation of the complaint. The complaint information is not confidential after the date the respondent to a complaint is notified of the Board's intent to take disciplinary action.

(f) For any complaint determined to be frivolous or without merit, the complaint and other information related to the complaint are confidential. The information is not subject to discovery, subpoena, or other disclosure. A complaint is considered to be frivolous if the executive director and investigator, with board approval, determine that the complaint:

- (1) was made for the likely purpose of harassment; and
- (2) does not demonstrate apparent harm to any person.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.004(a), eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 504 (S.B. 940), Sec. 3, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 733 (S.B. 138), Sec. 2, eff. September 1, 2013.

Describe the Estimated Cost Savings or Other Benefit Associated with Recommended Change

Clarifying that all information pertaining to a complaint is confidential would not result in any additional cost or cost savings to the agency. It is believed that the current legislation intends that all information pertaining to a complaint be confidential until the date that formal charges are filed by the TBPG. The recommended change would enable the TBPG to protect the confidentiality of complaint records that do not result in disciplinary action.

Redundancies and Impediments – Open Meetings Act

Service, Statute, Rule or Regulation (provide Specific Citation, if applicable)
Texas Government Code, Chapter 551 OPEN MEETINGS

Describe why the Service, Statute, Rule or Regulation is Resulting in Inefficient or Ineffective Agency Operations

TBPG investigates complaints involving the non-exempt public practice of geoscience. As a part of the investigative process, the investigator presents findings to a Complaint Review Team (CRT) which includes two board members. The CRT provides an opportunity for all involved parties (complainants and respondents) to participate in a meeting about the complaint and provide information or testimony relevant to completing the investigation. Based on the information/testimony provided, the CRT makes a determination on how to proceed which may include seeking additional investigative information, determining no action is warranted, or finding sufficient evidence that a violation occurred and forwarding a recommendation for disciplinary consideration to the full board for review/action. TBPG is required by statute to maintain the confidentiality of a complaint at this stage of review, so it is not practical to conduct these meetings in accordance with the Open Meetings Act. TBPG notes that there are provisions in the Open Meetings Act that allow state agencies to conduct investigations in a manner that protects the investigation, and all involved parties, until the conclusion of the investigation. Any formal recommendation submitted to the full board after the conclusion of the investigative process is heard in accordance with the Open Meetings Act.

Texas Government Code--New Sec. 551.XXX. ENFORCEMENT COMMITTEE APPOINTED BY TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS. This chapter does not require an enforcement committee appointed by the Texas Board of Professional Geoscientists to conduct an open meeting in order to investigate and deliberate a disciplinary action under Subchapters E and I, Chapter 2001, Texas Occupations Code, relating to the enforcement of Chapter 2001 or the rules of the TBPG.

Describe the Estimated Cost Savings or Other Benefit Associated with Recommended Change

This change would not result in any additional cost or cost savings to the state or the TBPG. However, providing for the TBPG to hold a meeting that is not subject to the Open Meetings Act to discuss a complaint investigation and potential disciplinary action would allow the TBPG to maintain confidentiality while being more thorough in its investigations and more accurate in its determinations of violations. The proposed change allowing the TBPG to review complaints in meetings that are not subject to the Open Meetings Act would also increase the consistency of proposed disciplinary actions and the likelihood that the TBPG Board will be in concurrence with orders that eventually come before it.

Redundancies and Impediments – Qualifying Candidates to Sit for Licensing Examinations

Service, Statute, Rule or Regulation (provide Specific Citation, if applicable)

Texas Geoscience Practice Act: Texas Occupations Code §1002.254

Describe why the Service, Statute, Rule or Regulation is Resulting in Inefficient or Ineffective Agency Operations

The Texas Geoscience Practice Act (the Act), in TOC §1002.254, authorizes the TBPG to prepare, administer, and grade oral and written examinations for licensure as a Professional Geoscientist or certification as a Geoscientist-in-Training. The Board may also adopt or recognize, in whole or in part, an examination prepared, administered, or graded by another organization, on a regional or national basis, that the board determines appropriate to measure the qualifications of an applicant for a license under this chapter if the examination questions, the correct answers, and the applicant's completed examination are available to the board; and the board retains the authority to determine a passing grade for a license in this state.

Currently, the Act does not authorize the TBPG to establish criteria for a person to take each of the examinations. Allowing any person to sit for an examination who does not meet the criteria for licensure or certification or is not a serious candidate for licensure by waiver of a requirement based on established waiver criteria could potentially allow a person or persons to take the examinations for the sole purpose of recording or memorizing examination questions, putting the integrity of the examinations at risk. TBPG may take actions against an individual who misuses information learned from taking an examination, but the consequences (suspending, revoking or denying a license), are of no real consequence to a person who is not a serious candidate for certification or licensure.

Agency Recommendation for Modification or Elimination:

Sec. 1002.254. EXAMINATIONS.

(a) The board may prepare, administer, and grade oral and written examinations required or permitted under this chapter.

(b) The board may adopt or recognize, in whole or in part, an examination prepared, administered, or graded by another organization, on a regional or national basis, that the board determines appropriate to measure the qualifications of an applicant for a license under this chapter if:

(1) the examination questions, the correct answers, and the applicant's completed examination are available to the board; and

(2) the board retains the authority to determine a passing grade for a license in this state.

(c) The board may, by rule, establish criteria to qualify a person to sit for a qualifying licensing examination.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.004(a), eff. Sept. 1, 2003.

Describe the Estimated Cost Savings or Other Benefit Associated with Recommended Change

This change would not result in a cost savings to the state or the Texas Board of Professional Geoscientists. However, providing for the TBPG to establish criteria to qualify a person to sit for a licensing examination would allow the TBPG to restrict access to the licensing examinations to serious candidates for certification or licensure, thus reducing the risk of compromising the integrity of the licensing examinations.

Supplemental Schedules

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Schedule A - Budget Structure

GOAL: LICENSING (Relates to Operational Goal 1/Specific Action Items a, b, c.)

Assure Geoscience is Practiced Only by Qualified/Registered Licensees.

Outcome (Results/Impact)

Percent of Licensees with No Recent Violations 99%

Percent of Licensees Who Renew Online 87%

A.1.1. Strategy: APPLICATION REVIEW

Output (Volume)

Number of New Licenses Issued to Individuals 70

Efficiencies:

Percentage of New Individual Licenses Issued within 10 days 100%

Percentage of New Individual Licenses Issued within 7 days 100%

Explanatory:

Total Number of Individuals Licensed 3,600

GOAL: ENFORCEMENT (Relates to Operational Goal 2/Specific Action Items a, b, c.)

Ensure Effective Enforcement of TX Geoscience Practice Act

Outcome (Results/Impact)

Percent of Complaints Resulting in Disciplinary Action 25%

Percent of Documented Complaints Resolved within Six Months 90%

B.1.1. Strategy: ENFORCEMENT

Output (Volume)

Complaints Resolved 40

Number of Compliance Orders Issued 500

Number of Disciplinary Actions Taken 13

Efficiencies:

Average Time for Complaint Resolution (Days) 180

Explanatory:

Jurisdictional Complaints Received 45

Schedule B - Performance Measures

Outcome: Percent of Licensees with No Recent Violations

Definition: The percent of the total number of licensed individuals at the end of the reporting period who have not incurred a violation within the current and preceding two years (three years total).

Purpose: This measure is important because it indicates how effectively the agency's activities deter violations of professional standards established by statute and rules.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The names of all licensees that have incurred a violation over the past three years can be queried from the database.

Methodology: This measure is calculated by subtracting the total number of licensees with violations during the three-year period from the total number of licensees at the end of the reporting period. The result is divided by the total number of licensees at the end of the reporting period and multiplied by 100 to achieve a percentage.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Noncumulative

New Measure: No

Target Attainment: Higher than target

Outcome: Percent of Licensees Who Renew Online

Definition: The percent of licensees who renew their Professional Geoscience license online during the reporting period.

Purpose: This measure indicates how effective the TBPG is at utilizing technological resources to make license renewals easier and more efficient.

Data Source: All Professional Geoscience license renewals are performed in and tracked by the agency regulatory database. A listing of all Professional Geoscientist licenses renewed during a given time frame may be queried and sorted by whether the license was renewed online or by submission of a paper renewal application to the TBPG office. Staff can determine the total number of licenses renewed and calculate the number and percent of the total renewed online vs. in the office during a reporting period.

Methodology: This measure is calculated by dividing the total number of licensees who renewed their licenses online by the total number of licensees who renewed their licenses during the reporting period. The result is multiplied by 100 to obtain a percentage.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Noncumulative

New Measure: No

Target Attainment: Higher than target

Outcome: Percent of Firms That Renew Online

Definition: The percentage of firms that renew their registration online.

Purpose: This measures the TBPG's use of its technology resources to process registration renewals.

Data Source: All firm registration renewals are performed in and tracked by the agency regulatory database. A listing of all firm registrations renewed during a given time frame may be queried and sorted by whether the firm registration was renewed online or by submission of a paper renewal application to the TBPG office. Staff can determine the total number of firm registrations renewed and calculate the number and percent of the total renewed online vs. in the office during a reporting period.

Methodology: Divide the total number of firms that renewed online by the total number of firms that renewed during the reporting period. The result is multiplied by 100 to achieve a percentage.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Noncumulative

New Measure: No

Target Attainment: Higher than target

Outcome: Percent of Complaints Resulting in Disciplinary Action

Definition: Percent of complaints that were resolved during the reporting period that resulted in disciplinary action.

Purpose: This measure indicates the effectiveness of complaint resolution processes by TBPG.

Data Source: Records of disciplinary action are maintained in the agency regulatory database. The number of complaints which were closed with disciplinary action taken by the full Board is divided into the total number of complaint cases resolved during the reporting period. The result is multiplied by 100 to derive a percent. The source of what constitutes a disciplinary action is defined under Texas Occupations Code 1002.403. The source of what constitutes a complaint is Texas Occupations Code 1002.202. Note: Non-disciplinary cease and desist notices are not included in this data.

Methodology: The number of disciplinary actions divided by the total number of complaints resolved during the reporting period. The result is multiplied by 100 to achieve a percentage.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Noncumulative

New measure: No

Target Attainment: Higher than target

Outcome: Recidivism Rate for Those Receiving Disciplinary Action

Definition: The percentage of individuals and firms against whom disciplinary action was taken during the most recent three-year period and against whom disciplinary action had ever previously been taken.

Purpose: This measure shows how effectively the agency enforces its regulatory requirements.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The names of all individuals and firms that have ever had disciplinary action taken can be queried from the agency regulatory database. Staff can identify licensees on whom disciplinary action has been taken over the past three years that had previously had at least one disciplinary action.

Methodology: Determine the total set of individuals and firms against whom disciplinary action has been taken over the preceding three year period. Determine how many individuals and firms in the set had disciplinary actions taken on more than one occasion, even if the disciplinary action had been taken before the three year reporting period. Divide the number of individuals and firms in the set that had disciplinary action taken on more than one occasion by the number of individuals and firms in the set. Multiply the result by 100 to achieve a percentage.

Data Limitations: There is nothing to prevent the TBPG from gathering this information. **Calculation Type:** Noncumulative

New Measure: No

Target Attainment: Lower than target

Outcome: Percent of Documented Complaints Resolved within Six Months

Definition: The percent of complaints resolved during the reporting period that were resolved within a six month period from the time they were initially received by the agency.

Purpose: This measure indicates the effectiveness of complaint resolution processes by TBPG.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The set of complaints closed during the reporting period can be queried and the set determined. A query can also provide the number of days for each complaint to be resolved. The number of days for each complaint to be resolved is calculated by counting the number of days from the date the complaint was opened until the date the complaint was resolved.

Methodology: The total number of complaints resolved within six months from the date of receipt divided by the number of complaints resolved during the reporting period. The result is multiplied by 100 to achieve a percentage.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Noncumulative

New Measure: No

Target Attainment: Higher than target

Efficiency: Percentage of New Individual Licenses Issued Within Ten Days

Definition: The percentage of initial individual license applications that were processed during the reporting period within 10 calendar days measured from the time in days elapsed from receipt of the initial completed application until the license is issued. An application is complete when the documentation supporting or demonstrating that all requirements have been met is received or when the Board makes a determination that affects the status of an application and the appropriate fee has been received. If documentation is received that is incomplete, then it may be completed through annotation that includes signature, along with the date of annotation.

Purpose: This measure indicates the ability of TBPG to process new applications in a timely and efficient manner.

Data Source: The agency date stamps mail received. The agency maintains a copy of the date stamped document(s) that completed each application. For each new license issued, the agency records the received date of the document that completed each application. The agency regulatory database records the date that each license is issued. A query is used to determine the set of licenses issued during a given reporting period and the date each license was issued. A quarterly log is maintained on every license issued each fiscal quarter. The log includes the date the application was complete, the date each license was issued and the number of days after the completed application was received that each license was issued.

Methodology: This measure is calculated by dividing the number of individual licenses issued within 10 calendar days during the reporting period by the total number of individual licenses issued during the reporting period. The result is multiplied by 100 to achieve a percentage.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Higher than target

Efficiency: Percentage of Individual License Renewals Issued within 7 Days

Definition: The percentage of complete individual professional geoscience license renewal applications that were processed within 7 calendar days of receipt, measured from the time (in calendar days) elapsed from the receipt of the renewal application until the date the license is renewed in the agency regulatory database. A renewal application is complete when the documentation supporting or demonstrating that all requirements have been met is received or when the Board makes a determination that affects the status of an application and the appropriate fee has been received. If documentation is received that is incomplete, then it may be completed through annotation that includes a signature, along with the date of annotation.

Purpose: This is a measure of TBPG's ability to process renewal applications in a timely and efficient manner.

Data Source: The agency date stamps mail received. The agency maintains a copy of the date stamped document(s) that completed each application. For each license renewed, the agency records the received date of the document that completed each application. The agency regulatory database records the date that each license is renewed. A query

is used to determine the set of licenses renewed during a given reporting period and may be sorted to indicate whether the renewal was processed online or in the office and the date the renewal was issued. A quarterly log is maintained on every license renewed in the office each fiscal quarter. The log includes the date the application was complete, the date each license was renewed and the number of days after the completed application was received that each license was renewed.

Methodology: This measure is calculated by dividing the number of individual licenses renewed within 7 calendar days during the reporting period by the total number of individual licenses renewed during the reporting period. The result is multiplied by 100 to achieve a percentage.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Higher than target

Efficiency: Average Time for Individual License Renewal (Days)

Definition: The average number of days to process a completed individual Professional Geoscientist renewal application from the time the completed application is received in the office until the date the license is renewed in the agency regulatory database. A renewal application is complete when the documentation supporting or demonstrating that all requirements have been met is received or when the Board makes a determination that affects the status of an application and the appropriate fee has been received. If documentation is received that is incomplete, then it may be completed through annotation that includes a signature, along with the date of annotation.

Purpose: This measure indicates TBPG's efficiency in processing renewal applications.

Data Source: The agency date stamps mail received. The agency maintains a copy of the date stamped document(s) that completed each application. The agency records the date that the document(s) that completed each application was received (or annotated). The agency regulatory database records the date that each license is renewed. A query is used to determine the set of licenses renewed during a given reporting period and may be sorted to indicate whether the renewal was processed online or in the office and the date the renewal was issued. A quarterly log is maintained on every license renewed in the office each fiscal quarter. The log includes the date the application was complete, the date each license was renewed and the number of days after the completed application was received that each license was renewed.

Methodology: The average of the number of calendar days elapsed between the receipt of each completed renewal application received during the reporting period and the time that each license is renewed in the licensing database. This measure is calculated by dividing the total number of days to renew all licenses during the reporting period by the total number of licenses renewed during the same period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Lower than target

Explanatory: Total Number of Individuals Licensed

Definition: The total number of individuals holding current licenses at the end of the reporting period.

Purpose: This measure indicates the total number of individuals licensed at the end of the reporting period.

Data Source: The total number of individuals currently licensed is available through the agency regulatory database.

Methodology: The total number of licensees indicated in the agency regulatory database that hold licenses that are not expired and are current at the end of the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Noncumulative

New measure: No

Target Attainment: Higher than target

Efficiency: Average Time for Individual License Issuance

Definition: The average number of calendar days from the date that completed applications were received until the date that a license has been issued. An application is complete when the documentation supporting or demonstrating that all requirements have been met is received or when the Board makes a determination that affects the status of an application and the appropriate fee has been received. If documentation is received that is incomplete, then it may be completed though annotation that includes a signature, along with the date of annotation.

Purpose: This measure indicates TBPG’s efficiency in processing the initial applications for a license.

Data Source: The agency date stamps mail received. The agency maintains a copy of the date stamped document(s) that completed each application. The agency records the date that the document(s) that completed each application was received (or annotated). The agency regulatory database records the date that each license is issued. A query is used to determine the set of licenses issued during a given reporting period and the date each license was issued. A quarterly log is maintained on every license issued each fiscal quarter. The log includes the date the application was complete, the date each license was complete, the date each license was issued and the number of days after the completed application was received that each license was issued.

Methodology: The average of the number of calendar days elapsed between the receipt of each completed application received during the period and the time that a license was issued. This measure is calculated by dividing the total number of days to issue all licenses during the reporting period by the total number of licenses issued during the same period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Lower than target

Output: Number of New Licenses Issued to Individuals

Definition: The number of new licenses issued to individuals during the reporting period.

Purpose: This measure provides data relating to the number of individuals desiring to be initially licensed by TBPG and who have successfully met all of the licensing criteria.

Data Source: The agency regulatory database records the date that each license is issued. A query is used to determine the set of licenses issued during a given reporting period and the date each license was issued.

Methodology: Total the number of new licenses issued during the reporting period. Those individuals who had a license in the previous reporting period are not counted. A report generates the name, license number and date of issuance for each individual issued a license during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Higher than target

Output: Number of New Firms Registered

Definition: Total number of new firms registered during the reporting period.

Purpose: This measure provides data concerning the number of new firms that register with the TBPG enabling them to legally offer and practice geoscience before the public in Texas.

Data Source: The agency regulatory database records the date each firm registration is issued. A query is used to determine the set of firm registrations issued during a given reporting period and the date each firm registration was issued.

Methodology: Total the number of new firm registrations issued during the reporting period. Firms registered in previous reporting periods will not be counted. A report generates the name, registration number and date of issuance for each firm issued a registration during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this data. **Calculation Type:** Cumulative

New Measure: No **Target Attainment:** Higher than target

Output: Number of Licenses Renewed (Individuals)

Definition: The Number of licensed individuals who renewed their license during the reporting period.

Purpose: This measure provides data relating to the number of individuals choosing to remain licensed by TBPG.

Data Source: All license renewals whether completed online or in the office, are renewed in the agency regulatory database. The agency regulatory database provides a report of all of the licenses that were renewed in a given reporting period.

Methodology: Total the number of licenses renewed during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this data. **Calculation Type:** Cumulative

New Measure: No **Target Attainment:** Higher than target

Explanatory: Number of Information Requests Received

Definition: The total number of requests received through written open records requests and requests for information packets and other agency information made via phone, fax or email.

Purpose: This measure indicates the number of requests for information regarding agency laws, rules, policies and programs.

Data Source: Log of all open records requests and requests made for agency information packets.

Methodology: Total the number of requests received from written open records requests and requests for information packets and other agency information made via phone, fax or email.

Data Limitation: There is nothing to prohibit the TBPG from gathering this data. **Calculation Type:** Noncumulative

New Measure: No **Target Attainment:** Higher than target

Output: Number of Information Packets Distributed to Individuals & Establishments

Definition: The total number of agency information packets, which include pamphlets, brochures and newsletters, distributed to the general public, schools, students and licensees.

Purpose: To distribute agency information to the general public and our licensees.

Data Source: Individual staff members track the number of information packets they distributed each quarter.

Methodology: The sum of the information packets distributed by each staff member during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Higher than target

Efficiency: Average Time for Complaint Resolution (Days)

Definition: The average number of calendar days to resolve a complaint, for all complaints resolved during the reporting period. A complaint is resolved when it is dismissed without a recommendation of disciplinary action by a TBPG Complaint Review Team or when it is closed with a disciplinary action taken by the full Board as authorized by statute.

Purpose: This measure indicates the effectiveness of investigative and complaint resolution processes by TBPG.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The set of complaints closed during the reporting period can be queried and the set determined. A query can also provide a number of days for each complaint to be resolved. The number of days for each complaint to be resolved is calculated by counting the number of days from the date the complaint was opened until the date the complaint was resolved.

Methodology: The sum of the number of calendar days elapsed between the receipt of each complaint resolved during the reporting period and the resolution of that complaint divided by the number of complaints resolved during that period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Lower than target

Explanatory: Jurisdictional Complaints Received

Definition: The total number of jurisdictional complaints received from a member of the public or initiated by the agency in accordance with the Texas Occupations Code 1002.154.

Purpose: This measure indicates the case workload of TBPG.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The set of complaints opened during the reporting period can be queried and the set determined.

Methodology: The sum of all complaints received during the reporting period minus those complaints closed for lack of jurisdiction during the reporting period.

Data Limitations: Some complaints opened by the agency may later be determined to not be in the jurisdiction of the Board. The process allows for the identification of non-jurisdictional complaints early in the process. However, it is possible that a complaint that was thought to be within the jurisdiction of the Board in the early stages of the initial review, investigation, and investigation review processes could later be determined by the full TBPG Board to not be within the jurisdiction of the Board. A complaint shall be included in this data set if, during the reporting period in which the complaint was opened, the complaint has not been determined to not be within the jurisdiction of the Board.

Calculation Type: Noncumulative

New Measure: No

Target Attainment: Higher than target

Output: Complaints Resolved

Definition: The total number of complaints resolved during the reporting period. A complaint is resolved when it is dismissed without a recommendation of disciplinary action by a TBPG Complaint Review Team or when it is closed with a disciplinary action taken by the full Board as authorized in statute.

Purpose: This measure reflects the efforts of TBPG’s enforcement activities to resolve complaints.

Data Source: All complaints opened by the agency are tracked in the agency regulatory database. The set of complaints resolved during the reporting period can be queried and the set determined.

Methodology: The sum of complaints closed during the reporting period upon which final action was taken by the Board or Agency or for which a determination is made that a violation did not occur minus non-jurisdictional complaints during the same reporting period.

Data Limitations: There is nothing that prevents the agency from providing the summary data related to the resolution of complaints. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Higher than target

Output: Number of Compliance Orders Issued

Definition: The total number of Compliance Orders issued during the reporting period. Compliance Orders include but are not limited to non-disciplinary cease and desist letters issued to individuals and firms upon 60 days of expiration of a license or registration, non-disciplinary advisory or warning complaint closure letters and Board orders issued.

Purpose: This measure reflects the number of TBPG’s enforcement activities which require the issuance of a Compliance Order.

Data Source: The agency regulatory database creates a monthly electronic file with 60-day cease and desist notices for appropriate Professional Geoscientists and firms. The file is maintained electronically and includes the individual letters that were sent out. The agency also keeps copies of all complaint closure letters and all Board orders issued.

Methodology: The sum of non-disciplinary cease and desist letters issued to individuals or firms upon 60 days of expiration of a license or registration; non-disciplinary advisory or warning complaint closure letters; and Board orders issued during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information. **Calculation Type:** Cumulative

New Measure: No

Target Attainment: Higher than target

Output: Number of Disciplinary Actions Taken

Definition: The total number of disciplinary actions taken by the Board during the reporting period. A Board Order imposing disciplinary action against a licensed Professional Geoscientist, a registered firm, a certified Geoscientist-in-Training, an unlicensed individual, or an unregistered firm may include more than one sanction. For the purposes of this measure a single disciplinary Board Order shall be considered one disciplinary action. The measure, therefore, is the total number of Board Orders imposing disciplinary action against a licensed Professional Geoscientist, a registered firm, a certified Geoscientist-in-Training, an unlicensed individual or an unregistered firm during the reporting period.

Purpose: This measure reflects the number of TBPG’s complaint cases which resulted in disciplinary action by the Board.

Data Source: A list of Board Orders is derived from the agency regulatory database. A disciplinary action is defined under Statute 1002.403. Disciplinary actions are kept in performance measure quarterly reports and in complaint investigation files.

Methodology: The sum of disciplinary Board Orders taken by the Board during the reporting period.

Data Limitations: There is nothing to prohibit the TBPG from gathering this information.

Calculation Type: Cumulative

New Measure: No

Target Attainment: Higher than target

Schedule C - Historically Underutilized Business Plan

The goal of the TBPG's HUB plan is to increase procurement opportunities for minority, woman-owned, and Service Disabled Veteran businesses. The plan includes components designed to increase awareness, provide education, and encourage participation by actively working with both agency staff and the vendor community.

In accordance with Texas Government Code, Chapter 2161, the TBPG seeks to:

- Assist businesses in obtaining state HUB certification.
- Promote the use of HUB vendors in TBPG's procurement activities.
- Increase the number of HUB vendors contacted for procurement opportunities.
- Inform HUB vendors about TBPG's procurement opportunities.

GOALS

A HUB is a sole proprietor, partnership, or corporation in which at least 51% of the stock or other equitable securities are owned by one or more persons who are members of the following groups: Asian Pacific Americans, Black Americans, Hispanic Americans, Native Americans, Women and a United States Veteran with a minimum 20% disability rating. These individuals must have a proportionate interest in the control, operation, and management of the business.

	State Goals	FY 2019	FY 2020	FY 2021
Heavy Construction	11.2%	n/a	n/a	n/a
Building Construction	21.1%	n/a	n/a	n/a
Special Trade	32.9%	n/a	n/a	n/a
Professional Services Contracts	23.7%	100%	23.7%	23.7%
Other Services Contracts	26.0%	7.3%	26.0%	26.0%
Commodities Contracts	21.1%	12.1%	21.1%	21.1%

Excluded from the calculation of Other Services for FY 19 is \$46,673.28 of expenditures with non-HUBS as there were no other vendors available to provide this service. The total amount of expenditures used in the calculation was \$5,579.14 of which \$407.02 was spent with HUB vendors. With the payment included, the percentage for Other Services Contracts was .78%. This was a similar issue in FY 17.

The TBPG supports the State HUB program and will continue to work to keep HUB participation a priority.

Schedule F -TBPG Workforce Plan for Fiscal Years 2021-2025

TBPG Overview

The Texas Board of Professional Geoscientists regulates the non-exempt public practice of geoscience. Core staff activities include:

- Reviewing applications for licensure/issuing new licenses to qualified applicants
- Facilitating the TBPG Appointed Board's review of waiver requests (of license requirements) for appropriate action
- Processing license, registration and certification renewal applications
- Investigating complaints against unlicensed individuals and firms and the TBPG's licensees, registrants, and certification holders and facilitating the TBPG Appointed Board's review of proposed disciplinary action for appropriate action
- Facilitating the TBPG Appointed Board's activities related to its review of individual issues (complaint case reviews and application and waiver request reviews)
- Providing information to the public regarding the regulation of the non-exempt public practice of geoscience by the TBPG
- Providing customer service to licensees, registrants, and certification holders and the general public related to TBPG's programs
- Completing administrative tasks related to the operation of the TBPG as a state agency (fiscal processes, human resources processes, interacting with and providing reports to "oversight" state agencies and Legislative entities)
- Implementation of/ensuring compliance with existing and newly passed federal and state law

The TBPG notes the following issues that need to be tracked more closely over the next biennium:

- Utilization of the system the TBPG has set up that integrates the review process of initial applications for PG licensure (including examination requests), Geoscience Firm registration, and Geoscientist-in-Training certification programs with the TBPG regulatory database so that new licenses, registrations and certifications are issued and tracked efficiently and effectively.
- Utilization of the system the TBPG has set up that integrates the online and "in-house" PG licensure, Geoscience Firm registration, and Geoscientist-in-Training certification renewal processes with the TBPG regulatory database so that new licenses, registrations and certifications are issued and tracked efficiently and effectively.
- Utilization of the system the TBPG has set up that integrates the investigation and adjudication of complaints against licensees, registrants, and certificate holders with the TBPG regulatory database.

A great deal of TBPG staff time has been and will continue to be spent in daily operations (completing implementing administrative, financial, licensing and enforcement functions).

TBPG continues to need staff that can implement existing systems and processes and develop and refine work systems as the needs of the TBPG change over time.

Current Workforce Profile (Supply Analysis)

There are many important functions that must be performed by the TBPG. Over time, the TBPG Executive Director must make adjustments to the TBPG's use of positions, detailing key duties and responsibilities in position descriptions and completing annual evaluations of staff performance. This strategy maximizes the utilization of staff resources appropriated to the agency. At this time, the agency has particularly highly skilled staff in place in all key positions. This ensures that the agency can manage all of its fiduciary responsibilities.

A. Critical Workforce Skills

There are several critical skills that are important to the agency's ability to operate. TBPG has dedicated its focus on workforce planning issues that will address the most critical areas in the agency. These issues include placing greater emphasis on employees with knowledge, skills and abilities in management and leadership, flexible budgeting, development of work systems and policy, licensing and related customer service; enforcement, and implementing outreach programs/communications systems. Key knowledge, skills and experience include:

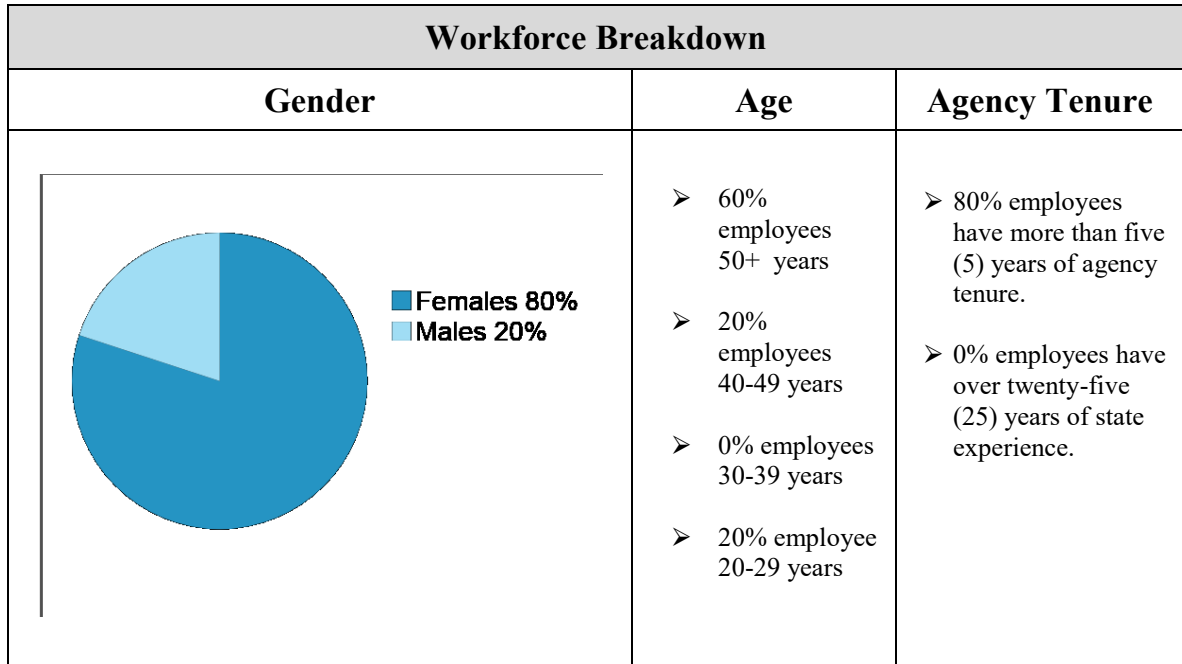
- Leadership and management skills
- High level communications skills
- Implementation of an effective licensing and enforcement database product
- Revenue/budget tracking and reporting of performance measures
- Conducting complaint investigations; adjudicating complaints involving violations
- Maintaining licensing functions (applications reviews, coordination of renewal and late notices, consumer service/support, etc.) and developing new programs
- Interpreting legal statutes and developing policy
- Human resource knowledge

B. Workforce Demographics

The TBPG is authorized 7.5 full time employees. There are currently 5 employees who are on staff to execute the functions of the TBPG.

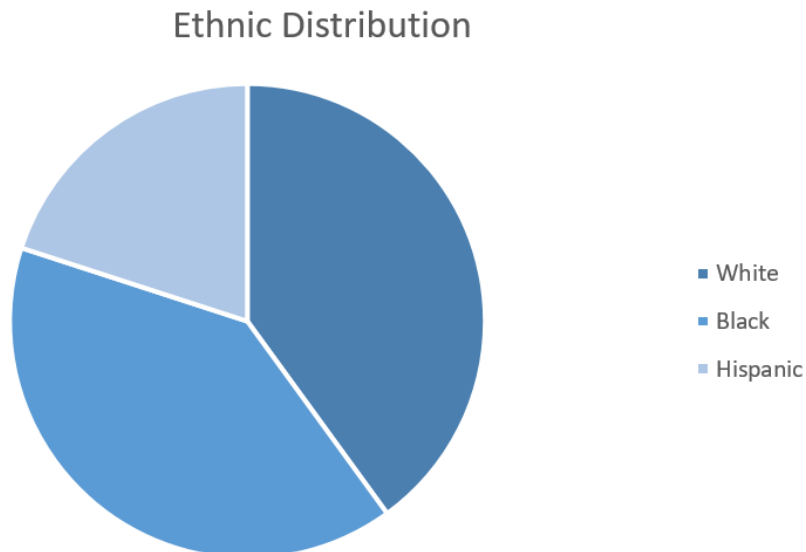
The TBPG's workforce is comprised of 80% females and 20% males. Over 60% of the employees are over the age of 50. The percentage of employees with more than five years of state experience is 80%.

Figure 1: Workforce Breakdown



The ethnic distribution of the staff is 40% White, 40% Black, and 20% Hispanic. The following pie charts display the gender and ethnicity of the TBPG workforce as of May 11, 2020.

Figure 2: Ethnic Distribution



C. Employee Turnover

Turnover is an important issue in any organization and TBPG is no exception. The TBPG turnover rate in Fiscal Year 2020 to date has been 27%.

D. Retirement Eligibility

During fiscal years 2020-2021, no employees are eligible to retire. One employee is retired from state government (from another state agency) and has been rehired with the state with TBPG. It is a benefit to TBPG to have tenured employees. It is also important to maintain tenured employees' employment with TBPG to preserve institutional knowledge and organizational experience.

Future Workforce Profile (Demand Analysis)

Agency leadership continues to revise work processes, cross train existing staff, and reorganize business units to operate effectively and respond to business needs. The changes and resulting performance have been within an acceptable range, but staff resources are stretched.

Considering the agency has operated at an absolute minimal staffing level over the past 3 years, It would be ideal if the Legislature were to allow current FTE allocation to remain as is. It would be very difficult for the agency to perform its functions and maintain productivity if the legislature were to require an additional cut from the base funding as we are still operating at levels created by past reductions.

Critical Functions: TBPG's most critical functions are identified below:

- Licensing: processing initial and renewal applications for licenses/registrations/certifications, providing notices to licensees, administering state and national licensing examinations to candidates, interpreting statutes, rules and policies, providing customer support services to existing licensees, and the general public.
- Compliance/Enforcement: performing compliance reviews, evaluating referrals, providing complaint investigations, conducting education and outreach activities, and interpreting statutes, rules and policies.
- Financial Services: Revenue/budget tracking and reporting of performance measures
- Administrative services: maintaining an accessible, accurate, and reliable licensing and enforcement database; providing required licensing notices/letters/rule reviews and updates; processing board, investigation, and licensing actions.

Anticipated Workforce Changes: The changes implemented by TBPG Management should continue into the next biennium to continue operational improvement. Those implemented changes include:

- Continued identification and elimination of workflow (production) bottlenecks.
- Cross-training of employees in core functional areas.
- Greater employee/team accountability and performance expectations.
- Utilizing temporary employment options (internship, 3-6 month FTE, temp service) to respond to workload spikes.

Anticipated Increase/Decrease in Number of Employees Needed to Do the Work:

The TBPG's current level of allocated FTEs is sufficient to complete its mission at current business projections. Any reductions will jeopardize the agency's ability to continue meeting its core objectives and responsibilities. Currently, all staff members work directly on critical functions. The Executive Director implements board decisions, manages and drives agency operations, establishes policies/goals, and oversees staff productivity. The other TBPG staff are utilized as follows:

- One staff member serves as the Compliance Coordinator assigned to compliance reviews, investigations, enforcement actions, and outreach activities.
- One staff member serves as the Licensing Coordinator assigned to all functions related to the issuance and renewal process of licenses/registrations/certifications, qualify applicants to sit for examinations, administering state and national licensing examinations, database management, and related customer service efforts.
- One staff member serves as the Chief Financial Officer, Risk Management Coordinator, Human Resources Officer and related functions.
- One staff member serves as the Operations Coordinator, providing program support for all core functions, board related actions, and related duties as assigned by leadership.
- One currently vacant position will be in program support for both licensing and enforcement efforts.
- The TBPG has employed the use of technology to maximize efficiency and minimize the number of staff needed to complete core responsibilities/duties.
- TBPG staff are continuously cross-trained to assist when higher seasonal or unexpected workloads are experienced in any area due to business spikes or personnel changes.

Future Workforce Skills Needed

To administer the Texas Geoscience Practice Act effectively, the TBPG relies on a competent and knowledgeable staff. In addition to the critical competencies listed before, these are additional ones essential for the TBPG to maintain in its staff in the future:

- Change Management
- Process analysis
- Collaboration
- Negotiation and facilitation
- Project management
- Performance management
- Strategic planning
- Leadership and management skills
- High level communication skills
- Human resource knowledge
- Database management
- Web management
- External communication
- Publication skills

Schedule H – 2020 Report on Customer Service Summary of Results



The Texas Board of Professional Geoscientists identifies as its external customers all licensed Professional Geoscientists, Registered Geoscience Firms, and Geoscientists-in-Training, in addition to other TBPG stakeholders, which may include environmental professionals, business owners, governmental agencies, academic institutions, complainants, consumer advocates, and citizens of the State of Texas.

Current Number of Licensed Professional Geoscientists:	3,499*
Current Number of Registered Geoscience Firms:	348*
Current Number of Geoscientists-in-Training:	184*
Other Stakeholders/ Unlicensed Entities:	2,117
Total Identifiable External Customers:	6,148

Methods of Information Gathering

For the 2020 Report on Customer Service, an invitation to participate in the Customer Service Survey was sent out by e-mail on April 24, 2020 to 6,148 individuals who are either regulated by the TBPG, or who have subscribed to TBPG's e-mail distribution list and have expressed an interest in TBPG activities. Professional societies were also contacted and TBPG requested that they distribute the survey to their members. A total of 6,148 survey invitations were distributed, and 594 surveys were completed and received by May 11, 2020.

Rate of Response. The total number of customers who participated in the survey was 594. Out of a total of 6,148 e-mails that were sent to TBPG's external customers regarding the survey, 594 participated for a response rate of 9.6%.

Performance Measures Related to Customer Service Standards

Outcome Measures

- 89% of customers surveyed expressed overall satisfaction with the services received from TBPG
- 26% of customers surveyed offered comments or otherwise identified ways to improve TBPG service delivery

*Current licensing numbers as of 4/30/2020

Assessment

Analysis of Findings: In evaluating the results of the survey, it can be noted that positive results were noted in several areas of customer service, including the following:

- 98.5% rated TBPG staff as courteous
- 89% viewed positively the overall customer service
- 87% rated TBPG staff as responsive
- 81% viewed TBPG staff as knowledgeable
- 89% viewed positively the online license renewal process
- 87% rated favorably the accuracy of written materials
- 90% viewed the information on the website as accurate
- 89% rated favorably the online public license feature

The positive results in these areas illustrate TBPG's ongoing commitment to customer service excellence. Agency staff have streamlined agency functions and processes in recent years. TBPG has improved its online license renewal functionality with continuous improvements and refinements to its state of the art regulatory database. Refinements to the agency website have facilitated the accessibility of online information for the benefit of TBPG licensees and the general public. Additionally, TBPG has been sending out quarterly newsletters by e-mail in order to communicate to all interested individuals regarding TBPG meetings and Board activities. This is an effort to keep the licensees and the general public informed regarding Board activities and other pertinent information. TBPG is proud of its accomplishments in providing prompt, effective, and consistent customer service to individuals and entities it regulates, and is proud of the service it provides to the State of Texas and its citizens.

TBPG has noted a need for improvement in the following areas:

- Seventy-six percent (76%) rated positively the online continuing education activity log. Fourteen percent (14%) of respondents rated the online log as "neutral," and ten percent (10%) of respondents rated it as either "fair" or "poor." Improvements to the online continuing education activity log continue to be made in order to increase its functionality. TBPG will also provide instructions for using the online licensing system to increase ease of use for licensees.
- It is noted that the actual response rate related to knowledge about TBPG's complaint handling process is low. Only 143 individuals out of the 564 respondents (approximately 25%) answered questions related to how they view TBPG's handling of complaints. TBPG is not surprised by this response rate. In general, licensees are not very interested in the complaint process unless the licensee has an interest in filing a complaint or a complaint has been filed against the licensee.
- Low response rates and low ratings were noted related to TBPG's office facility (accessibility, convenience, and use of signs). TBPG is assigned office space by the Texas Facilities Commission. The assigned office space is suitable, but it is in downtown Austin. TBPG is scheduled to move to a new state office building in 2021/2022.
- Low response rates were also received related to TBPG's examination sites (accessibility, convenience of location, and frequency). With regard to the ASBOG® licensing examination, this is a national exam proctored twice per year. In Texas, it is administered by TBPG staff on specific

dates set by ASBOG®. TBPG is unable to change the frequency of the administration of this exam. TBPG does, however, make every effort to identify cost effective examination sites that are convenient, accessible, and that provide a good testing environment (i.e., low noise level, good lighting, adequate work space, etc.). Staff will continue to explore options to provide the best examination locations and environments possible.

TBPG staff will continue to consider the 2020 Report on Customer Service, and will seek ways to improve services to TBPG customers. Staff will also review the specific customer feedback in the submitted survey comments in order to seek clarification on ways to improve TBPG services.

Additionally, TBPG's Appointed Board has reviewed this report and will work with staff to implement improvements to its customer service.



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