

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS
9643 Brookline Ave., Baton Rouge, LA 70809



COMPLIANCE COMMITTEE MEETING
Tuesday, October 6, 2020, 1:00 p.m.
The Petroleum Club of Shreveport
416 Travis Street
Shreveport, Louisiana 71101

MINUTES

Committee Chair Todd Perry called the meeting to order at 1 pm and commenced roll call. Present were Todd Perry, William Schramm, and Lloyd Hoover, Board members and Compliance Committee members. Also present were Brenda Macon, LBOPG Executive Secretary, and Machel Hall, Assistant Attorney General and LBOPG legal counsel.

Perry then turned the committee's attention to the proposed text description of the seal practice rules. Perry pointed out that the draft still included one reference to a specific state agency, which should be removed. Schramm suggested making one of the generic names specific to the role that person would serve in the process. Schramm further mentioned that the person submitting the report should add not just "PG" but "LA PG" and the license number behind the typed name; Perry concurred. Discussion ensued. The committee agreed that the seal guidance is close to a final form for approval by the full board. At that point, Perry said, the document should be added to the website. Macon agreed and also suggested adding an article in the next journal regarding the board-approved guidance; the committee agreed.

Perry then directed the committee toward discussion of the continuing education review process. He reminded the committee that, for the last two years, the committee has been conducting a "mock" audit to work through the process and to accustom licensees to that process. Schramm reported that six people did not respond to the audit and asked what should be done in this situation. The committee discussed this scenario and decided if someone does not respond within 60 days, a certified letter should be sent to that person. If still no response is received within 30 days, then the executive secretary should recommend (lodge an official complaint) to the board that a hearing be held to determine if the non-responding person's license should be suspended. A complaint would have to be lodged rather than simply suspending the license of the non-respondent at the committee level. Another certified letter would then be sent to the licensee requiring that person to appear before the board at a hearing to determine if the license should be suspended. Hall explained that only the full board can suspend the license upon a recommendation from the committee and that the licensee has a right to due process (a hearing by the full board). Perry asked if this scenario would keep the committee members from being considered ineligible to be part of a potential hearing by the board. Hall responded that they would have "prior knowledge" of the non-response and, therefore, would be ineligible to participate as voting members of

the hearing panel. She suggested instead to appoint an ad hoc panel of three to hear the case. She explained that the board chair can appoint ad hoc members who are not board members to serve for the hearing. The committee then discussed the draft standard operating procedures (SOP) that Schramm had previously created, with Schramm explaining the steps in the process. Perry pointed out that the question of how to handle non-responses could be included at step 3. Hall suggested including in the letter for those who do not respond after the final 30-day deadline that, since Macon has received no response, then she shall make a recommendation to the board to suspend the license. The committee also clarified that the six non-respondents to the 2020 trial audit will not be contacted to require them to submit information.

The committee then discussed the sequence of the process: If the licensee's continuing education logs are requested, that person's license will not be renewed until after the person's log sheets and documentation have been received and reviewed by the committee. Hall asked why all licensees are not required to send log sheets and documentation every year; Schramm and Perry explained that the statute requires only 2% of licensees be audited each year. They also agreed that requiring all licensees to submit continuing education documentation would put an onerous burden on committee members.

The committee also discussed those auditees who submit information that is inadequate. Schramm and Macon explained that, even during the trial audit, auditees are given opportunities to fulfill the requirements after the fact. Macon asked if her role is as a type of coach, reporting to the auditee that the committee member who reviewed the log sheet found deficiencies and offering suggestions to that person to remedy the deficit in credits. Hall and the committee agreed.

Macon reported to the committee that some licensees voluntarily did not renew their licenses in 2020 because they were not able to fulfill the continuing education requirements as a result of the pandemic and the cancellation of all conferences. She told the committee she had recommended online courses and presentations to these licensees, but many were skeptical of that option. Committee members agreed they are attempting to put an official process in place so they will be prepared for the audit of 2021 materials in 2022, when the audit becomes required. At this point, Schramm described the list of documents he has accepted as adequate proof of participation.

Schramm pointed out that licensees who are being audited often renew their licenses and either send the log sheets after the fact or do not send the sheets at all. During the trial period, that has been accepted, but a process needs to be in place when the audit is official. Schramm suggested holding the renewal and fee payment until the audit of that licensee's continuing education documentation is completed. Perry agreed and outlined the process in the event the audit reveals deficiencies. Schramm expressed concerns regarding the number of days the statute allows for responses. Discussion ensued, with the consensus that the process must be completed within a year. Perry initially directed Macon to distribute the audit logs equally among the committee members and to check the committee members' decisions to assure no discrepancies among the disallowed credits occur in courses allowed. Hoover and Schramm disagreed, and the committee decided instead to have one committee member review all logs to prevent such discrepancies. Discussion continued regarding discrepancies among boards, with the committee agreeing that Louisiana is not under any obligation to accept a credit simply because another state board has accepted it. Also, the committee discussed the opportunity auditees have to informally appeal the review by either sending additional information on the rejected credit or providing documentation to show that the credit is valid.

Schramm moved on to step 8 in the draft SOP. Hall corrected a statement that a license would be suspended for 120 days if the discrepancy in credits is not resolved by the deadline set by the board. Discussion ensued, with

the subsequent suggestion that the licensee could be compelled to appear before the board. The licensee also would have the option of petitioning the board for a new review. Schramm suggested that a licensee who failed the audit should be audited again the following year; the committee agreed.

The question then was posed regarding what to do with those licensees who have been selected for audit, including what to do if an auditee pays online for renewal before the audit has been completed. Hall pointed out that the renewal payment can be refunded if the licensee fails the audit and the license is subsequently suspended. Perry suggested holding all the renewals for licenses under review until the audit is completed satisfactorily. The committee agreed this suggestion seems to be the best approach. Macon suggested adding this step to the letter to those licensees who have been selected for audit so the licensees are aware.

Macon reported that the online ethics presentation that was recently added to the board's website has been well-received and that the documentation form is working well. Schramm explained that the presentation will be updated and refreshed in 2021. Perry expressed satisfaction with the online presentation and suggested updating the presentation every two years and changing the code word more frequently. The committee discussed creating a library of presentations so that the material remains fresh. Hall suggested adding a presentation on professionalism in the geosciences in which the presenter explains how to obtain and to correctly record continuing education credits on the log sheet. The committee agreed with this suggestion.

Perry then turned to the draft SOP for enforcement, pointing out that the draft will be fine as it is after being modified to remove the role of investigation from the committee members and assigning it to the administrative staff.

Hall then reported on her research on the enforcement regulations created by other boards and explained she used the recently revised regulations of the Louisiana Cemetery Board to consider similar regulations for LBOPG. She also researched the regulations of the geoscience boards of Kansas, Texas, and Mississippi. She said those were too specific to be used. She determined that the board will not need additional regulations; rather, the board can adopt rules covering enforcement because the statute gives the board that authority. She called upon the board to review her draft rules and decide if they will be useful. Perry explained that three documents will need to be considered: the draft SOP, the previously created enforcement process flowchart, and Hall's draft of enforcement rules. Discussion ensued regarding the most effective way to ensure the three documents agree, with emphasis on keeping board members out of the investigation process until a decision must be rendered. Hall then explained the rules she had drafted, and the group made minor adjustments. The group also agreed to revamp the flowchart with the updated information.

Perry asked the committee members if they would like to meet at noon, just prior to the full board meeting on November 10, 2020, to cover any additional discussion; the committee agreed to this meeting. Perry then called for a motion to adjourn. Schramm moved to adjourn; Hoover seconded. The meeting adjourned at 2:55 pm.