BACB Newsletter

NOTICE: The information contained in BACB Newsletters may be outdated and should be independently verified via our website.

Content:

Considerations From the Ethics Department

Parents Serving as RBTs for Their Children

The BACB® is periodically asked whether it is appropriate for a parent to serve as their child's Registered Behavior Technician® (RBT®). Before we provide any guidance on this topic, we must make an important distinction: This guidance does not apply to RBTs who happen to receive training on their child's behavior-change plan as part of a parent-training focused intervention model or a more comprehensive intervention approach (e.g., to assist with stimulus generalization across environments). Such parental activity has long been valuable and is not likely to create ethical dilemmas for the BACB certificants involved. Our concern is when a parent serves as an RBT (hereafter referred to as a Parental RBT) for their child in a formal service-delivery system.

The following standards from the Ethics Code for Behavior Analysts (Code), by which BCBA® and BCaBA® certificants and applicants must abide, prohibit the Parental RBT service-delivery model. After each standard, see the accompanying interpretation that explains why.

> **1.11 Multiple Relationships.** Because multiple relationships may result in a conflict of interest that might harm one or more parties, behavior analysts avoid entering into or creating multiple relationships, including professional, personal, and familial relationships with clients and colleagues. Behavior analysts communicate the risks of multiple relationships to relevant individuals and continually monitor for the development of multiple relationships. If multiple relationships arise, behavior analysts take appropriate steps to resolve them. When immediately resolving a multiple relationship is not possible, behavior analysts develop appropriate safeguards to identify and avoid conflicts of interest in compliance with the Code and develop a plan to eventually resolve the multiple relationship. Behavior analysts document all actions taken in this circumstance and the eventual outcomes.

Scenario Interpretation: Not only is the Parental RBT in a prohibited multiple relationship, but so is the supervisor. This is because the supervisor oversees the client's applied behavior analysis (ABA) services **and** the Parental RBT's delivery of those services.

2.01 Providing Effective Treatment. Behavior analysts prioritize clients' rights and needs in service delivery. They provide services that are conceptually consistent with behavioral principles, based on scientific evidence, and designed to maximize desired outcomes for and protect all clients, stakeholders, supervisees, trainees, and research participants from harm. Behavior analysts implement nonbehavioral services with clients only if they have the required education, formal training, and professional credentials to deliver such services.

> **Scenario Interpretation:** The multiple relationship would likely compromise effective treatment, as ABA service delivery requires independent judgment and supervision. While the Parental RBT model may seem appealing at first because it cuts costs and eliminates the need to hire independent service providers, it could negatively impact the client. We were recently alerted to a model where the training organization went so far as to suggest that all the Parental RBT needed to deliver services was the behavior plan. There was no acknowledgment of the need for ongoing supervision, continual monitoring and evaluation, and modifications to the behavior-change intervention, which also evidenced alleged violations of standards 2.18, 4.06, and 4.08.

2.06 Accuracy in Service Billing and Reporting. Behavior analysts identify their services accurately and include all required information on reports, bills, invoices, requests for reimbursement, and receipts. They do not implement or bill nonbehavioral services under an authorization or contract for behavioral services. If inaccuracies in reporting or billing are discovered, they inform all relevant parties (e.g., organizations, licensure boards, funders), correct the inaccuracy in a timely manner, and document all actions taken in this circumstance and the eventual outcomes.

> **Scenario Interpretation:** The Parental RBT model likely violates a number of funder requirements regarding the delivery of services by an independent professional.

4.06 Providing Supervision and Training. Behavior analysts deliver supervision and training in compliance with applicable requirements (e.g., BACB rules, licensure requirements, funder, and organization policies). They design and implement supervision and training procedures that are evidence based, focus on positive reinforcement, and are individualized for each supervisee or trainee and their circumstances.

> **Scenario Interpretation:** As noted earlier, the Code prohibits multiple relationships, which means that the supervisor would not be in compliance with all applicable ethics requirements during supervision and training.

The following standards from the RBT Ethics Code (2.0) (RBT Code), by which RBT certificants and applicants must abide, also prohibit the Parental RBT service-delivery model:

1.04 RBTs are never employers of their supervisor. RBTs who are also trainees (i.e., accruing supervised fieldwork toward a future BCBA or BCaBA certification application) may separately contract for those supervision services.

> **Scenario Interpretation:** Because a Parental RBT would secure a supervisor's services for their child **and** their own BACB-required supervision, they would functionally be employing their supervisor, and their supervisor would be subordinate to them. This would constitute a prohibited multiple relationship.

1.10 RBTs avoid multiple relationships with clients, coworkers, and supervisors. Multiple relationships occur when there is a mixing of two or more relationships (e.g., friend, family member, employee/employer) that may result in conflicts of interest and risk of harm to the client. If RBTs find that a multiple relationship has developed, they immediately inform their supervisor, work to resolve it, and document these actions. If the multiple relationship involves their supervisor, RBTs should report it to their supervisor's manager or other appropriate entity (e.g., human resources, BACB) and document this communication.

> **Scenario Interpretation:** Because a Parental RBT would employ a supervisor to oversee their child's services **and** their own BACB-required supervision, they would be in a prohibited multiple relationship.

In summary, to comply with the BACB's ethics codes, a parent **cannot** be the RBT on record for their child. However, the BACB does not wish to discourage parents from becoming RBTs. Many parents of children receiving ABA services become certified by the BACB.

RBTs and BCaBAs as Company Owners

The BACB periodically receives inquiries about whether it is appropriate for RBTs or BCaBAs—individuals who cannot practice unsupervised—to own a company **at which they provide services to clients**. The short answer is that the BACB does not prohibit this practice, but the BACB's ethics codes do prohibit certain multiple relationships that are likely to arise in these situations.

The following standards from the Code would make it difficult for a BCaBA owner to provide services at their own company. After each standard, see the potential interpretation that explains why:

1.11 Multiple Relationships. Because multiple relationships may result in a conflict of interest that might harm one or more parties, behavior analysts avoid entering into or creating multiple relationships, including professional, personal, and familial relationships with clients and colleagues. Behavior analysts communicate the risks of multiple relationships to relevant individuals and continually monitor for the development of multiple relationships. If multiple relationships arise, behavior analysts take appropriate steps to resolve them. When immediately resolving a multiple relationship is not possible, behavior analysts develop appropriate safeguards to identify and avoid conflicts of interest in compliance with the Code and develop a plan to eventually resolve the multiple relationship. Behavior analysts document all actions taken in this circumstance and the eventual outcomes.

> **Scenario Interpretation:** The RBT or BCaBA owner would be ultimately responsible for all service delivery at their company, including decisions related to hiring staff, accepting clients, overseeing supervision by BCBAs and BCaBAs, and more. The owner would also have full control of their supervisor's case allocations and management, meaning that the supervisor would be subordinate to the supervisee. Consequently, the owner's clients would likely be inhibited from providing feedback about their services to the owner or their supervisor.

4.06 Providing Supervision and Training. Behavior analysts deliver supervision and training in compliance with applicable requirements (e.g., BACB rules, licensure requirements, funder, and organization policies). They design and implement supervision and training procedures that are evidence based, focus on positive reinforcement, and are individualized for each supervisee or trainee and their circumstances.

> **Scenario Interpretation:** As noted earlier, the Code prohibits multiple relationships, which means that the supervisor would not be in compliance with all applicable requirements during supervision and training.

The following standards from the RBT Code would make it difficult for an RBT owner to provide services at their own company:

1.04 RBTs are never employers of their supervisor. RBTs who are also trainees (i.e., accruing supervised fieldwork toward a future BCBA or BCaBA certification application) may separately contract for those supervision services.

> **Scenario Interpretation:** Because an RBT owner would secure a supervisor's services for clients within the company **and** their own BACB-required supervision, they would functionally be employing their supervisor, and their supervisor would be subordinate to them. This would constitute a prohibited multiple relationship.

1.10 RBTs avoid multiple relationships with clients, coworkers, and supervisors. Multiple relationships occur when there is a mixing of two or more relationships (e.g., friend, family member, employee/ employer) that may result in conflicts of interest and risk of harm to the client. If RBTs find that a multiple relationship has developed, they immediately inform their supervisor, work to resolve it, and document these actions. If the multiple relationship involves their supervisor, RBTs should report it to their supervisor's manager or other appropriate entity (e.g., human resources, BACB) and document this communication.

> **Scenario Interpretation:** Because an RBT owner would employ their supervisor to manage case oversight, supervise staff, **and** provide their BACB-required supervision, they would be in a prohibited multiple relationship.

These examples were designed to help ensure that BACB certificants and applicants are not misinformed about the BACB's ethics requirements. We have encountered several cases over the years where a certificant dealt with impossible work environments and faced significant disciplinary sanctions because they worked at a company where their supervisee was also the owner.

Limits of Limited Liability Companies

Some BACB certificants practice as members of limited liability companies (LLCs) or professional limited liability companies (PLLCs). For the purposes of this article, we will refer to them jointly as LLCs.

Often, an individual will provide professional services under an LLC to protect their personal assets (e.g., home, bank accounts) from company liabilities (e.g., debts, judgments). However, there is a limit to the protections an LLC can provide. For example, an LLC **cannot** exonerate a BACB certificant from ethics violation(s). Consider the following scenarios:

- Imagine an attorney misses a critical filing deadline that has significant ramifications for their client. The client reports the attorney to the bar association. Do you think the bar association would exonerate the attorney because they were practicing as a member of an LLC?
- What if a doctor were to prescribe a contraindicated medication? Do you think they should not be held accountable by their medical board because they were practicing under an LLC?

If you answered both questions with a resounding "no," you are correct. All professional service delivery involves ethical responsibility, regardless of the scenario. It has been well established by other professions that LLCs do not exempt practitioners from the responsibility to comply with ethics codes and be held accountable for noncompliance.

A Caution About Data Removal Services

There are a number of data removal services offered by companies like Mine, DeleteMe, Kanary, and OneRep that help minimize the amount of someone's personal information online. Recently, the BACB has seen an increase in these companies reaching out on behalf of certificants who wish to have their personal information removed from the BACB's records. In almost all instances, these requests are sent to the BACB in error. After receiving these requests, the BACB follows up directly with the certificant via the email listed in their BACB account. It has been our experience that the certificant did not intend for the request to be submitted to the BACB, and resolving the issue requires several rounds of correspondence. BACB certificants using a data removal service should ensure that the BACB is not included in the request.

Recent and Upcoming Changes to BACB Requirements

The following table summarizes important changes to certification requirements that have been announced in BACB newsletters.

Effective Date	Area	Change	Source
January 1, 2023	Application and Examination Jurisdiction	Only individuals who reside in the US, Canada, Australia, or the UK may apply for BACB certification and/or take a BACB examination.	Recent Changes to the BACB's International Focus December 2019 announcement
July 1, 2023	Coursework from VCSs approved under Alternative Pathways	The BACB will no longer accept non-university coursework, including coursework from a Verified Course Sequence approved under an Alternative Pathway in which courses are taught outside of an accredited educational institution.	International Development & Support web page
January 1, 2024	BCBA and BCaBA Coursework Expiration Policy	A rolling 10-year expiration date will be placed on coursework submitted as part of a BCBA or BCaBA certification application.	March 2022 Newsletter
January 1, 2025	BCBA Examinations	The BCBA examination will be based on the BCBA Test Content Outline (6th ed.).	February 2022 Newsletter
	BCaBA Examinations	The BCaBA examination will be based on the BCaBA Test Content Outline (6th ed.).	February 2022 Newsletter
January 1, 2026	BCBA and BCaBA Verified Coursework	All Pathway 2 certification applications will require that a VCS Coordinator Coursework Attestation is completed by a designated program contact.	January 2023 announcement to VCS Coordinators
January 1, 2027	BCBA Eligibility and Maintenance Requirements	Revisions to core certification requirements, including degree, coursework, supervised fieldwork, continuing education, and ongoing supervision. Pathways 3 and 4 discontinued.	March 2022 Newsletter
	BCaBA Eligibility and Maintenance Requirements	Revisions to core certification requirements, including degree, coursework, supervised fieldwork, continuing education, and ongoing supervision.	March 2022 Newsletter
January 1, 2032	BCBA Eligibility Pathways	Pathway 1, which requires a degree from an accredited university training program, will be the only eligibility pathway for BCBA certification.	March 2022 Newsletter