

**BEHAVIORAL SCIENCES REGULATORY BOARD
BEHAVIOR ANALYST ADVISORY COMMITTEE MEETING
AGENDA FOR MEETING ON OCTOBER 5, 2022**

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/8mo0Qqnn0DA>

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

Wednesday, October 5, 2022, 1:00 p.m.

- I. Call to Order and Roll Call**
- II. Agenda Approval**
- III. Review and Approval of Minutes from Advisory Committee Meeting on August 1, 2022**
- IV. Executive Director's Report**
- V. Old Business**
 - A. Continued Discussion on Unprofessional Conduct Regulations**
- VI. New Business**
 - A. Possible Changes to K.S.A. 65-7504(a) Behavior Analyst Language on Board Disciplinary Remedies**
 - B. Discussion on Possible Regulation for Care of Clients in Crisis**
 - C. Discussion on Kansas Fights Addiction Grant Review Board Appointee**
- VII. Next Meeting: Date to be Determined, December, 2022, at 10am?**
- VIII. Adjournment**

**KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
BEHAVIOR ANALYST ADVISORY COMMITTEE
August 1, 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, Jacqueline Lightcap, Christie Stiehl, Emily Kessler, Pete Peterson, Kimberly Becker, Linda Heitzman-Powell, Mike Wasmer, Claudia Dozier, and Alice Zhang were present by Zoom.

BSRB Staff: David Fye and Leslie Allen attended by Zoom.

- II. Agenda Approval.** Kim Becker moved to approve the agenda. Emily Kessler Seconded. The motion passed
- III. Minutes Approval.** Emily Kessler moved to approve the minutes. Linda Heitzman-Powell 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. The Executive Director noted he will update the Advisory Committee when that direction is changed. There is a new part time licensing specialist. The BSRB will be focusing on the next Budget cycle. The budget is due on September 15. The Executive Director will be checking on contracts we have with other agencies.
 - B. Board Meeting on July 11.** The Board elected a new Chair Mary Jones and Vice-Chair David Anderson. The Governor appointed new Board members Cynthia Schendel for social work and Richard Nobles for Licensed Psychology. The Governor appointed Jim Kilmartin to serve as a public member beginning July 12, 2022. The Board will hold an all-day offsite planning meeting, which will take place at the end of October.
 - C. Other Meetings and Events.** The Executive Director attended will be attending an annual conference for professional counselors that is hosted by the National Board for Certified Counselors and will be presenting information on innovations in licensure
- V. Old Business**

- A. Continued Discussion on Unprofessional Conduct Regulations.** Christine Stiehl presented a side-by-side comparison for BSRB unprofessional conduct regulations and the professional conduct standards for the Behavior Analyst Credentialing Board (BACB), the national accrediting body recognized by the BSRB. The Executive Director provided additional information on unprofessional conduct standards for states that border Kansas, though it was noted that comparison was difficult as not all surrounding states license behavior analysts and one state adopted the standards of the BACB. It was noted that one of the challenges in comparing the BSRB to other jurisdictions is that the BACB outlines professional conduct standards, while the BSRB outlines unprofessional conduct. Members of the Advisory Committee volunteered to do further research on the BACB professional conduct standards to determine which of these standards might be suitable for unprofessional conduct regulations. The Advisory Committee will review these potential changes at the next Advisory Committee meeting.

VI. New Business

- A. Review of Possible Changes to Behavior Analyst Licensure Act and to the Regulations for the Profession.** The Executive Director noted a bill that would have revised the statutes for the Behavior Analyst profession was heard in 2016, but was not passed. The Executive Director highlighted some of the main differences between the statutes and regulations of the Behavior Analyst profession, when compared to the other professions overseen by the BSRB, and the value of having statutes and regulations that were more consistent. Advisory members expressed support for having consistent statutes and regulations, but also expressed concerns about requesting changes to the statutes, due the possible legislative action to remove licensure for the Behavior Analyst profession. The Advisory Committee did not recommend changes at this time.

VIII. Next Meeting: October 5, 2022

- IX. Adjournment:** Linda Heitzman-Powell moved to adjourn. Christine Stiehl 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 any 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 to 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 of 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.)

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.)



Ethics Code for Behavior Analysts

The Ethics Code for Behavior Analysts (Code) replaces the Professional and Ethical Compliance Code for Behavior Analysts (2014). All BCBA and BCaBA applicants and certificants are required to adhere to the Code effective January 1, 2022.

This document should be referenced as:

Behavior Analyst Certification Board. (2020). *Ethics code for behavior analysts*.
<https://bacb.com/wp-content/ethics-code-for-behavior-analysts/>

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Introduction

As a diverse group of professionals who work in a variety of practice areas, behavior analysts deliver applied behavior analysis (ABA) services to positively impact lives. The Behavior Analyst Certification Board® (BACB®) exists to meet the credentialing needs of these professionals and relevant stakeholders (e.g., licensure boards, funders) while protecting ABA consumers by establishing, disseminating, and managing professional standards. The BACB facilitates ethical behavior in the profession through its certification eligibility and maintenance requirements, by issuing the ethics standards described in this document, and by operating a system for addressing professional misconduct.

The Ethics Code for Behavior Analysts (Code) guides the professional activities of behavior analysts over whom the BACB has jurisdiction (see *Scope of the Code* below). The Code also provides a means for behavior analysts to evaluate their own behavior and for others to assess whether a behavior analyst has violated their ethical obligations. An **introduction** section describes the scope and application of the Code, its core principles, and considerations for ethical decision making. The core principles are foundational concepts that should guide all aspects of a behavior analyst's work. The introduction is followed by a **glossary** that includes definitions of technical terms used in the Code. The final section includes the **ethics standards**, which are informed by the core principles. The standards are organized into six sections: 1) Responsibility as a Professional, 2) Responsibility in Practice, 3) Responsibility to Clients and Stakeholders, 4) Responsibility to Supervisees and Trainees, 5) Responsibility in Public Statements, and 6) Responsibility in Research.

Scope of the Code

The Code applies to all individuals who hold Board Certified Behavior Analyst® (BCBA®) or Board Certified Assistant Behavior Analyst® (BCaBA®) certification and all individuals who have completed an application for BCBA or BCaBA certification. For the sake of efficiency, the term “behavior analyst” is used throughout this document to refer to those who must act in accordance with the Code. The BACB does not have separate jurisdiction over organizations or corporations.

The Code applies to behavior analysts in all of their professional activities, including direct service delivery, consultation, supervision, training, management, editorial and peer-review activities, research, and any other activity within the ABA profession. The Code applies to behavior analysts' professional activities across settings and delivery modes (e.g., in person; in writing; via phone, email, text message, video conferencing). Application of the Code does not extend to behavior analysts' personal behavior unless it is determined that the behavior clearly poses a potential risk to the health and safety of clients, stakeholders, supervisees, or trainees.

Specific terms are defined in the [Glossary](#) section; however, two definitions are provided here because they are frequently used in the Core Principles section.

Client: The direct recipient of the behavior analyst's services. At various times during service provision, one or more stakeholders may simultaneously meet the definition of client (e.g., the point at which they receive direct training or consultation). In some contexts, the client might be a group of individuals (e.g., with organizational behavior management services).

Stakeholder: An individual, other than the client, who is impacted by and invested in the behavior analyst's services (e.g., parent, caregiver, relative, legally authorized representative, collaborator, employer, agency or institutional representative, licensure board, funder, third-party contractor for services).

Core Principles

Four foundational principles, which all behavior analysts should strive to embody, serve as the framework for the ethics standards. Behavior analysts should use these principles to interpret and apply the standards in the Code. The four core principles are that behavior analysts should: benefit others; treat others with compassion, dignity, and respect; behave with integrity; and ensure their own competence.

1. **Benefit Others.** Behavior analysts work to maximize benefits and do no harm by:
 - Protecting the welfare and rights of clients above all others
 - Protecting the welfare and rights of other individuals with whom they interact in a professional capacity
 - Focusing on the short- and long-term effects of their professional activities
 - Actively identifying and addressing the potential negative impacts of their own physical and mental health on their professional activities
 - Actively identifying potential and actual conflicts of interest and working to resolve them in a manner that avoids or minimizes harm
 - Actively identifying and addressing factors (e.g., personal, financial, institutional, political, religious, cultural) that might lead to conflicts of interest, misuse of their position, or negative impacts on their professional activities
 - Effectively and respectfully collaborating with others in the best interest of those with whom they work and always placing clients' interests first
2. **Treat Others with Compassion, Dignity, and Respect.** Behavior analysts behave toward others with compassion, dignity, and respect by:
 - Treating others equitably, regardless of factors such as 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
 - Respecting others' privacy and confidentiality
 - Respecting and actively promoting clients' self-determination to the best of their abilities, particularly when providing services to vulnerable populations
 - Acknowledging that personal choice in service delivery is important by providing clients and stakeholders with needed information to make informed choices about services
3. **Behave with Integrity.** Behavior analysts fulfill responsibilities to their scientific and professional communities, to society in general, and to the communities they serve by:
 - Behaving in an honest and trustworthy manner
 - Not misrepresenting themselves, misrepresenting their work or others' work, or engaging in fraud
 - Following through on obligations
 - Holding themselves accountable for their work and the work of their supervisees and trainees, and correcting errors in a timely manner
 - Being knowledgeable about and upholding BACB and other regulatory requirements
 - Actively working to create professional environments that uphold the core principles and standards of the Code
 - Respectfully educating others about the ethics requirements of behavior analysts and the mechanisms for addressing professional misconduct
4. **Ensure their Competence.** Behavior analysts ensure their competence by:
 - Remaining within the profession's scope of practice
 - Remaining current and increasing their knowledge of best practices and advances in ABA and participating in professional development activities
 - Remaining knowledgeable and current about interventions (including pseudoscience) that may exist in their practice areas and pose a risk of harm to clients
 - Being aware of, working within, and continually evaluating the boundaries of their competence
 - Working to continually increase their knowledge and skills related to cultural responsiveness and service delivery to diverse groups

Application of the Code

Behavior analysts are expected to be knowledgeable about and comply with the Code and [Code-Enforcement Procedures](#). Lack of awareness or misunderstanding of an ethics standard is not a defense against an alleged ethics violation. When appropriate, behavior analysts should inform others about the Code and Code-Enforcement Procedures and create conditions that foster adherence to the Code. When addressing potential code violations by themselves or others, behavior analysts document the steps taken and the resulting outcomes. Behavior analysts should address concerns about the professional misconduct of others directly with them when, after assessing the situation, it seems possible that doing so will resolve the issue and not place the behavior analyst or others at undue risk.

The BACB recognizes that behavior analysts may have different professional roles. As such, behavior analysts are required to comply with all applicable laws, licensure requirements, codes of conduct/ethics, reporting requirements (e.g., mandated reporting, reporting to funding sources or licensure board, self-reporting to the BACB, reporting instances of misrepresentation by others), and professional practice requirements related to their various roles. 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).

The standards included in the Code are not meant to be exhaustive, as it is impossible to predict every situation that might constitute an ethics violation. Therefore, 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. When interpreting and applying a standard, it is critical to attend to its specific wording and function, as well as the core principles. Additionally, standards must be applied to a situation using a functional, contextualized approach that accounts for factors relevant to that situation, such as variables related to diversity (e.g., age, disability, ethnicity, gender expression/identity, immigration status, marital/relationship status, national origin, race, religion, sexual orientation, socioeconomic status) and possible imbalances in power. In all instances of interpreting and applying the Code, behavior analysts should put compliance with the law and clients' interests first by actively working to maximize desired outcomes and minimize risk.

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. Behavior analysts should address ethical dilemmas through a structured decision-making process that considers the full context of the situation and the function of relevant ethics standards. Although no single ethical decision-making process will be equally effective in all situations, the process below illustrates a systematic approach behavior analysts can take to document and address potential ethical concerns.

Throughout all of the following steps, document information that may be essential to decision making or for communicating the steps taken and outcomes (e.g., to the BACB, licensure boards, or other governing agencies). For example, consider documenting: dates, times, locations, and relevant individuals; summaries of observations, meetings, or information reported by others. Take care to protect confidentiality in the preparation and storage of all documentation.

1. Clearly define the issue and consider potential risk of harm to relevant individuals.
2. Identify all relevant individuals.
3. Gather relevant supporting documentation and follow-up on second-hand information to confirm that there is an actual ethical concern.
4. Consider your personal learning history and biases in the context of the relevant individuals.
5. Identify the relevant core principles and Code standards.
6. Consult available resources (e.g., research, decision-making models, trusted colleagues).
7. Develop several possible actions to reduce or remove risk of harm, prioritizing the best interests of clients in accordance with the Code and applicable laws.

8. Critically evaluate each possible action by considering its alignment with the “letter and spirit” of the Code, its potential impact on the client and stakeholders, the likelihood of it immediately resolving the ethical concern, as well as variables such as client preference, social acceptability, degree of restrictiveness, and likelihood of maintenance.
9. Select the action that seems most likely to resolve the specific ethical concern and reduce the likelihood of similar issues arising in the future.
10. Take the selected action in collaboration with relevant individuals affected by the issue and document specific actions taken, agreed-upon next steps, names of relevant individuals, and due dates.
11. Evaluate the outcomes to ensure that the action successfully addressed the issue.

Enforcement of the Code

The BACB enforces the Code to protect clients and stakeholders, BCBA and BCaBA certificants and applicants, and the ABA profession. Complaints are received and processed according to the processes outlined in the BACB’s [Code-Enforcement Procedures](#) document.

Glossary

Assent

Vocal or nonvocal verbal behavior that can be taken to indicate willingness to participate in research or behavioral services by individuals who cannot provide informed consent (e.g., because of age or intellectual impairments). Assent may be required by a research review committee or a service organization. In such instances, those entities will provide parameters for assessing assent.

Behavior Analyst

An individual who holds BCBA or BCaBA certification or who has submitted a complete application for BCBA or BCaBA certification.

Behavior-Change Intervention

The full set of behavioral procedures designed to improve the client's wellbeing.

Behavioral Services

Services that are explicitly based on the principles and procedures of behavior analysis and are designed to change behavior in meaningful ways. These services include, but are not limited to, assessment, behavior-change interventions, training, consultation, managing and supervising others, and delivering continuing education.

Client

The direct recipient of the behavior analyst's services. At various times during service provision, one or more stakeholders may simultaneously meet the definition of client (e.g., the point at which they receive direct training or consultation). In some contexts, the client might be a group of individuals (e.g., with organizational behavior management services).

Clients' Rights

Human rights, legal rights, rights codified within behavior analysis, and organization rules designed to benefit the client.

Conflict of Interest

An incompatibility between a behavior analysts' private and professional interests resulting in risk or potential risk to services provided to, or the professional relationship with, a client, stakeholder, supervisee, trainee, or research participant. Conflicts may result in a situation in which personal, financial, or professional considerations have the potential to influence or compromise professional judgment in the delivery of behavioral services, research, consultation, supervision, training, or any other professional activity.

Digital Content

Information that is made available for online consumption, downloading, or distribution through an electronic medium (e.g., television, radio, ebook, website, social media, videogame, application, computer, smart device). Common digital content includes documents, pictures, videos, and audio files.

Informed Consent

The permission given by an individual with the legal right to consent before participating in services or research, or allowing their information to be used or shared.

Service/Research: Providing the opportunity for an individual to give informed consent for services or research involves communicating about and taking appropriate steps to confirm understanding of: 1) the purpose of the services or research; 2) the expected time commitment and procedures involved; 3) the right to decline to participate or withdraw at any time without adverse consequences; 4) potential benefits, risks, discomfort, or adverse effects; 5) any limits to confidentiality or privacy; 6) any incentives for research participation; 7) whom to contact for questions or concerns at any time; and 8) the opportunity to ask questions and receive answers.

Information Use/Sharing: Providing the opportunity for an individual to give informed consent to share or use their information involves communicating about: 1) the purpose and intended use; 2) the audience; 3) the expected duration; 4) the right to decline or withdraw consent at any time; 5) potential risks or benefits; 6) any limitations to confidentiality or privacy; 7) whom to contact for questions or concerns at any time; and 8) the opportunity to ask questions and receive answers.

Legally Authorized Representative

Any individual authorized under law to provide consent on behalf of an individual who cannot provide consent to receive services or participate in research.

Multiple Relationship

A comingling of two or more of a behavior analyst's roles (e.g., behavioral and personal) with a client, stakeholder, supervisee, trainee, research participant, or someone closely associated with or related to the client.

Public Statements

Delivery of information (digital or otherwise) in a public forum for the purpose of either better informing that audience or providing a call-to-action. This includes paid or unpaid advertising, brochures, printed material, directory listings, personal resumes or curriculum vitae, interviews, or comments for use in media (e.g., print, statements in legal proceedings, lectures and public presentations, social media, published materials).

Research

Any data-based activity, including analysis of preexisting data, designed to generate generalizable knowledge for the discipline. The use of an experimental design does not by itself constitute research.

Research Participant

Any individual participating in a defined research study for whom informed consent has been obtained.

Research Review Committee

A group of professionals whose stated purpose is to review research proposals to ensure the ethical treatment of human research participants. This committee might be an official entity of a government or university (e.g., Institutional Review Board, Research Ethics Board), an independent committee within a service organization, or an independent organization created for this purpose.

Scope of Competence

The professional activities a behavior analyst can consistently perform with proficiency.

Social Media Channel

A digital platform, either found through a web browser or through an application, where users (individuals and/or businesses) can consume, create, copy, download, share, or comment on posts or advertisements. Both posts and advertisements would be considered digital content.

Stakeholder

An individual, other than the client, who is impacted by and invested in the behavior analyst's services (e.g., parent, caregiver, relative, legally authorized representative, collaborator, employer, agency or institutional representatives, licensure board, funder, third-party contractor for services).

Supervisee

Any individual whose behavioral service delivery is overseen by a behavior analyst within the context of a defined, agreed-upon relationship. Supervisees may include RBTs, BCaBAs, and BCBAs, as well as other professionals carrying out supervised behavioral services.

Testimonial

Any solicited or unsolicited recommendation, in any form, from a client, stakeholder, supervisee, or trainee affirming the benefits received from a behavior analyst's product or service. From the point at which a behavior analyst asks an individual for a recommendation it is considered solicited.

Third Party

Any individual, group of individuals, or entity, other than the direct recipient of services, the primary caregiver, the legally authorized representative, or the behavior analyst, who requests and funds services on behalf of a client or group of clients. Some examples include a school district, governmental entity, mental health agency, among others.

Trainee

Any individual accruing fieldwork/experience toward fulfilling eligibility requirements for BCaBA or BCBA certification.

Website

A digital platform found through a web browser where an entity (individual and/or organization) produces and distributes digital content for the consumption of users online. Depending on the functionality, users can consume, create, copy, download, share, or comment on the provided digital content.

Note: Terms defined in the glossary are *italicized* the first time they appear in a standard in each section of the Code.

Ethics Standards

Section 1 — Responsibility as a Professional

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.

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).

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.

1.04 Practicing within a Defined Role

Behavior analysts provide services only after defining and documenting their professional role with relevant parties in writing.

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.

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.

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.

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.

1.09 Nonharassment

Behavior analysts do not engage in behavior that is harassing or hostile toward others.

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.

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.

1.12 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.

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).

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.

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.

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).

Section 2—Responsibility in Practice

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.

2.02 Timeliness

Behavior analysts deliver services and carry out necessary service-related administrative responsibilities in a timely manner.

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.

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.

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.

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.

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.

2.14 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.

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.

Section 3—Responsibility to Clients and Stakeholders

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.

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 (see 1.05, 1.06)

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.

3.04 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.

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.

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).

3.07 Third-Party Contracts for Services (see 1.04, 1.11, 2.04, 2.07)

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 (see 1.05, 1.11, 2.01)

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.

3.09 Communicating with Stakeholders About Third-Party Contracted Services (2.04, 2.08, 2.09, 2.11)

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.

3.10 Limitations of Confidentiality (see 1.02, 2.03, 2.04)

Behavior analysts inform clients and stakeholders of the limitations of confidentiality at the outset of the professional relationship and when information disclosures are required.

3.11 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.

3.12 Advocating for Appropriate Services (1.04, 1.05, 2.01, 2.08)

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.

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.

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.

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.

Section 4—Responsibility to Supervisees and Trainees

4.01 Compliance with Supervision Requirements (see 1.02)

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 (see 1.05, 1.06)

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 (see 1.02, 1.05, 2.01)

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 (see 1.03)

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 (1.01, 1.02, 1.04, 2.03, 2.05, 3.11)

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.

4.06 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.

4.07 Incorporating and Addressing Diversity (see 1.05, 1.06, 1.07, 1.10)

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).

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.

4.09 Delegation of Tasks (see 1.03)

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).

4.10 Evaluating Effects of Supervision and Training (see 1.03, 2.17, 2.18)

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 (see 1.03, 2.02, 3.14)

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 (see 1.03, 2.02, 3.15)

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.

Section 5—Responsibility in Public Statements

5.01 Protecting the Rights of Clients, Stakeholders, Supervisees, and Trainees (see 1.03, 3.01)

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 (see 2.03, 2.04, 3.10)

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.

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.

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.

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.

5.06 Advertising Nonbehavioral Services (see 1.01, 1.02, 2.01)

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 (see 1.11, 1.13, 2.11, 3.01, 3.10)

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 (see 2.03, 2.04, 2.11, 3.01, 3.10)

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 (see 1.02, 2.03, 2.04, 2.11, 3.01, 3.10)

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 (see 1.02, 2.03, 2.04, 2.11, 3.01, 3.10)

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 (see 1.02, 1.03, 2.03, 2.04, 2.11, 3.01, 3.10)

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.

Section 6—Responsibility in Research

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.

6.04 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.

6.05 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).

6.06 Competence in Conducting Research (see 1.04, 1.05, 1.06, 3.01)

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 (see 1.01, 1.11, 1.13)

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 (see 1.01, 1.11, 1.13)

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).

6.09 Plagiarism (see 1.01)

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.

6.10 Documentation and Data Retention in Research (see 2.03, 2.05, 3.11, 4.05)

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 (see 1.01, 2.17, 5.03)

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.



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65-7504. Same; denial, suspension or revocation of licensure; grounds. (a) The board may deny, suspend, revoke or refuse renewal of any license issued under this act if the board finds that the applicant or license holder has:

(1) Used any controlled substance or alcoholic beverage to an extent that such use impairs such person's ability to perform the work of any profession licensed or regulated by this act.

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any professional licensed or regulated under this act, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not a sentence is imposed.

(3) Used any fraud, deception or misrepresentation in securing any license issued under this act.

(4) Obtained or attempted to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation.

(5) Committed any act of incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed by the board.

(6) Committed any violation of or assisted or enabled any person to violate any provision of this act or any rule and regulation promulgated thereunder.

(7) Impersonated any person holding a certificate of registration or authority, permit or license or allowed any other person to use such person's certificate of registration or authority, permit, license or diploma from any school.

(8) Been disciplined in any action by another state, territory, federal agency or country which would constitute grounds for a license issued under this act being suspended or revoked.

(9) Been finally adjudged insane or incapacitated by a court of competent jurisdiction.

(10) Assisted or enabled any person to practice or offer to practice any profession licensed or regulated by the board when such person is not eligible to practice such profession as required by law.

(11) Issued any certificate of registration or authority, permit or license based upon a material mistake of fact.

(12) Failed to display a valid certificate or license if so required by this act or any rules and regulations promulgated thereunder.

(13) Violated any professional trust or confidence.

(14) Used any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

(15) Been found guilty of unprofessional conduct or professional incompetency as defined by the board by rules and regulations.

(b) Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedure act.

History: L. 2014, ch. 62, § 5; July 1.

65-6408. Refusal to grant, suspension, condition, limitation, qualification, restriction or revocation of license; grounds. (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(1) Is incompetent to practice marriage and family therapy. "Incompetent to practice marriage and family therapy" means:

(A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;

(B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice marriage and family therapy;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state, the District of Columbia or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for license or license renewal;

(8) has failed to obtain continuing education credits required by rules and regulations of the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board;

(10) has had a professional registration, license or certificate revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; or

(11) has violated any lawful order or directive of the board previously entered by the board.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$ majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the marriage and family therapists licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the marriage and family therapists licensure act shall be in accordance with the Kansas judicial review act.

History: L. 1991, ch. 114, § 8; L. 1996, ch. 153, § 23; L. 2016, ch. 92, § 48; L. 2021, ch. 88, § 23; May 6.