

**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833-2944

Telephone: (916) 263-2222 Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.pels.ca.gov

**Implementation of ABx4 20, October 23 - December 8, 2009.**

With the elimination of the Board for Geologists and Geophysicists (BGG), will the consumer protections developed so diligently by the former BGG be continued?

The laws affecting the ability to provide effective consumer protection through the testing, regulation, and discipline of Geologists and Geophysicists did not go away. The new law transfers those functions of the former BGG to the Board for Professional Engineers and Land Surveyors (BPELS).

Business and Professions [B&P] Code: §7801.

(a) "Board," as used in this chapter, means the Board for Professional Engineers and Land Surveyors established under Section 6710. Any reference in any law or regulation to the Board for Geologists and Geophysicists or the State Board of Registration for Geologists and Geophysicists shall be deemed to refer to the Board for Professional Engineers and Land Surveyors.

(b) The board shall succeed to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction previously vested in the Board for Geologists and Geophysicists.

The former BGG held up the protection of the public as the highest priority. How do BPELS laws afford these same protections?

BPELS has an almost identical statutory authority and mission to preserve the public interest as did the former BGG.

The former BGG statute:

B&P Code §7810.1,

- "Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions pursuant to this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

The existing BPELS law, B&P Code §6710.1

- "Protection of the public shall be the highest priority for the Board for Professional Engineers and Land Surveyors in exercising its licensing, regulatory, and disciplinary functions. Whenever protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

What administrative actions have occurred since the October 23, 2009 merger?

The office, staff, equipment and phone lines of the former BGG have been physically moved to the BPELS headquarters office in Sacramento. All forms with the previous BGG information are being identified and reviewed for current information.

The former BGG had an approved budget of \$1.4 mil for the fiscal year ending June 30, 2010. The budget act, ABx4 20 provided for a staffing level of two permanent positions. How is the Geology budget impacted by the reduction in staffing from eight permanent positions to two?

The Department of Finance has not released final budget figures from the October 23, 2009 transition. If the current budget is reduced by the Department of Finance based on the two staff positions in the budget act, current fiscal considerations provide that those “dollars” tied to a reduction will be redirected to the former BGG reserve fund. Monies cannot, by law, be reverted from the special funds Geology programs to the general fund. BPELS has requested that all revenue collected for the professional geologist and geophysicist categories continue to be identified and used exclusively for those programs.

The former BGG had about eight positions and the budget act only provides for two staff. How is BPELS maintaining the existing workload?

Budget bill ABx4 20 eliminated the former BGG board members and reduced the staff to two permanent positions. Personnel required supporting the basic public protection mandates are being provided through the use of temporary staff. Additional positions will be requested as provided under the budget change proposal (BCP) discussed below.

The 2010-11 proposed budget is due by the Governor to the legislature on January 10, 2010. The BCP document contains workload and staffing levels to address program needs and is reviewed by the Department of Consumer Affairs for accuracy and quality of information and sent to the DOF for consideration. On the recommendation of DOF, all approved BCPs are then incorporated into the Governor’s proposed budget for the 2010-11 cycle and then impacted departments notified around May 2010. The new budget is effective July 1, 2010 or upon signature of the Governor, whichever date later.

How will exams be developed?

Subject matter experts (SMEs) are those individuals so called because they have a technical expertise and hold a license in the discipline that is being tested. SMEs are trained in the basics of test development following the Uniform Guidelines for Employee Selection, et al. These SMEs can volunteer for exam workshops through a recruitment effort by BPELS. BPELS is currently recruiting for a pool of SMEs to be used in exam development.

I was signed up for the specialty spring 2010 exams. What is the status of those tests?

The spring 2010 specialty exams have been postponed until fall 2010. Postponement was advised as the best option because there was insufficient time to complete the test development cycle for the scheduled spring 2010 specialty exams. The BPELS website was

updated and impacted candidates who had applied were notified this week of their options for postponing the test or requesting a refund.

I passed the test, how do I now get my license/how do I renew my license?

Exam candidates eligible for licensure will follow the same process in place that was used prior to the October 23, 2009 transfer of functions to BPELS. Applications and fees, and renewal information/fees, will now be sent to the BPELS headquarters in Sacramento for processing by the Geology/Geophysicists program staff. A refile date of January 14, 2010 has been set.

How do I know that complaints filed for violations of the Geology Act will be processed fairly?

Complaints filed regarding alleged violations of the Geology Act will follow the same standard of care as those case processing guidelines used by many licensing boards, including BPELS. The guidelines include a review of the technical merits of the complaint through the use of licensed experts in the field. In the case of "crossover" complaints, i.e., engineers performing geology duties or vice versa, those complaints will continue to be handled as they are now, within the corresponding program and with independent reviews by the appropriate licensed professional. The continuation of technical experts is recommended to ensure that the highest standards of consumer protection are provided.

Will any of the former BGG laws and regulations be changed?

Existing statutes/regulations are under review to identify changes needed created by ABx4 20. All regulatory areas identified for correction will include a public component for discussion/input as provided for in the Administrative Procedure Act. Statutory updates requiring legislative changes will also be addressed at future board meetings.

How will BPELS set policy for Geologists/Geophysicist without a Geoscientist on the board?

All boards share a similar responsibility: setting policy and adopting regulations, sponsoring and/or taking positions on legislation, making decisions on disciplinary matters, and representing the board at the legislature, associations, media and public.

BPELS, as well as the former BGG, has a majority number of public member vs. licensing member representation. Public members have been in leadership roles, served on committees and, in fact, act to make significant policy and licensing decisions based on the information developed and recommendations provided for policy decisions.

BPELS currently has the authority to establish a Technical Advisory Committee (TAC) to address specific action items and provide a recommendation to the board. The TAC is comprised of licensed industry members, a board member liaison and office staff. The TAC meets in the open forum with a formal published agenda and discussion with input by the public. A TAC could be used to address policy issues specific to the Geologist and Geophysicist program.

How will BPELS provide input at the national level – ASBOG?

The BPELS Executive Officer attended the ASBOG 2009 annual meeting and voted against the proposed exam fee increase for 2011; but the majority vote prevailed. California interests in the construction of the national exam are well represented by two well known CA licensed geologists. ASBOG confidentiality rules prohibit the disclosure of the names of these individuals.

What is scheduled for participation at the local level?

BPELS encourages the Executive Officer to participate at association meetings and outreach events as scheduled. The BPELS EO is an active contributor to the bimonthly Architectural and Engineering Committee that meets in Sacramento. That committee is comprised of various association memberships and license disciplines.

How can I participate in or become aware of Geology/Geophysics items?

You can request to be on the mailing list for Board published items by sending your mailing address to Geology@dca.ca.gov BPELS is also working on an email subscription service. Check the board website frequently at www.geology.ca.gov for updates to the email subscription service and changes to the profession.