

## **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

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7/29/2024

To: ASPPB Secretary-Treasurer Dr. Cindy Olvey

Re: Proposed Amendment to ASPPB Bylaws

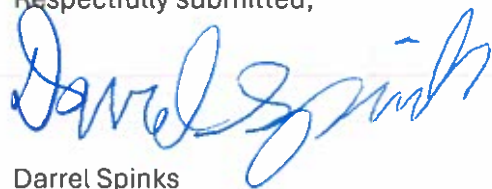
On behalf of the Texas State Board of Examiners of Psychologists, we respectfully submit the following proposed amendment to the ASPPB Bylaws to be presented for adoption at the Annual Meeting of membership in Dallas, Texas, on October 30-November 3, 2024.

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