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BACB Newsletter - Special Edition on Ethics

September 2014

A Revised Code of Ethics

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Cross-Reference Guide for the Compliance Code, Conduct Guidelines, & Disciplinary Standards

In August of 2013, the BACB Board of Directors authorized a workgroup to evaluate the organization's disciplinary system and ethical/disciplinary codes - the *Guidelines for Responsible Conduct for Behavior Analysts* ("Conduct Guidelines") and *Professional Disciplinary and Ethical Standards* ("Disciplinary Standards"). This action was consistent with the BACB's history of periodically reviewing and revising its standards. The Board of Directors established two main goals for the workgroup. The first goal was to consolidate the Conduct Guidelines and Disciplinary Standards into one enforceable document to (a) more clearly present the BACB's ethics code and (b) further expand the range of professional conduct from which disciplinary action might be taken. The second goal was to expand the capabilities of the BACB's disciplinary system in terms of timeliness, case volume, and corrective action.

Dr. Jon S. Bailey, BCBA-D, was appointed to chair the Ethics Workgroup, which was comprised of 11 subject matter experts representing various stakeholder classes, including 7 BCBA-Ds, 1 BCBA, 1 BCaBA, and 2 consumer representatives. Workgroup members were geographically diverse, representing 8 US states and 2 countries. In addition, Workgroup members represented a broad spectrum of relevant professional roles, including practitioner, faculty member, licensure board representative, BACB disciplinary committee member, among others.

Prior to convening the Workgroup, input on the current Conduct Guidelines was sought from several sources closely connected to current ethical dilemmas facing practitioners, including ABAI's Ethics and Behavior Analysis Special Interest Group and current behavior analyst licensure board representatives and regulators. BACB staff then prepared a single working document that incorporated the Conduct Guidelines, Disciplinary Standards, and suggested revisions. The Ethics Workgroup met in Chicago, IL on May 21-23, 2014. The three days were spent painstakingly reviewing and revising each element of the working document and designing a comprehensive system for handling disciplinary complaints. A consensus approach was used throughout this process. The BACB Board of Directors reviewed and approved the recommendations of the Ethics Workgroup on August 7, 2014.

The remainder of the newsletter describes the Workgroup's recommendations and is followed by a table that cross-references the new code with the current Conduct Guidelines and Disciplinary Standards.





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The BACB's new ethics code is titled, *Professional and Ethical Compliance Code for Behavior Analysts* ("the Code") and is available [here](#).

The Code, which includes 72 different elements in 10 sections, updates and consolidates the current Conduct Guidelines and Disciplinary Standards. Effective **January 1, 2016**, the Code will replace the Conduct Guidelines and Disciplinary Standards. From that time forward, the Code will serve as the BACB's guidance to the field on ethical matters and as the basis for disciplinary complaints. Whereas the Conduct Guidelines are currently enforceable under the "gross or repeated" violations provision of the Disciplinary Standards, the Code will be enforceable in its own right and in its entirety. However, it is expected that minor violations of the Code will be handled when the matter is first addressed by the complainant with the certificant in question - the preliminary step of the disciplinary process that will remain the same under the revised system (described below).

The following are highlights of the most substantive changes that appear in the Code compared to the current documents.

Multiple Relationships and Conflicts of Interest - Element 1.06(d) was added to clarify that behavior analysts do not accept gifts from or give gifts to clients.

Exploitative Relationships - Element 1.07(c) was added to explicate that, "Behavior analysts refrain from any sexual relationships with clients, students, or supervisees, for at least two years after the date the professional relationship has formally ended."

Behavior Analyst as a Teacher - Section 5.0 was revised to focus solely on the supervisory relationship in practice to eliminate confusion from referring to two roles within the section (i.e., teacher and supervisor). Teacher-related activities were removed from this section altogether, as behavior analysts who function in this role have other organizations (e.g., universities) that influence and monitor their professional teaching behavior. However, teacher-related activities are nevertheless captured in the Glossary definitions of client and behavior-analytic services, which can be used to link such activity to the Code.

Supervisory Volume - Element 5.02 was added to directly address supervisory volume. The new section requires that supervisors ensure that their supervisory volume is "commensurate with their ability to be effective."

Evaluating the Effects of Supervision - Element 5.07 was added to require behavior analysts to "design systems for obtaining ongoing evaluation of their own supervision activities." This element is consistent with the BACB's Supervisor Training Curriculum.

The Behavior Analyst and the Workplace - Section 6.0 was removed based on the advice of legal counsel. Although the provisions were not an issue when they originally appeared in the Conduct Guidelines, they are not appropriate for an enforced ethics code. Instead, violations of a workplace contract (determined by a third-party) would be reportable and possibly actionable under Sections 2.12 and 10.02(a).

Avoiding False and Deceptive Statements (8.02[b] relating to non-behavior-analytic interventions) - A substantial change appears in element 8.02, where the Code explicitly addresses individuals who combine behavior-analytic and non-behavior-analytic interventions. Note: The criteria and disclaimer identified in 8.02(b) are currently utilized by BACB disciplinary committees.

Media Presentations and Media-Based Services - Element 8.05 has been revised to clarify issues related to social and other media and highlight the primacy of the Code in such activity.



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Testimonials and Advertising - Element 8.06 has been revised to provide further guidance on the use of client testimonials, including a requirement that all testimonials be labeled as unsolicited.

Behavior Analysts and Research - Section 9.0 has been substantially streamlined to highlight the critical responsibilities surrounding research without repeating every research requirement imposed by research-oversight bodies (e.g., institutional review boards).

Behavior Analysts' Ethical Responsibility to the BACB - Section 10.0 has been added to include many of the current Disciplinary Standards and other guidelines that relate specifically to the BACB.

The new Code also includes a table of contents for better navigation and a glossary. The glossary helps to clarify terminology and serves as a new resource to behavior analysts, consumers, and regulators.

Effective **January 1, 2016** all BACB certificants and registrants will be bound by the *Professional and Ethical Compliance Code* for Behavior Analysts. From that point forward, any formal reference in public policy or legislation to the Conduct Guidelines or Disciplinary Standards should be interpreted as referring to the new Code.

Changes to the Disciplinary System

Effective **January 1, 2016**, the following revisions will be made to the BACB's disciplinary system in an effort (a) to streamline the process for all involved parties, (b) facilitate a corrective approach to discipline, if feasible, and (c) maintain current practices that ensure practitioners are provided with the due process and administrative procedures designed to meet the requirements of the National Commission for Certifying Agencies. More detailed information pertaining to the revised disciplinary system will be made available in 2015 at BACB.com

Development of two specialized committees - Upon determination that a complaint is actionable by two members of the BACB legal department, the complaint will be assigned to one of two standing committees for processing based on the severity of the alleged violation. Less severe violations will be assigned to the Code Compliance Committee, which will specialize in remedial action and feedback. More severe violations will be assigned to the Disciplinary Review Committee, which will specialize in disciplinary sanctions.

Limitations on actions - Complaints must be timely (6 months). Complaints may not be harassing or anonymous.

Party named in the complaint - Complaints may be filed against applicants, certificants and registrants, approved course sequences, and approved continuing education providers.

Provision of the complaint to the named party - Providing the party named in the complaint with a copy of it will help to ensure more thorough responses to the identified allegations. In addition, the party named in the complaint will have a better opportunity to specifically address the complaint's allegations.

Development of systems for online complaint submission - An online complaint system will be developed in 2015 and launched on January 1, 2016.



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Event reporting - The BACB will continue to report violations at BACB.com and such reports will include: the name of the violator, the code violated, the sanction imposed, the action date, and the location of the violation. Violations by applicants will be reported for 5 years; violations by all others will be reported up to the maximum permitted by law in the jurisdiction where the certificant, registrant, approved course sequence, or approved continuing education provider resides.

Cross-Reference Guide for the Compliance Code, Conduct Guidelines, & Disciplinary Standards

What follows is a table illustrating how elements of the new Code relate to each Conduct Guideline and Disciplinary Standard. This reference is being shared primarily for the benefit of those who teach ethics who will now need to revise their course materials.

Description	New Code Elements	Conduct Guidelines	Disciplinary Standards
1.0 RESPONSIBLE CONDUCT OF BEHAVIOR ANALYSTS			
Reliance of Scientific Knowledge	1.01	1.01	6 (b) & 6 (d)
Boundaries of Competence	1.02	1.02	6 (b)
Maintaining Competence through Professional Development	1.03	1.03	6 (b)
Integrity	1.04	1.04	6 (b)
Professional and Scientific Relationships	1.05	1.05	6 (b) & 8
Multiple Relationships and Conflicts of Interest	1.06	1.06	6 (b)
Exploitative Relationships	1.07	1.07	6 (b), 6 (e) & 7
2.0 BEHAVIOR ANALYSTS' RESPONSIBILITY TO CLIENTS			
Accepting Clients	2.01	2.02	6 (b) & 9
Responsibility	2.02	2.03	N/A
Consultation	2.03	2.04	6 (b)
Third-Party Involvement in Services	2.04	2.05	6 (b), 6 (e) & 7
Rights and Prerogatives of Clients	2.05	2.06	6 (b) & 8
Maintaining Confidentiality	2.06	2.07	6 (b), 6(f), 7 & 8
Maintaining Records	2.07	2.08	6 (d), 6 (d), 6 (f), 7 & 8
Disclosures	2.08	2.09	6 (d), 7 & 8



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Treatment Efficacy	2.09	2.10	6 (b) & 6 (e)
Documenting Professional Work and Research	2.10	2.11	6 (b), 6 (d), 7 & 8
Records and Data	2.11	2.12, 4.07	6 (d), 7 & 8; possibly 6 (c) if documentation is not made available for transition
Contracts, Fees, and Financial Arrangements	2.12	2.13 & 6.0	6 (e)
Accuracy in Billing Reports	2.13	2.14	6 (b), 6 (d) & 6 (e)
Referrals and Fees	2.14	2.15	6 (b) & 6 (e)
Interrupting or Discontinuing Services	2.15	2.16	6 (b), 6 (c) & 6 (d)
3.0 ASSESSING BEHAVIOR			
Behavior-Analytic Assessment	3.01	3.0 & 3.01	6 (b) & 6 (d)
Medical Consultation	3.02	3.0	6 (b)
Behavior-Analytic Assessment Consent	3.03	3.01	6 (b), 7 & 8
Explaining Assessment Results	3.04	3.03	6 (b) & 6 (e)
Consent-Client Records	3.05	3.04	6 (f)
4.0 BEHAVIOR ANALYSTS AND THE BEHAVIOR-CHANGE PROGRAM			
Conceptual Consistency	4.01	4.0	6 (b)
Involving Clients in Planning and Consent	4.02	4.0	6 (b)
Individualized Behavior-Change Programs	4.03	4.01, 4.02 & 4.03	6 (b) & 6 (d)
Approving Behavior-Change Programs	4.04	4.04, 4.08 & 4.09	6 (b), 6 (e), 7 & 8
Describing Behavior-Change Program Objectives	4.05	3.05	6 (b) & 6 (e)
Describing Conditions for Behavior-Change Program Success	4.06	4.01	6 (b) & 6 (e)
Environmental Conditions that Interfere with Implementation	4.07	4.03	6 (b)



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Considerations Regarding Punishment Procedures	4.08	4.05, 4.06 & 4.10	6 (b), 7 & 8
Least Restrictive Procedures	4.09	4.10	6 (b)
Avoiding Harmful Reinforcers	4.10	4.06	6 (b)
Discontinuing Behavior-Change Programs and Behavior-Analytic Services	4.11	2.16, 4.11 & 4.12	6 (c) & 6 (d)
5.0 BEHAVIOR ANALYSTS AS SUPERVISORS			
Supervisory Competence	5.01	5.01	6 (b) & 9
Supervisory Volume	5.02	NEW	6 (b) & 9
Supervisory Delegation	5.03	5.02, 5.03, 5.06, 5.07, 5.10 & 5.11	6 (b), 8 & 9
Designing Effective Supervision and Training	5.04	5.07 & 5.08	8 & 9
Communication of Supervision Conditions	5.05	5.05	9
Providing Feedback to Supervisees	5.06	5.06	9
Evaluating the Effects of Supervision	5.07	NEW	N/A
6.0 BEHAVIOR ANALYSTS' ETHICAL RESPONSIBILITY TO THE PROFESSION OF BEHAVIOR ANALYSIS			
Affirming Principles	6.01	7.01	N/A
Disseminating Behavior Analysis	6.02	7.02	N/A
7.0 BEHAVIOR ANALYSTS' ETHICAL RESPONSIBILITY TO COLLEAGUES			
Promoting an Ethical Culture	7.01	NEW	N/A
Ethical Violations by Others and Risk of Harm	7.02	8.01	2, 5 & 6 (b)
8.0 PUBLIC STATEMENTS			
Public Statements	8.01	9.01, 9.02 & 9.03	6 (b), 6 (e) & 8
Avoiding False or Deceptive Statements	8.02	9.01, 9.02, 9.05 *Note: NEW 8.02b codifies criteria for complaints arising out of non-behavior-analytic interventions.	6 (b), 6 (e) & 8



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Intellectual Property	8.03 (see also 10.03)	1.04 & 10.20	3, 6 (b) & 8
Statements by Others	8.04	9.04	6 (b), 6 (e) & 8
Media Presentations and Media-Based Services	8.05	9.06	6 (b), 6 (e), 6 (f), 7 & 8
Testimonials and Advertising	8.06	9.07	6(b), 6 (f), 7 & 8
In-Person Solicitation	8.07	9.08	6 (b), 6 (e), 7 & 8
9.0 BEHAVIOR ANALYSTS AND RESEARCH			
Conforming with Laws and Regulations	9.01	10.03	6 (b), 6 (d) & 8
Characteristics of Responsible Research	9.02	10.00, 10.01, 10.02, 10.05	6(b), 6(d)
Informed Consent	9.03	10.04	6 (b), 7 & 8
Using Confidential Information for Didactic or Instructive Purposes	9.04	10.02 & 10.09	6 (f) & 8
Debriefing	9.05	10.11	N/A
Grant and Journal Reviews	9.06	10.07	N/A
Plagiarism	9.07	10.20, 10.21, 10.22 & 10.23	6 (b) & 8
Acknowledging Contributions	9.08	10.21	6 (b)
Accuracy and Use of Data	9.09	10.19	6 (b) & 6 (d)
10.0 BEHAVIOR ANALYSTS' ETHICAL RESPONSIBILITY TO THE BACB			
Truthful and Accurate Information Provided to the BACB	10.01	1.04	1 & 5
Timely Responding, Reporting, and Updating of Information Provided to the BACB	10.02	1.04	2 & 6 (a)
Confidentiality and BACB Intellectual Property	10.03 (see also 8.03)	1.04 & 10.20	1, 3, 4, 5, 6 (b) & 8
Examination Honesty and Irregularities	10.04	1.03, 1.04	1, 2, 3, 4, 5, 6 (b), 7 & 8
Compliance with BACB Supervision and Coursework Standards	10.05	5.0	1, 2, 5, 6 (b), 7, 8 & 9
Being Familiar with This Code	10.06	7.03	2 & 6 (b)



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Discouraging Misrepresentation by Non-Certified Individuals	10.07	7.04 & 8.01	2, 3, 6 (b) & 8
Exceptions			
Reference in 5.0 to Behavior Analyst as Teacher and/or Supervisor	Incorporated students into client definition and teaching into behavior-analytic services definition. Revised section to focus solely on supervision.	5.0, 5.04, 5.06-5.09	
Job Commitments	Deleted. Commitments should be determined and enforced by contract law. Legal violations actionable.	6.01	

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