

**BEHAVIORAL SCIENCES REGULATORY BOARD
BEHAVIOR ANALYST ADVISORY COMMITTEE MEETING
AGENDA FOR MEETING ON JANUARY 9, 2023**

Due to COVID-19, the Board office is practicing social distancing. The office space does not allow for a meeting while practicing social distancing, therefore, the meeting will be conducted virtually on the Zoom platform.

You may view the meeting here: https://youtu.be/iA_HMDxrpLw

To join the meeting by conference call: 877-278-8686, Pin #: 327072

If there are any technical issues during the meeting, you may call the Board office at, 785-296-3240. The Behavioral Sciences Regulatory Board may take items out of order as necessary to accommodate the time restrictions of Board members and visitors. All times and items are subject to change

Monday, January 9, 2023, 10:00 a.m.

- I. Call to Order and Roll Call**
- II. Agenda Approval**
- III. Review and Approval of Minutes from Advisory Committee Meeting on October 5, 2022**
- IV. Executive Director's Report**
- V. Old Business**
 - A. Finalize Recommended Changes to Unprofessional Conduct Regulations**
 - B. Discussion on Possible Regulation for Care of Clients in Crisis**
- VI. New Business**
 - A. Discussion on Possible Reciprocity Statute**
 - B. Discussion on Advisory Committee Topics for 2023**
- VII. Next Meeting: Date to be Determined, February 2023**
- VIII. Adjournment**

**KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
BEHAVIOR ANALYST ADVISORY COMMITTEE
OCTOBER 5, 2022**

Draft Minutes

- I. Call to Order:** David Anderson, Chair of the Advisory Committee, called the meeting to order at 10 a.m.
- Committee Members:** David Anderson, Kimberly Becker, Allyson Bell, Claudia Dozier, Linda Heitzman-Powell, Pete Peterson, Christie Stiehl, Mike Wasmer, and Alice Zhang, Jacqueline Lightcap were present by Zoom.
- BSRB Staff:** David Fye and Leslie Allen attended by Zoom.
- II. Agenda Approval.** Linda Heitzman-Powell motioned to approve the agenda. Pete Peterson seconded. The motion passed.
- III. Review and Approval of Minutes from the Advisory Committee Meeting on August 1.** Pete Peterson moved to approve the minutes. Claudia Dozier seconded. The motion passed.
- IV. Executive Director's Report.** The Executive Director for the BSRB reported on the following items:
- A. Agency Updates.** The BSRB is still under the Governor's direction to avoid in-person meetings in state buildings. The Executive Director noted he will update the Advisory Committee when that direction is changed. Until the limitation is lifted, the BSRB will continue to hold most Board and Advisory Committee meetings virtually. The BSRB submits a budget by September 15 each year, which is reviewed by the Governor's Office through the Division of the Budget, then the Governor makes recommendations. There were some increases in the cost of some contracted services. The BSRB was required to submit a three-year IT plan. Two long-term goals are moving applications online and digitizing paper records.
- B. Board Meeting on September 12, 2022.** A representative from CE Broker presented information on ways their company assists licensing boards in regulating auditing of continuing education requirements. A representative from Heart of America Professional Network presented information on ways they provide impaired provider programs to licensing boards, to assist licensees needing assistance with substance abuse and mental health care or as an alternative to discipline. The Board reviewed and made changes to the investigation policy. Additionally, the Board discussed the national rollout of the 988 National Suicide Prevention Lifeline and whether a new regulation should be added concerning after-hours care for clients in crisis. The Board will hold an all-day planning meeting on October 24, 2022, in Olathe, KS.

C. Other Meetings and Events. The Executive Director will be providing testimony on recommendations from the 2020 and 2021 Legislative Special Committee on Mental Health Modernization and Reform at the Robert G. (Bob) Bethell Joint Committee to the Home and Community Based Services and KanCare Oversight on September 27, 2022. The Kansas Fights Addiction Grant Review Board met on July 14, 2022, and the next meeting will be on September 28, 2022, at 1 pm.

V. Old Business

A. Continued Discussion on Unprofessional Conduct Regulations. Advisory Committee members discussed the BSRB unprofessional conduct regulations as well as comparisons to the Behavior Analyst Credentialing Board (BACB) code of ethics. A spreadsheet was presented which showed some of the comparisons. Advisory Committee members discussed that there is not a current unprofessional conduct regulations specifically concerning accepting gifts; there is a lack of language on supervision and training; and there could be additional language concerning a situation when a practitioner leaves employment. The spreadsheet will be distributed to Advisory Committee members following the meeting by the Executive Director. The Advisory Committee will have further discussion on this topic at the December Advisory Committee meeting.

VII. New Business

A. Possible Changes to K.S.A 65-7504(a) Behavior Analyst Language on Board Disciplinary Remedies. The Executive Director noted that K.S.A. 65-7504(a) provides the Board the jurisdiction or authority to impose certain disciplinary remedies. Currently, that statute is limited and does not provide the same types of remedies available to the Board or other professions. The statute only provides for severe penalties, such as the ability to deny, suspend, revoke, or refuse renewal. The Executive Director noted the Board will be requesting legislation to make the language of this statute more similar to the other professions under the BSRB, so that individuals who commit a minor violation of the rules of unprofessional conduct may receive appropriate punishment upon a finding of a violation.

B. Discussion on Possible Regulation for Care of Clients in Crisis. The Executive Director and Chair of the Advisory Committee summarized the Board's discussion on this topic as it relates to the rollout of the 988 national suicide prevention hotline and other topics, noting that each Advisory Committee was asked to discuss whether the unprofessional conduct regulations could be adjusted to provide more clear guidance to practitioners on their expectations for clients in crisis after hours. Advisory Committee members discussed what arrangements need to be made for clients who are in crisis after hours. Advisory Committees discussed their profession, noting there may be unique differences compared to the other professions, due to the ways behavior analysts work with clients and that most of their clients are minors. Advisory Committee members noted concern with having language that would lead to too many requirements, because they would not want practitioners to avoid taking

clients who might be more likely to have a crisis after hours. It was noted that parents would normally have crisis plans for their children. Advisory Committee members were asked to come to the next meeting in December with possible language to adjust the unprofessional conduct regulations on this topic.

C. Discussion on Kansas Fights Addiction Grant Review Board Appointee. The Executive Director noted at the last Board meeting, the Board noted it would like to appoint a permanent appointee to the KFAGRB who has actual experience treating addictions. The Executive Director sent an e-mail to all members of the Advisory Committees, explaining the position and asking individuals interested in the appointment to provide a letter of interest and resume by October 14, 2022.

VIII. Next Meeting: The next Advisory Committee meeting will be at 1pm on Thursday, December 8, 2022.

IX. Adjournment: Linda Heitzman-Powell moved to adjourn. Alice Zhang Seconded. The motion passed.

102-8-11. Unprofessional conduct. Each of the following acts shall be considered unprofessional conduct for a licensed assistant behavior analyst, a licensed behavior analyst, or an applicant for an assistant behavior analyst license or a behavior analyst license:

(a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure has met any of the following conditions:

(1) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(2) has been subject to any other disciplinary action by a credentialing board, professional association, or professional organization;

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance; or

(4) has violated any provision of the act or any implementing regulation;

(b) knowingly allowing another person to use one's license;

(c) impersonating another person holding a license or registration issued by the board or any other agency;

(d) having been convicted of a crime resulting from or relating to one's professional practice of applied behavior analysis;

(e) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is licensed by the board;






(f) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;



(g) failing or refusing to cooperate within 30 days with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;


(h) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;

(i) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;

(j) discriminating against any client, student, directee, or supervisee on the basis of age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status;

- (k) failing to advise and explain  each client the respective rights, responsibilities, and duties involved in the licensee's professional relationship with the client;
- (l) failing to provide each client with a description  the services, fees, and payment expectations or failing to reasonably comply with that description;
- (m) failing to provide each client with a description  of the possible effects of the proposed treatment if the treatment is experimental or if there are clear and known risks to the client; 
- (n) failing to inform each client, student, or supervisee of any financial interests that might accrue to licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus;
- (o) failing to inform each client that the client can receive services from a public agency if one is employed by that public agency and also offers services privately;
- (p) failing to provide copies of reports or records to a licensed healthcare provider authorized by the client following the licensee's receipt of a formal written request, unless the release of that information is restricted or exempted by law or by this article of the board's regulations, or the disclosure of the information would be injurious to the welfare of the client;
- (q) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:
 - (1) Electronically recording sessions with the client;
 - (2) permitting a third-party observation of the licensee's provision of applied behavior analysis services to the client; or
 - (3) releasing information concerning a client to a third person, unless required or permitted by law;
- (r) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting;
- (s) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation 
- (t) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, unless at least one of the following conditions is met:
 - (1) Disclosure is required or permitted by law;
 - (2) failure to disclose the information presents a serious danger to the health or safety of an individual or the public;
 - (3) the licensee is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of applied behavior analysis, in which case disclosure shall be limited to that action; or
 - (4) payment for services is needed;
- (u) using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of a licensee;
- (v) engaging in a harmful dual relationship or exercising undue influence;
- (w) making sexual advances toward or engaging in physical intimacies or sexual activities with any of the following:

- (1) Any person who is a client, supervisee, or student; or
- (2) any person who has a significant relationship with the client and that relationship is known to the licensee;
- (x) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:
 - (1) Has been a client within the past 24 months; or
 - (2) has had a significant relationship with a current client or a person who has been a client within the past 24 months and that relationship is known to the licensee;
- (y) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;
- (z) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice applied behavior analysis;
- (aa) soliciting or assuming professional responsibility for any clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague; 
- (bb) making claims of professional superiority that one cannot substantiate 
- (cc) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;
- (dd) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;
- (ee) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;
- (ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;
- (gg) if engaged in research, failing to meet the following requirements:
 - (1) Considering carefully the possible consequences for human beings participating in the research;
 - (2) protecting each participant from unwarranted physical and mental harm;
 - (3) ascertaining that each participant's consent is voluntary and informed; and
 - (4) preserving the privacy and protecting the anonymity of each subject of the research within the terms of informed consent;
- (hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;
- (ii) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;
- (jj) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;
- (kk) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;
- (ll) failing to terminate applied behavior analysis services if it is apparent that the relationship no longer serves the client's needs or best interests;

(mm) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation; 

(nn) when applicable, failing to inform a client that applied behavior analysis services are provided or delivered under supervision;

(oo) failing to report unprofessional conduct of a licensed assistant behavior analyst, a licensed behavior analyst, or any other individual licensed by the board;

(pp) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;

(qq) offering to perform or performing any service, procedure, treatment, or therapy that, by the accepted standards of applied behavior analysis practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;

(rr) practicing applied behavior analysis after one's license expires; and

(ss) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation.

(Authorized by K.S.A. 2015 Supp. 65-7505; implementing K.S.A. 2015 Supp. 65-7504 and 65-7505; effective, T-102-6-29-16, June 29, 2016; effective Nov. 14, 2016.)

BSRB LBA CURRENT	BACB ETHICS CODE FOR BEHAVIOR ANALYSTS (effective 1/1/2022)	Additional Notes (C. Stiehl)	MO LBA CURRENT (Sept 2021)
<p>102-8-11. Unprofessional conduct. Each of the following acts shall be considered unprofessional conduct for a licensed assistant behavior analyst, a licensed behavior analyst, or an applicant for an assistant behavior analyst license or a behavior analyst license:</p>		BSRB states unprofessional conduct behaviors while BACB states professional conduct behaviors	<p>MO includes additional sections: purpose of ethical rules, definitions of relevant terminology, states BACB code will be used to clarify ambiguity;</p> <p>Differences: Like BACB, MO frames as "ethical rules of conduct" and states that a violation equates to unprofessional conduct; MO includes organizations as possible clients; MO "Scope" provides further detail about which activities covered by rules (e.g., includes teaching/research/publications IF clients involved)</p>
<p>(a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure has met any of the following conditions:</p>	<p>1.16 Self-Reporting Critical Information Behavior analysts remain knowledgeable about and comply with all self-reporting requirements of relevant entities (e.g., BACB, licensure boards, funders).</p>	<p>Information on self-reporting to BACB is included in the BCBA Handbook under Certification Maintenance Requirements; p. 41-43 outline general self-reporting requirements and details four critical events that require self-reporting: (1) violations of ethics standards, (2) physical and mental health conditions, and substance-use disorders, (3) investigations, and (4) agreements and actions. Same content appears in BCaBA Handbook. Link to BCBA Handbook and additional detail: https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook_202601.pdf</p>	Section 15A - BAs required to report known violations to board
<p>(1) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;</p>			
<p>(2) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;</p>			
<p>(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance; or</p>			
<p>(4) has violated any provision of the act or any implementing regulation;</p>			
<p>(b) knowingly allowing another person to use one's license;</p>	<p>5.04 Public Statements by Others (see 1.03) Behavior analysts are responsible for public statements that promote their professional activities or products, regardless of who creates or publishes the statements. Behavior analysts make reasonable efforts to prevent others (e.g., employers, marketers, clients, stakeholders) from making deceptive statements concerning their professional activities or products. If behavior analysts learn of such statements, they make reasonable efforts to correct them. Behavior analysts document all actions taken in this circumstance and the eventual outcomes.</p>	No specific code aligns	Section 14A

(c) impersonating another person holding a license or registration issued by the board or any other agency;	1.01 Being Truthful Behavior analysts are truthful and arrange the professional environment to promote truthful behavior in others. They do not create professional situations that result in others engaging in behavior that is fraudulent or illegal or that violates the Code. They also provide truthful and accurate information to all required entities (e.g., BACB, licensure boards, funders) and individuals (e.g., clients, stakeholders, supervisees, trainees), and they correct instances of untruthful or inaccurate submissions as soon as they become aware of them. 5.03 Public Statements by Behavior Analysts (see 1.01, 1.02) When providing public statements about their professional activities, or those of others with whom they are affiliated, behavior analysts take reasonable precautions to ensure that the statements are truthful and do not mislead or exaggerate either because of what they state, convey, suggest, or omit; and are based on existing research and a behavioral conceptualization. Behavior analysts do not provide specific advice related to a client's needs in public forums.	No specific code aligns	Section 3E Accurate Representation
(d) having been convicted of a crime resulting from or relating to one's professional practice of applied behavior analysis;	see (a)	No specific code aligns	
(e) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is licensed by the board;	see (b) and (c)	No specific code aligns	Section 14A
(f) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;	1.10 Awareness of Personal Biases and Challenges Behavior analysts maintain awareness that their personal biases or challenges (e.g., mental or physical health conditions; legal, financial, marital/relationship challenges) may interfere with the effectiveness of their professional work. Behavior analysts take appropriate steps to resolve interference, ensure that their professional work is not compromised, and document all actions taken in this circumstance and the eventual outcomes.	Critical Event Requiring Self-Report (BCBA Handbook): Physical and Mental Health Conditions and Substance Use Disorders	Section 6A
(g) failing or refusing to cooperate within 30 days with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;	1.15 Responding to Requests Behavior analysts make appropriate efforts to respond to requests for information from and comply with deadlines of relevant individuals (e.g., clients, stakeholders, supervisees, trainees) and entities (e.g., BACB, licensure boards, funders). They also comply with practice requirements (e.g., attestations, criminal background checks) imposed by the BACB, employers, or governmental entities.	No time period specified by BACB	Section 15C (less detailed, no time period specified)
(h) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;	1.05 Practicing within Scope of Competence Behavior analysts practice only within their identified scope of competence. They engage in professional activities in new areas (e.g., populations, procedures) only after accessing and documenting appropriate study, training, supervised experience, consultation, and/or co-treatment from professionals competent in the new area. Otherwise, they refer or transition services to an appropriate professional.		Addressed, Section 3
(i) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;	1.09 Nonharassment Behavior analysts do not engage in behavior that is harassing or hostile toward others. 1.13 Coercive and Exploitative Relationships Behavior analysts do not abuse their power or authority by coercing or exploiting persons over whom they have authority (e.g., evaluative, supervisory).		Addressed, Section 6C
(j) discriminating against any client, student, directee, or supervisee on the basis of age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status;	1.08 Nondiscrimination Behavior analysts do not discriminate against others. They behave toward others in an equitable and inclusive manner regardless of age, disability, ethnicity, gender expression/identity, immigration status, marital/relationship status, national origin, race, religion, sexual orientation, socioeconomic status, or any other basis proscribed by law.	BACB lists additional protected statuses	Addressed, Section 3H4

(k) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the licensee's professional relationship with the client;	<p>1.04 Practicing within a Defined Role Behavior analysts provide services only after defining and documenting their professional role with relevant parties in writing. 3.04 Service Agreement (see 1.04) Before implementing services, behavior analysts ensure that there is a signed service agreement with the client and/ or relevant stakeholders outlining the responsibilities of all parties, the scope of behavioral services to be provided, the behavior analyst's obligations under the Code, and procedures for submitting complaints about a behavior analyst's professional practices to relevant entities (e.g., BACB, service organization, licensure board, funder). They update service agreements as needed or as required by relevant parties (e.g., service organizations, licensure boards, funders). Updated service agreements must be reviewed with and signed by the client and/or relevant stakeholders.</p>		
(l) failing to provide each client with a description of the services, fees, and payment expectations or failing to reasonably comply with that description;	<p>2.07 Fees Behavior analysts implement fee practices and share fee information in compliance with applicable laws and regulations. They do not misrepresent their fees. In situations where behavior analysts are not directly responsible for fees, they must communicate these requirements to the responsible party and take steps to resolve any inaccuracy or conflict. They document all actions taken in this circumstance and the eventual outcomes. 3.05 Financial Agreements (see 1.04, 2.07) Before beginning services, behavior analysts document agreed-upon compensation and billing practices with their clients, relevant stakeholders, and/or funders. When funding circumstances change, they must be revisited with these parties. Pro bono and bartered services are only provided under a specific service agreement and in compliance with the Code.</p>		
(m) failing to provide each client with a description of the possible effects of the proposed treatment if the treatment is experimental or if there are clear and known risks to the client;	<p>2.14 Selecting, Designing, and Implementing Behavior-Change Interventions Behavior analysts select, design, and implement behavior-change interventions that: (1) are conceptually consistent with behavioral principles; (2) are based on scientific evidence; (3) are based on assessment results; (4) prioritize positive reinforcement procedures; and (5) best meet the diverse needs, context, and resources of the client and stakeholders. Behavior analysts also consider relevant factors (e.g., risks, benefits, and side effects; client and stakeholder preference; implementation efficiency; cost effectiveness) and design and implement behavior-change interventions to produce outcomes likely to maintain under naturalistic conditions. They summarize the behavior-change intervention procedures in writing (e.g., a behavior plan). 2.15 Minimizing Risk of Behavior-Change Interventions Behavior analysts select, design, and implement behavior-change interventions (including the selection and use of consequences) with a focus on minimizing risk of harm to the client and stakeholders. They recommend and implement restrictive or punishment-based procedures only after demonstrating that desired results have not been obtained using less intrusive means, or when it is determined by an existing intervention team that the risk of harm to the client outweighs the risk associated with the behavior-change intervention. When recommending and implementing restrictive or punishment-based procedures, behavior analysts comply with any required review processes (e.g., a human rights review committee). Behavior analysts must continually evaluate and document the effectiveness of restrictive or punishment-based procedures and modify or discontinue the behavior-change intervention in a timely manner if it is ineffective. 2.16 Describing Behavior-Change Interventions Before Implementation Before implementation, behavior analysts describe in writing the objectives and procedures of the behavior-change intervention, any projected timelines, and the schedule of ongoing review. They provide this information and explain the environmental conditions necessary for effective implementation of the behavior-change intervention to the stakeholders and client (when appropriate). They also provide explanations when modifying existing or introducing new behavior-change interventions and obtain informed consent when appropriate.</p>	No specific code aligns to experimental treatments	

(n) failing to inform each client, student, or supervisee of any financial interests that might accrue to licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus;	N/A	No specific code aligns	
(o) failing to inform each client that the client can receive services from a public agency if one is employed by that public agency and also offers services privately;	N/A	No specific code aligns	
(p) failing to provide copies of reports or records to a licensed healthcare provider authorized by the client following the licensee's receipt of a formal written request, unless the release of that information is restricted or exempted by law or by this article of the board's regulations, or the disclosure of the information would be injurious to the welfare of the client;	<p>1.15 Responding to Requests Behavior analysts make appropriate efforts to respond to requests for information from and comply with deadlines of relevant individuals (e.g., clients, stakeholders, supervisees, trainees) and entities (e.g., BACB, licensure boards, funders). They also comply with practice requirements (e.g., attestations, criminal background checks) imposed by the BACB, employers, or governmental entities. 2.02 Timeliness Behavior analysts deliver services and carry out necessary service-related administrative responsibilities in a timely manner. 3.06 Consulting with Other Providers (see 1.05, 2.04, 2.10, 2.11, 2.12) Behavior analysts arrange for appropriate consultation with and referrals to other providers in the best interests of their clients, with appropriate informed consent, and in compliance with applicable requirements (e.g., laws, regulations, contracts, organization and funder policies).</p> <p>3.16 Appropriately Transitioning Services (see 1.03, 2.02, 2.05, 2.10) Behavior analysts include in their service agreement the circumstances for transitioning the client to another behavior analyst within or outside of their organization. They make appropriate efforts to effectively manage transitions; provide a written plan that includes target dates, transition activities, and responsible parties; and review the plan throughout the transition. When relevant, they take appropriate steps to minimize disruptions to services during the transition by collaborating with relevant service providers.</p>	No specific code aligns	
(q) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:	<p>2.03 Protecting Confidential Information Behavior analysts take appropriate steps to protect the confidentiality of clients, stakeholders, supervisees, trainees, and research participants; prevent the accidental or inadvertent sharing of confidential information; and comply with applicable confidentiality requirements (e.g., laws, regulations, organization policies). The scope of confidentiality includes service delivery (e.g., live, teleservices, recorded sessions); documentation and data; and verbal, written, or electronic communication.</p> <p>2.04 Disclosing Confidential Information Behavior analysts only share confidential information about clients, stakeholders, supervisees, trainees, or research participants: (1) when informed consent is obtained; (2) when attempting to protect the client or others from harm; (3) when attempting to resolve contractual issues; (4) when attempting to prevent a crime that is reasonably likely to cause physical, mental, or financial harm to another; or (5) when compelled to do so by law or court order. When behavior analysts are authorized to discuss confidential information with a third party, they only share information critical to the purpose of the communication. 3.06 Consulting with Other Providers (see 1.05, 2.04, 2.10, 2.11, 2.12) Behavior analysts arrange for appropriate consultation with and referrals to other providers in the best interests of their clients, with appropriate informed consent, and in compliance with applicable requirements (e.g., laws, regulations, contracts, organization and funder policies).</p>	No code related to consent for electronic recordings	
(1) Electronically recording sessions with the client;			Consent required
(2) permitting a third-party observation of the licensee's provision of applied behavior analysis services to the client; or			
(3) releasing information concerning a client to a third person, unless required or permitted by law;			Consent required
(r) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting;	2.03 Protecting Confidential Information Behavior analysts take appropriate steps to protect the confidentiality of clients, stakeholders, supervisees, trainees, and research participants; prevent the accidental or inadvertent sharing of confidential information; and comply with applicable confidentiality requirements (e.g., laws, regulations, organization policies). The scope of confidentiality includes service delivery (e.g., live, teleservices, recorded sessions); documentation and data; and verbal, written, or electronic communication.	No specific code aligns	Included

(s) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;	<p>1.01 Being Truthful Behavior analysts are truthful and arrange the professional environment to promote truthful behavior in others. They do not create professional situations that result in others engaging in behavior that is fraudulent or illegal or that violates the Code. They also provide truthful and accurate information to all required entities (e.g., BACB, licensure boards, funders) and individuals (e.g., clients, stakeholders, supervisees, trainees), and they correct instances of untruthful or inaccurate submissions as soon as they become aware of them. 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. 2.07 Fees Behavior analysts implement fee practices and share fee information in compliance with applicable laws and regulations. They do not misrepresent their fees. In situations where behavior analysts are not directly responsible for fees, they must communicate these requirements to the responsible party and take steps to resolve any inaccuracy or conflict. They document all actions taken in this circumstance and the eventual outcomes.</p>		Sections 10C and 13B
(t) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, unless at least one of the following conditions is met:	<p>2.04 Disclosing Confidential Information Behavior analysts only share confidential information about clients, stakeholders, supervisees, trainees, or research participants: (1) when informed consent is obtained; (2) when attempting to protect the client or others from harm; (3) when attempting to resolve contractual issues; (4) when attempting to prevent a crime that is reasonably likely to cause physical, mental, or financial harm to another; or (5) when compelled to do so by law or court order. When behavior analysts are authorized to discuss confidential information with a third party, they only share information critical to the purpose of the communication.</p>	BACB does not specify disclosure for payment	
(1) Disclosure is required or permitted by law;			
(2) failure to disclose the information presents a serious danger to the health or safety of an individual or the public;			
(3) the licensee is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of applied behavior analysis, in which case disclosure shall be limited to that action; or			
(4) payment for services is needed;			
(u) using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of a licensee;	See (a) and (f)		
(v) engaging in a harmful dual relationship or exercising undue influence;	<p>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. 1.13 Coercive and Exploitative Relationships Behavior analysts do not abuse their power or authority by coercing or exploiting persons over whom they have authority (e.g., evaluative, supervisory).</p>	Critical Event Requiring Self-Report (BCBA Handbook): engaging in a multiple relationship with a client or supervisee	Section 6B-C

(w) making sexual advances toward or engaging in physical intimacies or sexual activities with any of the following:	1.09 Nonharassment Behavior analysts do not engage in behavior that is harassing or hostile toward others. 1.14 Romantic and Sexual Relationships Behavior analysts do not engage in romantic or sexual relationships with current clients, stakeholders, trainees, or supervisees because such relationships pose a substantial risk of conflicts of interest and impaired judgment. Behavior analysts do not engage in romantic or sexual relationships with former clients or stakeholders for a minimum of two years from the date the professional relationship ended. Behavior analysts do not engage in romantic or sexual relationships with former supervisees or trainees until the parties can document that the professional relationship has ended (i.e., completion of all professional duties). Behavior analysts do not accept as supervisees or trainees individuals with whom they have had a past romantic or sexual relationship until at least six months after the relationship has ended.	Critical Event Requiring Self-Report (BCBA Handbook): engaging in a multiple relationship with a client or supervisee; BACB provides additional guidance for former supervisees/trainees and for potential supervisees/trainees with a previous romantic/sexual relationship	Section 6B-C
(1) Any person who is a client, supervisee, or student; or			
(2) any person who has a significant relationship with the client and that relationship is known to the licensee;			does not include those with significant relationships to client
(x) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:			
(1) Has been a client within the past 24 months; or			does not reference conduct with <u>past</u> clients, supervisees etc.
(2) has had a significant relationship with a current client or a person who has been a client within the past 24 months and that relationship is known to the licensee;			
(y) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;	3.13 Referrals (see 1.05, 1.11, 2.01, 2.04, 2.10) Behavior analysts make referrals based on the needs of the client and/or relevant stakeholders and include multiple providers when available. Behavior analysts disclose to the client and relevant stakeholders any relationships they have with potential providers and any fees or incentives they may receive for the referrals. They document any referrals made, including relevant relationships and fees or incentives received, and make appropriate efforts to follow up with the client and/or relevant stakeholders.	BACB only requires disclosure and documentation of fees/incentives but does not prohibit such fees/incentives	Included Section 11D3
(z) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice applied behavior analysis;	N/A	No specific code aligns	Section 11C - Does not forbid but requires client notification
(aa) soliciting or assuming professional responsibility for any clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;	N/A	No specific code aligns	Different requirements - Section 7H
(bb) making claims of professional superiority that one cannot substantiate;	5.03 Public Statements by Behavior Analysts (see 1.01, 1.02) When providing public statements about their professional activities, or those of others with whom they are affiliated, behavior analysts take reasonable precautions to ensure that the statements are truthful and do not mislead or exaggerate either because of what they state, convey, suggest, or omit; and are based on existing research and a behavioral conceptualization. Behavior analysts do not provide specific advice related to a client's needs in public forums.	No specific code aligns	Section 10C
(cc) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;	See (bb)	No specific code aligns	
(dd) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;	See (bb)	No specific code aligns	
(ee) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;	3.01 Responsibility to Clients (see 1.03, 2.01) Behavior analysts act in the best interest of clients, taking appropriate steps to support clients' rights, maximize benefits, and do no harm. They are also knowledgeable about and comply with applicable laws and regulations related to mandated reporting requirements.	No specific code aligns	

(ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;	5.05 Use of Intellectual Property (see 1.01, 1.02, 1.03) Behavior analysts are knowledgeable about and comply with intellectual property laws, including obtaining permission to use materials that have been trademarked or copyrighted or can otherwise be claimed as another's intellectual property as defined by law. Appropriate use of such materials includes providing citations, attributions, and/or trademark or copyright symbols. Behavior analysts do not unlawfully obtain or disclose proprietary information, regardless of how it became known to them.	No specific code re: plagiarism unrelated to intellectual property	Section 10H-J
(gg) if engaged in research, failing to meet the following requirements:	6.04 Informed Consent in Research (see 1.04, 2.08, 2.11) Behavior analysts are responsible for obtaining informed consent (and assent when relevant) from potential research participants under the conditions required by the research review committee. When behavior analysts become aware that data obtained from past or current clients, stakeholders, supervisees, and/or trainees during typical service delivery might be disseminated to the scientific community, they obtain informed consent for use of the data before dissemination, specify that services will not be impacted by providing or withholding consent, and make available the right to withdraw consent at any time without penalty. 6.01 Conforming with Laws and Regulations in Research (see 1.02) Behavior analysts plan and conduct research in a manner consistent with all applicable laws and regulations, as well as requirements by organizations and institutions governing research activity. 6.02 Research Review (see 1.02, 1.04, 3.01) Behavior analysts conduct research, whether independent of or in the context of service delivery, only after approval by a formal research review committee. 6.03 Research in Service Delivery (see 1.02, 1.04, 2.01, 3.01) Behavior analysts conducting research in the context of service delivery must arrange research activities such that client services and client welfare are prioritized. In these situations, behavior analysts must comply with all ethics requirements for both service delivery and research within the Code. When professional services are offered as an incentive for research participation, behavior analysts clarify the nature of the services, and any potential risks, obligations, and limitations for all parties. 6.05 Confidentiality in Research (see 2.03, 2.04, 2.05) Behavior analysts prioritize the confidentiality of their research participants except under conditions where it may not be possible. They make appropriate efforts to prevent accidental or inadvertent sharing of confidential or identifying information while conducting research and in any dissemination activity related to the research (e.g., disguising or removing confidential or identifying information).	No specific code aligns to (1) considering consequences	
(1) Considering carefully the possible consequences for human beings participating in the research;			
(2) protecting each participant from unwarranted physical and mental harm;			
(3) ascertaining that each participant's consent is voluntary and informed; and			
(4) preserving the privacy and protecting the anonymity of each subject of the research within the terms of informed consent;			
(hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;	1.01 Being Truthful Behavior analysts are truthful and arrange the professional environment to promote truthful behavior in others. They do not create professional situations that result in others engaging in behavior that is fraudulent or illegal or that violates the Code. They also provide truthful and accurate information to all required entities (e.g., BACB, licensure boards, funders) and individuals (e.g., clients, stakeholders, supervisees, trainees), and they correct instances of untruthful or inaccurate submissions as soon as they become aware of them. 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.	No specific code aligns	

(ii) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;	<p>3.14 Facilitating Continuity of Services (see 1.03, 2.02, 2.05, 2.08, 2.10) Behavior analysts act in the best interests of the client to avoid interruption or disruption of services. They make appropriate and timely efforts to facilitate the continuation of behavioral services in the event of planned interruptions (e.g., relocation, temporary leave of absence) and unplanned interruptions (e.g., illness, funding disruption, parent request, emergencies). They ensure that service agreements or contracts include a general plan of action for service interruptions. When a service interruption occurs, they communicate to all relevant parties the steps being taken to facilitate continuity of services. Behavior analysts document all actions taken in this circumstance and the eventual outcomes. 3.15 Appropriately Discontinuing Services (see 1.03, 2.02, 2.05, 2.10, 2.19) Behavior analysts include the circumstances for discontinuing services in their service agreement. They consider discontinuing services when: (1) the client has met all behavior-change goals, (2) the client is not benefiting from the service, (3) the behavior analyst and/or their supervisees or trainees are exposed to potentially harmful conditions that cannot be reasonably resolved, (4) the client and/or relevant stakeholder requests discontinuation, (5) the relevant stakeholders are not complying with the behavior-change intervention despite appropriate efforts to address barriers, or (6) services are no longer funded. Behavior analysts provide the client and/or relevant stakeholders with a written plan for discontinuing services, document acknowledgment of the plan, review the plan throughout the discharge process, and document all steps taken.</p>		
(jj) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;	<p>3.14 Facilitating Continuity of Services (see 1.03, 2.02, 2.05, 2.08, 2.10) Behavior analysts act in the best interests of the client to avoid interruption or disruption of services. They make appropriate and timely efforts to facilitate the continuation of behavioral services in the event of planned interruptions (e.g., relocation, temporary leave of absence) and unplanned interruptions (e.g., illness, funding disruption, parent request, emergencies). They ensure that service agreements or contracts include a general plan of action for service interruptions. When a service interruption occurs, they communicate to all relevant parties the steps being taken to facilitate continuity of services. Behavior analysts document all actions taken in this circumstance and the eventual outcomes. 3.16 Appropriately Transitioning Services (see 1.03, 2.02, 2.05, 2.10) Behavior analysts include in their service agreement the circumstances for transitioning the client to another behavior analyst within or outside of their organization. They make appropriate efforts to effectively manage transitions; provide a written plan that includes target dates, transition activities, and responsible parties; and review the plan throughout the transition. When relevant, they take appropriate steps to minimize disruptions to services during the transition by collaborating with relevant service providers.</p>		Section 5A

(kk) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;	3.15 Appropriately Discontinuing Services (see 1.03, 2.02, 2.05, 2.10, 2.19) Behavior analysts include the circumstances for discontinuing services in their service agreement. They consider discontinuing services when: (1) the client has met all behavior-change goals, (2) the client is not benefiting from the service, (3) the behavior analyst and/or their supervisees or trainees are exposed to potentially harmful conditions that cannot be reasonably resolved, (4) the client and/or relevant stakeholder requests discontinuation, (5) the relevant stakeholders are not complying with the behavior-change intervention despite appropriate efforts to address barriers, or (6) services are no longer funded. Behavior analysts provide the client and/or relevant stakeholders with a written plan for discontinuing services, document acknowledgment of the plan, review the plan throughout the discharge process, and document all steps taken.	Critical Event Requiring Self-Report (BCBA Handbook): leaving a position without ensuring continuity of services or in a manner that fails to appropriately transition or discontinue services	
(ll) failing to terminate applied behavior analysis services if it is apparent that the relationship no longer serves the client's needs or best interests;	3.15 Appropriately Discontinuing Services (see 1.03, 2.02, 2.05, 2.10, 2.19) Behavior analysts include the circumstances for discontinuing services in their service agreement. They consider discontinuing services when: <u>(1) the client has met all behavior-change goals, (2) the client is not benefiting from the service,</u> (3) the behavior analyst and/or their supervisees or trainees are exposed to potentially harmful conditions that cannot be reasonably resolved, (4) the client and/or relevant stakeholder requests discontinuation, (5) the relevant stakeholders are not complying with the behavior-change intervention despite appropriate efforts to address barriers, or (6) services are no longer funded. Behavior analysts provide the client and/or relevant stakeholders with a written plan for discontinuing services, document acknowledgment of the plan, review the plan throughout the discharge process, and document all steps taken.		
(mm) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation;	4.06 Providing Supervision and Training (see 1.02, 1.13 2.01) 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. 4.08 Performance Monitoring and Feedback (see 2.02, 2.05, 2.17, 2.18) Behavior analysts engage in and document ongoing, evidence-based data collection and performance monitoring (e.g., observations, structured evaluations) of supervisees or trainees. They provide timely informal and formal praise and feedback designed to improve performance and document formal feedback delivered. When performance problems arise, behavior analysts develop, communicate, implement, and evaluate an improvement plan with clearly identified procedures for addressing the problem.		
(nn) when applicable, failing to inform a client that applied behavior analysis services are provided or delivered under supervision;	1.04 Practicing within a Defined Role Behavior analysts provide services only after defining and documenting their professional role with relevant parties in writing.	No specific code aligns	
(oo) failing to report unprofessional conduct of a licensed assistant behavior analyst, a licensed behavior analyst, or any other individual licensed by the board;	N/A	No specific code aligns; BACB provides opportunity for reporting certificants and document, "Considerations for Reporting an Alleged Violation Against a BCaBA/BCBA"	Section 15A (duplicate)

(pp) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;	1.02 Conforming with Legal and Professional Requirements Behavior analysts follow the law and the requirements of their professional community (e.g., BACB, licensure board).	No specific code aligns	
(qq) offering to perform or performing any service, procedure, treatment, or therapy that, by the accepted standards of applied behavior analysis practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;	6.03 Research in Service Delivery (see 1.02, 1.04, 2.01, 3.01) Behavior analysts conducting research in the context of service delivery must arrange research activities such that client services and client welfare are prioritized. In these situations, behavior analysts must comply with all ethics requirements for both service delivery and research within the Code. When professional services are offered as an incentive for research participation, behavior analysts clarify the nature of the services, and any potential risks, obligations, and limitations for all parties. 6.04 Informed Consent in Research (see 1.04, 2.08, 2.11) Behavior analysts are responsible for obtaining informed consent (and assent when relevant) from potential research participants under the conditions required by the research review committee. When behavior analysts become aware that data obtained from past or current clients, stakeholders, supervisees, and/or trainees during typical service delivery might be disseminated to the scientific community, they obtain informed consent for use of the data before dissemination, specify that services will not be impacted by providing or withholding consent, and make available the right to withdraw consent at any time without penalty.	No specific code aligns - BSRB does not specify experimental treatments as research	
(rr) practicing applied behavior analysis after one's license expires; and	see (pp)	No specific code aligns	
(ss) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation.	see (pp)	No specific code aligns	
102-8-12. Recordkeeping.			
<p>(a) Each licensed assistant behavior analyst and each licensed behavior analyst shall maintain a record for each client that accurately reflects the licensee's contact with the client and the client's progress. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of formats, if reasonable steps are taken to maintain the confidentiality, accessibility, and durability of the records. Each record shall be completed in a timely manner and, at a minimum, shall include the following information for each client in sufficient detail to permit planning for continuity of care:</p> <p>(1) Adequate identifying data;</p> <p>(2) the date or dates of services that the licensee or the licensee's supervisee provided; (3) the type or types of services that the licensee or the licensee's supervisee provided; (4) the initial assessment, conclusions, and recommendations;</p> <p>(5) the treatment plan; and</p> <p>(6) the clinical or progress notes from each session.</p>	2.05 Documentation Protection and Retention Behavior analysts are knowledgeable about and comply with all applicable requirements (e.g., BACB rules, laws, regulations, contracts, funder and organization requirements) for storing, transporting, retaining, and destroying physical and electronic documentation related to their professional activities. They destroy physical documentation after making electronic copies or summaries of data (e.g., reports and graphs) only when allowed by applicable requirements. When a behavior analyst leaves an organization these responsibilities remain with the organization. 3.11 Documenting Professional Activity (see 1.04, 2.03, 2.05, 2.06, 2.10) Throughout the service relationship, behavior analysts create and maintain detailed and high-quality documentation of their professional activities to facilitate provision of services by them or by other professionals, to ensure accountability, and to meet applicable requirements (e.g., laws, regulations, funder and organization policies). Documentation must be created and maintained in a manner that allows for timely communication and transition of services, should the need arise.	Critical Event Requiring Self-Report (BCBA Handbook): failing to maintain appropriate client records (including documentation for billing purposes); Note: Frequent references to written documentation of services within specific codes of BACB	Addressed, Section 4 (more detailed requirements)

(b) If a licensee is the owner or custodian of client records, the licensee shall retain a complete record for the following time periods, unless otherwise provided by law:	2.05 Documentation Protection and Retention Behavior analysts are knowledgeable about and comply with all applicable requirements (e.g., BACB rules, laws, regulations, contracts, funder and organization requirements) for storing, transporting, retaining, and destroying physical and electronic documentation related to their professional activities. They destroy physical documentation after making electronic copies or summaries of data (e.g., reports and graphs) only when allowed by applicable requirements. When a behavior analyst leaves an organization these responsibilities remain with the organization.	BACB does not specify duration of document retention; BACB does specify, "When a behavior analyst leaves an organization these responsibilities remain with the organization."	Section 4C - Behavior analysts and assistant behavior analysts shall assure that all data entries in the professional records are maintained for a period of not fewer than five (5) years after the last date of service rendered, or not less than the time required by other regulations, if that is longer. NOTE: Also includes information on records of professional supervision (Section 5C2); Destroying records upon incapacitation/death (Section 5b)
(1) For an adult, at least six years after the date of termination of one or more contacts; and			
(2) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:			
(A) Two years past the date on which the client reaches the age of 18; or			
(B) six years after the date of termination of the contact or contacts with the minor.			
BACB Codes Not Referenced Above			
1.03 Accountability	Behavior analysts are accountable for their actions and professional services and follow through on work commitments. When errors occur or commitments cannot be met, behavior analysts take all appropriate actions to directly address them, first in the best interest of clients, and then in the best interest of relevant parties.		Addressed, Section 1C
1.06 Maintaining Competence	Behavior analysts actively engage in professional development activities to maintain and further their professional competence. Professional development activities include reading relevant literature; attending conferences and conventions; participating in workshops and other training opportunities; obtaining additional coursework; receiving coaching, consultation, supervision, or mentorship; and obtaining and maintaining appropriate professional credentials.		Addressed, Section 3
1.07 Cultural Responsiveness and Diversity	Behavior analysts actively engage in professional development activities to acquire knowledge and skills related to cultural responsiveness and diversity. They evaluate their own biases and ability to address the needs of individuals with diverse needs/ backgrounds (e.g., age, disability, ethnicity, gender expression/identity, immigration status, marital/relationship status, national origin, race, religion, sexual orientation, socioeconomic status). Behavior analysts also evaluate biases of their supervisees and trainees, as well as their supervisees’ and trainees’ ability to address the needs of individuals with diverse needs/backgrounds.		Section H3 - different wording
1.12 Giving and Receiving Gifts	Because the exchange of gifts can invite conflicts of interest and multiple relationships, behavior analysts do not give gifts to or accept gifts from clients, stakeholders, supervisees, or trainees with a monetary value of more than \$10 US dollars (or the equivalent purchasing power in another currency). Behavior analysts make clients and stakeholders aware of this requirement at the onset of the professional relationship. A gift is acceptable if it functions as an infrequent expression of gratitude and does not result in financial benefit to the recipient. Instances of giving or accepting ongoing or cumulative gifts may rise to the level of a violation of this standard if the gifts become a regularly expected source of income or value to the recipient.		Section 11D - Unsolicited, token gifts from clients ok
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.		
2.08 Communicating About Services	Behavior analysts use understandable language in, and ensure comprehension of, all communications with clients, stakeholders, supervisees, trainees, and research participants. Before providing services, they clearly describe the scope of services and specify the conditions under which services will end. They explain all assessment and behavior-change intervention procedures before implementing them and explain assessment and intervention results when they are available. They provide an accurate and current set of their credentials and a description of their area of competence upon request.		
2.09 Involving Clients and Stakeholders	Behavior analysts make appropriate efforts to involve clients and relevant stakeholders throughout the service relationship, including selecting goals, selecting and designing assessments and behavior-change interventions, and conducting continual progress monitoring.		
2.10 Collaborating with Colleagues	Behavior analysts collaborate with colleagues from their own and other professions in the best interest of clients and stakeholders. Behavior analysts address conflicts by compromising when possible and always prioritizing the best interest of the client. Behavior analysts document all actions taken in these circumstances and their eventual outcomes.		

2.11 Obtaining Informed Consent	Behavior analysts are responsible for knowing about and complying with all conditions under which they are required to obtain informed consent from clients, stakeholders, and research participants (e.g., before initial implementation of assessments or behavior-change interventions, when making substantial changes to interventions, when exchanging or releasing confidential information or records). They are responsible for explaining, obtaining, reobtaining, and documenting required informed consent. They are responsible for obtaining assent from clients when applicable.	
2.12 Considering Medical Needs	Behavior analysts ensure, to the best of their ability, that medical needs are assessed and addressed if there is any reasonable likelihood that a referred behavior is influenced by medical or biological variables. They document referrals made to a medical professional and follow up with the client after making the referral.	
2.13 Selecting, Designing, and Implementing Assessments	Before selecting or designing behavior-change interventions behavior analysts select and design assessments that are conceptually consistent with behavioral principles; that are based on scientific evidence; and that best meet the diverse needs, context, and resources of the client and stakeholders. They select, design, and implement assessments with a focus on maximizing benefits and minimizing risk of harm to the client and stakeholders. They summarize the procedures and results in writing.	
2.15 Minimizing Risk of Behavior-Change Interventions	Behavior analysts select, design, and implement behavior-change interventions (including the selection and use of consequences) with a focus on minimizing risk of harm to the client and stakeholders. They recommend and implement restrictive or punishment-based procedures only after demonstrating that desired results have not been obtained using less intrusive means, or when it is determined by an existing intervention team that the risk of harm to the client outweighs the risk associated with the behavior-change intervention. When recommending and implementing restrictive or punishment-based procedures, behavior analysts comply with any required review processes (e.g., a human rights review committee). Behavior analysts must continually evaluate and document the effectiveness of restrictive or punishment-based procedures and modify or discontinue the behavior-change intervention in a timely manner if it is	
2.16 Describing Behavior-Change Interventions Before Implementation	Before implementation, behavior analysts describe in writing the objectives and procedures of the behavior-change intervention, any projected timelines, and the schedule of ongoing review. They provide this information and explain the environmental conditions necessary for effective implementation of the behavior-change intervention to the stakeholders and client (when appropriate). They also provide explanations when modifying existing or introducing new behavior-change interventions and obtain informed consent when appropriate.	
2.17 Collecting and Using Data	Behavior analysts actively ensure the appropriate selection and correct implementation of data collection procedures. They graphically display, summarize, and use the data to make decisions about continuing, modifying, or terminating services.	
2.18 Continual Evaluation of the Behavior-Change Intervention	Behavior analysts engage in continual monitoring and evaluation of behavior-change interventions. If data indicate that desired outcomes are not being realized, they actively assess the situation and take appropriate corrective action. When a behavior analyst is concerned that services concurrently delivered by another professional are negatively impacting the behavior-change intervention, the behavior analyst takes appropriate steps to review and address the issue with the other professional.	
2.19 Addressing Conditions Interfering with Service Delivery	Behavior analysts actively identify and address environmental conditions (e.g., the behavior of others, hazards to the client or staff, disruptions) that may interfere with or prevent service delivery. In such situations, behavior analysts remove or minimize the conditions, identify effective modifications to the intervention, and/or consider obtaining or recommending assistance from other professionals. Behavior analysts document the conditions, all actions taken, and the eventual outcomes.	
3.02 Identifying Stakeholders	Behavior analysts identify stakeholders when providing services. When multiple stakeholders (e.g., parent or legally authorized representative, teacher, principal) are involved, the behavior analyst identifies their relative obligations to each stakeholder. They document and communicate those obligations to stakeholders at the outset of the professional relationship.	
3.03 Accepting Clients	Behavior analysts only accept clients whose requested services are within their identified scope of competence and available resources (e.g., time and capacity for case supervision, staffing). When behavior analysts are directed to accept clients outside of their identified scope of competence and available resources, they take appropriate steps to discuss and resolve the concern with relevant parties. Behavior analysts document all actions taken in this circumstance and the eventual outcomes.	
3.07 Third-Party Contracts for Services	When behavior analysts enter into a signed contract to provide services to a client at the request of a third party (e.g., school district, governmental entity), they clarify the nature of the relationship with each party and assess any potential conflicts before services begin. They ensure that the contract outlines (1) the responsibilities of all parties, (2) the scope of behavioral services to be provided, (3) the likely use of the information obtained, (4) the behavior analysts' obligations under the Code, and (5) any limits about maintaining confidentiality. Behavior analysts are responsible for amending contracts as needed and reviewing them with the relevant parties at that time.	

3.08 Responsibility to the Client with Third-Party Contracts for Services	Behavior analysts place the client's care and welfare above all others. If the third party requests services from the behavior analyst that are incompatible with the behavior analyst's recommendations, that are outside of the behavior analyst's scope of competence, or that could result in a multiple relationship, behavior analysts resolve such conflicts in the best interest of the client. If a conflict cannot be resolved, the behavior analyst may obtain additional training or consultation, discontinue services following appropriate transition measures, or refer the client to another behavior analyst. Behavior analysts document all actions taken in this circumstance and the eventual outcomes.	Addressed
3.09 Communicating with Stakeholders About Third-Party Contracted Services	When providing services at the request of a third party to a minor or individual who does not have the legal right to make personal decisions, behavior analysts ensure that the parent or legally authorized representative is informed of the rationale for and scope of services to be provided, as well as their right to receive copies of all service documentation and data. Behavior analysts are knowledgeable about and comply with all requirements related to informed consent, regardless of who requested the services.	Addressed
3.10 Limitations of Confidentiality	Behavior analysts inform clients and stakeholders of the limitations of confidentiality at the outset of the professional relationship and when information disclosures are required.	
3.12 Advocating for Appropriate Services	Behavior analysts advocate for and educate clients and stakeholders about evidence-based assessment and behavior- change intervention procedures. They also advocate for the appropriate amount and level of behavioral service provision and oversight required to meet defined client goals.	
4.01 Compliance with Supervision Requirements	Behavior analysts are knowledgeable about and comply with all applicable supervisory requirements (e.g., BACB rules, licensure requirements, funder and organization policies), including those related to supervision modalities and structure (e.g., in person, video conference, individual, group).	
4.02 Supervisory Competence	Behavior analysts supervise and train others only within their identified scope of competence. They provide supervision only after obtaining knowledge and skills in effective supervisory practices, and they continually evaluate and improve their supervisory repertoires through professional development.	
4.03 Supervisory Volume	Behavior analysts take on only the number of supervisees or trainees that allows them to provide effective supervision and training. They are knowledgeable about and comply with any relevant requirements (e.g., BACB rules, licensure requirements, funder and organization policies). They consider relevant factors (e.g., their current client demands, their current supervisee or trainee caseload, time and logistical resources) on an ongoing basis and when deciding to add a supervisee or trainee. When behavior analysts determine that they have met their threshold volume for providing effective supervision, they document this self-assessment and communicate the results to their employer or other relevant parties.	
4.04 Accountability in Supervision	Behavior analysts are accountable for their supervisory practices. They are also accountable for the professional activities (e.g., client services, supervision, training, research activity, public statements) of their supervisees or trainees that occur as part of the supervisory relationship.	
4.05 Maintaining Supervision Documentation	Behavior analysts create, update, store, and dispose of documentation related to their supervisees or trainees by following all applicable requirements (e.g., BACB rules, licensure requirements, funder and organization policies), including those relating to confidentiality. They ensure that their documentation, and the documentation of their supervisees or trainees, is accurate and complete. They maintain documentation in a manner that allows for the effective transition of supervisory oversight if necessary. They retain their supervision documentation for at least 7 years and as otherwise required by law and other relevant parties and instruct their supervisees or trainees to do the same.	
4.07 Incorporating and Addressing Diversity	During supervision and training, behavior analysts actively incorporate and address topics related to diversity (e.g., age, disability, ethnicity, gender expression/identity, immigration status, marital/relationship status, national origin, race, religion, sexual orientation, socioeconomic status).	Addressed
4.09 Delegation of Tasks	Behavior analysts delegate tasks to their supervisees or trainees only after confirming that they can competently perform the tasks and that the delegation complies with applicable requirements (e.g., BACB rules, licensure requirements, funder and organization policies).	Addressed
4.10 Evaluating Effects of Supervision and Training	Behavior analysts actively engage in continual evaluation of their own supervisory practices using feedback from others and client and supervisee or trainee outcomes. Behavior analysts document those self-evaluations and make timely adjustments to their supervisory and training practices as indicated.	
4.11 Facilitating Continuity of Supervision	Behavior analysts minimize interruption or disruption of supervision and make appropriate and timely efforts to facilitate the continuation of supervision in the event of planned interruptions (e.g., temporary leave) or unplanned interruptions (e.g., illness, emergencies). When an interruption or disruption occurs, they communicate to all relevant parties the steps being taken to facilitate continuity of supervision.	

4.12 Appropriately Terminating Supervision	When behavior analysts determine, for any reason, to terminate supervision or other services that include supervision, they work with all relevant parties to develop a plan for terminating supervision that minimizes negative impacts to the supervisee or trainee. They document all actions taken in this circumstance and the eventual outcomes.	
5.01 Protecting the Rights of Clients, Stakeholders, Supervisees, and Trainees	Behavior analysts take appropriate steps to protect the rights of their clients, stakeholders, supervisees, and trainees in all public statements. Behavior analysts prioritize the rights of their clients in all public statements.	
5.02 Confidentiality in Public Statements	In all public statements, behavior analysts protect the confidentiality of their clients, supervisees, and trainees, except when allowed. They make appropriate efforts to prevent accidental or inadvertent sharing of confidential or identifying information.	Addressed
5.06 Advertising Nonbehavioral Services	Behavior analysts do not advertise nonbehavioral services as behavioral services. If behavior analysts provide nonbehavioral services, those services must be clearly distinguished from their behavioral services and BACB certification with the following disclaimer: "These interventions are not behavioral in nature and are not covered by my BACB certification." This disclaimer is placed alongside the names and descriptions of all nonbehavioral interventions. If a behavior analyst is employed by an organization that violates this Code standard, the behavior analyst makes reasonable efforts to remediate the situation, documenting all actions taken and the eventual outcomes.	
5.07 Soliciting Testimonials from Current Clients for Advertising	Because of the possibility of undue influence and implicit coercion, behavior analysts do not solicit testimonials from current clients or stakeholders for use in advertisements designed to obtain new clients. This does not include unsolicited reviews on websites where behavior analysts cannot control content, but such content should not be used or shared by the behavior analyst. If a behavior analyst is employed by an organization that violates this Code standard, the behavior analyst makes reasonable efforts to remediate the situation, documenting all actions taken and the eventual outcomes.	
5.08 Using Testimonials from Former Clients for Advertising	When soliciting testimonials from former clients or stakeholders for use in advertisements designed to obtain new clients, behavior analysts consider the possibility that former clients may re-enter services. These testimonials must be identified as solicited or unsolicited, include an accurate statement of the relationship between the behavior analyst and the testimonial author, and comply with all applicable privacy and confidentiality laws. When soliciting testimonials from former clients or stakeholders, behavior analysts provide them with clear and thorough descriptions about where and how the testimonial will appear, make them aware of any risks associated with the disclosure of their private information, and inform them that they can rescind the testimonial at any time. If a behavior analyst is employed by an organization that violates this Code standard, the behavior analyst makes reasonable efforts to remediate the situation, documenting all actions taken and the eventual outcomes.	
5.09 Using Testimonials for Nonadvertising Purposes	Behavior analysts may use testimonials from former or current clients and stakeholders for nonadvertising purposes (e.g., fundraising, grant applications, dissemination of information about ABA) in accordance with applicable laws. If a behavior analyst is employed by an organization that violates this Code standard, the behavior analyst makes reasonable efforts to remediate the situation, documenting all actions taken and the eventual outcomes.	
5.10 Social Media Channels and Websites	Behavior analysts are knowledgeable about the risks to privacy and confidentiality associated with the use of social media channels and websites and they use their respective professional and personal accounts accordingly. They do not publish information and/or digital content of clients on their personal social media accounts and websites. When publishing information and/or digital content of clients on their professional social media accounts and websites, behavior analysts ensure that for each publication they (1) obtain informed consent before publishing, (2) include a disclaimer that informed consent was obtained and that the information should not be captured and reused without express permission, (3) publish on social media channels in a manner that reduces the potential for sharing, and (4) make appropriate efforts to prevent and correct misuse of the shared information, documenting all actions taken and the eventual outcomes. Behavior analysts frequently monitor their social media accounts and websites to ensure the accuracy and appropriateness of shared information.	
5.11 Using Digital Content in Public Statements	Before publicly sharing information about clients using digital content, behavior analysts ensure confidentiality, obtain informed consent before sharing, and only use the content for the intended purpose and audience. They ensure that all shared media is accompanied by a disclaimer indicating that informed consent was obtained. If a behavior analyst is employed by an organization that violates this Code standard, the behavior analyst makes reasonable efforts to remediate the situation, documenting all actions taken and the eventual outcomes.	
6.02 Research Review	Behavior analysts conduct research, whether independent of or in the context of service delivery, only after approval by a formal research review committee.	

6.06 Competence in Conducting Research	Behavior analysts only conduct research independently after they have successfully conducted research under a supervisor in a defined relationship (e.g., thesis, dissertation, mentored research project). Behavior analysts and their assistants are permitted to perform only those research activities for which they are appropriately trained and prepared. Before engaging in research activities for which a behavior analyst has not received training, they seek the appropriate training and become demonstrably competent or they collaborate with other professionals who have the required competence. Behavior analysts are responsible for the ethical conduct of all personnel assigned to the research project.	
6.07 Conflict of Interest in Research and Publication	When conducting research, behavior analysts identify, disclose, and address conflicts of interest (e.g., personal, financial, organization related, service related). They also identify, disclose, and address conflicts of interest in their publication and editorial activities.	
6.08 Appropriate Credit	Behavior analysts give appropriate credit (e.g., authorship, author-note acknowledgment) to research contributors in all dissemination activities. Authorship and other publication acknowledgments accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their professional status (e.g., professor, student).	Addressed
6.09 Plagiarism	Behavior analysts do not present portions or elements of another's work or data as their own. Behavior analysts only republish their previously published data or text when accompanied by proper disclosure.	Addressed
6.10 Documentation and Data Retention in Research	Behavior analysts must be knowledgeable about and comply with all applicable standards (e.g., BACB rules, laws, research review committee requirements) for storing, transporting, retaining, and destroying physical and electronic documentation related to research. They retain identifying documentation and data for the longest required duration. Behavior analysts destroy physical documentation after making deidentified digital copies or summaries of data (e.g., reports and graphs) when permitted by relevant entities.	
6.11 Accuracy and Use of Data	Behavior analysts do not fabricate data or falsify results in their research, publications, and presentations. They plan and carry out their research and describe their procedures and findings to minimize the possibility that their research and results will be misleading or misinterpreted. If they discover errors in their published data they take steps to correct them by following publisher policy. Data from research projects are presented to the public and scientific community in their entirety whenever possible. When that is not possible, behavior analysts take caution and explain the exclusion of data (whether single data points, or partial or whole data sets) from presentations or manuscripts submitted for publication by providing a rationale and description of what was excluded.	Addressed

BSRB LBA CURRENT	CMS RECOMMENDATION	LHP FEEDBACK	ADVISORY COMMITTEE RECOMMENDATION	BACB ETHICS CODE FOR BEHAVIOR ANALYSTS (effective 1/1/2022)	Additional Notes (C. Stiehl)
102-8-11. Unprofessional conduct. Each of the following acts shall be considered unprofessional conduct for a licensed assistant behavior analyst, a licensed behavior analyst, or an applicant for an assistant behavior analyst license or a behavior analyst license:	Foundation: Adding the following components, which are included in the MO conduct guidelines: purpose of ethical rules, definitions of relevant terminology, states BACB code will be used to clarify ambiguity	Recommendation: I agree with Christie's recommendation. In addition, as outlined in the Application of the Code (BACB, 2020), not knowing about the ethical guidelines does not exempt behavior analysts from disciplinary action, if infringed. To aid in "creating the conditions that foster adherence to the code" (BACB, 2020, p.5), it would be helpful to disclose in the KSA ethical guidelines the resources behavior analysts can access for facilitating the dissemination, awareness, and appropriate understanding of the local ethics code. Also, to point to BACB's statement that the State ethical codes for behavior analysts is not exhaustive of all possible unethical issues.		Lack of awareness or misunderstanding of an ethics standard is not a defense against an alleged ethics violation. (BACB, 2020, p. 5)	BSRB states unprofessional conduct behaviors while BACB states professional conduct behaviors. the absence of a particular behavior or type of conduct from the Code standards does not indicate that such behavior or conduct is ethical or unethical.
(a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure has met any of the following conditions.	Alignment: Aligning with the BACB and MO guidelines by only requiring self-reporting rather than reporting any known violations by others	Recommendation: Aligned with Christie's recommendation (similar to BACB's Code, 2020, p.3), to add in BSRB LBA codes recommendations for the behavior analyst to perform periodic self-assessments on whether they are violating/have violated the regulating agencies ethical codes. To successfully guide behavior analysts in appropriately self-reporting, provide reference to a task analysis (e.g., add link for a document with a TA on self-reporting process).		1.16 Self-Reporting Critical Information Behavior analysts remain knowledgeable about and comply with all self-reporting requirements of relevant entities (e.g., BACB, licensure boards, funders). Ethical decision making. Behavior analysts will likely encounter complex and multifaceted ethical dilemmas. When faced with such a dilemma, behavior analysts should identify problems and solutions with care and deliberation. In resolving an ethical dilemma, behavior analysts should follow the spirit and letter of the Code's core principles and specific standards.	Information on self-reporting to BACB is included in the BCBA Handbook under Certification Maintenance Requirements; p. 41-43 outline general self-reporting requirements and details four critical events that require self-reporting: (1) violations of ethics standards, (2) physical and mental health conditions, and substance-use disorders, (3) investigations, and (4) agreements and actions. Same content appears in BCaBA Handbook. Link to BCBA Handbook and additional detail: https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook_220601.pdf
(1) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;					
(2) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;		Recommendation: For BSRB LBA regulations to reflect BACB's statement on the behavior analyst's responsibility of informing the pertinent agencies in case immediate assistance is required (e.g., police department in case of criminal activity).			"In some instances, behavior analysts may need to report serious concerns to relevant authorities or agencies that can provide more immediate relief or protection before reporting to the BACB (e.g., criminal activity or behavior that places clients or others at risk for direct and immediate harm should immediately be reported to the relevant authorities before reporting to the BACB or a licensure board." (BACB, 2020, p. 5)
(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance; or	Clarity: Define and/or provide examples of misfeasance, malfeasance, or nonfeasance				
(4) has violated any provision of the act or any implementing regulation;	Accessability: Simplify wording				
(b) knowingly allowing another person to use one's license;		Recommendation: To inform behavior analyst of the appropriate ways for obtaining State licensing, explicitly refer in BSRB LBA and MO LBA Ethical Guidelines the local statutes for obtaining and renewing licensing (e.g., link to list of requirements or application).		5.04 Public Statements by Others (see 1.03) Behavior analysts are responsible for public statements that promote their professional activities or products, regardless of who creates or publishes the statements. Behavior analysts make reasonable efforts to prevent others (e.g., employers, marketers, clients, stakeholders) from making deceptive statements concerning their professional activities or products. If behavior analysts learn of such statements, they make reasonable efforts to correct them. Behavior analysts document all actions taken in this circumstance and the eventual outcomes.	No specific code aligns

(c) impersonating another person holding a license or registration issued by the board or any other agency;				1.01 Being Truthful Behavior analysts are truthful and arrange the professional environment to promote truthful behavior in others. They do not create professional situations that result in others engaging in behavior that is fraudulent or illegal or that violates the Code. They also provide truthful and accurate information to all required entities (e.g., BACB, licensure boards, funders) and individuals (e.g., clients, stakeholders, supervisees, trainees), and they correct instances of untruthful or inaccurate submissions as soon as they become aware of them. 5.03 Public Statements by Behavior Analysts (see 1.01, 1.02) When providing public statements about their professional activities, or those of others with whom they are affiliated, behavior analysts take reasonable precautions to ensure that the statements are truthful and do not mislead or exaggerate either because of what they state, convey, suggest, or omit; and are based on existing research and a behavioral conceptualization. Behavior analysts do not provide specific advice related to a client's needs in public forums.	No specific code aligns
(d) having been convicted of a crime resulting from or relating to one's professional practice of applied behavior analysis;	Clarity: Define and/or provide examples of related crimes (e.g., would a speeding ticket count? DUI? Domestic assault?)			see (a)	No specific code aligns
(e) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is licensed by the board;				see (b) and (c)	No specific code aligns
(f) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;	Alignment: Updated wording in bold to mirror BACB language (f) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal biases or challenges (e.g., mental or physical health conditions; legal, financial, marital/relationship challenges) interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;	In addition to mirroring BACB's language, as recommended by Christie, I suggest to explicitly refer to ways/ resources that can guide the behavior analyst in taking the "appropriate steps to resolve interference" (BACB, 2020, p. 9). For example, intra/interagency resources for identifying personal and professional counseling, or conflict mediation services.		1.10 Awareness of Personal Biases and Challenges Behavior analysts maintain awareness that their personal biases or challenges (e.g., mental or physical health conditions; legal, financial, marital/relationship challenges) may interfere with the effectiveness of their professional work. Behavior analysts take appropriate steps to resolve interference, ensure that their professional work is not compromised, and document all actions taken in this circumstance and the eventual outcomes.	Critical Event Requiring Self-Report (BCBA Handbook): Physical and Mental Health Conditions and Substance Use Disorders
(g) failing or refusing to cooperate within 30 days with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;				1.15 Responding to Requests Behavior analysts make appropriate efforts to respond to requests for information from and comply with deadlines of relevant individuals (e.g., clients, stakeholders, supervisees, trainees) and entities (e.g., BACB, licensure boards, funders). They also comply with practice requirements (e.g., attestations, criminal background checks) imposed by the BACB, employers, or governmental entities.	No time period specified by BACB
(h) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;		Recommendation: For BSRB LBA to adopt MO LBA recommendation of receiving pertinent training, receive appropriate consultation, or to refer to providers with the competencies and experiences that align with demographic and culturally-adaptive idiosyncrasies and needs that are out of the scope of the behavior analyst's role (e.g., to refer to a Spanish-speaking behavior analyst when Spanish is the family's main language system for communicating at home or in the community).		1.05 Practicing within Scope of Competence Behavior analysts practice only within their identified scope of competence. They engage in professional activities in new areas (e.g., populations, procedures) only after accessing and documenting appropriate study, training, supervised experience, consultation, and/or co-treatment from professionals competent in the new area. Otherwise, they refer or transition services to an appropriate professional.	
(i) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;				1.09 Nonharassment Behavior analysts do not engage in behavior that is harassing or hostile toward others. 1.13 Coercive and Exploitative Relationships Behavior analysts do not abuse their power or authority by coercing or exploiting persons over whom they have authority (e.g., evaluative, supervisory).	
(j) discriminating against any client, student, directee, or supervisee on the basis of age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status;	Alignment/Cultural Competency: update protected classes, in bold (j) discriminating against any client, student, directee, or supervisee on the basis of age, disability, ethnicity, gender expression/identity, immigration status, marital/relationship status , national origin, race, religion, sexual orientation, socioeconomic status, or any other basis proscribed by law;			1.08 Nondiscrimination Behavior analysts do not discriminate against others. They behave toward others in an equitable and inclusive manner regardless of age, disability, ethnicity, gender expression/identity, immigration status, marital/relationship status, national origin, race, religion, sexual orientation, socioeconomic status, or any other basis proscribed by law.	BACB lists additional protected statuses

(k) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the licensee's professional relationship with the client;	Clarity: Define and/or provide examples of this rights/responsibilities/duties (consider BACB related content 1.04. 3.04)			1.04 Practicing within a Defined Role Behavior analysts provide services only after defining and documenting their professional role with relevant parties in writing. 3.04 Service Agreement (see 1.04) Before implementing services, behavior analysts ensure that there is a signed service agreement with the client and/ or relevant stakeholders outlining the responsibilities of all parties, the scope of behavioral services to be provided, the behavior analyst's obligations under the Code, and procedures for submitting complaints about a behavior analyst's professional practices to relevant entities (e.g., BACB, service organization, licensure board, funder). They update service agreements as needed or as required by relevant parties (e.g., service organizations, licensure boards, funders). Updated service agreements must be reviewed with and signed by the client and/or relevant stakeholders.	
(l) failing to provide each client with a description of the services, fees, and payment expectations or failing to reasonably comply with that description;				2.07 Fees Behavior analysts implement fee practices and share fee information in compliance with applicable laws and regulations. They do not misrepresent their fees. In situations where behavior analysts are not directly responsible for fees, they must communicate these requirements to the responsible party and take steps to resolve any inaccuracy or conflict. They document all actions taken in this circumstance and the eventual outcomes. 3.05 Financial Agreements (see 1.04, 2.07) Before beginning services, behavior analysts document agreed-upon compensation and billing practices with their clients, relevant stakeholders, and/or funders. When funding circumstances change, they must be revisited with these parties. Pro bono and bartered services are only provided under a specific service agreement and in compliance with the Code.	
(m) failing to provide each client with a description of the possible effects of the proposed treatment if the treatment is experimental or if there are clear and known risks to the client;	Alignment: Treatment should not be experimental; Suggested revision, change underlined: (m) failing to provide each client with a description of the <u>proposed treatment procedures, anticipated outcomes, and possible risks</u> to the client;			2.14 Selecting, Designing, and Implementing Behavior-Change Interventions Behavior analysts select, design, and implement behavior-change interventions that: (1) are conceptually consistent with behavioral principles; (2) are based on scientific evidence; (3) are based on assessment results; (4) prioritize positive reinforcement procedures; and (5) best meet the diverse needs, context, and resources of the client and stakeholders. Behavior analysts also consider relevant factors (e.g., risks, benefits, and side effects; client and stakeholder preference; implementation efficiency; cost effectiveness) and design and implement behavior-change interventions to produce outcomes likely to maintain under naturalistic conditions. They summarize the behavior-change intervention procedures in writing (e.g., a behavior plan). 2.15 Minimizing Risk of Behavior-Change Interventions Behavior analysts select, design, and implement behavior-change interventions (including the selection and use of consequences) with a focus on minimizing risk of harm to the client and stakeholders. They recommend and implement restrictive or punishment-based procedures only after demonstrating that desired results have not been obtained using less intrusive means, or when it is determined by an existing intervention team that the risk of harm to the client outweighs the risk associated with the behavior-change intervention. When recommending and implementing restrictive or punishment-based procedures, behavior analysts comply with any required	No specific code aligns to experimental treatments
(n) failing to inform each client, student, or supervisee of any financial interests that might accrue to licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus;				N/A	No specific code aligns
(o) failing to inform each client that the client can receive services from a public agency if one is employed by that public agency and also offers services privately;	Clarity: Provide example. e.g., SLP at public school and private practice?			N/A	No specific code aligns

(p) failing to provide copies of reports or records to a licensed healthcare provider authorized by the client following the licensee's receipt of a formal written request, unless the release of that information is restricted or exempted by law or by this article of the board's regulations, or the disclosure of the information would be injurious to the welfare of the client;		Recommendation: For BSRB LBA to adopt MO LBA to establish the ethical consideration of facilitating continuity of care between the main provider and the referred until the client has established care with the provider that will best meets sociodemographic or culture-specific needs.		1.15 Responding to Requests Behavior analysts make appropriate efforts to respond to requests for information from and comply with deadlines of relevant individuals (e.g., clients, stakeholders, supervisees, trainees) and entities (e.g., BACB, licensure boards, funders). They also comply with practice requirements (e.g., attestations, criminal background checks) imposed by the BACB, employers, or governmental entities. 2.02 Timeliness Behavior analysts deliver services and carry out necessary service-related administrative responsibilities in a timely manner. 3.06 Consulting with Other Providers (see 1.05, 2.04, 2.10, 2.11, 2.12) Behavior analysts arrange for appropriate consultation with and referrals to other providers in the best interests of their clients, with appropriate informed consent, and in compliance with applicable requirements (e.g., laws, regulations, contracts, organization and funder policies). 3.16 Appropriately Transitioning Services (see 1.03, 2.02, 2.05, 2.10) Behavior analysts include in their service agreement the circumstances for transitioning the client to another behavior analyst within or outside of their organization. They make appropriate efforts to effectively manage transitions; provide a written plan that includes target dates, transition activities, and responsible parties; and review the plan throughout the transition. When relevant, they take appropriate steps to minimize disruptions to services during the transition by collaborating with relevant service providers.	No specific code aligns
(q) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:				2.03 Protecting Confidential Information Behavior analysts take appropriate steps to protect the confidentiality of clients, stakeholders, supervisees, trainees, and research participants; prevent the	No code related to consent for electronic recordings
(1) Electronically recording sessions with the client;					
(2) permitting a third-party observation of the licensee's provision of applied behavior analysis services to the client; or					
(3) releasing information concerning a client to a third person, unless required or permitted by law;					
(r) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting;				2.03 Protecting Confidential Information Behavior analysts take appropriate steps to protect the confidentiality of clients, stakeholders, supervisees, trainees, and research participants; prevent the accidental or inadvertent sharing of confidential information; and comply with applicable confidentiality requirements (e.g., laws, regulations, organization policies). The scope of confidentiality includes service delivery (e.g., live, teleservices, recorded sessions); documentation and data; and verbal, written, or electronic communication.	No specific code aligns
(s) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;				1.01 Being Truthful Behavior analysts are truthful and arrange the professional environment to promote truthful behavior in others. They do not create professional situations that result in others engaging in behavior that is fraudulent or illegal or that violates the Code. They also provide truthful and accurate information to all required entities (e.g., BACB, licensure boards, funders) and individuals (e.g., clients, stakeholders, supervisees, trainees), and they correct instances of untruthful or inaccurate submissions as soon as they become aware of them. 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. 2.07 Fees Behavior analysts implement fee practices and share fee information in compliance with applicable laws and regulations. They do not misrepresent their fees. In situations where behavior analysts are not directly responsible for fees, they must communicate these requirements to the responsible party and take steps to resolve any inaccuracy or conflict. They document all	

(t) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, unless at least one of the following conditions is met:				2.04 Disclosing Confidential Information Behavior analysts only share confidential information about clients, stakeholders, supervisees, trainees, or research participants: (1) when informed consent is obtained; (2) when attempting to protect the client or others from harm; (3) when attempting to resolve professional issues.	BACB does not specify disclosure for payment
(1) Disclosure is required or permitted by law;					
(2) failure to disclose the information presents a serious danger to the health or safety of an individual or the public;					
(3) the licensee is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of applied behavior analysis, in which case disclosure shall be limited to that action; or					
(4) payment for services is needed;					
(u) using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of a licensee;				See (a) and (f)	
(v) engaging in a harmful dual relationship or exercising undue influence;				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. 1.13 Coercive and Exploitative Relationships Behavior analysts do not abuse their power or authority by coercing or exploiting persons over whom they have authority (e.g., evaluative, supervisory).	Critical Event Requiring Self-Report (BCBA Handbook): engaging in a multiple relationship with a client or supervisee
(w) making sexual advances toward or engaging in physical intimacies or sexual activities with any of the following:	Clarity/Alignment: Condense information to eliminate redundancy and revise wording to mirror BACB; Suggested: (w) making sexual advances toward or engaging in physical	I agree with Christie's recommendations.		1.09 Nonharassment Behavior analysts do not engage in behavior that is harassing or hostile toward others. 1.14 Romantic and Sexual Relationships Behavior analysts do	Critical Event Requiring Self-Report (BCBA Handbook): engaging in a multiple relationship with a client or supervisee; BACB provides additional guidance for former supervisees/trainees and for
(1) Any person who is a client, supervisee, or student; or					
(2) any person who has a significant relationship with the client and that relationship is known to the licensee;					
(x) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:					
(1) Has been a client within the past 24 months; or					
(2) has had a significant relationship with a current client or a person who has been a client within the past 24 months and that relationship is known to the licensee;					
(y) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;	Alignment: Aligning with BACB to require disclosure of fees/considerations for referrals but not prohibiting these fees/considerations			3.13 Referrals (see 1.05, 1.11, 2.01, 2.04, 2.10) Behavior analysts make referrals based on the needs of the client and/or relevant stakeholders and include multiple providers when available. Behavior analysts disclose to the client and relevant stakeholders any relationships they have with potential providers and any fees or incentives they may receive for the referrals. They document any referrals made, including relevant relationships and fees or incentives received, and make appropriate efforts to follow up with the client and/or relevant stakeholders.	BACB only requires disclosure and documentation of fees/incentives but does not prohibit such fees/incentives
(z) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice applied behavior analysis;	Same as above			N/A	No specific code aligns
(aa) soliciting or assuming professional responsibility for any clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;	Clarity: Simplify wording, what is "attempting to coordinate the continued provision of client services by that agency or colleague" mean?			N/A	No specific code aligns

(bb) making claims of professional superiority that one cannot substantiate;		This statute aligns with serving within the scope of practice and on referring to providers with competencies and commensurate experience. Clarification: On BSRB LBA, define what is understood as "professional superiority", and when or how is "professional superiority" "substantiated". Providing an example may help illustrate this code.		5.03 Public Statements by Behavior Analysts (see 1.01, 1.02) When providing public statements about their professional activities, or those of others with whom they are affiliated, behavior analysts take reasonable precautions to ensure that the statements are truthful and do not mislead or exaggerate either because of what they state, convey, suggest, or omit; and are based on existing research and a behavioral conceptualization. Behavior analysts do not provide specific advice related to a client's needs in public forums.	No specific code aligns
(cc) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;		Clarification: How is "satisfaction" defined and when is customer "satisfaction" or "dissatisfaction" of ethical relevance? For example, should the behavior analyst continue providing services even when not satisfying the customer needs? Ethical considerations: What are the ethical considerations on refusing to refer a client if requested? What disciplinary actions are in place to protect the customer.		See (bb)	No specific code aligns
(dd) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;				See (bb)	No specific code aligns
(ee) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;				3.01 Responsibility to Clients (see 1.03, 2.01) Behavior analysts act in the best interest of clients, taking appropriate steps to support clients' rights, maximize benefits, and do no harm. They are also knowledgeable about and comply with applicable laws and regulations related to mandated reporting requirements.	No specific code aligns
(ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;				5.05 Use of Intellectual Property (see 1.01, 1.02, 1.03) Behavior analysts are knowledgeable about and comply with intellectual property laws, including obtaining permission to use materials that have been trademarked or copyrighted or can otherwise be claimed as another's intellectual property as defined by law. Appropriate use of such materials includes providing citations, attributions, and/or trademark or copyright symbols. Behavior analysts do not unlawfully obtain or disclose proprietary information, regardless of how it became known to them.	No specific code re: plagiarism unrelated to intellectual property
(gg) if engaged in research, failing to meet the following requirements:				6.04 Informed Consent in Research (see 1.04, 2.08, 2.11) Behavior analysts are responsible for obtaining informed	No specific code aligns to (1) considering consequences
(1) Considering carefully the possible consequences for human beings participating in the research;					
(2) protecting each participant from unwarranted physical and mental harm;					
(3) ascertaining that each participant's consent is voluntary and informed; and					
(4) preserving the privacy and protecting the anonymity of each subject of the research within the terms of informed consent;					
(hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;				1.01 Being Truthful Behavior analysts are truthful and arrange the professional environment to promote truthful behavior in others. They do not create professional situations that result in others engaging in behavior that is fraudulent or illegal or that violates the Code. They also provide truthful and accurate information to all required entities (e.g., BACB, licensure boards, funders) and individuals (e.g., clients, stakeholders, supervisees, trainees), and they correct instances of untruthful or inaccurate submissions as soon as they become aware of them. 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.	No specific code aligns

(ii) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;				<p>3.14 Facilitating Continuity of Services (see 1.03, 2.02, 2.05, 2.08, 2.10) Behavior analysts act in the best interests of the client to avoid interruption or disruption of services. They make appropriate and timely efforts to facilitate the continuation of behavioral services in the event of planned interruptions (e.g., relocation, temporary leave of absence) and unplanned interruptions (e.g., illness, funding disruption, parent request, emergencies). They ensure that service agreements or contracts include a general plan of action for service interruptions. When a service interruption occurs, they communicate to all relevant parties the steps being taken to facilitate continuity of services. Behavior analysts document all actions taken in this circumstance and the eventual outcomes. 3.15 Appropriately Discontinuing Services (see 1.03, 2.02, 2.05, 2.10, 2.19) Behavior analysts include the circumstances for discontinuing services in their service agreement. They consider discontinuing services when: (1) the client has met all behavior-change goals, (2) the client is not benefiting from the service, (3) the behavior analyst and/or their supervisees or trainees are exposed to potentially harmful conditions that cannot be reasonably resolved, (4) the client and/or relevant stakeholder requests discontinuation, (5) the relevant stakeholders are not complying with the behavior-change intervention despite appropriate efforts to address barriers, or (6) services are no longer funded. Behavior analysts provide the client</p>	
(jj) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;		<p>Recommendation: Make this a standard process expected for all when providers acknowledge personal biases, conflicts, or limitations in the scope of practice, including limited competencies on culture and sociodemographic needs.</p>		<p>3.14 Facilitating Continuity of Services (see 1.03, 2.02, 2.05, 2.08, 2.10) Behavior analysts act in the best interests of the client to avoid interruption or disruption of services. They make appropriate and timely efforts to facilitate the continuation of behavioral services in the event of planned interruptions (e.g., relocation, temporary leave of absence) and unplanned interruptions (e.g., illness, funding disruption, parent request, emergencies). They ensure that service agreements or contracts include a general plan of action for service interruptions. When a service interruption occurs, they communicate to all relevant parties the steps being taken to facilitate continuity of services. Behavior analysts document all actions taken in this circumstance and the eventual outcomes. 3.16 Appropriately Transitioning Services (see 1.03, 2.02, 2.05, 2.10) Behavior analysts include in their service agreement the circumstances for transitioning the client to another behavior analyst within or outside of their organization. They make appropriate efforts to effectively manage transitions; provide a written plan that includes target dates, transition activities, and responsible parties; and review the plan throughout the transition. When relevant, they take appropriate steps to minimize disruptions to services during the transition by collaborating with relevant service providers.</p>	
(kk) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;				<p>3.15 Appropriately Discontinuing Services (see 1.03, 2.02, 2.05, 2.10, 2.19) Behavior analysts include the circumstances for discontinuing services in their service agreement. They consider discontinuing services when: (1) the client has met all behavior-change goals, (2) the client is not benefiting from the service, (3) the behavior analyst and/or their supervisees or trainees are exposed to potentially harmful conditions that cannot be reasonably resolved, (4) the client and/or relevant stakeholder requests discontinuation, (5) the relevant stakeholders are not complying with the behavior-change intervention despite appropriate efforts to address barriers, or (6) services are no longer funded. Behavior analysts provide the client and/or relevant stakeholders with a written plan for discontinuing services, document acknowledgment of the plan, review the plan throughout the discharge process, and document all steps taken.</p>	<p>Critical Event Requiring Self-Report (BCBA Handbook): leaving a position without ensuring continuity of services or in a manner that fails to appropriately transition or discontinue services</p>

(ll) failing to terminate applied behavior analysis services if it is apparent that the relationship no longer serves the client's needs or best interests;				3.15 Appropriately Discontinuing Services (see 1.03, 2.02, 2.05, 2.10, 2.19) Behavior analysts include the circumstances for discontinuing services in their service agreement. They consider discontinuing services when: <u>(1) the client has met all behavior-change goals, (2) the client is not benefiting from the service, (3) the behavior analyst and/or their supervisees or trainees are exposed to potentially harmful conditions that cannot be reasonably resolved, (4) the client and/or relevant stakeholder requests discontinuation, (5) the relevant stakeholders are not complying with the behavior-change intervention despite appropriate efforts to address barriers, or (6) services are no longer funded.</u> Behavior analysts provide the client and/or relevant stakeholders with a written plan for discontinuing services, document acknowledgment of the plan, review the plan throughout the discharge process, and document all steps taken.	
(mm) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation;				4.06 Providing Supervision and Training (see 1.02, 1.13 2.01) 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. 4.08 Performance Monitoring and Feedback (see 2.02, 2.05, 2.17, 2.18) Behavior analysts engage in and document ongoing, evidence-based data collection and performance monitoring (e.g., observations, structured evaluations) of supervisees or trainees. They provide timely informal and formal praise and feedback designed to improve performance and document formal feedback delivered. When performance problems arise, behavior analysts develop, communicate, implement, and evaluate an improvement plan with clearly identified procedures for addressing the problem.	
(nn) when applicable, failing to inform a client that applied behavior analysis services are provided or delivered under supervision;				1.04 Practicing within a Defined Role Behavior analysts provide services only after defining and documenting their professional role with relevant parties in writing.	No specific code aligns
(oo) failing to report unprofessional conduct of a licensed assistant behavior analyst, a licensed behavior analyst, or any other individual licensed by the board;	Alignment: Aligning with the BACB and MO guidelines by only requiring self-reporting rather than reporting any known violations by others			N/A	No specific code aligns; BACB provides opportunity for reporting certificants and document, "Considerations for Reporting an Alleged Violation Against a BCaBA/BCBA"
(pp) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;				1.02 Conforming with Legal and Professional Requirements Behavior analysts follow the law and the requirements of their professional community (e.g., BACB, licensure board).	No specific code aligns

(qq) offering to perform or performing any service, procedure, treatment, or therapy that, by the accepted standards of applied behavior analysis practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;				<p>6.03 Research in Service Delivery (see 1.02, 1.04, 2.01, 3.01) Behavior analysts conducting research in the context of service delivery must arrange research activities such that client services and client welfare are prioritized. In these situations, behavior analysts must comply with all ethics requirements for both service delivery and research within the Code. When professional services are offered as an incentive for research participation, behavior analysts clarify the nature of the services, and any potential risks, obligations, and limitations for all parties.</p> <p>6.04 Informed Consent in Research (see 1.04, 2.08, 2.11) Behavior analysts are responsible for obtaining informed consent (and assent when relevant) from potential research participants under the conditions required by the research review committee. When behavior analysts become aware that data obtained from past or current clients, stakeholders, supervisees, and/or trainees during typical service delivery might be disseminated to the scientific community, they obtain informed consent for use of the data before dissemination, specify that services will not be impacted by providing or withholding consent, and make available the right to withdraw consent at any time without penalty.</p>	No specific code aligns - BSRB does not specify experimental treatments as research
(rr) practicing applied behavior analysis after one's license expires; and				see (pp)	No specific code aligns
(ss) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation.				see (pp)	No specific code aligns
102-8-12. Recordkeeping.					
(a) Each licensed assistant behavior analyst and each licensed behavior analyst shall maintain a record for each client that accurately reflects the licensee's contact with the client and the client's progress. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of formats, if reasonable steps are taken to maintain the confidentiality, accessibility, and durability of the records. Each record shall be completed in a timely manner and, at a minimum, shall include the following information for each client in sufficient detail to permit planning for continuity of care:				<p>2.05 Documentation Protection and Retention Behavior analysts are knowledgeable about and comply with all applicable requirements (e.g., BACB rules, laws, regulations, contracts, funder and organization requirements) for storing, transporting, retaining, and destroying physical and electronic documentation related to their professional activities. They destroy physical documentation after making electronic copies or summaries of data (e.g., reports and graphs) only when allowed by applicable requirements. When a behavior analyst leaves an organization these responsibilities remain with the organization. 3.11 Documenting Professional Activity (see 1.04, 2.03, 2.05, 2.06, 2.10) Throughout the service relationship, behavior analysts create and maintain detailed and high-quality documentation of their professional activities to facilitate</p>	Critical Event Requiring Self-Report (BCBA Handbook): failing to maintain appropriate client records (including documentation for billing purposes); Note: Frequent references to written documentation of services within specific codes of BACB
(1) Adequate identifying data;					
(2) the date or dates of services that the licensee or the licensee's supervisee provided; (3) the type or types of services that the licensee or the licensee's supervisee provided; (4) the initial assessment, conclusions, and recommendations;					
(5) the treatment plan; and					
(6) the clinical or progress notes from each session.		Recommendation: To include the ethics of maintaining clinical progress notes and the timeframe in which it is submitted/recorded. For example, BCBAs must submit the progress note no later than 24-48h after the session ended. Consider the ethical implications of allocating time for completing session notes			
(b) If a licensee is the owner or custodian of client records, the licensee shall retain a complete record for the following time periods, unless otherwise provided by law:				<p>2.05 Documentation Protection and Retention Behavior analysts are knowledgeable about and comply with all applicable requirements (e.g., BACB rules, laws, regulations, contracts, funder and organization</p>	BACB does not specify duration of document retention; BACB does specify, "When a behavior analyst leaves an organization these responsibilities remain with the organization."
(1) For an adult, at least six years after the date of termination of one or more contacts; and					
(2) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:					
(A) Two years past the date on which the client reaches the age of 18; or					
(B) six years after the date of termination of the contact or contacts with the minor.					
BACB Codes Not Referenced Above					
1.03 Accountability				Behavior analysts are accountable for their actions and	

1.06 Maintaining Competence				Behavior analysts actively engage in professional	
1.07 Cultural Responsiveness and Diversity				Behavior analysts actively engage in professional	
1.12 Giving and Receiving Gifts				Because the exchange of gifts can invite conflicts of interest and multiple relationships, behavior analysts do	
2.01 Providing Effective Treatment				Behavior analysts prioritize clients' rights and needs in service delivery. They provide services that are	
2.08 Communicating About Services				Behavior analysts use understandable language in, and	
2.09 Involving Clients and Stakeholders				Behavior analysts make appropriate efforts to involve clients and relevant stakeholders throughout the service	
2.10 Collaborating with Colleagues		This code is related to consulting, receiving training or referring to providers as pertaining scope of practice/ practice limitations.		Behavior analysts collaborate with colleagues from their own and other professions in the best interest of clients and stakeholders. Behavior analysts address conflicts by compromising when possible and always prioritizing the best interest of the client. Behavior analysts document all actions taken in these circumstances and their eventual outcomes.	
2.11 Obtaining Informed Consent				Behavior analysts are responsible for knowing about and	
2.12 Considering Medical Needs				Behavior analysts ensure, to the best of their ability, that	
2.13 Selecting, Designing, and Implementing Assessments				Before selecting or designing behavior-change interventions behavior analysts select and design	
2.15 Minimizing Risk of Behavior-Change Interventions				Behavior analysts select, design, and implement behavior-change interventions (including the selection and use of	
2.16 Describing Behavior-Change Interventions Before Implementation				Before implementation, behavior analysts describe in writing the objectives and procedures of the behavior-	
2.17 Collecting and Using Data				Behavior analysts actively ensure the appropriate selection and correct implementation of data collection	
2.18 Continual Evaluation of the Behavior-Change Intervention				Behavior analysts engage in continual monitoring and evaluation of behavior-change interventions. If data	
2.19 Addressing Conditions Interfering with Service Delivery				Behavior analysts actively identify and address environmental conditions (e.g., the behavior of others,	
3.02 Identifying Stakeholders				Behavior analysts identify stakeholders when providing	
3.03 Accepting Clients				Behavior analysts only accept clients whose requested	
3.07 Third-Party Contracts for Services				When behavior analysts enter into a signed contract to	
3.08 Responsibility to the Client with Third-Party Contracts for Services				Behavior analysts place the client's care and welfare above all others. If the third party requests services from	
3.09 Communicating with Stakeholders About Third-Party Contracted Services				When providing services at the request of a third party to a minor or individual who does not have the legal right to make personal decisions, behavior analysts ensure that the analyst or locally authorized representative is	
3.10 Limitations of Confidentiality				Behavior analysts inform clients and stakeholders of the limitations of confidentiality at the outset of the professional relationship and when information disclosures are required.	
3.12 Advocating for Appropriate Services		Recommendations: To align with constant evaluation of behavior change interventions, as a form of client advocacy. To include advocacy in MOLBA.		Behavior analysts advocate for and educate clients and stakeholders about evidence-based assessment and behavior- change intervention procedures. They also advocate for the appropriate amount and level of	
4.01 Compliance with Supervision Requirements				Behavior analysts are knowledgeable about and comply	
4.02 Supervisory Competence				Behavior analysts supervise and train others only within	
4.03 Supervisory Volume				Behavior analysts take on only the number of supervisees	
4.04 Accountability in Supervision				Behavior analysts are accountable for their supervisory	
4.05 Maintaining Supervision Documentation				Behavior analysts create, update, store, and dispose of	
4.07 Incorporating and Addressing Diversity				During supervision and training, behavior analysts actively	
4.09 Delegation of Tasks				Behavior analysts delegate tasks to their supervisees or	
4.10 Evaluating Effects of Supervision and Training				Behavior analysts actively engage in continual evaluation	
4.11 Facilitating Continuity of Supervision		Clarification: How is continuity defined? How is "continuity" different from "flow of session" as defined in BSRB LSA and		Behavior analysts minimize interruption or disruption of supervision and make appropriate and timely efforts to	
4.12 Appropriately Terminating Supervision				When behavior analysts determine, for any reason, to terminate supervision or other services that include	
5.01 Protecting the Rights of Clients, Stakeholders, Supervisees, and Trainees				Behavior analysts take appropriate steps to protect the rights of their clients, stakeholders, supervisees, and	
5.02 Confidentiality in Public Statements				In all public statements, behavior analysts protect the	
5.06 Advertising Nonbehavioral Services				Behavior analysts do not advertise nonbehavioral services	
5.07 Soliciting Testimonials from Current Clients for Advertising				Because of the possibility of undue influence and implicit coercion, behavior analysts do not solicit testimonials	
5.08 Using Testimonials from Former Clients for Advertising				When soliciting testimonials from former clients or stakeholders for use in advertisements designed to obtain	
5.09 Using Testimonials for Nonadvertising Purposes		Observation: MO LBA stated as not to be used for "personal gain, sale, or service". No mention of the word "advertisement".		Behavior analysts may use testimonials from former or current clients and stakeholders for nonadvertising purposes (e.g., fundraising, grant applications,	

5.10 Social Media Channels and Websites		Observation: MO LBA addressed personal relationships post-terminating treatment. Social media is not mentioned.		Behavior analysts are knowledgeable about the risks to privacy and confidentiality associated with the use of social media channels and websites and they use their	
5.11 Using Digital Content in Public Statements				Before publicly sharing information about clients using	
6.02 Research Review				Behavior analysts conduct research, whether independent of or in the context of service delivery, only	
6.06 Competence in Conducting Research				Behavior analysts only conduct research independently	
6.07 Conflict of Interest in Research and Publication				When conducting research, behavior analysts identify, disclose, and address conflicts of interest (e.g., personal,	
6.08 Appropriate Credit				Behavior analysts give appropriate credit (e.g.,	
6.09 Plagiarism				Behavior analysts do not present portions or elements of	
6.10 Documentation and Data Retention in Research				Behavior analysts must be knowledgeable about and comply with all applicable standards (e.g., BACB rules,	
6.11 Accuracy and Use of Data				Behavior analysts do not fabricate data or falsify results in	

102-8-12. Recordkeeping. (a) Each licensed assistant behavior analyst and each licensed behavior analyst shall maintain a record for each client that accurately reflects the licensee's contact with the client and the client's progress. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of formats, if reasonable steps are taken to maintain the confidentiality, accessibility, and durability of the records. Each record shall be completed in a timely manner and, at a minimum, shall include the following information for each client in sufficient detail to permit planning for continuity of care:

- (1) Adequate identifying data;
- (2) the date or dates of services that the licensee or the licensee's supervisee provided;
- (3) the type or types of services that the licensee or the licensee's supervisee provided;
- (4) the initial assessment, conclusions, and recommendations;
- (5) the treatment plan; and
- (6) the clinical or progress notes from each session.

(b) If a licensee is the owner or custodian of client records, the licensee shall retain a complete record for the following time periods, unless otherwise provided by law:

- (1) For an adult, at least six years after the date of termination of one or more contacts; and

(2) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:

(A) Two years past the date on which the client reaches the age of 18; or

(B) six years after the date of termination of the contact or contacts with the minor.

(Authorized by and implementing K.S.A. 2015 Supp. 65-7505; effective, T-102-6-29-16, June 29, 2016; effective Nov. 14, 2016.)

