

Revised Draft Meeting Agenda
South Dakota Board of Examiners of Psychologists
Video Conference
September 6, 2024 at 8:30 a.m. MDT / 9:30 a.m. CDT

The public is invited to attend the meeting via Microsoft Teams at the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWZjOWRhNTQtNTY5NC00ZmU5LTg5MzgtY2Y4ZWm2YzkzODQ2%40thread.v2/0?context=%7b%22Tid%22%3a%22e69efb98-56ef-4797-a76b-e1ec658a639c%22%2c%22Oid%22%3a%22ee0a24e7-6d2c-4495-ade5-4377098865d2%22%7d

If members of the public would like to be sent the Microsoft Teams invitation to the meeting instead of using the above link, please contact the Board office prior to the meeting at office@sdlicensing.com.

Member Listing:

1. Thomas Stanage, Ph.D., President
2. Matthew Christiansen, Ph.D., Vice-President
3. Trisha Miller, Ph.D., Secretary
4. Jeffrey Ellison, Psy.D., Member
5. Rosalie Ball, Ph.D., Member
6. Robert Overturf, Lay Member
7. Brian Roegiers, Lay Member

Purpose: The Board protects the health and safety of the consumer public by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of psychology, including the appropriate resolution of complaints.

1. Call to Order/Welcome and Introductions-Stanage
2. Roll Call-Stanage
3. Conflicts to declare
4. Corrections or additions to the agenda
5. Approval of the agenda
6. Public Testimony/Public Comment Period
7. Approval of the Minutes from April 11, 2024
8. FY Financial Update
9. Renewal Update
10. Board Member Appointment Update
11. EPPP Part 2 Update
12. ASPPB Bylaws proposed Amendment from Texas
13. PSYPACT Update-Ball
14. Identity History Summary Request-PSYPACT
15. International Practice Discussion
16. ASPPB Mid-Year Meeting Report- April 25-28, 2024-Miller
17. ASPPB Annual Meeting- October 30-November 3, 2024
18. Schedule Next Meeting

19. Executive Session-Pursuant to SDCL 1-25-2

1. Complaints- if any
2. Applicant Oral Examinations
 - a. #753-Tentitive

20. Applicant Approval

21. Any other business coming in between date of mailing and date of meeting

22. Adjourn

DRAFT

SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD MEETING MINUTES
Teleconference/Video Conference
April 11, 2024

Members Present: Thomas Stanage, Ph.D., (President); Matthew Christiansen, Ph.D. (Vice President; joined at 2:34pm CDT); Trisha Miller, Ph.D., (Secretary); Rosalie Ball, Ph.D., Member; Jeffrey Ellison, Psy.D.; Robert Overturf, Lay Member; and Brian Roegiers, Lay Member (joined at 2:59p CDT, during Executive Session)

Members Absent: None.

Others Present: Brooke Tellinghuisen Geddes, Executive Administrator; Katie Funke, Executive Assistant, Tona Hand, Administrative Assistant; Greg Tishkoff, DSS Legal Services – Board Counsel; Tracy Mercer – DSS Special Projects Coordinator.

Call to Order/Welcome and Introductions: Stanage called the meeting to order at 2:32pm CDT.

Roll Call: Tellinghuisen Geddes called the roll. A quorum was present (Stanage, Miller, Ball, Ellison, Overturf). Christiansen and Roegiers were noted as absent.

Corrections or Additions to the Agenda: None.

Approval of the Agenda: Ellison motioned to approve the agenda as presented; Overturf seconded the motion. Motion carried on unanimous vote of board members present; Christiansen and Roegiers absent.

Christiansen joined the teleconference at 2:34pm CDT / 1:34pm MDT.

Public Testimony/Public Comment Period (2:34pm CDT / 1:34pm MDT): None.

Approval of Minutes from January 12, 2024 Meeting: Ellison motioned and Overturf seconded, to approve meeting minutes as presented. Motion passed unanimously; Roegiers absent.

FY Financial Update: Tellinghuisen Geddes reported that as of February 29, 2024, year-to-date revenue was at \$12,408.72, year-to-date expenditures were at \$47,568.53, and cash balance was at \$97,649.21. Tellinghuisen Geddes reminded the board of the licensure renewal period having just begun, during which the bulk of the board's income is received. Ellison motioned to accept the financial report as read; Overturf seconded. Motion passed unanimously; Roegiers absent.

PsyPACT Update: Since last meeting, HB 1017 (PsyPACT bill) was signed into law by Governor Noem. Tellinghuisen Geddes reported having had contact with ASPPB about the process moving forward for licensees and was informed SD Licensees can begin applying for their e-passports in July. Licensees can begin the process now by requesting their transcripts be sent to ASPPB. The only thing we (the SD Board of Examiners of Psychologists) need to do is identify a PsyPACT Commissioner to represent SD.

PsyPACT Commissioner: Tellinghuisen Geddes explained that SD must have an individual, to be identified as a Commissioner, serve as a representative for SD at PsyPACT meetings. Tellinghuisen Geddes directed board members to information in the board packet explaining that the board elects a designee for this position, which can be a board member, a board office staff, etc. The initial meeting is currently slated to occur virtually on July 15th and the second meeting is likely to be an in-person meeting in November in Washington, D.C. Ball

expressed interest in serving as SD's PsyPACT Commissioner. Ellison motioned for the appointment of Ball to the position of PsyPACT Commissioner. Overturf seconded. Motion passed unanimously; Roegiers absent.

Other Legislative Updates: Tellinghuisen Geddes directed board members to a copy of SB57, which had been discussed in last meeting and has since been signed by Governor Noem. This bill requires consideration of individual's with criminal history for licensure. Tellinghuisen Geddes simply wanted the board to be aware this is will be in effect July 1, but stated the understanding is that an individual would need to petition the board prior to their application. Tishkoff agreed applicants would need to initiate the petition prior to their licensure application submission and then procedures would be followed thereafter in considering the individual's history. Ellison inquired if a certain procedure is designated for this board to follow in informing the public if a prior criminal is approved for licensure. Tishkoff stated typical application procedure would follow to determine if license-eligible initially and that if, upon review, it was determined denial of licensure was to occur, Tishkoff cited Section 5, page 3 of the bill wherein the procedure to follow "if an agency intends to take adverse action" would be followed.

ASPPB Mid-Year Meeting – April 25-28, 2024 (Boston, MA) and ASPPB Annual Meeting – October 30-November 3, 2024 (Houston, TX): Miller has made arrangements to attend this meeting and preapproval to attend has been completed. Primary topics to be discussed at the meeting include EPPP-2, as well as Master's level licensing. Stanage reiterated the importance of our presence in staying aware of the discussions on these topics; Miller agreed and will report on the information received at this board's next meeting.

Schedule Next Meeting: Stanage inquired as to whether this board is required to meet quarterly. Tellinghuisen Geddes made the group aware the board must meet a minimum of once annually. After group discussion, the next board meeting was tentatively set for September 6, 2024 at 8:30am MDT via teleconference on MS Teams.

Tishkoff and Mercer left the meeting prior to executive session.

Executive Session – Pursuant to SDCL 1 – 25 – 2:

Ellison motioned and Miller seconded to enter executive session at 2:57pm CDT/1:57pm MDT for purpose of completing a single Orals Examination (Applicant #744). Motion carried unanimously; Roegiers absent.

There were no active complaints reported.

Roegiers entered the meeting at 2:59pm CDT / 1:59pm MDT.

Stanage declared end of Executive Session at 2:45pm CDT / 1:45pm MDT.

Mercer and Tishkoff re-entered the meeting at 2:45pm CDT / 1:45pm MDT.

Applicant Approval: Miller recommended applicant #744 be approved for licensure per passing of the oral examination today, pending any outstanding licensure requirements that are applicable. Ellison motioned and Ball seconded, to approve applicant #744 for licensure, pending any outstanding licensure requirements to complete. Motion carried unanimously, with no board members absent.

Other Business: None.

Adjourn: Motion to adjourn was made by Ellison; seconded by Overturf. Stanage adjourned meeting at 3:50pm CDT / 2:50pm MDT following unanimous vote to do so (no board members absent).

Respectfully submitted,

Trisha T. Miller, Ph.D.
Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

DRAFT

BOARD OF PSYCHOLOGY EXAMINERS
 REVENUE SUMMARY
 FOR MONTH ENDING 06/30/24

| COMP | ACCOUNT | BDGT YEAR | GRANT YEAR | CENTER | FUND SRC | SUB FUND | FISCAL YEAR | FISCAL MONTH | YTD AMOUNT | MTD AMOUNT |
|------|---------|-----------|------------|---------|----------|----------|-------------|--------------|--------------|--------------|
| 6503 | 4293000 | 0 | 0 | 0892000 | 654 | | 2024 | 12 | \$ 69,250.00 | \$ 23,400.00 |
| 6503 | 4920045 | | | 0892000 | 654 | | 2024 | 12 | \$ 2,358.72 | \$ - |
| | | | | | | | | | \$ 71,608.72 | \$ 23,400.00 |

BOARD OF PSYCHOLOGY EXAMINERS
 EXPENDITURE SUMMARY REPORT
 FOR MONTH ENDING 06/30/24

| COMP | ACCOUNT | BDDT YEAR | GRANT YEAR | ACCOUNT DESCRIPTION | CENTER | FUND SRC | SUB FUND | FISCAL YEAR | FISCAL MONTH | YTD AMOUNT | MTD AMOUNT |
|------|---------|-----------|------------|---------------------------|---------|----------|----------|-------------|--------------|--------------|-------------|
| 6503 | 5101030 | 0 | 0 | BOARD & COMM MBRS FEES | 0892000 | 654 | | 2024 | 12 | \$ 1,200.00 | \$ - |
| 6503 | 5102010 | 0 | 0 | OASI-EMPLOYER'S SHARE | 0892000 | 654 | | 2024 | 12 | \$ 91.80 | \$ - |
| 6503 | 5203120 | 0 | 0 | INCIDENTALS-TRAVEL-IN ST. | 0892000 | 654 | | 2024 | 12 | \$ 50.00 | \$ 50.00 |
| 6503 | 5203260 | 0 | 0 | AIR-COMM-OUT-OF-STATE | 0892000 | 654 | | 2024 | 12 | \$ 1,341.60 | \$ 757.20 |
| 6503 | 5203280 | 0 | 0 | OTHER-PUBLIC-OUT-OF-STATE | 0892000 | 654 | | 2024 | 12 | \$ 244.95 | \$ 111.19 |
| 6503 | 5203300 | 0 | 0 | LODGING/OUT-OF-STATE | 0892000 | 654 | | 2024 | 12 | \$ 2,188.76 | \$ 1,206.44 |
| 6503 | 5203350 | 0 | 0 | NON-TAXABLE MEALS/OUT-ST | 0892000 | 654 | | 2024 | 12 | \$ 288.00 | \$ 158.00 |
| 6503 | 5204020 | 0 | 0 | DUES & MEMBERSHIP FEES | 0892000 | 654 | | 2024 | 12 | \$ 980.00 | \$ - |
| 6503 | 5204090 | 0 | 0 | MANAGEMENT CONSULTANT | 0892000 | 654 | | 2024 | 12 | \$ 47,660.15 | \$ 374.10 |
| 6503 | 5204130 | 0 | 0 | OTHER CONSULTING | 0892000 | 654 | | 2024 | 12 | \$ 2,159.37 | \$ 240.00 |
| 6503 | 5204160 | 0 | 0 | WORKSHOP REGISTRATION FEE | 0892000 | 654 | | 2024 | 12 | \$ 280.00 | \$ 280.00 |
| 6503 | 5204201 | 0 | 0 | BFM CENTRAL SERVICES | 0892000 | 654 | | 2024 | 12 | \$ 2,011.47 | \$ - |
| 6503 | 5204204 | 0 | 0 | RECORDS MGMT SERVICES | 0892000 | 654 | | 2024 | 12 | \$ 286.80 | \$ - |
| 6503 | 5204207 | 0 | 0 | HUMAN RESOURCES SERVICES | 0892000 | 654 | | 2024 | 12 | \$ 585.70 | \$ 201.30 |
| 6503 | 5204510 | 0 | 0 | RENTS-OTHER | 0892000 | 654 | | 2024 | 12 | \$ 2,400.00 | \$ - |
| 6503 | 5204530 | 0 | 0 | TELECOMMUNICATIONS SRVCS | 0892000 | 654 | | 2024 | 12 | \$ 989.00 | \$ - |
| 6503 | 5204590 | 0 | 0 | INS PREMIUMS & SURETY BDS | 0892000 | 654 | | 2024 | 12 | \$ 1,372.56 | \$ - |
| 6503 | 5204740 | 0 | 0 | BANK FEES AND CHARGES | 0892000 | 654 | | 2024 | 12 | \$ 2.77 | \$ 1.28 |
| 6503 | 5205328 | 0 | 0 | PRINTING-COMMERCIAL | 0892000 | 654 | | 2024 | 12 | \$ 334.59 | \$ - |
| | | | | | | | | | | \$ 64,467.52 | \$ 3,379.51 |

09/15/24

BOARD OF PSYCHOLOGY EXAMINERS
 CASH CENTER BALANCE
 FOR MONTH ENDING 06/30/24

| COMP ACCOUNT YEAR | BDGT GRANT YEAR | CENTER SRC | FUND SUB FUND YEAR | FISCAL FISCAL MONTH | CASH BALANCE |
|-------------------|-----------------|-------------|--------------------|---------------------|---------------|
| 6503 1140000 | | 0892000 654 | | 2024 12 | \$ 136,119.22 |
| | | | | | \$ 136,119.22 |

①



Supporting member jurisdictions in fulfilling their responsibility of public protection

President

Michelle G. Paul, PhD

Chief Executive Officer

Mariann Burnetti-Atwell, PsyD

Past President

Herbert L. Stewart, PhD

President-Elect

Hugh D. Moore, PhD, MBA

Secretary-Treasurer

Cindy Olvey, PsyD

Members at Large

Jennifer C. Laforce, PhD, CPsych

Ramona N. Mellott, PhD

Stacy Waldron, PhD

June 17, 2024

Dear ASPPB Members,

I am writing on behalf of the Board of Directors (BOD) to provide the latest update on the implementation of the Examination for Professional Practice in Psychology (EPPP) as a comprehensive, two-part examination of competency, which will include the real-world application of skills in addition to theoretical knowledge, effective January 1, 2026.

Our organization is evolving to meet and lead in this moment, and the BOD has benefited greatly from member feedback provided at April's Mid-Year Meeting in Boston and May's remote town hall listening session. As an organization of 66 members across North America, we value your feedback and recognize the need to harmonize our diverse voices into a unified regulatory stance for Psychology.

To that end, the BOD dedicated its June 13-15, 2024, meeting to addressing the feedback we received and exploring the flexibility required to achieve our shared goal of comprehensive competency assessment in alignment with our broader healthcare provider community.

Our discussions reaffirmed the October 2022 unanimous motion, which states:

Effective no later than January 1, 2026, the EPPP is one examination with two parts: EPPP (Part 1 – Knowledge) and EPPP (Part 2 – Skills).

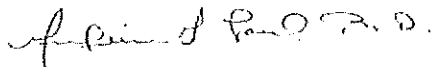
Additionally, the BOD passed a motion to set the stage for new policy related to the implementation of the EPPP in 2026. This motion states:

Pending feasibility, ASPPB intends to offer an additional option for a single fee, two-day administration of the EPPP, effective January 1, 2026. Under this option, the two days must occur within a thirty-day period.

While many details remain to be finalized, the BOD will be dedicating the summer to outlining the process for guiding jurisdictions on the alternative delivery options for the EPPP in January 2026. We understand the need for jurisdictions to have this information soon and have set a goal to provide detailed guidance by September's end.

Thank you for your continued engagement as we embark on this journey to 2026 together, in service of upholding the integrity of our profession and the competent delivery of psychological services throughout the communities of North America.

Sincerely,



Michelle G. Paul, Ph.D.
President
ASPPB Board of Directors

To: ASPPB Secretary-Treasurer Dr. Cindy Olvey

Re: Proposed Amendment to ASPPB Bylaws

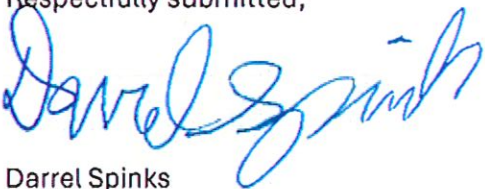
On behalf of the Texas State Board of Examiners of Psychologists, we respectfully submit the following proposed amendment to the ASPPB Bylaws to be presented for adoption at the Annual Meeting of membership in Dallas, Texas, on October 30-November 3, 2024.

Amend Article IV by adding the following subsections:

C. No member jurisdiction shall be required, whether as a condition of membership or otherwise, to participate or utilize any services or programs offered by the Association. The Association shall not make access or availability of a service or program contingent on a member jurisdiction participating or utilizing another service or program.

D. The Association may offer multiple exams as part its examination program. At a minimum, the Association shall offer a knowledge-based exam separate from any skill-based exam. Each exam offered by the Association must be administered on a single occasion. For purpose of this subsection, multiple consecutive days of exam administration may constitute a single occasion. For each exam, the Association may recommend, but shall not require, qualifications to sit for an exam, timing for administration of an exam, and passing scores.

Respectfully submitted,



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

Explanation of Texas-proposed ASPPB Bylaw Amendment

To all ASPPB member jurisdictions:

After months of dialog and sharing of concerns together, Texas remains opposed to the ASPPB board's decision to mandate adoption of the EPPP "Part 2" skills exam. Yet it is not our desire or preference to cease using the original EPPP or to disrupt the interstate mobility our jurisdictions have created through PSYPACT. In hopes of deescalating the current brinksmanship and finding a reasonable path forward, today Texas has filed a proposed amendment to the ASPPB bylaws that would return us to the status quo, before the board announced their mandate.

What is the purpose of the proposed amendment?

We propose amending our bylaws to ensure each member jurisdiction will continue to have the freedom to choose which ASPPB services and programs to receive. In doing so, the amendment reaffirms the role of each member jurisdiction to set the regulatory standards appropriate for its citizens. As a member-driven institution, ASPPB exists to support and provide services to us, the member jurisdictions that voluntarily form it, pay dues, and elect board representatives. Our proposal seeks to establish the principle that every jurisdiction retains its sovereign authority and cannot be required by fellow jurisdictions or by ASPPB to change its regulatory standards.

The amendment also attempts to further clarify the definition of an exam to address ASPPB's need to call the new EPPP an exam in two parts. Because several states have written into their statute that applicants must take the specifically-named EPPP, the new skills exam was called EPPP Part 2 so that those states will not have to enact a statutory change to use the skills exam. Recognizing the desire to accommodate those states, the proposed amendment is meant to ensure that states wishing to utilize only the original EPPP can continue to do so regardless of how the two exams are named.

Did the member jurisdictions ask for this mandate?

No. While the history of the development of the EPPP Part 2 is now the subject of some debate, it is clear that the member jurisdictions supported ASPPB's efforts to develop a skills exam. However, the jurisdictions never supported or requested the ASPPB board issue a mandate that all jurisdictions be required to adopt the new skills exam. The clear evidence is the opposite, as the member jurisdictions have vigorously objected to a mandate, both in 2017 when ASPPB first announced and then retracted such a mandate, and again in 2022 when the board announced (without any approval or endorsement from the membership) the current mandate.

What's wrong with adopting the EPPP Part 2? What are Texas' concerns?

Absolutely nothing is wrong with a jurisdiction choosing to adopt the EPPP Part 2, if that's what is right for that jurisdiction. The creation of a skills exam was born out of member discussions that having such a tool could be valuable once many jurisdictions retired their oral exams. Texas has no objections to applicants or current license holders taking the EPPP Part 2 in order to seek licensure in a jurisdiction that requires it.

Mandating that every jurisdiction must adopt the new exam, however, carries significant concerns. First, and primarily, it takes away each jurisdiction's authority to decide what regulatory standards are best for its citizens, given its unique workforce, educational programs, and mental health care needs. Second, regardless of how well intentioned or well constructed, introducing a new test requirement increases the barrier of entry into the psychology profession. Applicants will have to

pay more, both in test fees and study materials, expending more time and effort before becoming licensed. And, with initial pass rates lower than the original EPPP, fewer applicants will ultimately go on to hold a license, reducing the potential workforce at a time when the nation already faces a provider shortage. Each jurisdiction must balance the potential benefits created by the EPPP Part 2 with these potential drawbacks, before concluding whether the EPPP Part 2 is right for it.

Won't this approach hurt mobility and the opportunity for a national common standard?

No, because adoption of this amendment would maintain the status quo. As of this moment, some jurisdictions have chosen to adopt the EPPP Part 2, while others have not. Jurisdictions have numerous other regulatory differences – from degree requirements to post-doctoral supervised experience. Yet, the interstate mobility offered by PsyPact and other reciprocity agreements is thriving. In fact, continued pursuit of a mandate that all jurisdictions adopt the EPPP Part 2 poses the greater risk to national mobility, as the infringement on jurisdictional sovereignty has led some jurisdictions, like Texas, to consider alternatives to the EPPP, threatening to shatter the unity that we have thus far achieved.

But isn't Texas pursuing creating its own licensing exam, and hasn't Texas filed a complaint about the EPPP Part 2 with the Federal Trade Commission?

In the face of ASPPB's continued commitment to the forced adoption of the EPPP Part 2, and given the short (in regulatory terms) time before the January 2026 deadline, Texas is pursuing every avenue available – including pursuing the development of an alternative exam and asking the Federal Trade Commission to investigate the legality of the Part 2 mandate. But Texas continues to advocate for and would readily accept returning to the status quo that existed before the mandate was announced in the fall of 2022. That is the goal of the proposed bylaw amendments – to enable those jurisdictions that wish to adopt the EPPP Part 2 to continue to do so, while allowing other jurisdictions to continue to use the original EPPP as they have for the past five decades.

How can we support this bylaw amendment?

Per ASPPB's existing bylaws, this proposed amendment is being offered for a vote at the ASPPB annual meeting on October 30-November 3 in Dallas, Texas. Each jurisdiction will have one vote and the amendment must garner support from two-thirds of the jurisdictions present and voting. We highly encourage your jurisdiction to attend this annual meeting. If your jurisdiction is unable to send a representative, please consider contacting us to discuss ways your jurisdiction might still designate a representative for this important vote. Finally, if you have any questions or would like a Texas representative to speak with your board or staff, please do not hesitate to reach out.

Sincerely,



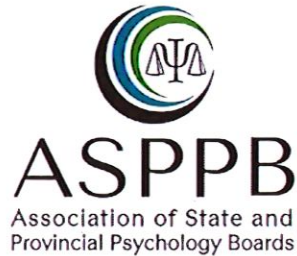
Darrel Spinks

Executive Director

Texas Behavioral Health Executive Council

darrel.spinks@bhec.texas.gov

7/29/2024



IMPORTANT ANNOUNCEMENT FROM ASPPB

July 3, 2024

By now, you may have seen the June 25, 2024 letter sent to the Federal Trade Commission (FTC) by the Texas Behavioral Health Executive Council (TBHEC), a Texas regulatory body whose membership includes the Texas State Board of Examiners of Psychologists (Texas Board). In its letter, TBHEC makes the claim that ASPPB has violated federal antitrust laws by updating the Examination for Professional Practice in Psychology (EPPP) to include the Part 2-Skills component, effective January 1, 2026. TBHEC's letter asks the FTC to investigate.

TBHEC's allegations not only disregard the long development history and justifications behind the updates to the EPPP but also reflect a fundamental misunderstanding and misapplication of antitrust law principles. Contrary to TBHEC's claims, this most recent evolution of the EPPP is not a pretextual effort to drive revenue. The development of the Part 2-Skills component of the EPPP is the result of a nearly 15-year, member-driven effort to ensure that the EPPP continues to effectively measure entry-level competence through the inclusion of a skills-based assessment—consistent with every other doctoral-level health-service licensure examination offered in the United States. The updated EPPP is consistent with modern assessment standards and the longstanding recognition by ASPPB's member jurisdictions that the measurement of theoretical knowledge alone is not sufficient to evaluate competency. Indeed, the study, development and planned implementation of the updated EPPP began at the request of ASPPB's member jurisdictions in 2009 and has continued over the ensuing years with involvement and participation by those members (including Texas) throughout the process. Moreover, contrary to TBHEC's claims, the EPPP—including this most recent update—is not intended to serve as a "barrier" to those seeking entry into the profession of psychology but, instead, is an important measure to ensure the safe and competent practice of psychology.

As for TBHEC's assertion that the updated EPPP somehow violates federal antitrust laws, that is simply not the case. When TBHEC's argument first surfaced a few months ago, ASPPB engaged the assistance of experienced antitrust attorneys from the international law firm Baker McKenzie. After studying the matter closely, our counsel have advised that TBHEC's antitrust allegations are misguided and without merit. ASPPB is fully prepared to respond to any inquiries from the FTC regarding this matter. We remain focused on our important mission to support our member jurisdictions in fulfilling their duty of public protection.

For more information regarding the long history of the development of the updated EPPP, please see the [ASPPB Board of Directors' letter](#) to our members dated July 1, 2024.