



Business and Commerce Quarterly Update
October 15, 2013

TEXAS BOARD OF PROFESSIONAL ENGINEERS

The Texas Board of Professional Engineers (TBPE) has begun implementation of statutory requirements passed during the 83rd Legislative Session. We have also continued to make progress on the Journey Toward Excellence over the past year, a program based on the Baldrige Criteria for Performance Excellence, as the primary method for continuous improvement and optimizing agency operations and efficiency. The following summary outlines the agency's legislative implementation, ongoing activities, and process improvements in terms of the Baldrige Criteria of Leadership, Strategic Planning, Operations, Customer Focus, Workplace Focus, Measurement, and Results.

Leadership

Legislature

The 83rd Texas Legislature passed two Sunset bills related to TBPE that the agency is now in the process of implementing: Senate Bill 204 is the agency Sunset bill and House Bill 1685 is the Sunset bill for the Self-Directed, Semi-Independent (SDSI) program. The agency has begun the process of adopting rules and implementing those mandates from the new legislation.

SB 204

- Continues the Texas Engineering Practice Act and agency operations until 2025.
- Increases maximum penalty from \$3,000 to \$5,000 per violation per day by scaling the suggested sanction table in the Board rules.
- Provides for increase enforcement capability, including:
 - Summary suspension orders for imminent threat to public safety.
 - Cease-and-desist authority for unlicensed practice.
 - Criminal history record checks for all new licensees and all current licensees.
- Changes the fee structure for new applicants to defer \$200 professional fee until licensure is conferred.

HB 1685

- Recodifies the SDSI law from Article 8930 of Vernon's Texas Civil Statutes and creates a new Chapter 472 of the Texas Government Code.
- Generalizes the SDSI program to cover all agencies with this status and sets forth more comprehensive reporting requirements.

- Clarifies accounting methods and financial responsibility for providing all services for SDSI agencies.
- Requires transfer of administrative penalties collected to the state's General Revenue Fund.
- Determines which performance measures the agency will report and how often

Rules to implement the statutory changes were proposed at the Board meeting on August 28, 2013. These rules have been posted in the Texas Register for public comment and communicated via email newsletter to all constituents and the public.

Strategic Planning

As part of our ongoing Journey Toward Excellence quality program, the full staff met during the month of June in an on-site retreat to review and update the strategic plan progress and processes from the previous year and develop projects and goals for the coming year. Input was solicited from key stakeholders via a survey, and a project review was conducted to determine achievement of expected results and strategic objectives. Sunset provisions and other legislative mandates were included as a part of the planning.

Operations

Enforcement

The Compliance & Enforcement division has implemented the first phase of the electronic case management process improvement project. All paper-based case handling and tracking processes have been replaced with a digital methodology. The project is being developed in-house utilizing the internal IT staff programming and project management resources. Phase II includes the automation of email messages and allows online submissions of complaints and evidence by the public. As these improvements are updated regularly, a constant feedback methodology is in place to facilitate effective management of cases and allow the IT staff to respond to needs quickly. The division staff continues to actively work all existing enforcement cases and participate in outreach efforts to licensees and the public.

Licensing

The number of licensed engineers and examination candidates stayed fairly consistent from last quarter, and continues to show a slight increase over the same time last year as is indicated in the Performance Measures Table below. The licensing team has had record numbers of new applications to process during the fourth quarter. In addition, the licensing staff has also been focused on implementing new statutory requirements, as well as defining the criminal history records checks process for compliance with the new statutory requirements.

Customer Focus

Communication and Outreach

TBPE continues to use its website, email, electronic newsletters, and social media as effective methods of communication to licensees, applicants, and the public. During this quarter we kept constituents informed of the changes that were passed by the legislature that would have an impact on this agency and on their profession and welcomed comments prior to proposing rules. Additionally, outreach and webinars are used to help communicate the changes from the Sunset bill. As rules are proposed to implement these legislative changes, TBPE not only posts these rules in the Texas Register, but also uses the quarterly eNewsletter to announce the rule changes.

During the fourth quarter, TBPE made presentations to more than 2,000 individuals through 25 events, including two webinars that were presented in June. The presentations offered by the Board allows licensees to fulfill the mandatory ethics training requirement and the webinar is the same content as provided in person by TBPE staff members. Presented by Executive Director Lance Kinney, P.E., Director of Licensing David Howell, P.E., and Director of Compliance & Enforcement C.W. Clark, P.E., the webinars are an efficient way to reach a broad audience. The new webinar program continues to receive strong positive feedback and high attendance. The face-to-face outreach is offered to groups at firms or organizations by request.

Workplace Focus

The agency continues to keep the TBPE workforce involved in agency improvement projects and provide a voice and opportunity for individual participation in the development of agency processes and programs. In addition to the strategic planning described above, agency staff gave feedback on the performance evaluation system to determine what improvements could be made from both a staff and a management perspective. This project included a staff survey and two town hall meetings. Another project underway is a review of agency facilities to include updates to security systems and additional meeting spaces.

Measurement and Results

HB 1685 mandated changes to the SDSI program reporting, including additional performance measures added to annual and biennial reports, and five year trend data. Staff has been updating data collection systems, reviewing and revising performance measure definitions, and developing reporting mechanisms for these measures. The annual report will be due November 1, 2013; the biennial report will be due the first day of the 84th legislative session in January, 2015.