



Code-Enforcement Procedures

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Preamble

The Behavior Analyst Certification Board® (BACB®) is responsible for establishing and maintaining standards of professional conduct in the practice of behavior analysis. To protect the public from practitioners who do not meet these standards, the BACB has adopted the [Ethics Code for Behavior Analysts](#) (Code) and the [RBT Ethics Code \(2.0\)](#) (RBT Code). The BACB protects the public, applicants, and certificants by enforcing ethics standards through the procedures described in this document. The processes in this document apply to all applicants and certificants. In this document, the *Notifier* is the individual submitting a Notice of Alleged Violation (Notice), and the *Subject* is the individual alleged to have violated ethics standards.

The BACB provides due process to Subjects by giving them notice of the allegation(s) and an opportunity to respond, having a neutral party determine the outcome of the Notice, and providing an opportunity to appeal. On occasion, BACB staff may determine that immediate summary action or interim action is warranted. Notices are reviewed and processed by Ethics Department staff trained in code-enforcement procedures.

Summary Actions

In certain instances when BACB requirements are violated or an imminent risk of harm is identified, the BACB has the ability to take action against an applicant or certificant based on staff determination. These actions are referred to as summary actions. To the extent possible, the BACB will expedite the processing of summary action matters.

Summary Invalidation or Ineligibility Based on Fraud or Deceit: The BACB reserves the right to bar any individual from sitting for any BACB examination or to invalidate any certification (immediately making the certification null and void) in the event the BACB finds that the individual submitted falsified, forged, or untrue information to the BACB or cheated on a BACB examination. The BACB reserves this right regardless of when the BACB becomes aware of the falsified, forged, or untrue information. The BACB will revoke an individual's eligibility to apply to sit for any BACB examination for a minimum of 5 years, after which the individual must meet the requirements applicable at the time they reapply. For certified individuals, the BACB will invalidate the certification and revoke the individual's eligibility to apply to sit for any other BACB examination for a minimum of 5 years. After the revocation or ineligibility period ends, the individual must recomplete all experience/fieldwork hours (as applicable), meet the requirements applicable at the time they reapply, complete additional ethics coursework, and submit to a full audit of experience/fieldwork hours (as applicable) at the time of application. Any invalidation or revocation of eligibility will be published in the individual's [Certificant Registry](#) record on the BACB website for the maximum duration permitted by law. Summary actions do not prevent the BACB from taking further disciplinary or other actions. An individual retains the right to appeal the invalidation or revocation if they can submit evidence demonstrating that the information in question was submitted accurately and truthfully.

Involuntary Inactivation: The BACB reserves the right to apply a preliminary inactive status to any applicant or certificant for whom the BACB has information indicating that the individual:

- is incarcerated or in any form of inpatient care,
- is unable to completely and competently provide client services, or
- poses an immediate risk of harm to a client or other relevant individual (e.g., trainee, supervisee).

Note: During a period of involuntary inactive status, an individual may not represent themselves as a certificant, practice or bill under a BACB certification, provide BACB-required supervision, sign off on Competency Assessments, or carry out ACE-Provider activities. The BACB will make every reasonable attempt to expedite the deadlines listed in the Code-Enforcement Procedures in order to minimize the duration of the preliminary inactive status period.

Summary Suspension of Eligibility or Certification: The BACB reserves the right to summarily suspend an applicant or certificant (a) for failure to respond to requests from the BACB after multiple communication attempts using the contact information in the individual's BACB account by the date indicated in the correspondence or (b) for failure to comply with required actions from the Ethics Department. This is an automatic suspension of certification, application eligibility, or other status with the BACB that is published in the individual's Certificant Registry record on the BACB website. During the period of suspension, the individual may not represent themselves as a BACB certificant, practice or bill under a BACB certification, provide BACB-required supervision, sign off on Competency Assessments, or carry out ACE-Provider activities. Certificants suspended under this provision may include their relevant certification designation in communications, but they must accurately identify their status as suspended or inactive (e.g., John Doe, BCBA [inactive], Jane Doe, BCBA [suspended]). Failure to respond to the summary suspension may result in a summary revocation. Individuals have 30 days from the date of the summary revocation to request an appeal. An otherwise qualified individual may be reinstated during the suspension period if they:

1. request reinstatement in writing by identifying the reason for the nonresponse and an action plan to ensure timely responding moving forward,
2. comply with all requirements communicated by the BACB, and
3. demonstrate appropriate reporting to and from third parties and licensure board(s) when applicable.

Note: Reinstatement, if approved, does not occur until the individual meets the conditions outlined in subsections 1–3, until the individual complies with any other indicated actions (e.g., consequences in a Disciplinary or Appeal Determination or some other required action, such as providing documentation or other information), and until the Ethics Department makes the determination to clear the suspension or revocation. If the suspension is converted to a revocation for continued failure to respond, the individual will be required to apply for consideration for reentry (i.e., the opportunity to apply for recertification).

Documentation Audit or Review: The BACB reserves the right to audit, reconsider, or decline any documentation submitted to the BACB by any individual should the BACB have reason to question the accuracy of the person signing the document, no matter when the documentation was submitted. In particular, the following matters may warrant heightened scrutiny and/or denial of documentation submitted to the BACB, regardless of when the documentation was submitted or accepted:

- The documentation was signed by individuals who have convictions or ethics determinations of fraudulent/dishonest actions.
- The documentation was signed by individuals who own/owned or operate/operated an organization found to have engaged in fraudulent or unethical conduct, particularly, but not limited to, fraudulent or unethical conduct in the delivery, management, or billing of behavior-analytic services.

Release of Case Information

Information about summary actions and any other actions taken by the Ethics Department will be shared with all supervisors on record in accordance with the [Privacy Policy](#) and [Application Processing Agreement](#). Other documentation may be shared if determined necessary for consumer protection.

Intake and Routing of a Notice

Jurisdiction of a Notice: The BACB has jurisdiction over any individual certified as a Board Certified Behavior Analyst-Doctoral® (BCBA-D®), Board Certified Behavior Analyst® (BCBA®), Board Certified Assistant Behavior Analyst® (BCaBA®), or Registered Behavior Technician® (RBT®), including those with a complete certification application, as well as prior applicants and certificants who are on inactive status or whose eligibility or certification is suspended or revoked. The BACB also has jurisdiction over those who have applied to be or are Authorized Continuing Education (ACE) Providers. The BACB does not have jurisdiction over noncertified individuals, trainees, or organizations/agencies.

Intake of a Notice:

1. **Evaluating a Notice:** The BACB evaluates each Notice upon receipt to ensure that it:
 - is submitted against an individual over whom the BACB has jurisdiction;
 - is submitted within 6 months of the alleged violation(s) or of the Notifier becoming aware of the alleged violation(s) (BACB staff have the discretion to extend this deadline in exceptional circumstances);
 - is not submitted by the Subject of an active Notice against those involved in the original submission (e.g., the Notifier) unless 60 days from the closure of the original Notice (e.g., Notice is formally declined, activities required by the Educational system are completed, Disciplinary or Appeal Determination is received) have passed;
 - is not against a regulator who was acting in their official capacity with state immunity;
 - has a valid signature; and
 - includes clear documentation supporting the allegation(s). Supporting documentation should not be speculative or composed of unsubstantiated suspicions. All supporting documentation must be properly redacted (confidential identifying information removed or covered) and must not exceed 20 pages. If the supporting documentation is not properly redacted or exceeds the page limit, the BACB may return it to the Notifier with a request to correct and resubmit.

Note: For Notices of Publicly Documented Alleged Violation, the documentation must be freely and currently available (i.e., not behind a paywall or login requirement) and must substantiate an alleged violation of the ethics standards by an individual over whom the BACB has jurisdiction.

2. **Declining a Notice:** When a Notice does not meet the criteria above or is otherwise not actionable as determined by the BACB, the BACB declines the Notice and informs the Notifier.

Note: Notices submitted against an RBT may be declined if the alleged violation(s) do not relate to one of the following requirement violations: (a) the abuse/neglect of a client, (b) the Subject being charged/convicted of a violation of law, or (c) a violation of obligations to the BACB or requirement 1.03, 1.05, 3.01, 3.02, 3.03, 3.04, or 3.05 in the RBT Code. If a Notice is declined, the Notifier may be directed to take appropriate actions (e.g., address the issue directly, address the issue with the appropriate RBT Requirements Coordinator or Supervisor).

3. **Deferring a Notice:** When a Notice is related to a complaint that has been submitted to an agency with investigative powers (e.g., law enforcement, licensure board, third-party payer), the BACB may, but is not required to, postpone the processing of the Notice until a final determination has been issued by the investigatory agency. In such cases, the BACB informs the Notifier of the next steps regarding the Notice submitted.

4. **Processing a Notice:** Once a Notice is accepted for processing, the Subject is provided with an opportunity to review the Notice and supporting documentation and submit a response. The Subject is also notified of any interim actions. If the Subject is an RBT, they must practice under a BACB-authorized supervisor. The supervisor on record with the BACB will receive a BACB-Required Supervisor Acknowledgment of Notice form that must be completed and returned.

Routing of a Notice: At least two BACB staff collaborate to make an appropriate routing decision for each accepted Notice. The Notice may be declined, deferred, or routed to one of the following systems: Disciplinary Review or Educational Review.

Failure to Respond to a Notice: Failure to respond to the BACB by the date indicated in the correspondence results in the automatic suspension of certification, application eligibility, or other status with the BACB, which is published on the BACB website in the individual's Certificant Registry record. See the [Summary Suspension of Eligibility or Certification](#) section of this document for more information about summary suspensions and the required steps for initiating reinstatement of certification, application eligibility, or other status with the BACB.

Code-Enforcement Systems

Accepted Notices are routed to one of the following systems:

Educational Review: This system focuses on providing the Subject with guidance and support related to the alleged violation(s) to reduce the likelihood of future issues. This system is used when it is determined that the allegations are best addressed through nondisciplinary actions (e.g., feedback, professional-development tasks, coaching). Actions within this system may include sending the Subject an Educational Memorandum or Notice of Required Action or offering voluntary coaching (an educational- and professional-development process).

Disciplinary Review: This system focuses on determining whether the submitted documentation substantiates the alleged violation(s) and, if so, what consequences should be given to the Subject. The BACB takes disciplinary action against a Subject when a preponderance of the documentation supports the alleged violation(s). In other words, the documentation must support a finding that it is more likely than not that the violation(s) occurred. Neither the Subject nor the Notifier are allowed to be present at or to participate in the Disciplinary Review meeting. There are two possible outcomes of a Disciplinary Review: no further action or consequences are prescribed. The Disciplinary Review Committee considers the submitted documentation for a case, makes a decision regarding the alleged violation(s), and, if applicable, issues one or more consequences based on precedent and any mitigating or exacerbating factors.

Typically, within 30 days of the Disciplinary Review Committee's decision, BACB staff notify the Subject of the outcome of the Disciplinary Review. The Subject has 30 days to notify the BACB Ethics Department that they accept the Disciplinary Determination (i.e., intend to comply with the indicated consequences) or to request an appeal.

- If the Subject declines an appeal, they may begin fulfilling the requirements of the Disciplinary Determination on that date. The BACB informs the Notifier and relevant regulatory boards (if applicable) of the Disciplinary Determination.
- The Disciplinary Determination becomes final and unappealable if the Subject fails to accept the Disciplinary Determination **or** request an appeal within 30 days. The BACB informs the Notifier and relevant regulatory boards (if applicable) of the Disciplinary Determination.

Possible Disciplinary Consequences

There are two categories of consequences that may be applied in a Disciplinary Determination: corrective actions and sanctions. Corrective actions include steps the Subject must take to address the violation(s) and reduce the likelihood that future issues occur. Sanctions include actions that place a restriction on the Subject's ability to practice under their certification.

Corrective Actions: These consequences are not published on the BACB website. This list is not exhaustive, as other relevant actions may be determined during the Disciplinary Review process.

- **Professional Development:** The Subject must engage in relevant professional-development activities (e.g., earn continuing education credits or university course credits on a topic relevant to the violation[s], obtain additional training).
- **Mentorship:** The Subject is required to receive mentorship from an approved individual for the indicated duration to address professional development related to the specific violation(s) and any other areas identified.
- **Verification of Competency:** This may be requested when the Subject has disclosed a condition that may impact their ability to practice or when documentation warrants verification. Examples include, but are not limited to, reports of a mental health condition (or treatment for a condition) that prevents or significantly impacts work for a period of time, physical injuries that prevent work, and criminal offenses, like repeated instances of drinking and driving, that raise questions about the Subject's safe and competent practice.
- **Paper or Product Submission:** The Subject must read one or more relevant articles and submit a paper related to the relevant code violation(s) and/or create and submit other related products (e.g., policies, procedures, tracking systems, handbooks).

Sanctions: These consequences are published on the BACB website in the Subject's Certificant Registry record until the sanction requirements are completed, with the exceptions of revocation and invalidation, which remain in the individual's record for the longest duration permitted by law.

- **Certification Invalidation:** The Subject's certification is invalidated because the eligibility requirements were not met. The Subject whose certification is invalidated was, in effect, never legitimately certified.
- **Certification Revocation:** The Subject's certification is terminated. After the duration of the revocation period, the Subject must apply for post-revocation reentry to be reviewed by a committee that will make a decision to approve or deny. In instances of extreme risk, an individual's eligibility or certification may be revoked indefinitely. In such instances, the individual is permitted to submit a request for reconsideration of the revocation every 10 years.
- **Certification Suspension:** The Subject's certification may not be used for a specified period of time.
- **Eligibility Suspension:** The Subject is not eligible to apply for BACB certification for a specified period of time.
- **Practice Restriction:** The Subject's ability to practice behavior analysis under BACB certification is limited.
- **Mandatory Disciplinary Supervision:** The Subject is required to receive supervision from an approved individual for the indicated duration to address concerns related to the specific violation(s) and any other areas identified.

Note: Violating the terms of a consequence issued in a Disciplinary or Appeal Determination will result in immediate suspension or revocation of certification or eligibility. See the [Summary Suspension of Eligibility or Certification](#) section of this document for more information about summary actions and the required steps for initiating reinstatement of certification, application eligibility, or other status with the BACB.

Appeal Process

Procedures for Appeal Process: If the Subject is issued consequences as a part of a Disciplinary Review, they have 30 days to submit a written request for an appeal. Once the Subject requests an appeal, they will receive instructions and information about the appeal process. The Notifier does not have the right to request an appeal. In accordance with BACB bylaws, the Disciplinary Appeal Committee determines the outcome of the appeal.

Cases with Sanctions (i.e., Published Consequences): In addition to submitting the required appeal document, the Subject has the right to be present during the appeal via video conference. The Subject may submit written or verbal documentation in support of their appeal, may choose to be represented by counsel, and may have witnesses present during the video conference. The Subject must submit all additional documentation and a list of all individuals who will be present at the meeting to the BACB Ethics Department by the date required.

Cases with Corrective Actions (i.e., Nonpublished Consequences): In cases that only include corrective actions, the Subject must submit a written appeal document and may not be present during the appeal. The Subject may include additional documentation in support of their appeal, statements from witnesses, and appeal documents prepared by an attorney by the date required by the BACB Ethics Department.

Disciplinary Appeal Committee Decision: The Committee may issue one of three outcomes in the Appeal Determination in part or in whole: uphold, modify (but not in a manner more adverse to the Subject), or overturn.

Notification of Outcome: Typically, BACB staff send the Subject the Appeal Determination within 15 days of the Committee's decision. Any additional documentation the Subject submits after the conclusion of the appeal will not be considered. The BACB also sends the Appeal Determination to the Notifier and any relevant regulatory boards (if applicable).

Release of Documentation

Upon formal request (e.g., subpoena, court order) by a governmental agency or court of law or at the discretion of the Chief Executive Officer, the BACB may release all documentation (e.g., Notice, documents relevant to the violation[s], Subject's response and related documents, relevant correspondence) to the requesting party.

Amendment to Procedures

The BACB reserves the right to amend these procedures at any time.