

COMPLAINT FORM

CONSENT AND RELEASE

This form must be completed whenever the BACB investigates a complaint that involves the provision of services to an adult, legal minor and/or incapacitated individual (collectively referred to in this form as Client). In accordance with HIPAA Privacy Notice requirements, the BACB may be limited in its conduct of investigations involving the provision of services to a Client. By signing below, you agree to the BACB's investigation of the Certificant named in the complaint. If a parent or legal guardian, you agree to assist the BACB by providing your consent to treatment facilities and professionals to release to the BACB any and all information relating to the provision of services by the Certificant named in the complaint. If this form is not being filed by a parent or legal guardian, please provide a copy to the parent or legal guardian for their completion and submission to the BACB. At anytime during or following an investigation by the BACB, the BACB may, in its sole discretion, comply with any state or federal agency request for release of the facts of the investigation and determination(s) by the BACB. By your signature below you consent to and waive any claims for liability against the BACB for the conduct of this investigation, the final determination, and the release (disclosure in any manner) of information involving the provision of services to Client. You expressly understand that the BACB may disclose your identity, the identity of Client and Certificant, and the outcome of the matter, if such information is required or requested by any state or government official or agency.

Name and address of the BACB certificant that provided services to the client ("Certificant"):

Level of certification of the Certificant – circle one: Board Certified Behavior Analyst ("BCBA") or Board Certified Assistant Behavior Analyst ("BCaBA") or Unknown.

Date(s) services provided: _____

Date(s) that is/are the subject of the complaint: _____

Name and address of employer of the Certificant (include contact names and numbers, if known):

Has a complaint been filed with a state agency, government official, professional organization, and/or the Certificant's employer? If yes, indicate below the parties complained to and the outcome (attach any official documentation, including a copy of the complaint, findings of fact and final determination):

Name of Client (if you are an adult): _____

If Client is a minor or incapacitated individual, provide Client's initials with the name of the parent or legal guardian next to initials of Client:

Address and contact information for Client: _____

BACB Disciplinary Standard alleged to have been violated by Certificant (check all that apply below). Highlighted provisions do not take effect until 1/1/2010:

1. Ineligibility for certification, regardless of when the ineligibility is discovered;
2. Any violation of a BACB rule or procedure, as may be revised from time to time, and any failure to provide information requested by BACB, or to update (within thirty days) information previously provided to BACB, including, but not limited to, any failure to timely report to BACB an action, complaint, or charge that relates to any of these Disciplinary Standards; (*minor edit to reflect charges involving all standards*)
3. Unauthorized possession of, use of, distribution of, or access to
- a. BACB exams,
 - b. Certificates,
 - c. Logo of BACB,
 - d. Trademarks and abbreviations relating thereto, including, but not limited to, misrepresentation of self, professional practice or BACB certification status, prior to or following the grant of certification by BACB, if any. *Individuals not certified by the BACB are expressly prohibited from misrepresenting that they are BACB certified as either a BCBA or BCABA, or misrepresenting eligibility for BCBA or BCABA certification, including misrepresentations of similar designations designed to imply BACB certification or eligibility status. **This rule will be enforced against individuals who have graduated from a certificate awarding educational program, who are not entitled to represent BACB certification until such time as they are certified by the BACB.** Applicants for certification who have previously misrepresented BACB certification or eligibility status may be subject to additional fines and penalties (\$500*

for each occurrence) for the misrepresentations prior to consideration of their certification application; and

e. Any other BACB documents and materials.

- 4. Any examination irregularity, including, but not limited to, copying answers, permitting another to copy answers, disrupting the conduct of an examination, falsifying information or identification, education or credentials, providing and/or receiving unauthorized advice about exam content before, during, or following the examination. In addition to other authorized sanctions, the BACB may delay, cancel or refuse to release examination results if an exam irregularity has been demonstrated;
- 5. Obtaining or attempting to obtain certification or recertification for oneself or another by a false or misleading statement or failure to make a required statement, or fraud or deceit in any communication to BACB;
- 6. Gross or repeated negligence, incompetence, **misconduct** or malpractice in professional work, including, but not limited to, **a. Any physical or mental condition that currently impairs competent professional performance or poses a substantial risk to the client/consumer of behavior analysis services; b. Professional conduct that constitutes an extreme and unjustified deviation from the customary standard of practice accepted in the applied behavior analytic community and that creates a serious risk of harm to or deception of consumers; c. Abandonment of a consumer resulting in the termination of imminently needed care of a consumer without adequate notice or provision for transition; d. Professional record keeping and/or data collection that constitutes an extreme and unjustified deviation from the customary standard of practice for the field, and/or deceptively altering consumer records or data; e. Engaging in blatant fraud, deception, misrepresentation, false promise or pretense or intimidation in the practice of applied behavior analysis or in solicitation of consumers; and f. The unauthorized material disclosure of confidential consumer information.** *Gross or repeated negligence complaints must include evidence of a disciplinary review and formal finding by an employer, professional peer review organization/group, governing official, federal or state agency, or other licensing or certification board. If the certificant was not overseen by an employing agency, governing official agency, or other Board, then the BACB President and Executive Director shall determine, by consensus, whether the complaint should be submitted to a Review Committee. Incompetence or malpractice must be evidenced by official determinations (such as, court orders, jury findings, or treatment professional findings of incompetence or malpractice);*
- 7. Limitation, sanction, revocation or suspension by a health care organization, professional organization, or other private or governmental body, relating to behavior analysis practice, public health or safety or behavior analysis certification;

8. Any conviction of a felony or misdemeanor directly relating to behavior analysis practice and/or public health and safety, including, but not limited to: exploitation or abuses of a consumer, assault and/or battery of a consumer, or violent or negligent behavior creating risk of harm to consumer;

9. Failure to adequately supervise or be supervised in accordance with the BACB Standards for Supervision.

FACTS (Each Disciplinary Standard Checked above should be factually supported. Provide additional pages if necessary, using 8 1/2 by 11 paper)

Names and contact information for individuals who are able to verify the facts stated above, if any:

List of additional documents attached to and incorporated into this complaint:

DECLARATION AND AUTHORIZATION: I hereby declare that: (1) I am of legal age to sign this complaint; (2) I am the Client or the parent or legal guardian of Client or I have direct knowledge of the matter; (3) I agree to the terms and conditions stipulated in this form; (4) that I waive all claims or liability against the BACB for the conduct of this investigation and/or the release of information relating to this investigation; and (5) that the information provided in this complaint is true and accurate to the best of my knowledge. By signing, you agree to indemnify the BACB for any liability or damages arising out of the BACB's investigation of this complaint, if false, inaccurate or mislead information is provided in this complaint.

Agreed by Client or Parent or Legal Guardian of Client:

Signed: _____

Date: _____

Printed Name: _____