



## Texas Board of Professional Geoscientists

Good afternoon:

Following are some highlights from the January 30, 2015 Board meeting.

**Adopted Rules.** The Appointed Board adopted some amendments to its rules and new rules at its last Board meeting. Here is a summary of the changes:

- Amendments to 22 TAC 851.10, 851.30 and 851.80 were adopted to clarify the definition of "Geoscience Firm" and to remove the Geoscience Firm registration requirements currently applicable to a Professional Geoscientist who offers or performs non-exempt geoscience work for the public in Texas **as a sole proprietor.**
- An amendment to 22 TAC 851.20 was adopted to remove item (3) under subsection (q), which requires a new licensee to report to TBPG within 60 days of becoming licensed the name of the firm or organization with which the licensee is employed if the employment includes the practice of geoscience. This adopted change results from the four-year rule review, which was completed in November 2014. The requirement is removed because the item does not reflect current TBPG process. The requested information is already provided at the time of application, and other rules require a licensee to keep the Board informed of changes in employment.
- Amendment to 22 TAC 851.152 removes the terms listed in subsections (1-5) because usage of those terms may not in all cases run afoul of the requirement that an entity be licensed or registered in the state of Texas to offer or perform the non-exempt public practice of geoscience. This adopted change results from the four-year rule review, which was completed in November 2014.
- New rule 851.154 was adopted and outlines TBPG's implementation of the requirements in Texas Education Code, Chapter 57, Section 57.491, which requires state agencies to adopt rules regarding the non-renewal of a P.G. license due to a default status with the Texas Guaranteed Student Loan Corporation.
- New rule 851.155 was adopted and outlines TBPG's implementation of the Family Code Chapter 232, which requires state agencies to adopt rules regarding the denial of a license, non-renewal, suspension, and reinstatement of a license related to non-payment of child support.

These specific rule changes are on this link and on our website: [Adopted Amendments.](#)

Regarding the rule changes to Geoscience Firm registration which eliminate the firm registration requirement for Professional Geoscientists who offer or perform non-exempt public geoscience services, please note the following:

- This rule change becomes effective **March 20, 2015.**
- The adopted text in **§851.30 (c)** states, in part... "A currently licensed P.G. who offers services as an unincorporated sole proprietor is exempt from the firm registration requirements in this section. A P.G. who is exempt from the firm registration requirements under this paragraph and who offers services under an assumed name **must report the**

**assumed name to the TBPG.** A P.G. who is otherwise exempt from the firm registration requirements under this paragraph **may choose to register** as a Geoscience Firm **and pay the current Geoscience Firm registration fee.**" Board staff will simply note the assumed name in the P.G.'s licensing record.

- As of March 20, 2015, the TBPG no longer requires the registration of sole proprietors who are currently licensed as a P.G. and who offer or perform non-exempt public geoscience services. However a P.G. sole proprietor offering or performing non-exempt public geoscience services may register with the TBPG as a Geoscience Firm if he or she chooses to do so.
- **The TBPG has never required that a P.G. sole proprietor who offers or performs non-public or exempt geoscience services to be registered as a Geoscience Firm.** The TBPG also does not require that an incorporated business, partnership or other kind of business that **only** offers or performs non-public or exempt geoscience work (or other non-geoscience work) to be registered as a Geoscience Firm.
- Because the requirement of Geoscience Firm registration of P.G.s who offer or perform non-exempt public geoscience services has been eliminated, **the sole proprietor fee has been eliminated.** A P.G. sole proprietor who wishes to be registered as a Geoscience Firm may do so for the **\$300 annual registration fee.** The benefits of being registered as a Geoscience Firm include being in the TBPG database that the public may search to find a Geoscience Firm and the added assurance to the public that the P.G. sole proprietor's public practice is regulated. The conduct of a P.G. is already regulated because the TBPG enforces the Code of Professional Conduct that it has adopted and that is applicable to all of its licensees.
- P.G. sole proprietors who are currently registered as a Geoscience Firm may simply **refrain from** renewing the sole proprietor Geoscience Firm registration when it expires. P.G. sole proprietors who are currently registered with the TBPG will have the option of renewing their Geoscience Firm registration at an annual renewal fee of \$300.
- Also please note that the **only** sole proprietors that are **not required** to be registered with the TBPG are **P.G.s currently licensed with the TBPG.** If an individual is not licensed as a P.G., or a P.G.'s license has expired, the individual may not offer or perform public non-exempt geoscience services in Texas. An individual who does so would be in violation of not only the P.G. license requirement, but of the Geoscience Firm registration requirement, and may be subject to disciplinary action by the TBPG.

**Advisory Opinion #12.** The Appointed Board adopted an advisory opinion to address the question: "What is the distinction between academic research and the public practice of geoscience?" The Advisory Opinion can be found here and on our website: [Advisory Opinion #12.](#)

The next TBPG full Board meeting is scheduled on **April 17, 2015.** Committee meetings are scheduled on April 16, 2015. Agendas will soon be posted on the TBPG website and on the Texas Register.

Sincerest regards,

Charles Horton