

Memorandum of Understanding

Between

THE TEXAS BOARD OF PROFESSIONAL ENGINEERS

And

THE TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Under the Texas Geoscience Practice Act (Chapter 1002 Occupations Code), the Texas Board of Professional Geoscientists ("Geoscientists") is authorized to regulate the practice of geoscience in Texas to protect the public health, safety, and welfare, including promulgation and enforcement of rules, and licensing qualified individuals.

Under the Texas Engineering Practice Act (Chapter 1001 Occupations Code), the Texas Board of Professional Engineers ("Engineers") is authorized to promulgate and enforce all rules and regulations necessary to ensure that the practice of engineering is performed in keeping with the purposes and intent of the Texas Engineering Practice Act.

In consideration of the provisions of the Texas Geoscience Practice Act, Tex. Occ. Code §1002.004 (j), the Geoscientists and the Engineers have entered into this Memorandum of Understanding (MOU) to clarify each agency's separate and common authority by developing a common process and methodology to identify professional services that are engineering and regulated by the Texas Board of Professional Engineers, professional services that are geoscience and regulated by the Texas Board of Professional Geoscientists, and professional services that are both engineering and geoscience, and that can be legally performed by either engineers or by geoscientists and are regulated under the statute and rules promulgated by their respective Boards.

This MOU is entered into under the statutes and rules of the Texas Geoscience Practice Act and the Texas Engineering Practice Act and definitions provided therein.

It is therefore agreed between the Texas Board of Professional Geoscientists and Texas Board of Professional Engineers that:

I. Professional Work.

Both professional engineers and professional geoscientists licensed in Texas may perform, and certify by signature and seal, any work for which they are qualified and authorized to do under their respective Acts.

II. Standing Joint Committee.

The Texas Board of Professional Engineers and Texas Board of Professional Geoscientists agree to create a standing joint committee with three members appointed by the Chair of each Board, with the concurrence of the respective Boards. Two of the members from each Board will be members licensed by the respective Board and one from each Board will be a public member. A quorum of the committee shall be four members consisting of at least two members of each Board.

- A.** The purpose of the Standing Joint Committee will be to review matters that affect both Boards, develop a mutually cooperative, effective and collaborative process to identify and resolve issues pertaining to overlap between the professional practice of engineering and the professional practice of geoscience to effectively protect the public health, safety, and welfare in the State of Texas. The committee will report its findings to both Boards with recommendations for adoption of joint opinions, policies, procedures, agreements, methodologies, or rules.
- B.** Members shall be appointed for three-year staggered terms, with one Engineer Board member's term and one Geoscientist Board member's term expiring on August 31 of each year. Co-committee Chairs will be elected from the membership of the committee by the committee upon convening, as the first order of business. All Committee members will be voting members. Committee meetings will alternate between the headquarters of the two Boards.

III. Standing Joint Committee Review of Overlapping Work

- A.** The Standing Joint Committee will review whether a licensed PG may perform work that is both engineering (which is not expressly prohibited under the Geoscience Practice Act, under Tex. Occ. Code § 1002.004) and geoscience, if that work is incidental and specific to their work as a geoscientist, provided the PG has demonstrated competence in that area of work and they sign and seal the specific work as a PG.
- B.** The Standing Joint Committee will review whether a licensed PE may perform work that is both engineering and geoscience, if that work is incidental and specific to their work as an engineer, provided that the PE has demonstrated competence in that area of work and they sign and seal their specific work as a PE.
- C.** A PG may not sign or seal engineering work as a PE or otherwise represent that work in their responsible charge is engineering. A PE may not sign or seal geoscience work as a PG or otherwise represent that work in their responsible charge is geoscience.

IV. Complaint Procedures

- A. A complaint against a PG performing engineering work should initially be filed with the Engineers. A complaint against a PE performing geoscience work should initially be filed with the Geoscientists. Each Board will send a letter to the other Board when it is determined that a licensee may be practicing in the other's field inappropriately. That letter would summarize the complaint against the PG or PE and ask the respondent's Board if their statute and rules would allow the licensee to perform the work that is the subject of that complaint.
- B. A complaint against an unlicensed individual performing geoscience should be filed with the Geoscientists. A complaint against an unlicensed individual performing engineering should be filed with the Engineers.
- C. Questions regarding potential overlapping or joint jurisdiction between the Geoscientists and the Engineers may be submitted to either Board and shall be resolved to the satisfaction of each agency. If an issue is not resolved, then it could be considered through the efforts of the Standing Joint Committee established under Section II of this MOU.

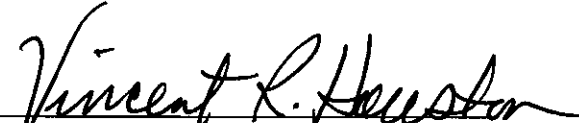
V. Approval, Review and Amendment.

This MOU is entered into by the Engineers and the Geoscientists by signature of each Board Executive Director. If any signatory to this MOU determines that the terms of the MOU cannot be fulfilled, the signatories or those designated by the signatories will consult to seek amendment of the MOU. In addition, as necessary, the Boards will periodically reevaluate this MOU and update it as necessary to ensure that it remains consistent with applicable laws and regulations, and protects the health, safety and welfare of the public. This document represents the full and complete agreement between the two agencies. The MOU will become effective on the date of the last signature, and shall remain in effect unless rescinded by both Boards by formal vote, confirmed in writing by the respective Executive Director.



DALE BEEBE FARROW, P.E.
Executive Director
TEXAS BOARD OF PROFESSIONAL ENGINEERS

8/6/2008
Date



VINCENT R. HOUSTON
Acting Executive Director
TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

8/6/2008
Date

History: First approved February 2005; amended and approved by Standing Joint Committee April 10, 2008.