

Texas Board of Professional Engineers

Ethics and Code of Conduct / Engineering Practice Update

March 4, 2008

David Howell, P.E.
Director of Licensing



Agenda

- What's new at the Board
- Rule Changes/Reminders
- Engineering Anniversary
- Ethics and Code of Conduct



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Board Organization & Responsibilities



- 9 members appointed by the governor; 6 PEs, 3 public members
- Approve rules
- Approve issuance of licenses and firm registrations, and testing
- Approve compliance actions
- Provide direction and oversight to Board staff through the Executive Director

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Chairman Govind Nadkarni, P.E. Corpus Christi	Vice Chair Joe Cardenas, P.E. El Paso
	

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Agency Organization & Responsibilities

- Executive Director:
 - ◆ Ms. Dale Beebe Farrow, P.E.
- 30 Staff
- Review and process all licensing applications (~2000 / year)
- Investigate all enforcement cases (~750 / year)
- Administer Licenses for 50,000 PE's
- Administer Registrations for 7,000 Firms

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What's New


- HB 899 Signed by the Governor

- HB3249 Extends SDSI Status of TBPE; signed by the Governor


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House Bill 899



- Introduced by Representative Smith
- Clean up on Per diem, creates Treasurer, exempts elderly from fee increase, specifies numerical exam scores will be given
- Provides an exemption from signing and sealing if exempt from licensure
- Allows Board members involved in enforcement to discuss, but not vote, on case.
- Allows licensees to go inactive at any time

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Rules update



- Limiting time allowed prior to degree
- Waivers for former Texas license holders
- Inactive Status fees
- Electronic Signing and sealing


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Update on NCEES

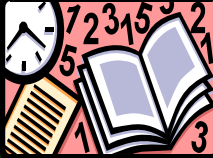
- Southern Zone elects Govind Nadkarni, P.E. (TX) as zone Assistant Vice President
- Computer Based Testing Task Force formed
- BS+ 30 being debated again
- +30 courses are being defined
- New/ changed Civil pm modules
- Structural I and II exams are being combined for 16 hr exam by 2011
- Civil/Structural replaces stand alone Structural I

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Exam Irregularities

- NCEES collusion analysis
- NCEES withheld grades pending investigation
- 39 examinees investigated in Texas for 5 exam cycles
October 2005 through October 2007
- 7 resulted in retake of exams
5 banned from exam for 2 yrs
3 pending investigation
- Improvements needed to exam administration- working with NCEES



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More Board Updates

- Broadcasting of Board Meetings
- Discussion of Ethics Violations
- International agreement with Australia
- Criminal Conviction Guidelines




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Software Engineering Taskforce

- Comprises Educators, Practitioners and Board staff
- Adopted charter and comments to NSPE
- Adopted purpose and definition
- Evaluating scope including what needs to be sealed
- Forming Consortium - Met w/ NSPE & IEEE




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Controversy on Building Design

- DM-161
- TBPE Policy Advisory Opinion
- Joint Advisory Committee
- AG opinion request GA-0391




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Path Forward

- Staff and ED's worked to define overlap as possible path forward
- TBAE adopted 1.210 for plans and specs
- Republished TBPE Policy Advisory Opinion on Building Design-that was on hold
- Joint Advisory Committee (JAC) met several times this year
- Taskforce is working toward a resolution
- JAC extended for 4 yrs




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Reminders

- **Reference Statements**
 - ◆ Experience is a vital component of licensure
 - ◆ Board relies on PE references
 - ◆ Give fair, honest, accurate evaluations
 - ◆ Do not give ‘buddy’ references
 - ◆ Do not retaliate

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Reminders

- **Reference Statements**
 - ◆ PE not required to provide a reference
 - ◆ Do not provide reference if not comfortable with applicant
 - ◆ “Cold Calls”
 - ◆ Not familiar with work
 - ◆ Reference Form
 - ◆ Review SER - edit if necessary!


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Reminders


- **Areas of Competency**
 - ◆ PE can only practice in areas where competent
 - ◆ Branch listed on website
 - ◆ Listing does not restrict practice
 - ◆ Verify current listing
 - ◆ Education / Exam / Experience

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Outreach

- 2007 Stats through Q3
 - ◆ 4,800 Attendees
 - ◆ 84 Presentations
- Including K-12
 - ◆ E-Week




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Online System

- Designed in house
- Deployed for December '05 renewals
- 37% first time usage- now up to ~ 50%
- Allows you to update information and CEP
- Online Firm renewal is now available
- It's now FREE!!
- Visit www.tbpe.state.tx.us




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Celebrating 70 years of Licensure In Texas

- 100 years of licensure nationally
- New London School Explosion Memorial
- 1st Texas PE, TU Taylor
- Governor Declared May 2007 Engineering Licensure Month

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 **1st PE – T.U. Taylor**



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 **New London School Explosion**

- March 18, 1937
- New London, TX
- Natural Gas Explosion
- Approx 300 students & teachers died
- Legislative Outcome:
 - ◆ Mercaptan
 - ◆ Texas Engineering Practice Act

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Ethics and Code of Conduct

- Engineering Ethics
 - ◆ Personal Ethics
 - ◆ Common Morality
 - ◆ *Professional Ethics*
 - ◆ Acting as a professional
 - ◆ Code of Conduct


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Ethics and Code of Conduct

- Code of Conduct vs. Law and Rules
 - ◆ Guidelines for Behavior
 - ◆ List of instructions and penalties


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Ethics and Code of Conduct

- Ethics vs. Law and Rules
 - ◆ “How should I behave” vs. “Will I get in trouble if...”
 - ◆ Rationalization
 - ◆ If you have to ask...


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Ethics and Code of Conduct

- Code of Conduct
 - ◆ Agreed Upon Standards
 - ◆ Expected Professional Conduct
 - ◆ Not always static over time
 - ◆ Rationale to adhere to standards when pressured to violate


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Ethics and Code of Conduct

- Two Governing Documents:
 - ◆ Texas Engineering Practice Act
 - ◆ Board Rules


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Ethics and Code of Conduct

- Texas Engineering Practice Act
 - “The purpose of this chapter is to protect the public health, safety, and welfare...”


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Ethics and Code of Conduct

- Board Rules
 - ◆ Chapter 137: Compliance and Professionalism
 - ◆ Subchapter A: Individual and Engineer Compliance (renewals / CEP / etc.)
 - ◆ Subchapter B: Sealing Requirements


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Ethics and Code of Conduct

- Board Rules (cont).
 - ◆ Chapter 137: Compliance and Professionalism
 - ◆ Subchapter C: Professional Conduct and Ethics

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Ethics and Code of Conduct

- Board Rules: Subchapter C
 - ◆ Protect the Public
 - ◆ Objective and Truthful
 - ◆ Competent
 - ◆ Confidentiality of Clients
 - ◆ Responsibility to Profession


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Ethics and Code of Conduct


- Conflicts with Ethics
 - ◆ #1 Concern: Health, Safety, Welfare
 - ◆ Gather & Analyze the Facts
 - ◆ Compare the Issues
 - ◆ Compare to Codes / Laws / Rules

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Additional Information: Continuing Education


- 15 PDHs required each year
- 14 PDHs (over the 15 required) can roll over to the next year
- 1 hour in ethics (required each year-no roll over)
- Audit 2% of renewals
- Documentation required upon audit
- Enforcement for false certification
- Can now track online



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Additional Information: Compliance & Enforcement


- Reporting:
 - ◆ Board relies on PE's and the public to inform of violations
 - ◆ Confidential Reporting Process
 - ◆ Forms Available on Website at:
<http://www.tbpe.state.tx.us>



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Additional Information: Compliance & Enforcement


- **FY 2005-2006**
 - ◆ Cases Opened
 - ◆ 720 - Unlicensed Practice ↑
 - ◆ 206 - Corporate Name
 - ◆ 164 - Cases against PE's
(Disciplinary Cases)
 - ◆ 53 - Illegal Use of Title



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Additional Information: Compliance & Enforcement

- **FY 2005-2006**
 - ◆ 1636 Cases Opened
 - ◆ 926 Opened by Staff
 - ◆ 710 Opened at Request of Public
 - ◆ 1662 Cases Closed
 - ◆ 1055 Voluntary Compliance
 - ◆ 216 Disciplinary Actions
 - ◆ 391 Dismissed / No Violation

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Contact TBPE

- 1917 IH-35 South
- Austin, TX 78741
- Phone: 512-440-7723
- FAX: 512-442-1414
- Web: <http://www.tbpe.state.tx.us>
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