

# Texas Board of Professional Geoscientists Committee Assignment Guidance Document

07-23-2020

## **Background**

The Texas Geoscience Practice Act provides that the Governor shall elect a presiding officer; that TBPG shall elect biennially from its own membership an assistant presiding officer, and secretary-treasurer. The TBPG has historically held the election at the end of even numbered years in anticipation of the transition of three Board Members' terms expiring on February 1 of odd numbered years. With the change of Board Member composition, the new Chairman then makes assignments to Board Committees.

## **TBPG Standing Committees, Ad Hoc Committees, and Workgroups**

In the beginning of odd numbered years, Committee appointments are made by the Board Chairman for a term of two years. The Board Chairman also appoints a Board member to be the Chair of each Committee. During the following two years, the Chairman may make changes to the Committees' membership. If there is a vacancy before the termination of a Board Member's term, the Chairman may choose to assign the new Board Member to the same Committee positions as held by the outgoing Board member or the Chairman may decide to make more extensive changes.

Each Committee is typically composed of four Board Members, at least one of which is a Public Board Member. A Committee quorum shall consist of any three Committee Members.

TBPG Committees generally gather/review information and propose actions to be taken by the full TBPG Board. TBPG Committees do not set policy or make decisions that are the responsibility of the full Board. For example, a TBPG Committee may, by vote, decide to recommend that the full TBPG Board propose certain changes to a Board rule. Posting the proposed change to the Texas Register for public comment would require a majority vote of the full Board. When the full Board acts on a Committee recommendation to post a proposed rule for public comment, the public comments received are reviewed by the Committee that recommended the change, and the Committee develops recommendations/responses to the comments for the full Board's consideration.

TBPG staff support the work of Committees by bringing issues encountered in the day-to-day operations to the attention of the TBPG Officers and/or Committee Chairs. TBPG staff members also gather information, produce reports or otherwise provide information regarding issues for Committees. Committee members may also research issues for a Committee, assist in the development of guidance documents, TBPG website information, such as frequently asked questions (FAQs), or assist staff in technical tasks. For example, a Member of the Application Review/Continuing Education Committee might help staff identify whether a particular course qualifies toward the education requirements for licensure.

TBPG Committees generally meet once per quarter prior to full Board meetings. However, a Committee may meet more or less often, depending on the Committee's workload.

**Ad Hoc Committees:** The Board Chairman or the Board may appoint temporary ad hoc Committees to assist in resolving particular geoscience-related issues. Only TBPG Board

Members may be assigned to an ad hoc Committee. The Board Chairman or Board shall establish a specific purpose and duration for each ad hoc Committee. An ad hoc Committee may be directed to report finding to the full Board or a standing Committee of the Board as long as the number of Board members serving on the ad hoc Committee and the standing Committee of the Board to which the ad hoc Committee reports does not constitute a quorum of the Board.

**TBPG Workgroups:** The Board Chairman or the Board may appoint temporary workgroups. A workgroup may be composed of Board members and other persons. The Board Chairman or Board shall establish a specific purpose and duration for each workgroup. A workgroup may be directed to report finding to the full Board or a standing Committee of the Board as long as the number of Board members serving on the workgroup and the standing Committee of the Board to which the workgroup reports does not constitute a quorum of the Board.

The key difference between an ad hoc Committee and a workgroup is that a workgroup may be comprised of individuals other than Board Members. Ad hoc Committees and workgroups shall be limited to investigating and evaluating issues assigned, and making a report to the full TBPG Board or standing Board Committee with recommendations concerning possible Board positions, actions or inactions. The Board shall receive the report of each ad hoc Committee publicly, and any final action or inaction will be determined by Board vote. The Board may also choose to receive a report from a workgroup in a Board meeting.

### **Assignment of Topics to a Committee**

The Executive Director, Committee Chairs, and other Board Members and TBPG staff shall keep the TBPG Executive Officers (Board Chairman, Vice-Chairman, and Secretary-Treasurer) informed of new issues as these issues arise. The Board Chairman shall generally use the following descriptions of the scope of Committees and assignment of TBPG rule sections as a guide to assign new topics to Committees. However, the Chairman may also consider other factors such as the Committee's workload, the specific Members assigned to a Committee, etc., in determining to which Committee a particular topic is assigned. In addition, a topic may overlap the scope of two or more Committees. The Board Chairman may consult with Committee Chairs or the Executive Director to gather information needed to make an assignment.

### **Four Year Rule Review**

**Under Texas Government Code – Administrative Procedures Act – [Sec. 2001.039](#)**

A state agency in Texas is required to review its rules in their entirety every four years.

During the rule review, a state agency shall readopt, readopt with amendments, or repeal a rule as a result of review of the rule and must include an assessment of whether the reasons for adopting the rule continue to exist.

Any interested party may request changes to TBPG rules. Please see [TBPG Rule 850.65](#).

The next rule review is scheduled for completion in 2022.

## **Committees' Scope and Rules Assignments**

**Application Review/ Continuing Education Committee.** The Committee shall meet as necessary to evaluate issues and possibly develop proposed actions for the full Board on licensing issues. The Committee may participate in activities such as evaluating rules concerning licensing of geoscientists; evaluating education and continuing education program requirements; conducting personal interviews of applicants; evaluating applications; providing general guidance to the executive director on licensing issues; and evaluating any other issue indirectly or directly related to geoscience licensing. The Application Review / Continuing Education Committee also reviews requests for waiver of licensing requirements and makes a recommendation to the full Board for approval or denial. A waiver request that is not recommended for approval by the Application Review / Continuing Education Committee may be reviewed by the full Board upon written request of the applicant. Development/review of related FAQs.

**Compliance and Enforcement Committee.** The Committee shall meet as required to evaluate issues and possibly develop proposed actions for the full Board on enforcement issues. The Committee may participate in activities such as evaluating rules concerning the Code of Professional Conduct/enforcement of the Act; reviewing the progress of major enforcement cases or groups of cases; suggesting sanctions for violations of the Act; providing general guidance to the executive director on enforcement issues; planning and providing compliance and enforcement related outreach; and evaluating any other issue indirectly or directly relating to geoscience law/rule enforcement. Development/review of related FAQs.

**General Issues Committee.** The Committee shall meet as required to respond to requests for advisory opinions, issues that overlap other Committees' scope, or issues that are not under the purview of other standing Committees. Development/review of related FAQs.

**Financial Review/ Strategic Planning Committee.** The Committee shall meet as required to review financial issues of the agency and make recommendations to the Board. The Committee is responsible for preparing the Strategic Plan, and the Legislative Appropriations Request.

**Legislative Committee.** The Committee shall meet as needed to consider legislative matters that may affect the regulation of the practice of geoscience in the state. Pursuant to the Chapter 556, Texas Government Code, the Committee shall not lobby or strive to influence legislation regarding the practice of geoscience. The Legislative Committee may meet to consider the Board/agency's presentation of the TBPG's appropriations request, Board responses to pending legislation and assist in answering related inquiries from the Texas Legislature, Governor or other state agency or governmental entity during the legislative session. The Committee shall report to the full Board on actions and activities addressed on behalf of the Board.

Texas Board of Professional Geoscientists  
Four Year Rule Review 2021-2022  
Rules Assignment by Committee

Subchapter A. Authority and Definitions **(All Committees)**

- 850.1. Authority
- 850.10. Definitions

Subchapter B. Organization and Responsibilities **(General Issues Committee)**

- 850.60. Organization and Responsibilities of the Board – General Provisions
- 850.61. Organization and Responsibilities of the Board – Meetings
- 850.62. General Powers and Duties of the TBPG
- 850.63. Responsibilities of the Appointed Board
- 850.65. Petition for Adoption of Rules

Subchapter C. Fees **(Financial Review/Strategic Planning Committee)**

- 850.81. Charges for Providing Copies of Public Information
- 850.82. Dishonored Payment

Subchapter D. Advisory Opinions **(General Issues Committee)**

- 850.100. Subject of an Advisory Opinion
- 850.101. Request for an Advisory Opinion
- 850.102. Appointed Board Initiated Opinion
- 850.103. Receipt, Review, and Processing of a Request
- 850.104. Compilation of Advisory Opinions
- 850.105. Time Period

Chapter 851

Subchapter A. Definitions **(All Committees)**

- 851.10. Definitions

Subchapter B. P.G. Licensing, Firm Registration, and GIT Certification **(AR/CE Committee)**

- 851.20. Professional Geoscientist Licensing Requirements and Application Procedure
- 851.21. Licensing Requirements-Examinations
- 851.22. Waivers and Substitutions: Policy, Procedures, and Criteria
- 851.23. Qualifying Experience Record
- 851.25. Education
- 851.26. Licensing of Military Service Members, Military Veterans, and Military Spouses
- 851.27. Replacement License Certificate or License Expiration Cards
- 851.28. Professional Geoscientist License Renewal and Reinstatement
- 851.29. Endorsement and Reciprocal Licensure
- 851.30. Firm Registration **(Compliance and Enforcement Committee)**
- 851.31. Temporary License
- 851.32. Continuing Education Program
- 851.35. Voluntary Surrender of a License, Registration or Certification
- 851.40. Geoscientist-in-Training (GIT)
- 851.41. Geoscientist-in-Training Certification Requirements and Application Procedure
- 851.43. GIT Certification Period and Renewal
- 851.44. Use of the Title “Geoscientist-in-Training”
- 851.80. Fees **(Financial Review Committee and AR/CE Committee)**

- 851.83. Certain Licensees Temporarily Exempt From Continuing Education Requirements
- 851.85. Contingent Emergency/Disaster Response Actions (General Issues Committee)

**Subchapter C. Code of Professional Conduct (Compliance and Enforcement Committee)**

- 851.101. General
- 851.102. Competence/Negligence
- 851.103. Recklessness
- 851.104. Dishonest Practice
- 851.105. Conflicts of Interest
- 851.106. Responsibility to the Regulation of the Geoscience Profession and Public Protection
- 851.107. Prevention of Unauthorized Practice
- 851.108. Criminal Convictions
- 851.109. Substance Abuse
- 851.110. Effect of Enforcement Proceedings on Application
- 851.111. Professional Geoscientists Shall Maintain Confidentiality of Clients
- 851.112. Required Reports to the TBPG
- 851.113. Duty to abide by Board Order and timely pay administrative penalty

**Subchapter D. Compliance and Enforcement (Compliance and Enforcement Committee)**

- 851.151. General
- 851.152. Firm Compliance
- 851.153. Professional Geoscientist Compliance
- 851.154. Loan Default Ground for Nonrenewal of License
- 851.155. Actions Following Certain Notifications Regarding Child Support Delinquency
- 851.156. Professional Geoscientist Seals and Geoscience Firm Identification
- 851.157. Complaints and Confidentiality
- 851.158. Procedures
- 851.159. Sanctions

**Subchapter E. Hearings—Contested Cases and Judicial Review (Compliance and Enforcement Committee)**

- 851.201. Contested Case Hearings
- 851.202. Extensions of Time
- 851.203. Defaults
- 851.204. Costs of Administrative Hearings
- 851.220. Judicial Review Procedures

## Application Review/ Continuing Education Committee (AR/CE)

<b>Routine/recurring activities</b>
Evaluate non-routine licensing and GIT certification applications / exam requests to determine whether the applicant meets licensing requirements, determine whether an applicant's qualifications meet requirements or is deficient.
In rare cases, develop a recommendation regarding the lack of suitability for licensure. Could result in recommendation to the full TBPG Board to deny a license.
Review examination waiver requests / develop recommendations for the full TBPG Board
Review licensing trend data (numbers of currently licensed P.G.s, GITs, and Geoscience Firms and numbers eligible for renewal)
Review examination numbers (numbers of individuals who sit for exams)
Review questionable continuing education coursework submitted in response to random audits
<b>Non-routine activities (as needed)</b>
Policy/Rules: Examination waiver
Policy/Rules: Staff guidance on transcripts, work experience, references
Policy/Rules: Other Chapters of Texas Occupations Code: <ul style="list-style-type: none"> <li>• Chapter 53 (Consequences of Criminal Convictions)</li> <li>• Chapter 54 (Examination on Religious Holiday)</li> <li>• Chapter 55 Military Service Members, Military Spouses, and Veterans</li> <li>• Chapter 56 (Actions Against Recipients of Financial Assistance; Also certain provisions of Texas Education Code)</li> <li>• Chapter 57 (Requirements for Licensing Agencies [prohibits requiring Board Members to be members of professional or trade associations])</li> <li>• Chapter 58 (Use of Genetic Information)</li> <li>• Chapter 59 (Information Relating to Licensing Agencies [protects social security numbers])</li> </ul>
Policy/Rules: Overall responsibility for rules relating to P.G. licensing, GIT Certification and Geoscience Firm registration, and continuing education (key: Chapter 851 Subchapter B) – see rules assignment table
Rules/Policy: Continuing education random audit policy
Policy: Reciprocity agreements with other licensing jurisdictions
Texas Geophysics Examination—updates to the examination, problematic items (questions), etc.
Licensing and Continuing Education related Forms and Instructions
Review of Requests for Advisory Opinions related to the Committee's purview – make recommendation to the full Board
Development of FAQs related to the Committee's purview

### **Compliance and Enforcement Committee (C/E)**

<b>Routine/recurring activities</b>
Implementation of TOC §§1002.201-202; §§1002.206-207 (SB 138 83 <sup>rd</sup> Texas Legislature)
Policy/Rules: Complaint process, including Sanctions Table
Enforcement related outreach
Oversight of Complaint Review Team Process
Review enforcement trend data (numbers of complaints opened/resolved and related data)
Policy/Rules: Overall responsibility for rules relating to the Code of Professional Conduct, Compliance and Enforcement, and Hearings (key: Chapter 851 Subchapters C, D, and E) – see Committee Rules assignments
<b>Non-routine activities (as needed)</b>
Review of Requests for Advisory Opinions related to the Committee’s purview – make recommendation to the full Board
Development of FAQs related to the Committee’s purview
Development of Guidance Documents (current documents include Guidance on Sealing and Guidance for Government Employees)

### **General Issues Committee (GI)**

<b>Non-routine activities (as needed)</b>
Rules/Policy: The Committee shall meet as required to respond to requests for Advisory Opinions, issues that overlap other Committees’ scope, or issues that are not under the purview of other standing Committees
Review of Requests for Advisory Opinions related to the Committee’s purview – make recommendation to the full Board
Development of FAQs related to the Committee’s purview
Development/review of related policy guidance documents

### **Financial Review/ Strategic Planning Committee (FR/SP)**

<b>Routine activities (as needed)</b>
Policy/Rules: Overall responsibility for rules relating to Financial and Strategic Planning issues (key: Chapter 850 Subchapter C and §851.80) – see rules assignment table
Periodic review of agency budget structure
Review TBPG’s <b>biennial</b> revenue estimate (Fall of odd numbered years)
Development of the TBPG’s Strategic Plan and Performance Measures (begins fall of odd numbered years—plan due May-June of even numbered years) (Full Board usually approves plan)
Development of the TBPG’s Legislative Appropriations Request (begins fall of odd numbered years—plan due June-July of even numbered years)
The Appointed Board, through the Chairman, approves LAR
Development/review of related policy guidance documents

### **Legislative Committee**

<b>Non-routine activities (as needed)</b>
The Committee shall meet as needed to consider legislative matters that may affect the regulation of the practice of geoscience in the state
Meet with individual legislators to discuss/inform legislators of any issues with the Texas Geoscience Practice Act

Coordinate interactions with the Office of the Governor, individual Legislators and Legislative Committees
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**Other Committees/groups:**

**Joint Committee with Texas Board of Professional Engineers**

Size/composition: The Committee consists of six members. Three members are appointed by the Chair of each Board, with the concurrence of the respective Boards. Two Members from each Board shall be licensed by their respective Boards and one member from each Board shall be a public member. A quorum of the Committee shall be four members consisting of at least two members from each Board. Members are appointed for three year staggered terms, with one Engineering Board Member's term and one Geoscience Member's term expiring on August 31 of each year.

Co-committee chairs shall be elected from the membership of the committee by the committee upon convening, as the first order of business. All Committee members will be voting members. Committee meetings will alternate between the headquarters of the two Boards.

The purpose of the Standing Joint Committee will be to review matters that affect both Boards, develop a mutually cooperative, effective, and collaborative process to identify and resolve issues pertaining to overlap between the professions to effectively protect the public health, safety, and welfare in the State of Texas. The committee will report its findings to both Boards with recommendations for adoptions of joint opinions, policies, procedures, agreements, methodologies, or rules.

**Complaint Review Team**

The TBPG Executive Director or designee shall assemble a complaint review team as needed to review complaint investigations. Complaint review teams shall be assembled, comprised of members, and function in accordance with parameters set forth in the TBPG's Complaint Standard Operating Procedure.