



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Board Meeting

April 29, 2016, 9:00 a.m.

William P. Hobby, Jr. Building
333 Guadalupe Street, Tower III, Room 102
Austin, Texas 78701

AGENDA

The Board may discuss and take action regarding any of the following agenda items.

- A. Call to order, roll call, certification of quorum, order of business
- B. Oath of office and swearing in of new Board Members
- C. Approval of minutes from the February 5, 2016 Board Meeting
- D. Public comment (limited to five minutes per person; more time may be allotted as needed at the discretion of the Board Chair)
- E. Chairman's Report: ASBOG® meeting in Baton Rouge, Preparation for Sunset Review, Welcome and comments to newly appointed Board Members
- F. Executive Director's Report: fiscal and budgetary matters and use of staff resources, Sunset Review items, response to inquiry regarding US Environmental Protection Agency Spill Prevention Control and Countermeasures Plans, update on status of Attorney General Opinion Request regarding TBPG's authority to accept a license resignation
- G. Reports on recent Committee meetings and activities
 1. Application Review and Continuing Education Committee meeting (04-28-16)
 - Consider possible changes to 22 TAC §851.31, Temporary License, to be consistent with statutory requirements found in TGPA §1002.258, for recommendation to the full Board for posting to the Texas Register for public comment
 - Consideration of whether all states' pre-ASBOG® geology competency examination are considered equivalent examinations per TBPG Rule §851.29(b)(2)
 - Review TBPG rules and processes related to the "good moral and ethical character" license eligibility requirement in the TGPA §1002.255(a)(1) and consideration of whether any rules or processes should be changed in light of the Sunset Occupational Licensing/Regulation standard: "General Qualifications: Regulatory requirements and qualifications for licensure should be easily determined, clear, represent a current condition, and related to the practice of the profession"
 - Review TBPG processes related to: 1) qualifying applicants/examination candidates for examination and 2) administration for all parts of the ASBOG® and Texas Geophysics Examination (TGE), and consideration of whether any rules or processes should be changed in light of the Sunset Occupational Licensing/Regulation standard: "The agency should adopt clear procedures governing all parts of the testing process, including test admission and administration"
 - Review whether TBPG has "compelling reason" for developing and using the TGE and develop a written justification for the TBPG's use of the TGE, and

consider also the explanation to the Sunset Occupational Licensing/Regulation standard: “The agency should adopt clear procedures governing all parts of the testing process, including test admission and administration” which generally states that an agency should use a national or regional testing service rather than developing its own test

- Determine whether TBPG’s qualifying licensing examinations meet the Sunset Occupational Licensing/Regulation Model’s standard: “Licensing authorities should have confidence that the tests and testing processes adequately ensure the readiness of applicants to become licensed practitioners,” and review information that is available regarding the psychometric reviews each examination that demonstrates that this standard is met:
 - ASBOG® Fundamentals of Geology and ASBOG® Practice of Geology
 - CSSE Fundamentals of Soil Science and CSSE Practice of Soil Science
 - Texas Geophysics Examination (TGE)
- Review of TBPG’s recent reciprocity requests

2. Compliance and Enforcement Committee meeting (04-28-16)

- Review of Complaint Standard Operating Procedures in light of recommended complaint standards adopted by the Sunset Commission
- Review of TBPG’s complaint tracking reports in light of the recommended Sunset Commission standard: “The agency should keep and report statistical information detailing the number, source, and types of complaints received and the disposition of complaints resolved”
- Review the need for TBPG to incorporate the Sunset Commission’s standard related to a panel of experts to assist in the investigation of complaints alleging problems with the technical accuracy of professional geoscience services
- Review TBPG’s potential use of mediated settlement conferences to resolve complaints, per the Sunset Commission’s recommended standard

3. General Issues Committee meeting (04-28-16)

- Review the possible need to update the document titled, “The Value of Professional Geoscience Licensing in Texas” for TBPG’s use to address the following Sunset Occupational Licensing/Regulation standard: “Regulation should protect the public from a potentially serious threat to its health, safety, and welfare,” and develop a plan to work with the co-authors, as needed.
- Develop a draft description of an advisory committee to inform the TBPG regarding opportunities to comment to any federal or state agency regarding the need to include Professional Geoscientists as individuals qualified to perform work that includes the public practice of geoscience in relevant agencies’ proposed rules
- Consideration of possible activities to address the Sunset Occupational Licensing / Regulation standard: “Regulatory agencies should make consumer information available to the public”



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4. Financial Review/Strategic Planning Committee meeting (4-29-16)
 - Financial review and analysis of expenditures for FY 2016
 - Timing of required financial and strategic planning filings
- H. Staff Reports:
 - Licensing Report, including current licensing numbers, exam statistics
 - Financial Report, including revenues, expenditures, appropriations request process
 - Enforcement Report, including current enforcement numbers, Complaint Review Team (CRT) meeting highlights, recent outreach opportunities, implementation of Texas Occupations Code §§1002.206-1002.207 as amended by SB 138, 83rd Legislative Regular Session 2013
- I. Application for P.G. license received from the following individuals:
 - Jesse G. White: Applicant for P.G. license requesting a waiver of the ASBOG® Fundamentals of Geology exam
 - Leigh Cunningham: Applicant for P.G. license requesting a waiver of the ASBOG® Fundamentals of Geology exam
- J. Proposed Agreed Board Orders:
 - Complaint Case No. 2015025
 - Complaint Case No. 2015051
- K. TBPG Strategic Plan for fiscal years 2017-2021
- L. Legislative Appropriations Request for FY 2018-2019
- M. Consideration of policy recommended by the Application Review / Continuing Education Committee: Criteria for waiver of the ASBOG® Practice of Geology exam
- N. Review whether continuing education courses taught as technical/scientific courses that are equivalent to an upper division academic course with a primary learning objective of providing professional level education can be counted as “equivalent coursework” for the educational requirements for licensure per Texas Geoscience Practice Act (TGPA) §1002.255(a)(2)
- O. Recommendation from the Application Review / Continuing Education Committee regarding whether the TBPG should have a policy relating to the substitution of experience for education required for licensure, in light of the explanation of the Sunset Occupational Licensing/ Regulation standard: “Educational requirements should be the minimum necessary to ensure competency of an entry level professional.” If the Committee recommends that TBPG have a policy, the Committee may make a recommendation for specifically what that policy should be.
- P. Recommendation from the Application Review / Continuing Education Committee regarding whether the TBPG should have a policy relating to the waiver of education required for licensure, in light of the explanation of the Sunset Occupational Licensing/ Regulation standard: “Educational requirements should be the minimum necessary to ensure competency of an entry level professional.” If the Committee recommends that TBPG have a policy, the Committee may make a specific recommendation of what that policy should be.

- Q. Recommendation of the Application Review / Continuing Education Committee regarding whether the TBPG should have a policy relating to the waiver of experience required for licensure, in light of the explanation of the Sunset Occupational Licensing/Regulation standard: “If the statute allows the agency discretion in the type or length of experience required or to waive experience, the agency should develop rules or written guidelines that clarify these requirements.” If the Committee recommends that TBPG have a policy, the Committee may make a specific recommendation of what that policy should be.
- R. Consider potential recommended changes from the Compliance and Enforcement Committee to the TBPG’s Complaint Investigation and Enforcement Standard Operating Procedures
- S. Date and agenda items for next meeting
- T. Adjournment

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Texas Gov. Code Chapter 551. If you require auxiliary aids, services or material in an alternate format contact the Texas Board of Professional Geoscientists, at least five (5) working days prior to the meeting date. Listed below are the helpful numbers should assistance be required. Phone: (512) 936-4400, Fax: (512) 936-4409, E-mail: chorton@tbpg.state.tx.us 1-800-relay-VV (for voice), 1-800-relay-TX (for TDD).