

BCaBA Supervision Contract Specifications

Introduction: This document outlines the specifications for BCaBA supervision contracts based on employment type of the BCaBA or supervisor. This information may also be helpful for human resources and legal departments within organizations that work with BCaBAs and/or their supervisors.

BCaBA Supervision Requirement Domains	Type of Contract		Additional Considerations
	BCaBA is an Employee of Supervisor <i>(or both are employed by the same organization)</i>	BCaBA and/or Supervisor are in an Independent Contractor Relationship <i>(with each other or an organization)</i>	
General Supervision Contract Information	<ul style="list-style-type: none"> • A written contract is mandatory. • A written job description may substitute for the contract if the job description clearly identifies all BCaBA supervision requirements and identifies the job titles of those supervising and being supervised. 	<ul style="list-style-type: none"> • A written contract is mandatory. • The contract may include the organization as a third-party to the contract. 	<ul style="list-style-type: none"> • Criteria for supervision must be clearly identified throughout the contract and consistent with the BCaBA supervision requirements. See, www.bacb.com/maintaining-BCBA/ and the December 2014 BACB Newsletter.
Qualifications of Supervisor and Supervisee	<ul style="list-style-type: none"> • Completion of 8-hour supervision training (supervisor). • Active certification (both need to be confirmed via the Certificant Registry). • Adherence to the <i>Compliance Code</i>, especially Section 5 (Behavior Analysts as Supervisors). 	<ul style="list-style-type: none"> • Completion of 8-hour supervision training (supervisor). • Active certification (both need to be confirmed via the Certificant Registry). • Adherence to the <i>Compliance Code</i>, especially Section 5 (Behavior Analysts as Supervisors). 	<ul style="list-style-type: none"> • The supervisor and supervisee need to meet other core requirements, including, but not limited to: <ul style="list-style-type: none"> ○ Not being in a multiple relationship (related to or other non-behavior analytic relationship 1.06 of the <i>Compliance Code</i>). ○ The supervisor may not be the subordinate of the supervisee (the Experience Standards).
Documentation of Supervision	<ul style="list-style-type: none"> • Monthly completion of documentation verifying supervision occurred in accordance with BACB standards. • If remote supervision occurs, provisions must be made for completion and distribution of the form, which can be done electronically. 	<ul style="list-style-type: none"> • Monthly completion of documentation verifying supervision occurred in accordance with BACB standards. • If remote supervision occurs, provisions must be made for completion and distribution of the form, which can be done electronically. 	<ul style="list-style-type: none"> • The form must be retained by the supervisor and the supervisee for a minimum of 7 years, as provided in 2.11 of the <i>Compliance Code</i>. • The form must be provided to the BACB upon request (in the event of audit) as provided in 5.06 and 10.05 of the <i>Compliance Code</i>. • The supervisor is responsible for notifying the BACB of changes in supervision. However, the BCaBA must ensure appropriate supervision during times of transition. • Consider whether a copy of the form should also be retained by the organization if the supervisor and/or supervisee are not employees thereof.

BCaBA Supervision Contract Specifications

<p>Terms of Payment <i>(if applicable)</i></p>	<ul style="list-style-type: none"> Clearly identified terms for compensation, if any. 	<ul style="list-style-type: none"> Compensation terms and clear identification of the party responsible for compensation, if any. 	<ul style="list-style-type: none"> Conditions for termination of the agreement if payment is not provided. Identification of applicable law and venue for addressing contract breaches may be beneficial (e.g., mediation, arbitration). The BACB is not able to enforce or offer an opinion on terms for payment between supervisors and supervisees.
<p>Conditions for Termination of Supervision</p>	<ul style="list-style-type: none"> Employer may require certain steps be taken before the supervisory relationship may be terminated. Notice period and transition as required in 2.15 of the <i>Compliance Code</i>. Terms for feedback and/or immediate termination (e.g., ethical violations). Contingencies for ethical violations by (a) supervisor, (b) supervisee, or (c) organization. 	<ul style="list-style-type: none"> Is the organization a party to the contract? Would the organization have the ability to terminate supervision? Notice of supervision-termination conditions to the organization. Transition in accordance with 2.15 of the <i>Compliance Code</i> and organizational policies/procedures. Terms for feedback (e.g., sharing with the organization or confidential between the supervisor and supervisee). Contingencies for ethical violations by (a) supervisor, (b) supervisee, or (c) organization. 	<ul style="list-style-type: none"> Anticipate case load responsibility and possible client abandonment (2.15 of the <i>Compliance Code</i>) if termination occurs. The contract must stipulate the conditions under which the supervisor will or will not verify supervision occurred. Otherwise the supervisor could be held in violation of 5.06 and 10.05 of the <i>Compliance Code</i>. The BACB is not permitted to prohibit or enforce non-compete agreements. These need to be confirmed with local laws.
<p>Supervision Amount and Structure</p>	<ul style="list-style-type: none"> New BCaBAs: the first 1,000 hours of behavior-analytic services after certification must include 5% supervision per month with at least one hour of supervision every 2 weeks. BCaBAs with more than 1,000 hours of post-certification experience must have 2% of behavior-analytic services supervised per month. Quarterly observation have no time requirements. The requirement is intended to ensure that supervisors are observing the delivery of services by their BCaBA supervisee at least quarterly. Observation by appropriate means. No more than 50% group supervision each month. 	<ul style="list-style-type: none"> New BCaBAs: the first 1,000 hours of behavior-analytic services after certification must include 5% supervision per month with at least one hour of supervision every 2 weeks. BCaBAs with more than 1,000 hours of post-certification experience must have 2% of behavior-analytic services supervised per month. Quarterly observations have no time requirements. The requirement is intended to ensure that supervisors are observing the delivery of services by their BCaBA supervisee at least quarterly. Observation by appropriate means. If supervisor or supervisee are out of agency, they will need a way to confirm hours of service. No more than 50% group supervision each month. 	<ul style="list-style-type: none"> Client must be informed of and consent to the observation by the BCBA. See 2.06 and 2.08 of the <i>Compliance Code</i>. Remote observation must comply with privacy laws (such as HIPAA). See 1.04(d), 2.05 (c) and 2.06 of the <i>Compliance Code</i>. Should a Notice be filed for violation of client's privacy, the supervisor and supervisee must demonstrate and document how they determined the method of observation complied with all applicable laws. A supervisee with multiple supervisors must align the supervision requirements with case responsibility (discussed below). In the event of a dispute between what constitutes "behavior-analytic" and "non-behavior analytic services," retain documentation supporting any conclusions.

BCaBA Supervision Contract Specifications

<p>Case Load Responsibility</p>	<ul style="list-style-type: none"> • Both the BCaBA and supervisor are accountable under the <i>Compliance Code</i>. • Clients must give informed consent for the supervisor’s involvement. • Consider potential conflicts with organizational policies and even contracts currently in place (e.g., job descriptions, union agreements). 	<ul style="list-style-type: none"> • Multiple agencies may be involved. • Supervisor agency and supervisee agency need to agree on the case load responsibility. • Both the BCaBA and supervisor are accountable under the <i>Compliance Code</i>. • Clients must give informed consent for the supervisor’s involvement. • Consider potential conflicts with organizational policies and even contracts currently in place (e.g., job descriptions, union agreements). 	<ul style="list-style-type: none"> • Mandatory notice by supervisee to the supervisor of case load and behavior analytic service delivery. • Inclusion of terms and procedures for updating notice to the supervisor of the supervisee’s activities (frequency and conditions for immediate notice). • If the supervisee has multiple supervisors in multiple settings, case load responsibility must be covered by at least one supervisor per case. The supervisee has the obligation to ensure there is at least one-supervisor assuming case load responsibility for each client and that supervisory volume is commensurate with case load responsibility. • Liability concerns must be addressed by the supervisor, including any liability or insurance considerations. • Compliance with 2.13 of the <i>Compliance Code</i> regarding third-party payor expectations of case load responsibility. • Supervising behavior analysts may want to confirm with their liability insurance the conditions of additional case load responsibilities of supervisees.
--	--	--	--