

# STRATEGIC PLAN 2025-2029



**TEXAS BOARD OF  
PROFESSIONAL  
GEOSCIENTISTS**

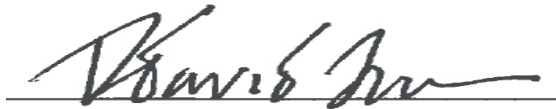
**STRATEGIC PLAN**  
**FISCAL YEARS 2025 to 2029**  
**BY**  
**THE TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS**

<b>Board Member</b>	<b>Dates of Term</b>	<b>Hometown</b>
W. David Prescott II, P.G., Chair	2019-2025	Amarillo
Steven Fleming, P.G.	2016-2027	Shavano Park
Mark N. Varhaug, P.G., C.P.G., Secretary/Treasurer	2018-2023	Dallas
Bereket M. Derie, Ph.D., P.G.	2016-2027	Georgetown
Margon K. Dillard	2020-2025	Richmond
Edward F. Janak, Jr., P.G.	2019-2025	Fredericksburg
Danielle "Danny" Kingham, P.G.	2023-2029	Houston
Samuel "Sam" McGee	2023-2029	Boerne
LaFawn Thompson	2021-2027	New Braunfels

DATE OF SUBMISSION

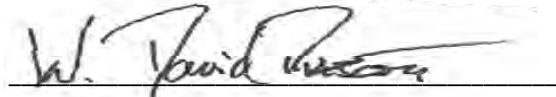
JUNE 1, 2024

SIGNED:



Rene D. Truan, Executive Director

APPROVED:



W. David Prescott II, P.G., TBPG Chair

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## **TBPG Mission**

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

## **Texas Board of Professional Geoscientists' Philosophy**

### **To accomplish our mission, we:**

- Maintain a licensing, compliance, and enforcement program to ensure that only those who meet established standards are licensed to carry out the public practice of geoscience in the State of Texas;
- Use the Board's statutory authority to clearly define the parameters of the geoscience profession and promote licensure and compliance through education and outreach;
- Act in accordance with the highest ethical, accountability, and efficiency standards in our agency operations and licensing/enforcement actions;
- Base decisions on the law, established geoscientific principles, appropriate standards of practice, and fiscal responsibility;
- Ensure that rules are necessary, effective, current and do not create barriers to licensure;
- Maintain a continuing education program that promotes excellence in professional geoscience practice, ethics, and standards through a continuous learning model;
- Monitor compliance to Board rules in a fair and consistent manner;
- Ensure consistent, just, and timely enforcement when the Act or Board rules are violated; and,
- Hire, develop, and retain a highly effective diverse and dedicated workforce.

## TBPG Operational Goals and Action Plans

**OPERATIONAL GOAL 1:** Licensing. To ensure that all individuals applying for licensure or certification in the state of Texas as a Professional Geoscientists (“PG”) or Geoscientists-in-Training (“GIT”) meet all licensing and certification requirements as set forth in the Texas Geoscience Practice Act (“Geoscience Act”) and all related Rules promulgated by the TBPG. It is further the TBPG’s goal to ensure that all entities seeking to register as Geoscience Firms complete the necessary application and meet all 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 high standards for the professional 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 all potential applicants, ongoing through August 31, 2029.
- 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, 2029.
- 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 the TBPG Board or a TBPG Board Committee, as appropriate, and issues licenses, registrations, and certifications in a timely fashion when applicants have demonstrated the necessary qualifications, ongoing through August 31, 2029.

TBPG has set the date by which specific action items will be accomplished as “ongoing through August 31, 2029” or the end of this five-year plan, to reflect that the activity will occur throughout the five-year plan.

### **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 all aspects of 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 the TBPG Board or a TBPG Board 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, 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 the minimum information needed to make a determination.

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 TBPG Board or a TBPG Board 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 Texas economy that all qualified individuals have an efficient path to licensure. A key part of TBPG's licensing process is the identification of all applicants' special circumstances and TBPG's continuous assessment of how well TBPG's Rules or processes facilitate fair and effective review of each individual's qualifications. To the extent that rules or processes can be improved, the action items require that TBPG continuously make those changes and improvements.

4. Providing excellent customer service.

Excellent customer service in TBPG's licensing process involves providing clear and accurate 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.

All licensing requirements and actions are posted publicly and available to everyone through our website, newsletters, brochures, reports or by direct request. When there is a need for the TBPG Board or a TBPG Board Committee to review an applicant's qualifications or special request, the reviews are conducted in open meetings which are held in compliance with the Texas Open Meetings Act. TBPG also provides a searchable database of its licensees on its agency website and are encouraged to contact the agency for additional information, clarification, or interpretation of TBPG actions.

**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 contracted 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.

Regulation of the public practice of geoscience is very important to Texans because, simply stated, the competent, ethical, and accountable practice of geoscience protects human health, saves lives, protects natural resources, and assists in efforts to prevent fraud, waste, and abuse of public and private citizen's funds.

Professional geoscience services are highly technical in nature. In order to provide professional geoscience services competently and safely, a person must have completed a university level course of study specializing in a specific discipline of geoscience; demonstrated competence through a discipline-specific examination on the fundamentals and practice of the discipline; and have gained 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, therefore, are held to a professional code of conduct and ethical standards. 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 Texas Board of Professional Geoscientists (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 which 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 Professional Geoscientists are fundamental steps in ensuring adequate clean-up or remediation of the problem, so that these and other highly toxic contaminants do not reach our precious groundwater. The sources of contamination are many. The cost of clean-up, or remediation, is paid by government, private citizens, corporations, or a combination of these. It is important that the characterization of the contamination be as scientifically accurate as possible so that funds are not spent unnecessarily, and the remediation plan is successful.
- **Environmental Geology (safe disposal/storage of waste):** PGs perform surface and subsurface geologic investigations, interpretation, characterization for consideration in the design and placement of solid waste sites and underground injection hazardous waste sites.
- **Hydrogeology:** PGs explore for new sources of groundwater, delineate aquifers, and identify the optimum location to drill for usable quality groundwater. PGs also perform mapping, characterization, and computer simulation/ modeling of groundwater recharge rates in order to assist in local and statewide planning.



- **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 hazardous processes, such as landslides, faults, subsidence, coastal erosion, and other natural hazards. The material into and upon which roads and these structures are built must be considered. The results of the failure of these designs can include road, bridge, building and dam collapse or even failure. The consequences of geological failures can result in significant human suffering and property damage. PGs also assess erosion of creek and riverbanks, and sedimentation in lakes and reservoirs.
- **Soil Science:** PGs specializing in soil science use their expertise to characterize and map soils across the landscape for consideration of water infiltration, percolation, sediment movement, and plant production and reclamation of natural and modified ecosystems for use by other professionals.
- **Geophysics:** PGs also identify geologic faults, monitor, and assess seismic activity.

**OPERATIONAL GOAL 2:** Compliance and Enforcement. TBPG compliance and enforcement activities aim to ensure, only qualified and duly licensed PGs offer and perform non-exempt professional geoscience services in Texas. It is the TBPG’s goal to ensure that all duly licensed, certified, and registered PGs, GITs, and Geoscience Firms provide geoscience services in conformance with the TBPG’s Code of Professional Conduct, the Geoscience Act, and all 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 investigating and resolving complaints alleging the unlawful practice of geoscience or any other alleged violations of the Geoscience Act, ongoing through August 31, 2029.
- b) Ensure that licensed PGs, registered Geoscience Firms, and certified GITs adhere to TBPG’s Code of Professional Conduct and other relevant TBPG Rules through ongoing compliance and enforcement processes, and procedures authorized and required by the Geoscience Act and other state laws, ongoing through August 31, 2029.
- c) Ensure, through ongoing outreach and education initiatives, that the general public, licensing community and state agencies are aware of TBPG rules and regulations, the complaint process, and what should be reported to TBPG to assist us in protecting the public and the environment, ongoing through August 31, 2029.

TBPG has set the date by which specific action items will be accomplished as “ongoing through August 31, 2029” or the end of this five-year plan, to reflect that the activity is one that will occur throughout the five-year plan.

**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. TBPG investigates complaints to determine jurisdiction and possible violations for presentation to the board for possible disciplinary action. 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 we achieve maximum results with an efficient use of taxpayer funds, including the streamlining of existing processes and reduction of outdated or unnecessary procedures and policies.

TBPG Rules help ensure efficiency of agency enforcement efforts by outlining the jurisdiction and responsibility of the agency and providing an outline of the complaint process for complainants and respondents and the process including the investigation and resolution phases.

Other than the consideration of formal disciplinary actions by the Appointed Board, TBPG's enforcement efforts is performed by one full time equivalent position (FTE). In addition, select TBPG Appointed Board Members participate 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 process. 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 using a team intake process and initiates complaint investigations when complaints are verified to fall within the TBPG's jurisdiction and upon determination that prima facie evidence of a violation exists.

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

In recent years, TBPG has modified and improved its enforcement and complaint procedures. TBPG continues to review and streamline these procedures to achieve maximum efficiency and effectively review potential violations. As TBPG learns from experience, potential improvements to its enforcement processes are identified, considered, and implemented, when appropriate.

#### 4. Providing excellent customer service.

TBPG strives to deliver excellent customer service to all parties involved in a complaint process. Regardless of a complaint's outcome, TBPG strives to ensure that complainants and respondents are satisfied that the investigations are performed competently, and the complaint process has resulted in unbiased appropriate action. Since complaints are, by their very nature, confrontational, this is a difficult task. Complainants must have an opportunity to present the concerns, and Respondents must have an opportunity to present information in response to the concern. Complaint information must be reviewed fairly and accurately. Appropriate action is taken only after due process safeguards in the Geoscience Act and the Administrative Procedures Act have been provided.

TBPG's objective in investigating and resolving complaints is to get it right every time based on all the information gathered. Investigative staff makes the effort to obtain all relative 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 to complaints and provide evidence regarding the complaint allegations. Most of TBPG's complaints that result in disciplinary action are resolved by an Agreed Board Order, which reflects that all parties are in agreement with the outcome.

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

TBPG has defined professional geoscience, qualifications for licensure, and license compliance expectations through its posted statutes, rules, and code of conduct. It has also provided a description of the complaint process, including the complaint investigation and resolution process, along with formal actions on its website for public review. Geoscience, and geoscience work, is highly complex but the interpretation and use of this work has the ability to impact every Texan through associated projects and activities. TBPG actions are aimed at protecting the public and written to be understood by the public. Outreach initiatives aim to improve agency transparency while educating the public about TBPG's role, responsibilities, and actions.

### **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, licensure, etc. are stored. The network is managed/supported by the Health Professions Council Information Technology Support Service

(HPC ITSS). TBPG also has contracted 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.

Excepting 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, offer to, or perform non-exempt geoscience services for the public, such as a landowner or a business.

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

In its oversight of these technical services, government agencies, such as the Texas Commission on Environmental Quality, rely on TBPG's PG licensure and Geoscience Firm registration to identify qualified individuals and firms and help determine whether permit applications or reports are submitted by individuals qualified through the licensing process. 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 keep the general public, the regulated community, and state agencies that are subject to or otherwise affected by the Geoscience Act and related Rules informed of the requirements of licensure/registration, the requirements to maintain a license or registration, 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 provide educational information about how to file a complaint, the complaint process, and actions taken.

**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, 2029.
- b) Maintain updated information regarding the TBPG's complaint filing process and provide a method for the public to file a complaint online. This information will continue to be updated as necessary, ongoing through August 31, 2029. 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, 2029.

TBPG has set the date by which specific action items will be accomplished as “ongoing through August 31, 2029” or the end of this five-year plan, to reflect that the activity is one that will occur throughout the five-year plan.

**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 provide training to statewide agencies as staff 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 is a limited number of venues in which TBPG staff or volunteer Board Members present on a regulatory topic or staff a booth and provide printed regulatory information. 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 through an online platform to larger audiences, and through pre-recorded in-house training offered via the Agency website.

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 are output measures that 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 and engaging in outreach, such as training and conference presence (booths). In addition, TBPG sends out quarterly e-mail summaries of TBPG’s activities and various topics.

4. Providing excellent customer service.

TBPG provides excellent customer service as information regarding the regulatory functions of the TBPG is available to the public and appropriate state agencies through publications on the agency website and other publications. TBPG's training is good customer service if the training provided presents the content required by the Geoscience Act, is presented with the information necessary to recognize the regulatory context in which it applies and is presented through venues and at times convenient for the audiences.

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 publications on the agency website and publications available for dissemination through outreach efforts. The information is updated as changes occur.

TBPG staff continues to provide training to other relevant state agencies' staff regarding the regulatory functions of the TBPG and the procedures by which complaints are filed with and resolved by 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. 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. The TBPG also uses Constant Contact to manage an e-mail distribution of quarterly newsletters and updates for licensees and other TBPG stakeholders.

The 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 individual land owners 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 provide training to TBPG's licensees on the Code of Professional Conduct and general ethics, and continuing education requirements to maintain a license.

## 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 in order 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, which provides the direction to the board.

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. Once a number of investigations have been completed by an investigator, TBPG would prefer to involve Board Members in the review of complaint investigations in a meeting, providing an opportunity for complainants and respondents to complaints to attend the meeting and provide any further information or personal testimony. These reviews would typically result in the dismissal of a complaint or, potentially, the respondent being notified of the TBPG's intent to determine that violation(s) occurred and a recommendation for the imposition of disciplinary 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 do not require certain state agencies to review complaint investigations or other matters that are confidential in an open meeting.

Provide Agency Recommendation for Modification or Elimination

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 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.

Provide 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 qualifying licensing examination would allow the TBPG to restrict access to the qualifying 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	85
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**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	4,200
Total Number of Licenses Managed	4,642

**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 with Six Months	90%

**B.1.1. Strategy:** ENFORCEMENT

**Output (Volume)**

Complaints Resolved	40
Number of Compliance Orders Issued	500
Number of Disciplinary Actions Taken	10

**Efficiencies:**

Average Time for Complaint Resolution (Days)	180
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**Explanatory:**

Jurisdictional Complaints Received	45
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## 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 violation activity and how effectively the agency's compliance 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 are 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

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### 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

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### **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

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### **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

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**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

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**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

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**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.

**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

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**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 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) for each completed application. The agency records the date that the application document(s) 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.



**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

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**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 through 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. 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:** 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

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**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

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**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

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**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

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**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 TBPG Staff 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 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

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### **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

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### **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 TBPG Staff 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

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**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

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**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 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

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**Explanatory: Total Number of Licenses Managed**

**Definition:** The total number of individuals holding current licenses or eligible to renew their license at the end of the reporting period.

**Purpose:** This measure indicates the total number of individuals licensed or eligible to renew their license at the end of the reporting period.

**Data Source:** The total number of individuals currently licensed or eligible to renew their license 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 and eligible to renew 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:** Yes

**Target Attainment:** Higher than target

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## 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 2022	FY 2023	FY 2024
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%	0.0%	26.0%	26.0%
Commodities Contracts	21.1%	88.4%	21.1%	21.1%

Excluded from the calculation for Other Services Contracts for FY 22 is \$2,255.00 of expenditures with non-HUBS as there was no other vendor available to provide this service. The total amount of expenditures used in the calculation was \$22,887.00 of which \$20,632 was spent with HUB vendors. With the payment included the percentage for Other Services Contracts was 12.6%.

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 2025-2029**

### **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 resolution 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 (performing administrative, financial, licensing and enforcement functions).

TBPG continues to examine existing systems and processes and refine work systems as the needs of the TBPG, and demands for licensure, increase 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, key duties assigned and performance expectations and updating of staff performance objectives. 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 key positions with administrative support for daily processing tasks. 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:

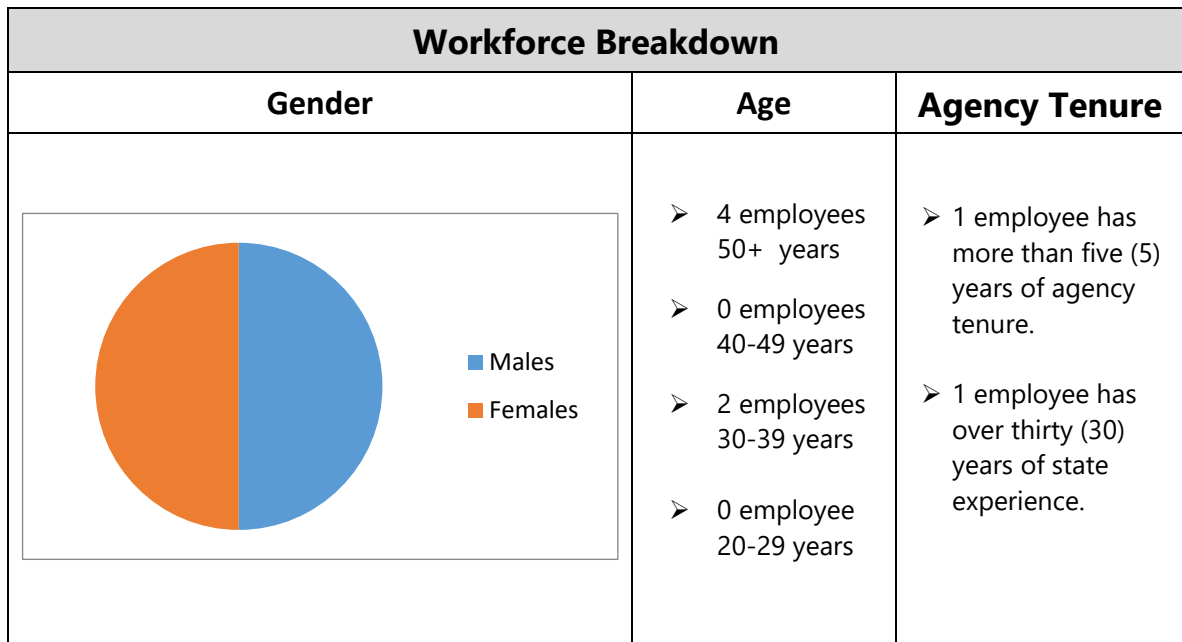
- Leadership and management skills
- High level communications skills
- Implementation of an effective licensing and enforcement database product
- Revenue/budget tracking and reporting of performance measures
- Conducting complaint investigations; adjudicating complaints involving violations
- Maintaining 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 6 employees who are on staff to execute the functions of the TBPG.

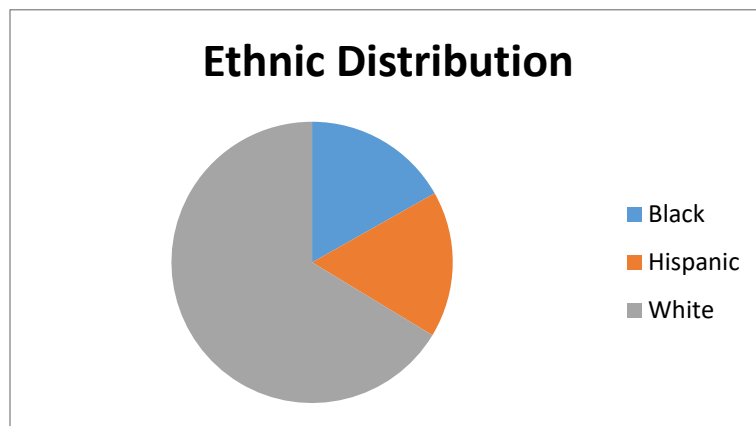
The TBPG's workforce is comprised of 50% females and 50% males. 67% of the employees are over the age of 50. The percentage of employees with more than five years of state experience is 75%.

Figure 1: Workforce Breakdown



The ethnic distribution of the staff is 67% White, 17% Black, and 17% Hispanic. The following pie charts display the gender and ethnicity of the TBPG workforce as of May 10, 2024.

Figure 2: Ethnic Distribution



### C. Employee Turnover

Turnover is an important issue in any organization and TBPG is no exception. The TBPG turnover rate as per the January 2024 SAO Report #24-702 is 0.0% but our organization has experienced key team member separations since this SAO report as a result of opportunities for higher pay (2 Employees) and relocation (1 Employee).

## **D. Retirement Eligibility**

During fiscal years 2023-2024, no agency employees were eligible to retire. One employee is retired from state government (from another state agency) and returned to state government with TBPG. TBPG recognizes the importance of attracting and retaining tenured employees to capture experience and knowledge.

### **Future Workforce Profile (Demand Analysis)**

Agency leadership continues to revise work processes, reorganize business units, and evaluate vacancies within the organization. The changes and resulting performance has shown improvement with critical functions for staff.

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

- Maintaining an effective licensing and enforcement database;
- Providing licensing operations/services (processing examination requests, new license applications and renewals, assisting candidates for licensure, verifying licensure, administering examinations, responding to licensee requests, etc.);
- Proving compliance and enforcement duties (compliance audits, complaint referrals, investigations, filing violation notices, negotiating complaint resolution);
- Providing outreach and education training to direct/indirect customers including state agencies;
- Budget and performance tracking and reporting;
- File, data and website management to continuously move to a digital footprint.

**Anticipated Workforce Changes:** The changes implemented by TBPG Management must continue into the next biennia. Those implemented changes include:

- Increased use of current technology to improve business operations and communication;
- Streamlining of workflow processes to address operational bottlenecks;
- Cross-training of employees in functional areas to ensure business continuity;

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

The TBPG's current level of FTEs appears to be sufficient to complete its mission at this time but we are preparing for an increase in licensing numbers as our qualifying examinations have moved to an electronic based model. This new model provides licensing candidates with greater statewide access to required examinations. In the short term, we prepared for this expected uptick in applications by cross training existing team members to assist with broad agency functions during peak periods. Reductions or vacancies within current FTE levels impact the agency's ability to continue providing exceptional service because, with a small team, all team members work directly on critical functions. Our Executive Director manages all team members and activities including the operational analysis, development and implementation of agency

goals, strategies, policies, processes, and procedures. Other (6) TBPG FTE's/team members are utilized as follows:

- One Agency Financial Officer, is responsible for Accounting, Purchasing, and Human Resources related functions;
- One Compliance Coordinator, fulfills compliance, investigative, enforcement, and outreach related functions;
- One (currently vacant) Operations Coordinator, is responsible for leading all compliance and licensing administrative functions, agency reporting, strategic performance, and assisting with financial related functions.
- One Licensing Administrative Coordinator, is responsible for license application, renewal, and examination activities and assisting with agency operations related functions including reporting tasks and database reviews;
- One Administrative Program Specialist is responsible for providing administrative support across our compliance, enforcement, and licensing operations.
- One Website Program Specialist (.5 FTE) is responsible for maintaining our agency website and on-line presence, assisting with online compliance monitoring, and generating online related reporting.

### **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 previously, these are additional staff competencies essential for the TBPG's continued success:

- Change management
- Process analysis and improvement
- Team building
- Project management
- Multi-tasking
- Strategic planning
- Leadership
- Communication
- Human resource knowledge
- Database management
- Online media management, development, and publication

## Schedule H – 2024 Report on Customer Service Summary of Results

The Texas Board of Professional Geoscientists' external customers include all licensed Professional Geoscientists, Registered Geoscience Firms, and Certified Geoscientists-in-Training. Additional TBPG stakeholders include environmental professionals, business owners, all levels of government entities/agencies, academic institutions, consumer advocates, and the general public.

Current Number of Licensed Professional Geoscientists:	3171*
Current Number of Registered Geoscience Firms:	341*
Current Number of Geoscientists-in-Training:	261*
Other Stakeholders/ Unlicensed Entities:	5928
<hr/>	
<b>Total Identifiable External Customers:</b>	<b>9,701</b>

\*Totals as of 05/29/2024

### Methods of Information Gathering

For the 2024 Report on Customer Service, an invitation to participate in the Customer Service Survey was sent out by e-mail on May 13th, 2024 to 9,701 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. A total of 317 survey responses were received by May 29, 2024. This Survey will close on August 31, 2024

**Rate of Response.** A total of 317 surveys were completed as of May 29, 2024 for a response rate of 3.2%. The survey results will be updated with final results at the close of FY24.

### Performance Measures Related to Customer Service Standards

#### Outcome Measures

- 83% of customers expressed overall satisfaction with TBPG services;
- 24% of customer's answers to survey questions were Not Applicable;
- 36% (195 customers) left comments.

### Assessment

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

- 83% rated TBPG staff as courteous;
- 83% viewed positively the overall customer service;

- 80% rated TBPG staff as responsive;
- 83% viewed TBPG staff as knowledgeable;
- 85% viewed positively the online license renewal process;
- 81% rated favorably the accuracy of written materials;
- 84% viewed the information on the website as accurate;
- 81% viewed the TBPG Ethics video favorably.

The positive results in these areas reflect TBPG’s ongoing commitment to providing quality/responsive customer service. TBPG has streamlined agency functions and processes in recent years to improve workflow/service delivery. TBPG has expanded its online license functionality with continuous improvements and refinements to our 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 is generating quarterly newsletters distributed by e-mail to improve communication with all interested individuals regarding agency meetings and 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 the following potential areas for improvement:**

- 84% of respondents were satisfied with the TBPG website. We have operated with a basic low-cost website platform that was upgraded to a more current version during FY23. This new version has allowed us to make some basic improvements for our customers but we recognize there will be a future need to identify or request additional funds for a full overhaul of the website design and capability to better serve our customers;
- It is noted that actual response related to knowledge about TBPG’s complaint handling process is low. Of 317 total answers, 199 individuals (approximately 62%) answered “Not Applicable” regarding how they view TBPG’s handling of complaints. TBPG is not surprised by this response rate because, in general, licensees have no actual experience with the complaint process unless they have been a party to a complaint. TBPG will continue to increase education efforts related to outlining the agency’s complaint process ;
- 54.25% of responses indicated very satisfied/satisfied with TBPG’s office facility and TBPG’s examination sites (accessibility, convenience, and use of signs). This is a favorable response that is attributed to our move into new office space at the George H.W. Bush Building. This is also attributed to a transition in March 2023 from an Austin site based examination to a statewide examination site model that is more accommodating to licensing candidates. There was a notable 45.11% response rate of “Not Applicable” to this question. We see

this as a positive indicator that our expanded online services are meeting the needs of applicants and current licensees by providing direct access to their records without needing to visit our office space. This is also a reflection of the improvement in information provided on our website. TBPG will continue to identify and implement strategies to expand our online operations.

TBPG appreciates the feedback we receive from our customers, and, in the spirit of continuous improvement, we will further analyze the 2024 Report on Customer Service as well as seek additional opportunities for feedback to constantly improve our services and operations. TBPG's Appointed Board has been a great partner in our efforts to analyze service performance and initiate improvements to ensure we provide the highest level of service to our customers.



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