

TASK FORCE RESOLUTION GEOLOGY AND ENGINEERING BOARDS

Response by Geology and Engineering Licensure Boards' Joint Task Force to Resolve Conflicts in Disciplining Out-of-Field Practice in General, and Particularly in Submittals to Public Agencies. To Identify the Appropriate Measures of the Boards in Jurisdiction of Licensed Professionals Undertaking to Practice in Licensure Areas (Geology or Engineering) Outside of their Fields of Expertise and their Professional License Limitations.

1. In a disciplinary case when an individual or a corporate professional, for unacceptable performance, is cited to a Licensure board (other than the one granting his/her license), as a result of reaching beyond the professional's qualifications, the case would be referred to the board issuing the license for hearing and disposition. The referring or complaining Licensure board should have at the license issuing board's hearing, for liaison, for evidence and to observe, one of the members of the complaining board and/or its designated qualified representative having knowledge of the requirements for practice in the questionable area, and knowledge of the specifics in which the professional overstepped his or her qualifications, demonstrating lack of capability or failure to have been properly qualified. As a practical matter, participation of the complaining board in the case of non-compliant practice within the jurisdiction of the complaining board preserves the rights of the accused and facilitates disposition. When the misperformance of a licensed professional is acknowledged and challenged by a public agency, Licensure board(s) should seek and expect to use information furnished by the agency to support preparation and disposition of the case.
2. Each Licensure board should maintain an adequate descriptive, inclusive statement of the areas for which its professionals could be qualified and accredited. Such inclusive descriptions (not exclusive lists explicitly or by implication) should be specific enough for clients and government agencies representing the public to determine if a professional's work as presented to the public agency is likely to be within his or her normal range of experience, precluding the need to examine the professional's competence unless the required competence is obviously unlikely to be met. (Engineers or geologists practicing within their Licensure field but outside of their area of competence are already subject to discipline by their respective boards.) Licensure boards do not certify subspecialties. This task force is not formulating limitations of subspecialty. It is not for Licensure boards to guide the supplementary inquiry by a client or public agency as to qualifications required or sought by any client or user of professional services. In keeping with this resolution, previous lists will be replaced by the respective Licensure board's specialty areas with the clear effect that these specialties are not skills or areas of practice exclusive to or from any particular board's licensees.
Boards should maintain a joint-board liaison committee composed of Board members and licensed technical professionals as are, from time to time, appropriate. This committee should examine complaints, if possible, prior to their being taken up by the designated professional board. The liaison committee should consist of one Geology Board member and one appropriate professional geologist and like representation from the Engineering Board.
4. Public agencies specify, as part of their regulations, the functions or tasks in which professionals must measure their qualifications to make recommendations or to furnish submittals. Public agencies or clients should not be expected to validate and investigate the credentials of professionals practicing before them or on behalf of them. However, it is not correct to presume that every licensed engineer or every licensed geologist is adequate for all

assignments in engineering or geology, respectively. The Task Force endorses the use of supplemental information as specified in the joint letter of July 23, 1998, and its attachment, *ADEM Supplemental Information Form*, modified for other agencies as necessary. The public agencies as a matter of courtesy and liaison may facilitate the professional licensure boards' understanding and improve quality of technical submittals by providing: (1) copies of such regulations requiring licensed professionals; and (2) descriptions of technical regulations requiring professional judgment in submittals. These descriptions are usually adequate in the statute or regulation requiring the technical submittal. It is reasonable that a licensee should: (1) cite his/her capability (and limitations) to satisfy an assignment; and (2) certify to his/her subspecialty capability.

5. The individual or corporate professional is responsible for using his/her license number and for providing qualifying experience with his/her proposal or product, particularly in any "gray area," or when requested by a client, zoning board, or other public agency or licensure board. "Gray areas" include areas in which the licensure credentials for professional geology or engineering may overlap. A signature or license number is not sufficient to define a competent professional, but is sufficient to hold him/her accountable for malfeasance. "Experienced enough to be dangerous" is not good enough. The responsibility dwells with the professional, not the public agency or licensure board, to measure the assignment and to establish a statement of qualification, clear and specific for the client or public agency to verify if it chooses. It is customary for technical professionals to provide evidence of specialty, including credentials, examinations, specialized experience or training, curriculum vitae, bibliographies, lists of projects, resumes and memberships in professional societies. Statement of limitations and disclaimer are reasonable and normal and often serve to make a more reasonable response to assignment.
6. **Standing liaison** committees directed toward the respective public agencies can maintain understanding between the respective licensure boards and public agencies requiring licensed professional categories in their regulations. We recommend that these two **licensure boards establish such liaison, and that this liaison** committee will include a representative from each board.

Approved and submitted by the Task Force, 18 April, 2001 (amended 12 December 2001):