



# TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

## Guidance Document No. 2

### Texas Geoscience Practice Act Requirements for Employees of State and Local Governments

Many licensed Professional Geoscientists (P.G.) in Texas are employed by state and local governments as reviewers of geoscience reports submitted to their organization as part of a compliance or permitting program, staff investigating geologic and hydrogeologic resources of the state, or investigators inspecting groundwater or environmental protection or detection infrastructure at authorized and unauthorized facilities. This work is important in protecting human health, safety and the environment in Texas by ensuring compliance with various program rules.

The Texas Board of Professional Geoscientists (TBPG) rules hold P.G.s and Geoscientists-in-Training (GITs) responsible for understanding the Act and rules adopted by the Board (§851.101(b)) and requires them, when having knowledge of any alleged violation of the Act or Board rules, to cooperate with the Board in furnishing such information as required (§851.101(c)). All P.G.s and GITs should familiarize themselves with §1002.402 of the Act, which lists grounds for disciplinary action by the Board.

Most government organizations reviewing geoscience work product submitted to them have a checklist for employees to verify information. It is important that the employees who review reports or other work that includes the public practice of geosciences are checking for:

- 1) The current Professional Geoscience licensure of the individual who was in responsible charge of the geoscience work product, *and*
- 2) The current Geoscience Firm registration of the firm that is responsible for the work being submitted.

Under the Memorandum of Understanding (MOU) between the Board and the Texas Board of Professional Engineers (TBPE), Licensed Professional Engineers (P.E.) and firms registered with the TBPE may engage in the public practice of geoscience as long as they are qualified and authorized to perform such work (§1002.351(b)). A copy of the MOU is available online at <http://tbp.state.tx.us/tbpg/moas-and-mous/>. As indicated in the MOU, questions regarding potential overlap or joint jurisdiction between the Board and the TBPE may be submitted to either licensing Board.

Common violations to look for:

- 1) **Public practice of geoscience by unlicensed individuals (§1002.251(a)) or unregistered firms (§1002.351(a)):** The Board provides a public search engine on its web site at <http://tbp.state.tx.us> to verify licenses for individuals and firms. It should also be recognized that some firms contract out for their geoscience work because they have no geoscientist on staff. In these cases, the P.G. contracted to perform the geoscience work is required to be registered with the Board as a firm, unless the P.G. is operating as an unincorporated sole proprietor.
- 2) **Use of certain terms is restricted to individuals licensed by the Board (§1002.251(b)(1)):** The use of the term “licensed Professional Geoscientist” or the initials “P.G.” as part of a professional, business, or commercial identification or title, or represent to the public that a person is qualified

to practice as a geoscientist or engage in the public practice of geoscience (§1002.251(b)(2)(A)-(B)) is restricted to individuals licensed by the Board. A person who is licensed in other states, but is not licensed as a P.G. in Texas, may not use the designation “Professional Geoscientist” or the initials “P.G.”, or otherwise represent to the public that that the person is qualified to practice or engage in the public practice of geoscience in Texas. A person who is not licensed as a P.G. in Texas may not take responsible charge for non-exempt public geoscience service or work performed in Texas.

- 3) **Work that is not properly sealed and signed by a P.G.** (§1002.263(b)): The Board provides information and another guidance document regarding P.G. sealing requirements on its website at <http://tbpg.state.tx.us/about/industry-information/>.
- 4) **P.G.s must comply with the Code of Professional Conduct** Chapter 851 (§§851.101-851.112): P.G.s should familiarize themselves with these requirements, which include:
  - **Competence/Negligence §851.102:** (a) Geoscience Firms and P.G.s only practice within their areas of competence; (b) P.G.s only seal documents when qualified to form reasonable judgment; (c) P.G.s and Geoscience Firms shall not perform in a manner that is characterized by “gross incompetence.”
  - **Recklessness §851.103**
  - **Dishonest Practice §851.104**
  - **Conflict of Interest §851.105:** (a) Business associations or financial interests may not influence decisions; (b) must disclose circumstances for single projects or assignments when multiple parties are involved.
  - **Responsibility to the Regulation of the Geoscience Profession and Public Protection §851.106:** (a) Obligation to protect health, safety and welfare, (b) may not directly or indirectly aid or abet unlicensed public practice of geoscience, (c) obligation to report violations of the Act and Board rules.
  - **Prevention of Unauthorized Practice §851.107**

Section 1002.154 of the Act authorizes the Board to establish a complaint and enforcement process. Complaint forms are available on the TBPG website at <http://tbpg.state.tx.us/forms/> and any questions regarding the complaint process can be directed to the TBPG Compliance Team.

P.G.s employed by state and local governments perform valuable service to the general public in protecting human health, safety and the environment by ensuring that the geoscience they review or investigate complies with both the program rules they work under and the Texas Geoscience Practice Act and Board rules. TBPG staff are available to answer any questions concerning licensing requirements and rules pertaining to P.G.s, GITs and Registered Firms:

TBPG website: <http://tbpg.state.tx.us>

TBPG Compliance Team: (512) 936-4410