

Texas Administrative Code

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Title 22. Examining Boards

Part 39. Texas Board of Professional Geoscientists

Chapter 850. Texas Board of Professional Geoscientists

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Chapter 851. Texas Board of Professional Geoscientists Licensing and Enforcement Rules

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Subchapter A. Definitions

§ 851.10 Definitions

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The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

- (1) Act – Texas Occupations Code, Chapter 1002, cited as the Texas Geoscience Practice Act.
- (2) Accredited institutions or programs – An institution or program which holds accreditation or candidacy status from an accreditation organization recognized by the Council for Higher Education Accreditation (CHEA) or other appropriate accrediting entity accepted by the Appointed Board.
- (3) Address of record – In the case of an individual or Firm licensed, certified, or registered by the Texas Board of Professional Geoscientists (TBPG), the address which is filed by the licensee with the TBPG.
- (4) Advertising or Advertisement – Any non-commercial or commercial message, including, but not limited, to verbal statements, bids, web pages, signage, provider listings, and paid advertisement that promotes geoscience services.
- (5) Applicant – An individual making application for a Professional Geoscientist (P.G.) license or a Geoscientist-in-Training (GIT) certification or a firm and/or the Authorized Official of a Firm making application for a Geoscience Firm (Firm) registration.
- (6) Application – The forms, information, attachments, and fees necessary to obtain a license as a Professional Geoscientist, the registration of a Firm, or a certification as a Geoscientist-in-Training (GIT).
- (7) Appointed Board – Those persons who are appointed by the Governor and confirmed by the Senate and qualify for office who may deliberate, vote, and be counted as a member in attendance of the Texas Board of Professional Geoscientists.
- (8) ASBOG® – Association of State Boards of Geology. ASBOG® serves as a connective link among the individual state geology regulatory boards for the planning and preparation of uniform procedures and the coordination of geologic protective measures for the general public. One of ASBOG®'s principal services is to develop standardized written examinations for determining qualifications of applicants seeking licensure as professional geologists. State boards of registration are provided with uniform examinations that are valid measures of competency related to the practice of the profession.

- (9) Authorized Official of a Firm (AOF) – The individual designated by a Geoscience Firm to be responsible for submitting the application to TBPG for the initial registration of the Firm; ensuring that the Firm maintains compliance with the registration requirements; ensuring that the Firm renews its registration status for as long as the Firm offers or provides professional geoscience services; ensuring that the designated geoscientist is a currently licensed P.G.; and communicating with the TBPG regarding any matter.
- (10) Board staff – The Executive Director and all other staff employed by the Texas Board of Professional Geoscientists (administrative, investigative, and other support staff, etc.).
- (11) Cheating – Attempting to obtain, obtaining, providing, or using answers to examination questions by deceit, fraud, dishonesty, or deception.
- (12) Complainant – Any individual who has submitted a complaint to the TBPG, as provided in this chapter.
- (13) Complaint – An allegation or allegations of wrongful activity related to the practice or offering of professional geoscience services in Texas. A complaint is within the TBPG's jurisdiction if the complaint alleges a violation of statutes or rules applicable to the public practice of geoscience or the requirements of licensure of a Professional Geoscientist (P.G.) or registration by an individual, firm, or other legal entity.
- (14) Council of Soil Scientist Examiners (CSSE) – The Council of Soil Science Examiners is a national organization that creates, scores and maintains examinations for State Soil Scientists regulatory programs. CSSE develops professional criteria to confirm that individuals meet and exceed minimum qualifications to practice the profession.
- (15) Default – The failure of the Respondent to respond in writing to a notice or appear in person or by legal representative on the day and at the time set for hearing in a contested case or informal conference, or the failure to appear by telephone, e-mail, fax or other electronic media in accordance with the notice of hearing or notice of informal conference. Default results in the actions being taken that were described in the notice of the hearing for a contested case or informal conference in the event of a failure to appear.
- (16) Digital Signature – A digital authentication attached to, or clearly associated with, an electronic document. A digital signature that meets the requirements of board rules carries the same weight, authority, and effects as an original signature.
- (17) Direct supervision – Critical watching, evaluating, and directing of geoscience activities with the authority to review, enforce, and control compliance with all geoscience criteria, specifications, and procedures as the work progresses. Direct supervision will consist of an acceptable combination of: exertion of significant control over the geoscience work, regular personal presence, reasonable geographic proximity to the location of the performance of the work, and an acceptable employment relationship with the supervised individual(s).
- (18) Discipline – One of three recognized courses of study under which an individual may qualify for a license as a Professional Geoscientist. Geoscience is comprised of the following disciplines: geology, geophysics, and soil science.
- (19) Executive Director – The individual appointed by the Appointed Board who shall be responsible for managing the day to day affairs of the board, in accordance with the Act.
- (20) Filed date – The date that the document has been received by the TBPG or, if the document has been mailed to the TBPG, the postmark date of the document.
- (21) Geology – 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 subdivisions 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.

- (22) Geophysics – Refers to that science which involves the study of the physical Earth by means of measuring its natural and induced fields of force, and its responses to natural and induced energy or forces, the interpretation of these measurements, applied with judgment to benefit or protect the public.
- (23) Geoscience – 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 as applied with professional judgment to develop ways to utilize, those natural and introduced agents, forces, and processes for the benefit of the public.
- (24) Geoscience Firm (Firm) – A firm, corporation, or other business entity that engages in or offers to engage in the practice of professional geoscience before the public in the State of Texas and that is registered by the board to engage in the public practice of geoscience.
- (25) Geoscience services (also professional geoscience services, and professional geoscience) – Services that must be performed by or under the direct supervision of a Professional Geoscientist and that meet the definition of the practice of geoscience as defined in the Texas Occupations Code, §1002.002(3). A service shall be conclusively considered a professional geoscience service if it is delineated in that section; other services requiring a Professional Geoscientist by contract, or services where the adequate performance of that service requires a geoscience education, training, or experience in the application of special knowledge or judgment of the geological, geophysical or soil sciences to that service shall also be conclusively considered a professional geoscience service. These services may include consulting, investigating, evaluating, analyzing, planning, mapping, and inspecting geoscientific work, and the responsible supervision of those tasks.
- (26) License – The legal authority granted the holder to actively practice geoscience upon meeting the requirements as set out in the Act and this chapter.
- (27) License certificate – Any certificate issued by the TBPG showing that a license, registration, or certificate has been granted by the TBPG. A certificate is not valid unless it is accompanied by a card issued by the TBPG that shows the expiration date of the license, registration or certification.
- (28) License status – The status of a Professional Geoscientist license, Geoscience Firm registration, or GIT certification is one of the following:
 - (A) Current license – A license, registration, or certification that has not expired.
 - (B) Expired license – A Professional Geoscientist license that has been expired for less than three years and is therefore renewable, or a Geoscience Firm registration or GIT certification that has been expired for less than one year and is therefore renewable.
 - (C) Permanently expired license – A license, registration, or certification that is no longer renewable.
- (29) Licensee – An individual or other entity holding a current Professional Geoscientist license, GIT certificate, or Firm registration.

- (30) Meritless complaint – a complaint in which the allegations are unfounded or groundless (no legitimate basis for the allegation) or the allegations are unsubstantiated or unverified (no determination could be made as to whether there was any basis for the allegation).
- (31) Non-jurisdictional complaint – a complaint in which the TBPG has no jurisdiction over the alleged conduct.
- (32) Person – Any individual, firm, partnership, corporation, association, or other legal public or private entity, including a state agency or governmental subdivision.
- (33) Professional Geoscientist or P.G. – An individual who holds a license as a Professional Geoscientist issued by the TBPG.
- (34) Practice for the public –
 - (A) Providing professional geoscience services:
 - (i) For a governmental entity in Texas;
 - (ii) To comply with a rule established by the State of Texas or a political subdivision of the State of Texas; or
 - (iii) For the public or a firm or corporation in the State of Texas if the practitioner accepts ultimate liability for the work product; and
 - (B) Does not include services provided for the express use of a firm or corporation by an employee or consultant if the firm or corporation assumes the ultimate liability for the work product.
- (35) The Public – Any individual(s), client(s), business or public entities, or any member of the general population whose normal course of life might reasonably include an interaction of any sort with or be impacted by professional geoscience services.
- (36) Registered Firm – A firm that is currently registered with the TBPG.
- (37) Registrant – An individual whose sole-proprietorship is currently registered with the TBPG or a firm that is currently registered with the TBPG.
- (38) Respondent – Any individual or firm, licensed or unlicensed, who has been charged with violating any provision of the Act or a rule or order issued by the Appointed Board.
- (39) Responsible charge – The independent control and direction of geoscience services or the supervision of geoscience services by the use of initiative, skill, and independent judgment.
- (40) Rule or Board Rule – State agency rules adopted by the Appointed Board and as published in the Texas Administrative Code, Title 22, Part 39, Chapters 850 and 851.
- (41) Soil Science – Soil science means the science of soils, their classification, origin and history, the investigation and interpretation of physical, chemical, morphological, and biological characteristics of the soil including, among other things, their ability to produce vegetation and the fate and movement of physical, chemical, and biological contaminants.
- (42) Sole practitioner – An individual Professional Geoscientist who operates a geoscience business and who is in responsible charge of all geoscience work performed by or for the business.
- (43) TBPG – The Texas Board of Professional Geoscientists, as used in this chapter, is a reference to the whole or any part of the entity that is the Texas Board of Professional Geoscientists.

Subchapter C. Code of Professional Conduct

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§ 851.101 General

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- (a) This subchapter is promulgated pursuant to the Act, Texas Occupations Code (TOC), §1002.153, which directs the Appointed Board to adopt a code of professional conduct that is binding on all license holders under the Act and provides that the Appointed Board may enforce the code by imposing sanctions, as provided by the Act or this chapter. Except as otherwise noted, this subchapter applies only to situations which are related to the practice of professional geoscience.
- (b) Any person who holds a Professional Geoscientist (P.G.) license, is a Geoscience Firm, or who holds a certificate as a Geoscientist-in-Training (GIT) is responsible for understanding and complying with the Act, rules adopted by the Appointed Board, and any other law or rule pertaining to the practice of professional geoscience. Any person under application for, currently holding, or eligible to renew a license, registration, or certification issued by the Texas Board of Professional Geoscientists (TBPG) is bound by the provisions of the Act and this chapter. The TBPG maintains jurisdiction over a license, registration, or certification it issues as long as the license, registration, or certification is current or renewable.
- (c) A P.G., a Firm, or a person who holds a certificate as a GIT having knowledge of any alleged violation of the Act and/or TBPG rules shall cooperate with the TBPG in furnishing such information as may be required.
- (d) A P.G., a Firm, or a person who holds a certificate as a GIT shall timely answer all inquiries concerning matters under the jurisdiction of the TBPG and shall fully comply with final decisions and orders of the Appointed Board. Failure to comply with these matters shall constitute a separate offense of misconduct subject to the penalties provided under the Act or this Chapter.
- (e) The Appointed Board may take disciplinary actions as provided in §1002.403 of the Act for reasons stated in §1002.402 of the Act.
- (f) This subchapter is not intended to suggest or define standards of care in civil actions against P.G.s, GIT, or Firms involving their professional conduct.
- (g) A P.G. or a Firm may donate professional geoscience services to charitable causes but must adhere to all provisions of the TBPG Act and rules for all geoscience services rendered, regardless of whether the P.G. or Firm is paid for the geoscience services.
- (h) A P.G. or a GIT who is presenting geoscientific fact testimony, including geoscientific interpretation, analysis, or conclusions, or recommending geoscientific work before any public body or court of law, whether under sworn oath or not, must adhere to all provisions of the Act and the rules of the TBPG in the provision of all professional geoscience services rendered, regardless of whether the P.G. is paid for the service.

§ 851.102 Competence/Negligence

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- (a) A Professional Geoscientist or a Geoscience Firm shall undertake to perform a professional service only when the Professional Geoscientist or Geoscience Firm, together with those whom the Professional Geoscientist or Geoscience Firm shall engage as consultants, are qualified by education

and/or experience in the specific technical areas involved. During delivery of a professional service, a Professional Geoscientist or Geoscience Firm shall act with reasonable care and competence and shall apply the technical knowledge and skill, which is ordinarily applied by reasonably prudent Professional Geoscientists practicing under similar circumstances and conditions.

- (b) A Professional Geoscientist shall not affix his/her signature or seal to any document dealing with subject matter in which he/she is not qualified by education and/or experience to form a reasonable judgment.
- (c) A Professional Geoscientist or a Geoscience Firm shall not engage in conduct or perform professional geoscience services characterized by Gross Incompetence including work that evidenced an inability or lack of skill or knowledge necessary to discharge the duty and responsibility required of a Professional Geoscientist or Geoscience Firm; or evidenced an extreme lack of knowledge of, or an inability or unwillingness to apply, the principles or skills generally expected of a reasonably prudent Professional Geoscientist or Geoscience Firm.
- (d) A Professional Geoscientist who has been adjudicated mentally incompetent by a court may not renew a license or engage in activities requiring a license under the Act.

§ 851.103 Recklessness

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- (a) A Professional Geoscientist or Geoscience Firm shall not practice geoscience in any manner that, when measured by generally accepted geoscience standards or procedures, does or is reasonably likely to result in the endangerment of public health, safety, or welfare. Such practice is deemed to be "reckless."
- (b) "Recklessness" shall include the following practices:
 - (1) Conduct that indicates that the Professional Geoscientist or Geoscience Firm is aware of yet consciously disregards a substantial risk of such a nature that its disregard constitutes a significant deviation from the standard of care that a reasonably prudent Professional Geoscientist or Geoscience Firm would exercise under the circumstances;
 - (2) Knowing failure to exercise ordinary care and attention toward the intended result when a procedure, technique, material, or system is employed as a result of a decision made by the Professional Geoscientist or Geoscience Firm and such failure jeopardizes or has the potential to jeopardize public health, safety, or welfare; or
 - (3) Action which demonstrates a conscious disregard for compliance with a statute, regulation, code, ordinance, or recognized standard applicable to a particular project when such disregard jeopardizes or has the potential to jeopardize public health, safety, or welfare.

§ 851.104 Dishonest Practice

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- (a) A Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm shall not directly or indirectly perform an act, omit or allow an omission, make an assertion, or otherwise engage in a practice in such a manner as to:
 - (1) Defraud;

- (2) Deceive; or
- (3) Create a misleading impression.
- (b) A Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm shall not advertise publicly or individually to a client or prospective client in a manner that is false, deceptive, misleading, inaccurate, incomplete, out of context, or not verifiable.
- (c) A Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm shall not directly or indirectly solicit, offer, give, or receive anything or any service of significant value as an inducement or reward to secure any specific government-funded geoscience services.
- (d) A Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm shall not make any false, misleading, deceptive, fraudulent or exaggerated claims or statements about the services of an individual or organization, including, but not limited to, the effectiveness of geoscience services, qualifications, or products.
- (e) If a Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm learns that any false, misleading, deceptive, fraudulent or exaggerated claims or statement about the geoscience services, qualifications or products have been made, the licensee shall take reasonable steps to correct the inappropriate claims. As appropriate, the Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm may notify the TBPG in writing about these claims.
- (f) Professional Geoscientists and Geoscience Firms shall issue statements in an objective and truthful manner. Professional Geoscientists, Geoscientist-in-Training, and Geoscience Firms must make reasonable efforts to make affected parties aware of the concerns regarding particular actions or projects, and of the public health, safety, and welfare consequences of geoscientific decisions or judgments that are overruled or disregarded.
- (g) A Geoscience Firm that retains or hires others to advertise or promote the firm's practice remains responsible for the statements and representations made.
- (h) A Geoscience Firm shall maintain a work environment that uses standard operating procedures and quality assurance/quality control standards related to the Geoscience Firm's practice to ensure that the Geoscience Firm protects the public health, safety, and welfare.

§ 851.105 Conflicts of Interest

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- (a) If a Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm has any business association or financial interest that might reasonably appear to influence the judgment of the Professional Geoscientist, Geoscientist-in-Training, or Geoscience Firm in connection with the performance of a professional geoscience service, and thereby jeopardize an interest of a client or employer, the P.G., GIT, or Firm shall promptly inform the client or employer in writing of the circumstances of the business association or financial interest. Unless the client or employer provides written consent after full disclosure regarding the circumstances of the business association or financial interest, the Professional Geoscientist, Geoscientist-in-Training, or Geoscience Firm shall either terminate the business association or financial interest or forego the project or employment.
- (b) A Professional Geoscientist, Geoscientist-in-Training, or Geoscience Firm shall not solicit or accept, directly or indirectly, any financial or other valuable consideration, material favor, or other benefit of any substantial nature, financial or otherwise, from more than one party in connection with a single project or assignment unless the circumstances are fully disclosed in writing to all parties.

- (c) A Professional Geoscientist, Geoscientist-in-Training, or Geoscience Firm shall not solicit or accept, directly or indirectly, any financial or other valuable consideration, material favor, or other benefit of any substantial nature from any supplier of materials or equipment or from any contractor or any consultant in connection with any project on which the Professional Geoscientist, Geoscientist-in-Training, or Geoscience Firm is performing or has contracted to perform geoscience services.

§ 851.106 Responsibility to the Regulation of the Geoscience Profession and Public Protection

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- (a) Professional Geoscientists, Geoscientists-in-Training, and Geoscience Firms shall be entrusted to protect the public in the practice of their profession.
- (b) A Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm shall not:
- (1) Knowingly participate, directly or indirectly, in any plan, scheme, or arrangement having as its purpose the violation of any provision of the Act or the rules of the TBPG;
 - (2) Aid or abet, directly or indirectly:
 - (A) Any unlicensed person in connection with the unauthorized practice of professional geoscience;
 - (B) Any business entity in the practice of professional geoscience unless carried on in accordance with the Act and this chapter; or
 - (C) Any person or any business entity in the use of a professional seal or other professional identification so as to create the opportunity for the unauthorized practice of geoscience by any person or any business entity.
 - (3) Fail to exercise reasonable care or diligence to prevent his/her partners, associates, shareholders, and employees from engaging in conduct that, if done by a Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm, would violate any provision of the Act or the rules of the TBPG.
- (c) A Professional Geoscientist or a Geoscientist-in-Training possessing knowledge of an Applicant's qualifications for licensure shall cooperate with the TBPG by timely responding in writing to the TBPG regarding those qualifications when requested to do so by the TBPG.
- (d) A Professional Geoscientist shall be responsible and accountable for the care, custody, control, and use of his/her Professional Geoscientist seal, professional signature, and other professional identification. A Professional Geoscientist whose seal has been lost, stolen, or otherwise misused shall report the loss, theft, or misuse to the TBPG immediately upon discovery of the loss, theft, or misuse. The Executive Director may invalidate the license number of the lost, stolen, or misused seal upon the request of the Professional Geoscientist if the Executive Director deems it necessary.
- (e) A Professional Geoscientist, a Geoscientist-in-Training, or an Authorized Official of a Firm shall remain mindful of his/her obligation to the profession and to protect public health, safety, and welfare and shall report to the TBPG known or suspected violations of the Act or the rules of the TBPG.
- (f) A Professional Geoscientist or Geoscience Firm shall keep adequate records of geoscience services provided to the public for no less than five (5) years following the completion and final delivery of the service. Adequate records shall include, but not be limited to:
- (1) Documents that have been signed and sealed or would require a signature and a seal;

- (2) Relevant documentation that supports geoscientific interpretations, conclusions, and recommendations;
 - (3) Descriptions of offered geoscience services;
 - (4) Billing, payment, and financial communications; and
 - (5) Other relevant records.
- (g) Professional Geoscientists, a Geoscientists-in-Training, and Geoscience Firms must adequately examine the environmental impact of their actions and projects, including the prudent use and conservation of resources and energy, to make informed recommendations and decisions.

§ 851.107 Prevention of Unauthorized Practice

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- (a) A Professional Geoscientist, a Geoscientist-in-Training, or Geoscience Firm shall not practice or offer to practice geoscience in any governmental jurisdiction in which to do so would be in violation of a law regulating the practice of geoscience in that jurisdiction.
- (b) A Professional Geoscientist who fails to renew his/her license prior to its annual expiration date shall not use the title, "Professional Geoscientist" or the initials, "P.G." and shall not offer to or engage in the public practice of professional geoscience or otherwise engage in activities that require a license until after the Professional Geoscientist's license has been properly renewed.
- (c) A Geoscience Firm that fails to renew its Geoscience Firm registration prior to its annual expiration date shall not use the title, "Geoscience Firm" and shall not offer to or engage in the public practice of geoscience as defined by the Texas Occupations Code §1002.002 until after the Geoscience Firm's registration has been properly renewed.
- (d) A Geoscientist-in-Training who fails to renew his/her certification prior to its annual expiration date shall not use the title, "Geoscientist-in-Training" until after the Geoscientist-in-Training's certification has been properly renewed.

§ 851.108 Criminal Convictions

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- (a) The TBPG will adhere to the provisions of Texas Occupation Code (TOC) Chapter 53 regarding the review of criminal convictions and certain deferred adjudications in regard to actions taken against an Applicant for a license or a license holder as a consequence of criminal conviction or certain deferred adjudications, as specified in TOC Chapter 53.
- (b) Crimes directly related to the duties and responsibilities of a Professional Geoscientist include any crime that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld for the practice of professional geoscience, such as the following:
 - (1) Criminal negligence;
 - (2) Soliciting, offering, giving, or receiving any form of bribe;
 - (3) The unauthorized use of property, funds, or proprietary information belonging to a client or employer;

- (4) Acts relating to the malicious acquisition, use, or dissemination of confidential information related to geoscience; and
- (5) Any intentional violation as an individual or as a consenting person of any provision of the Act.
- (c) Any license holder whose license has been revoked under the provisions of TOC 53 due to incarceration may apply for a new license upon release from incarceration.

§ 851.109 Substance Abuse

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=39&ch=851&rl=109](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=39&ch=851&rl=109)

- (a) If in the course of a disciplinary proceeding, the Appointed Board finds that a Professional Geoscientist's abuse of alcohol or a controlled substance, as defined by the Texas Controlled Substances Act, Chapter 481, Texas Health and Safety Code, contributed to a violation of the TBPG Act or rules, the Appointed Board may condition its disposition of the disciplinary matter on the Professional Geoscientist's completion of a rehabilitation program approved by the Department of State Health Services.
- (b) A Professional Geoscientist's abuse of alcohol or a controlled substance that results in the impairment of the Professional Geoscientist's professional skill so as to cause or potentially cause a threat to the public health, safety, and welfare may be deemed "Gross Incompetency" and may be grounds for revocation or suspension of a Professional Geoscientist's license or other appropriate disciplinary actions provided by the Act.
- (c) To determine whether abuse of alcohol or a controlled substance contributed to a violation or whether the continued professional practice of a licensee is a threat to the public safety the Appointed Board may order an examination by one or more licensed health care providers authorized to provide diagnosis or treatment of substance abuse.

§ 851.110 Effect of Enforcement Proceedings on Application

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In accordance with §1002.401(b) of the Act, the TBPG may not issue a license pending the disposition of a complaint alleging a violation in Texas or another state if the TBPG has notice of the alleged violation.

§ 851.111 Professional Geoscientists Shall Maintain Confidentiality of Clients

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=39&ch=851&rl=111](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=39&ch=851&rl=111)

- (a) A Professional Geoscientist, Geoscientist-in-Training, or Geoscience Firm may reveal confidences and private information only with a fully informed client's or employer's consent, or when required by law, rule or court order; or when those confidences, if left undisclosed, would constitute a threat or potential threat to public health, safety, and welfare.
- (b) A Professional Geoscientist, Geoscientist-in-Training, or Geoscience Firm shall not use a confidence or private information regarding a client or employer to the disadvantage of such client or employer or for the advantage of another person.

- (c) A Professional Geoscientist, GIT or Geoscience Firm shall exercise reasonable care to prevent unauthorized disclosure or use of private information or confidences concerning a client or employer by the Professional Geoscientist's or Geoscience Firm's employees and associates.

§ 851.112 Required Reports to the TBPG

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_plc=&pg=1&p_tac=&ti=22&pt=39&ch=851&rl=112](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_plc=&pg=1&p_tac=&ti=22&pt=39&ch=851&rl=112)

- (a) A Professional Geoscientist (P.G.), Geoscientist-in-Training (GIT), or a Geoscience Firm (Firm) shall make written reports to the TBPG office of changes to any of the following within thirty (30) days of the following, as applicable:
- (1) A description of and the effective date of the change;
 - (2) Physical or mailing address of record, electronic mail address, telephone or facsimile number, or other contact information (include P.G. license number and/or Firm number or GIT certificate number as applicable);
 - (3) Changes to a P.G. or GIT's employment (e.g. leaving a firm or starting employment with a new firm, etc.);
 - (4) Any changes in a firm's name (legal trade name or business entity name), the Authorized Official of the Firm (AOF), the firm's owners, officers, or directors, changes in operation including firm type, dissolution of the firm, branches or subsidiary offices of the firm that no longer offers to provide or is not providing professional geoscience services to the public in Texas;
 - (5) Professional Geoscientist(s) employed by the firm or leaving the firm;
 - (6) Professional Geoscientist(s) who serve as the P.G. in Responsible Charge for the firm or any branch offices;
 - (7) Employment status of the P.G.s of the firm;
 - (A) Operation including dissolution of the firm or that the firm no longer offers to provide or is not providing professional geoscience services to the public in Texas; or
 - (B) Operation including addition or dissolution of branch and/or subsidiary offices.
 - (8) Notice as provided in subsection (d) of this section shall include, as applicable, the:
 - (A) Full legal trade or business name entity;
 - (B) The firm registration number;
 - (C) Telephone number of the business office;
 - (D) Name and license number of the license holder employed by or leaving the entity;
 - (E) Description of the change; and
 - (F) Effective date of this change.
 - (9) A criminal conviction, other than a Class C misdemeanor traffic offense, of the licensee or Geoscientist-in-Training;
 - (10) The settlement of or judgment rendered in a civil or criminal lawsuit filed against the licensee or Firm relating to the P.G.'s or Firm's professional geoscience services; or
 - (11) Final disciplinary or enforcement actions against the P.G., GIT, or Firm taken by a licensing or certification body related to the practice of professional geoscience when known by the licensee.

- (b) The information received under subsection (a) of this section may be used by the TBPG to determine whether a possible violation may have occurred.
- (c) Failure to make a report as required by subsection (a) of this section is grounds for disciplinary action by the Appointed Board.
- (d) A Firm that obtains a new certificate of authority from the Office of the Secretary of State or that files a new Assumed Name Certificate with the County Clerk or the Office of the Secretary of State must provide the new instrument number to the TBPG within thirty (30) days of the action.

§ 851.113 Duty to abide by Board order and timely pay administrative penalty

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=39&ch=851&rl=113](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=39&ch=851&rl=113)

- (a) All persons who are the subject of a Board order shall abide by the terms of that order. Failure to abide by the terms of a Board order is grounds for disciplinary action.
- (b) All persons who are assessed an administrative penalty must pay the administrative penalty not later than the 30th day after the date the Board's order becomes final or they must timely satisfy section 1002.454(b) of the Texas Occupations Code.
- (c) Failure to timely pay an administrative penalty is grounds for disciplinary action. This subsection does not apply if a person timely complies with section 1002.454(b) of the Texas Occupations Code regarding staying the enforcement of the administrative penalty at issue.
- (d) The Appointed Board may deny a person's request for a license, registration or certification, or the renewal of a license, registration, or certification if the person has failed to timely pay an administrative penalty.
- (e) When a person pays money to the TBPG, the TBPG may first apply that money to outstanding administrative penalties owed by that person before applying it to any other fee or cost.