

**BEHAVIORAL SCIENCES REGULATORY BOARD  
BEHAVIOR ANALYST ADVISORY COMMITTEE MEETING  
AGENDA FOR MEETING ON AUGUST 1, 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/tVI7IVxv8lw>**

**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, August 1, 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 June 8, 2022**
- IV. Introduction of New Advisory Committee Chair David Anderson**
- V. Executive Director's Report**
- VI. Old Business**
  - A. Continued Discussion on Unprofessional Conduct Regulations**
- VII. New Business**
  - A. Review of Possible Changes to Behavior Analyst Licensure Act**
  - B. Discussion on Possible Changes to Behavior Analyst Regulations**
- VIII. Next Meeting: Date to be Determined, October, 2022, at 10am?**
- IX. Adjournment**

**Kansas Behavioral Sciences Regulatory Board  
Behavior Analyst Advisory Committee  
June 8, 2022**

**Draft Minutes**

- I. Call to Order:** Bruce Nystrom, Chair of the Advisory Committee, called the meeting to order at 10 a.m.

**Committee Members:** Bruce Nystrom, Jacqueline Lightcap, Allyson Bell, Claudia Dozier, Linda Heitzman-Powell, Emily Kessler, Pete Peterson, Christie Stiehl, Mike Wasmer, and Alice Zhang were present by Zoom.

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

- II. Agenda Approval.** Approved as written with no changes.
- III. Minutes Approval.** Emily Kessler moved to approve the minutes. Pete Peterson seconded. The motion passed.
- IV. Executive Director's Report.** The Executive Director for the BSRB reported on the following items:
- A. Agency Updates.** 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. Until the limitation is lifted, the BSRB will continue to hold most Board and Advisory Committee meetings virtually. The Executive Director provided an update on the BSRB Fee Fund, which has a balance of about \$2.0 million. As part of the yearly performance evaluation process from the Department of Administration, all state employees should have a mid-year check-in to allow supervisors to provide feedback on their performance, allow questions from staff, and consider changes to work responsibilities. The Executive Director noted that the BSRB will provide mid-year check-in meetings for all employees later this month.
- B. Board Meeting on May 9.** The Board discussed the pre-approval of continuing education (CE) hours and the pre-approval of CE providers. All Advisory Committees were asked to discuss whether their profession would want pre-approved CEs, as currently only the social work profession has pre-approved CE providers and pre-approved CE classes. At the Board meeting, there was a split as some Advisory Committees requested this change while other Advisory Committees did not. Also at the Board meeting, 15 Advisory Committee members were reappointed to new two-year terms and those terms will start in July, as the state fiscal year begins on July 1. The Board recognized three Advisory Committee members that had served the maximum number of years of service on the Advisory Committees. The Board passed a delegation motion allowing for alternate presiding officer in the event that the Chair and the Vice-Chair of the Board are unavailable for a meeting; reviewed draft

language for regulations discussed at past meetings; and considered a model from Minnesota to provide a temporary license to students who graduate from schools that are in candidacy for Council for Social Work Education (CSWE) accreditation. The Board received a report from the Executive Director with potential changes to the Board's Investigation Policy and creation of subcommittees were requested by the Professional Counselor Advisory Committee (unprofessional conduct regulation review) and the Marriage and Family Therapy Advisory Committee (creation of a supervision manual similar to the existing manual for the social work profession.)

**C. Other Meetings and Events.** The Executive Director attended an Educator meeting for the Association of Social Work Boards (ASWB) and the Mid-Year Meeting from the Association of State and the Provincial Psychology Boards (ASPPB). The Executive Director provided a summary of items discussed at these meetings, including an announcement from the American Psychology Association (APA) that the body is working on accreditation standards for Master's Level Psychology programs and hopes to have these standards available for comment in the fall of 2023. The executive director will be attending a conference on August 3 hosted by the National Board of certified counselors in Philadelphia. The Executive Director note he attended a townhall meeting by ASPPB on the EPPP-2. The Executive Director provided an update on the Psychology Interjurisdictional Compact (PSYPACT), including the current number of Licensed Psychologists in Kansas who identify Kansas as their home-state and who are practicing under the compact.

## V. Old Business

**A. Discussion on K.S.A. 65-7502 Qualifications for License and Consideration of the Qualified Applied Behavior Analysis (QABA) Credentialing Board.** The Chair noted the Advisory Committee received information at the previous Advisory Committee meeting from Hollie Benincosa, Executive Director for the QABA Credentialing Board. At this meeting, the Advisory Committee was asked to discuss whether to recommend that QABA be added to the definition of "certifying entity" under the behavior analyst licensing statute K.S.A. 65-7502(e), whether to recommend that the QABA be considered a "equivalent nationally accredited nongovernmental agency approved by the BSRB" also in K.S.A. 65-7502(e), or whether a different recommendation was appropriate. The Executive Director noted Advisory Committee members had been provided with background information on standards for both QABA and also the currently recognized accrediting body in statute, the Behavior Analyst Certification Board (BACB). Advisory Committee members asked whether two entities could be named in the licensing statute. The Executive Director noted that two professions under the BSRB identify no national accrediting body, but he does not believe there would be a technical issue with identifying two accrediting bodies in the statute, if that was the recommendation of the Advisory Committee. Advisory Committee members discussed concerns with the quality and integrity of the credentialing requirements and testing, the transparency of the organizational structure and its operations, and the autonomy in decision-making. Other concerns were noted regarding the low number of states that recognize QABA,

the low number of individuals in Kansas certified by QABA, and the difficulty in clarifying information on the entity when Advisory Committee members research additional information independently. Advisory Committee members discussed whether BACB and QABA were equivalent, but among other differences that were discussed, it was noted that both entities had different standards for being able to take the appropriate examinations and each entity administered a different examination. The Advisory Committee did not recommend adding QABA to the definition of “certifying entity” under K.S.A. 65-7502(e). Emily Kessler moved to recommend to the Board that, for the purposes of licensing candidates under the BSRB, the Advisory Committee found that the QABA group did not appear to be substantially equivalent to the BACB and there were concerns from the Advisory Committee about QABA. Allyson Bell Seconded. The motion passed.

**B. Continued Discussion on Unprofessional Conduct Regulations.** Advisory Committee members expressed support for the creation of a more “user friendly” document listing the unprofessional conduct regulations. The Executive Director noted other Advisory Committees had also requested the creation of a similar document for members of the public and licensees. The BSRB will be pursuing creation of this type of document, after each of the Advisory Committees have resolved changes to the existing unprofessional conduct regulations. Advisory Committee members discussed challenges meeting different documentation standards from entities that provide reimbursements for services, though it was noted that the BSRB would not have control over those entities. Advisory Committee members noted that states have different unprofessional conduct regulations and questioned whether any effort could be made for states to align their standards. The Executive Director noted that each state retained jurisdictional authority to set the unprofessional conduct standards in that state, but that he would seek to locate and provide the unprofessional conduct standards for surrounding states to the Advisory Committee members for review at the next meeting. It was also noted that the BSRB unprofessional conduct regulations differed from the BACB ethical guidelines. Advisory Committee members expressed support for a document that would compare the differences between these two standards. Christie Stiehl volunteered to create a document comparing the BSRB unprofessional conduct regulations to the ethical guidelines for the BACB and she noted that she would share this document with the members of the Advisory Committee at the next meeting.

## **VII. New Business**

**A. Discussion on 2016 HB 2690 Amending the Applied Behavior Analysis Licensure Act.** The Executive Director noted the statutes for the Behavior Analyst profession are structured differently from the other professions under the BSRB and noted that changes should be discussed and considered to make the statutes more in line with the other professions. In researching past legislation involving the profession, the Executive Director located HB 2690 from the 2016 legislative session. The Executive Director noted this bill received a hearing, but did not pass out of committee, and he questioned whether this bill could be the base for helpful changes for the Behavior

Analyst statutes. Advisory Committee members noted the value of standardizing the structure of the statutes and making them more in-line with the other professions under the BSRB, but did not specifically support of using 2016 HB 2690 as a base for future changes to the statutes. Advisory Committee members expressed concerns that opening up the statutes for changes could possibly result in the Legislature eliminating the statutes for the profession entirely. Advisory Committees discussed that it would be helpful to consider changes to the regulations, as some of the language in the existing regulations was written based on prior policies for the BACB and some of those policies have changed over time. The Executive Director asked the members of the Advisory Committee to review the current regulations for the profession and to bring back comments on potential changes to be discussed at the next Advisory Committee meeting. Additionally, the Executive Director noted if the members of the Advisory Committee had any recommended changes to statutes, those items could be discussed and recommended at the next Advisory Committee meeting.

- VIII. Next Meeting:** Due to conflicts, members were unable to select a date for the next Advisory Committee meeting. The Executive Director stated he would poll the Advisory Committee members availability after the meeting and would send a date for the August meeting when it was determined.
- IX. Adjournment:** Linda Heitzman-Powell moved to adjourn. Claudia Dozier 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

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### 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

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### 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

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### 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

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### 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**

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#### **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**

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### **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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BSRB LBA CURRENT	BACB ETHICS CODE FOR BEHAVIOR ANALYSTS (effective 1/1/2022)	Additional Notes (C. Stiehl)
<p><b>102-8-11. Unprofessional conduct.</b> 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>		<p>BSRB states unprofessional conduct behaviors while BACB states professional conduct behaviors</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><b>1.16 Self-Reporting Critical Information</b> 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: <a href="https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook_20601.pdf">https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook_20601.pdf</a></p>
<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><b>5.04 Public Statements by Others (see 1.03)</b> 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>	<p>No specific code aligns</p>

(c) impersonating another person holding a license or registration issued by the board or any other agency;	<b>1.01 Being Truthful</b> 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. <b>5.03 Public Statements by Behavior Analysts (see 1.01, 1.02)</b> 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;	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;	<b>1.10 Awareness of Personal Biases and Challenges</b> 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;	<b>1.15 Responding to Requests</b> 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

<p>(h) offering to perform or performing services clearly inconsistent or incommensurate with one’s training, education, or experience or with accepted professional standards;</p>	<p><b>1.05 Practicing within Scope of Competence</b> 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.</p>	
<p>(i) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;</p>	<p><b>1.09 Nonharassment</b> Behavior analysts do not engage in behavior that is harassing or hostile toward others. <b>1.13 Coercive and Exploitative Relationships</b> Behavior analysts do not abuse their power or authority by coercing or exploiting persons over whom they have authority (e.g., evaluative, supervisory).</p>	
<p>(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;</p>	<p><b>1.08 Nondiscrimination</b> 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.</p>	<p>BACB lists additional protected statuses</p>
<p>(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>	<p><b>1.04 Practicing within a Defined Role</b> Behavior analysts provide services only after defining and documenting their professional role with relevant parties in writing. <b>3.04 Service Agreement</b> (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>	
<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>	<p><b>2.07 Fees</b> 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. <b>3.05 Financial Agreements</b> (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>	

<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>	<p><b>2.14 Selecting, Designing, and Implementing Behavior-Change Interventions</b> 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). <b>2.15 Minimizing Risk of Behavior-Change Interventions</b> 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. <b>2.16 Describing Behavior-Change Interventions Before Implementation</b> 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>	<p>No specific code aligns to experimental treatments</p>
<p>(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;</p>	<p>N/A</p>	<p>No specific code aligns</p>
<p>(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>	<p>N/A</p>	<p>No specific code aligns</p>

<p>(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>	<p><b>1.15 Responding to Requests</b> 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. <b>2.02 Timeliness</b> Behavior analysts deliver services and carry out necessary service-related administrative responsibilities in a timely manner. <b>3.06 Consulting with Other Providers</b> (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). <b>3.16 Appropriately Transitioning Services</b> (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>	<p>No specific code aligns</p>
<p>(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>	<p><b>2.03 Protecting Confidential Information</b> 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. <b>2.04 Disclosing Confidential Information</b> 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</p>	<p>No code related to consent for electronic recordings</p>
<p>(1) Electronically recording sessions with the client;</p>	<p>the communication.</p>	
<p>(2) permitting a third-party observation of the licensee’s provision of applied behavior analysis services to the client; or</p>	<p><b>3.06 Consulting with Other Providers</b> (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) releasing information concerning a client to a third person, unless required or permitted by law;</p>		

<p>(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;</p>	<p><b>2.03 Protecting Confidential Information</b> 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>No specific code aligns</p>
<p>(s) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;</p>	<p><b>1.01 Being Truthful</b> 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. <b>2.06 Accuracy in Service Billing and Reporting</b> 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. <b>2.07 Fees</b> 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>	
<p>(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,</p> <p>(1) Disclosure is required or permitted by law;</p> <p>(2) failure to disclose the information presents a serious danger to the health or safety of an individual or the public;</p> <p>(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</p> <p>(4) payment for services is needed;</p>	<p><b>2.04 Disclosing Confidential Information</b> 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>	<p>BACB does not specify disclosure for payment</p>

(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;	<b>1.11 Multiple Relationships</b> 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. <b>1.13 Coercive and Exploitative Relationships</b> 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:	<b>1.09 Nonharassment</b> Behavior analysts do not engage in behavior that is harassing or hostile toward others. <b>1.14 Romantic and Sexual Relationships</b> 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
(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;	<b>3.13 Referrals</b> (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;	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;	N/A	No specific code aligns
(bb) making claims of professional superiority that one cannot substantiate;	<b>5.03 Public Statements by Behavior Analysts</b> (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;	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;	<b>3.01 Responsibility to Clients</b> (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;	<b>5.05 Use of Intellectual Property</b> (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: (1) Considering carefully the possible consequences for human beings participating in the research;	<b>6.04 Informed Consent in Research</b> (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	No specific code aligns to (1) considering consequences

(2) protecting each participant from unwarranted physical and mental harm;	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. <b>6.01 Conforming with Laws and Regulations in Research</b> (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. <b>6.02 Research Review</b> (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. <b>6.03 Research in Service Delivery</b> (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. <b>6.05 Confidentiality in Research</b> (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).	
(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;	<b>1.01 Being Truthful</b> 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. <b>2.06 Accuracy in Service Billing and Reporting</b> 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

<p>(ii) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;</p>	<p><b>3.14 Facilitating Continuity of Services</b> (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. <b>3.15 Appropriately Discontinuing Services</b> (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>	
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<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>	<p><b>3.14 Facilitating Continuity of Services</b> (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. <b>3.16 Appropriately Transitioning Services</b> (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>	
<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>	<p><b>3.15 Appropriately Discontinuing Services</b> (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>

<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;</p>	<p><b>3.15 Appropriately Discontinuing Services</b> (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.</p>	
<p>(mm) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation;</p>	<p><b>4.06 Providing Supervision and Training</b> (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. <b>4.08 Performance Monitoring and Feedback</b> (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.</p>	
<p>(nn) when applicable, failing to inform a client that applied behavior analysis services are provided or delivered under supervision;</p>	<p><b>1.04 Practicing within a Defined Role</b> Behavior analysts provide services only after defining and documenting their professional role with relevant parties in writing.</p>	<p>No specific code aligns</p>
<p>(oo) failing to report unprofessional conduct of a licensed assistant behavior analyst, a licensed behavior analyst, or any other individual licensed by the board;</p>	<p>N/A</p>	<p>No specific code aligns; BACB provides opportunity for reporting certificants and document, "Considerations for Reporting an Alleged Violation Against a BCaBA/BCBA"</p>
<p>(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;</p>	<p><b>1.02 Conforming with Legal and Professional Requirements</b> Behavior analysts follow the law and the requirements of their professional community (e.g., BACB, licensure board).</p>	<p>No specific code aligns</p>

<p>(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>	<p><b>6.03 Research in Service Delivery</b> (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. <b>6.04 Informed Consent in Research</b> (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>	<p>No specific code aligns - BSRB does not specify experimental treatments as research</p>
<p>(rr) practicing applied behavior analysis after one’s license expires; and</p>	<p>see (pp)</p>	<p>No specific code aligns</p>
<p>(ss) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation.</p>	<p>see (pp)</p>	<p>No specific code aligns</p>
<p><b>102-8-12. Recordkeeping.</b></p>		
<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><b>2.05 Documentation Protection and Retention</b> 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. <b>3.11 Documenting Professional Activity</b> (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.</p>	<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</p>
<p>(1) Adequate identifying data;</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;		
(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:	<b>2.05 Documentation Protection and Retention</b> 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."
(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.
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.

1.12 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.
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 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.
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.
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.
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).
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).
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.
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).
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.

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.




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**Rules of  
Department of Commerce and  
Insurance**

**Division 2063—Behavior Analyst Advisory Board  
Chapter 6—Standards of Practice**

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**Title 20—DEPARTMENT OF  
COMMERCE AND INSURANCE  
Division 2063—Behavior Analyst  
Advisory Board  
Chapter 6—Standards of Practice**

**20 CSR 2063-6.005 Ethical Rules of Conduct**

*PURPOSE: This rule complies with section 337.310, RSMo which allows the committee through the division to promulgate ethical principles governing the practice of behavior analysis.*

(1) General Principles.

(A) Purpose. The ethical rules of conduct constitute the standards against which the required professional conduct of behavior analysts and assistant behavior analysts is measured.

(B) Scope. Behavior analysts and assistant behavior analysts shall be governed by these ethical rules of conduct. These ethical rules of conduct shall apply to the conduct of all licensees and applicants, including the applicant's conduct during the period of education, training, and employment which is required for licensure. The terms behavior analyst and assistant behavior analyst, as used within these ethical rules of conduct, shall be interpreted accordingly whenever applied behavior analysis is being provided in any context. These rules of ethical conduct apply to teaching, publishing, or researching regarding behavior analysis only where there is a behavior analysis clinical component to such teaching, publishing, or researching; where there are behavior analysis clinical services being provided as a part of the teaching, publishing, or researching; and where there is interaction with behavior analysis clients in teaching, publishing, or researching behavioral analysis.

(C) Responsibility for Own Actions. Behavior analysts and assistant behavior analysts, when functioning as a licensed behavior analyst or assistant behavior analyst, shall be fully responsible for his or her own professional decisions and professional actions.

(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of original licensure, reinstatement, or renewal of licensure.

(E) Aids to Interpretation. The Behavior Analyst Certification Board's Professional and Ethical Compliance Code for Behavior Analysts shall be used as an aid in resolving ambiguities which may arise in the interpretation of the ethical rules of conduct, except that these ethical rules of conduct shall prevail whenever any conflict exists between

these rules and any professional association standard.

(2) Definitions.

(A) Client—The term client as used here is broadly applicable to whomever the behavior analyst or assistant behavior analyst provides services whether an individual person (service recipient), parent or guardian of a service recipient, an institutional representative, a public or private agency, a firm or corporation.

(B) Confidential information—means information revealed to a behavior analyst or assistant behavior analyst or otherwise obtained by a behavior analyst or assistant behavior analyst, where there is a reasonable expectation that because of the relationship between the individual(s) and the behavior analyst or assistant behavior analyst, or the circumstances under which the information was revealed or obtained, the information shall not be disclosed by the behavior analyst or assistant behavior analyst without the informed written consent of the individual(s). When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when obtained in the proper course of that contract. That information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is reasonable expectation by that individual that information was obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements.

(C) Court order—means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if that authority has been lawfully delegated to that magistrate or administrator.

(D) Licensed—means licensed, certified, or any other term when such term identifies a person whose professional behavior is subject to regulation by the committee or board.

(E) Professional relationship—means a mutually agreed upon relationship between a behavior analyst and assistant behavior analyst and a client or any combination of two or more such individuals or entities for the purpose of the client obtaining the behavior analyst's and assistant behavior analyst's professional expertise.

(F) Professional service—means all actions of the behavior analyst and assistant behavior analyst in the context of a professional relationship with a client.

(G) Supervision, supervisor, and supervisee—means any and all actions of a person (supervisor) overseeing a person (supervisee) regarding the provision of behavior analysis

services.

(3) Competence.

(A) Limits on Practice. Behavior analysts and assistant behavior analysts shall provide services, teach, and conduct research only within the boundaries of their competence, based on their education, training, supervised experience, or appropriate professional experience. If important aspects of the client's problems fall outside the boundaries of competency, then the behavior analyst and assistant behavior analyst shall assist his or her client in obtaining additional professional consultation.

(B) Reliance on Scientific Knowledge. Behavior analysts and assistant behavior analysts shall rely on scientifically and professionally derived knowledge when making scientific or professional judgments in providing professional service, or when engaging in scholarly or professional endeavors.

(C) Maintaining Competency. Behavior analysts and assistant behavior analysts shall maintain current competency in the areas in which they practice, through continuing education, consultation, other training, or any combination of these, in conformance with current standards of scientific and professional knowledge.

(D) Adding New Services and Techniques. Behavior analysts and assistant behavior analysts shall provide services, teach, or conduct research in new areas or involving new techniques only after first undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.

(E) Accurate Representation. Behavior analysts and assistant behavior analysts shall accurately represent their areas of competence, education, training, experience, and professional affiliations to the committee, the board, the public, and colleagues.

(F) Professional Development. Behavior analysts and assistant behavior analysts who engage in assessment, therapy, teaching, research, organizational consulting, or other professional activities shall maintain a reasonable level of awareness of current scientific and professional information in their fields of activity, and undertake ongoing efforts to maintain competence in the skills they use by reading the appropriate literature, attending conferences and conventions, participating in workshops, or maintaining Behavior Analyst Certification Board certification.

(G) Integrity. If behavior analysts' and assistant behavior analysts' ethical responsibilities conflict with law, behavior analysts and assistant behavior analysts shall make known their commitment to these rules and take steps to resolve the conflict in a responsible manner



in accordance with law.

(H) Professional and Scientific Relationships.

1. Behavior analysts and assistant behavior analysts shall provide behavioral assessment, therapeutic, teaching, research, supervisory, consultative, or other behavior analytic services only in the context of a defined, professional, or scientific relationship or role.

2. When behavior analysts and assistant behavior analysts provide assessment, evaluation, treatment, supervision, teaching, consultation, research, or other behavior analytic services to an individual, a group, or an organization, they shall use language that is fully understandable to the recipient of those services. They shall provide appropriate information prior to service delivery about the nature of such services and appropriate information later about results and conclusions.

3. Where differences of age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status significantly affect behavior analysts' and assistant behavior analysts' work concerning particular individuals or groups, behavior analysts and assistant behavior analysts shall obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals.

4. In their work-related activities, behavior analysts and assistant behavior analysts shall not engage in discrimination against individuals or groups based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

5. Behavior analysts and assistant behavior analysts shall not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status, in accordance with law.

6. Behavior analysts and assistant behavior analysts shall recognize that their personal problems and conflicts may interfere with their effectiveness. Behavior analysts and assistant behavior analysts shall refrain from providing services when their personal circumstances may compromise delivering services to the best of their abilities.

(4) Maintenance and Retention of Records.

(A) The behavior analyst and assistant behavior analyst rendering professional services to a client, or services billed to a third party payer, shall maintain professional records that include:

1. Name of the client and other identifying information such as address, telephone number, age, and sex;

2. The presenting problem(s) and diagnosis (if applicable);

3. Any assessment including test results or other evaluative results obtained and any basic test data from which they were derived;

4. The date and description of each contact or service provided or pertaining to the client;

5. The nature, type, and goals of any applied behavior analysis interventions;

6. The fee arrangement and documentation of discussion with the client(s) prior to initiation of services;

7. A copy of all tests or other evaluative reports prepared as part of the professional relationship;

8. Notation and results of formal consultations with other providers;

9. Notation of referrals given or recommended to the client;

10. Any releases executed by the client;

11. Data relating to financial transactions between the behavior analyst and assistant behavior analyst and client, including fees assessed and collected;

12. Written informed consent must be obtained concerning all aspects of services including assessment and therapy;

13. An assistant behavior analyst must include on the informed consent the fact that the licensee is working under the supervision of a licensed behavior analyst. The informed consent form must identify the supervising behavior analyst; and

14. Entries in the records must be made within ten (10) days following each consultation or rendition of service. Entries that are made after the date of service must indicate the date entries are made, as well as the date of service.

(B) Behavior analysts shall create, maintain, disseminate, store, retain, and dispose of records and data relating to their research, practice, and other work in accordance with applicable laws or regulations.

(C) 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.

1. The behavior analyst shall store and dispose of written, electronic, and other records in such a manner as to ensure their confidentiality. The behavior analyst shall maintain the confidentiality of all applied behavior analysis records in the behavior analyst's possession or under the behavior ana-

lyst's control except as otherwise provided by law or pursuant to authorization of a client specifically requesting or authorizing release or disclosure of the client's applied behavior analysis records; and

2. For each person professionally supervised, the behavior analyst shall maintain, for a period of not less than five (5) years after the last date of supervision, a record of the supervisory session that shall include the type, place, and general content of the session, as well as other information required by these rules, other law, or good practice.

(5) Continuity of Care.

(A) The behavior analyst shall make prior arrangements for another appropriate professional(s) to be available for consultation during periods of his or her extended absences from professional availability. Behavior analysts and assistant behavior analysts shall inform the client of available emergency services for use during those times when he or she cannot be reached. These periods include, but are not limited to, after-office hours, weekends, holidays, or vacations.

(B) The behavior analyst shall make provisions for the transfer or disposal of all written or electronic records of the client in the event of the behavior analyst's or assistant behavior analyst's death or incapacitation. The arrangement for transfer or disposal shall be in writing and signed by all necessary parties.

(6) Multiple Relationships.

(A) Impaired Behavior Analyst or Assistant Behavior Analyst. Behavior analysts and assistant behavior analysts shall not undertake or continue a professional relationship with a client when the competency of the behavior analyst or assistant behavior analyst is, or could reasonably be expected to be, impaired due to mental, emotional, physiologic, pharmacologic or substance abuse conditions. If a condition develops after a professional relationship has been initiated, the behavior analyst or assistant behavior analyst shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination, and shall assist the client in obtaining services from another professional.

(B) Multiple Relationships Affecting Behavior Analyst's or Assistant Behavior Analyst's Judgment. Behavior analysts and assistant behavior analysts shall not undertake or continue a professional relationship with a client when the objectivity or competency of the behavior analyst or assistant behavior analyst is, or could reasonably be expected to be impaired because of the behavior analyst's or assistant behavior analyst's present or previous familial, social, sexual, emotional, financial,



supervisory, political, administrative, or legal relationship with the client or a relevant person associated with or related to the client. If a dual relationship develops or is discovered after the professional relationship has been initiated, the behavior analyst or assistant behavior analyst shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination and shall assist the client in obtaining services from another professional.

(C) Prohibited Relationships.

1. Behavior analysts and assistant behavior analysts, in interacting with any client shall not enter into a financial or other potentially exploitive relationship with any such client.

2. The behavior analyst and assistant behavior analyst, in interacting with any client shall not engage in any harassing, exploitive, seductive, or repeated comments, gestures, or physical contact of a sexual nature.

3. Prohibited exploitation in professional relationships. Behavior analysts and assistant behavior analysts shall not exploit, sexually or otherwise, his or her professional relationship with clients, supervisees, students, employees, research participants, or others.

(7) Client Welfare.

(A) Responsibility to Clients.

1. Behavior analysts and assistant behavior analysts have a responsibility to operate in the best interest of clients.

2. The behavior analyst's and assistant behavior analyst's responsibility is to all parties affected by behavioral services.

(B) Providing Explanation of Procedures.

1. The behavior analyst and assistant behavior analyst shall give a truthful, understandable, and reasonably complete account of the client's condition to the client or the parent of minor children or legal guardian. The behavior analyst or assistant behavior analyst shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided.

2. When a behavior analyst and assistant behavior analyst agree to provide services to a person or entity at the request of a third party, the behavior analyst or assistant behavior analyst shall explain and document the nature of the relationships with all individuals or organizations involved. This includes the role of the behavior analyst and assistant behavior analyst, who is the client, the probable uses of the services provided or the information obtained, and any known or probable limits to confidentiality.

(C) Interrupting or Terminating Services.

1. Behavior analysts and assistant behav-

ior analysts shall make reasonable efforts to plan for facilitating care in the event that behavior analytic services are interrupted by factors such as the behavior analyst's or assistant behavior analyst's illness, impending death, unavailability, or relocation or by the client's relocation or financial limitations.

2. When entering into employment or contractual relationships, behavior analysts and assistant behavior analysts shall provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client.

3. Approving Interventions. Behavior analysts or assistant behavior analysts shall obtain the client's or legal guardian's approval in writing of the behavior intervention plan before implementing them.

4. Behavior analysts and assistant behavior analysts shall not abandon clients. Applied behavior analysis services can be terminated when it becomes reasonably clear that the client no longer needs the service, is not benefiting, or is being harmed by continued service and the behavior analyst establishes understandable and objective (i.e., measurable) criteria for the termination of the program and describes them to the client or client-surrogate. The relationship shall be terminated when the established criteria for termination are attained, as in when a series of planned or revised intervention goals has been completed.

5. Prior to termination, except where precluded by the client's conduct, behavior analysts and assistant behavior analysts shall discuss the client's views and needs, provide appropriate pre-termination services, suggest alternative service providers as appropriate, and take other reasonable steps to facilitate transfer of responsibility to another provider if the client needs one immediately.

6. Applied behavior analysis services may be terminated by the behavior analyst or assistant behavior analyst when the behavior analyst or assistant behavior analyst identifies a physical or emotional harm or threat of physical or emotional harm to himself or herself or his or her staff. The behavior analyst or assistant behavior analyst shall provide notice to the client and shall make all reasonable attempts to provide for the client's continuity of care as described in section (5) above.

(D) Unnecessary Service. The behavior analyst and assistant behavior analyst shall not exploit clients by providing unnecessary applied behavior analysis.

(E) Stereotyping. Behavior analysts and assistant behavior analysts shall not impose on the client any stereotypes of behavior, val-

ues, or roles related to age, gender, religion, race, disability, nationality, or sexual preference which would interfere with the objective provision of services to the client. Behavior analysts and assistant behavior analysts shall obtain training and experience to assure competent service or research relating to these persons.

(F) Solicitation of Business by Clients. Behavior analysts and assistant behavior analysts providing services to an individual client shall not induce that client(s) to solicit business on behalf of the behavior analyst or assistant behavior analyst.

(G) Referrals on Request. Behavior analysts and assistant behavior analysts shall make an appropriate referral to another professional when requested to do so by the client.

(H) Offering Services to Clients of Others. In deciding whether to offer services to someone already receiving similar services elsewhere, behavior analysts and assistant behavior analysts shall carefully consider the treatment issues and the potential client's welfare. Behavior analysts and assistant behavior analysts shall discuss these issues with the potential client to minimize the probable risks of confusion and conflict, and proceed with caution and sensitivity to the therapeutic issues. Behavior analysts and assistant behavior analysts shall not initiate such discussions and may only go forward with such discussions where initiated by another.

(I) Rights and Prerogatives of Clients.

1. Behavior analysts and assistant behavior analysts shall support individual rights under the law.

2. The client must be provided on request an accurate, current set of the behavior analyst's and assistant behavior analyst's credentials.

3. Permission for electronic recording of interviews, service delivery sessions, and all other settings shall be secured from clients and relevant staff. Consent for different uses must be obtained specifically and separately.

4. Clients must be informed of their rights, and about procedures to complain about professional practices of the behavior analyst.

5. Behavior analysts and assistant behavior analysts shall comply with all requirements for criminal background checks.

(J) Clarifying expectations. Behavior analysts and assistant behavior analysts shall document that the client has been informed as to the purpose and nature of an evaluation, treatment, or educational procedure as well as reasonable alternatives in language commensurate with the individual's level of comprehension.

(K) Voluntary and mandatory procedures.



Behavior analysts or assistant behavior analysts shall inform recipients as to the voluntary or mandatory nature of the assessment, treatment, educational, or training procedure. When a procedure is voluntary, behavior analysts or assistant behavior analysts shall inform the clients or student of their freedom of choice and any alternatives to participation.

(8) **Welfare of Supervisees and Students.** The behavior analyst shall not harass or exploit a supervisee or student in any way—sexually, financially, or otherwise. The behavior analyst as a teacher shall recognize that the primary obligation is to help others acquire knowledge and skill. The behavior analyst shall maintain high standards of scholarship by presenting applied behavior analysis information objectively, fully, and accurately. The teaching duties of the behavior analyst shall be performed on the basis of careful preparation so that the instruction is accurate, current, and scholarly.

(9) **Protecting Confidentiality of Clients.**

(A) **Maintaining Confidentiality.**

1. Behavior analysts and assistant behavior analysts have a primary obligation and shall take reasonable precautions to respect the confidentiality of those with whom they work or consult, recognizing that confidentiality may be established by law, institutional rules, or professional or scientific relationships.

2. Clients have a right to confidentiality. Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

3. In order to minimize intrusions on privacy, behavior analysts and assistant behavior analysts shall include only information germane to the purpose for which the communication is made in written and oral reports, consultations, and the like.

4. Behavior analysts and assistant behavior analysts shall discuss confidential information obtained in clinical or consulting relationships, or evaluative data concerning patients, individual or organizational clients, students, research participants, supervisees, and employees, only for appropriate scientific or professional purposes.

(B) **Disclosure of Confidential Information.** Behavior analysts and assistant behavior analysts also may disclose confidential information with the appropriate consent of the individual or organizational client (or of another legally authorized person on behalf of the client), unless prohibited by law.

(C) **Disclosures Without Consent.** Behav-

ior analysts and assistant behavior analysts may disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose, such as 1) to provide needed professional services to the individual or organizational client, 2) to obtain appropriate professional consultations, 3) to protect the client or others from harm, 4) to obtain payment for services, or 5) to the board or the committee as requested or required by the board or the committee, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose.

(D) **Limited Access to Client Records.** Behavior analysts and assistant behavior analysts shall limit access to client records and shall assure that all persons working under his or her authority comply with the requirements for confidentiality of client material.

(E) **Disguising Confidential Information.** For any confidential information used in teaching, research, or writing, behavior analysts and assistant behavior analysts shall insure that the reported material is appropriately disguised to prevent client identification.

(F) **Confidentiality After Termination of Professional Relationship.** Behavior analysts and assistant behavior analysts shall continue to treat client records as confidential information after the professional relationship between the behavior analyst and assistant behavior analyst and the client has ceased.

(10) **Integrity and Representation of Title and Services.**

(A) **Display of License.** Behavior analysts and assistant behavior analysts shall display prominently on the premises of the professional practice the behavior analyst's or assistant behavior analyst's current Missouri license to practice applied behavior analysis or carry the current license on their person when providing behavior analytic services.

(B) **Use of Appropriate Title.** When representing himself or herself to the public through advertisements, including telephone listings, business cards, letterhead, and other public announcements, behavior analysts and assistant behavior analysts shall use a title which accurately reflects professional education, training, and experience. This title shall be clearly presented as to denote the actual status and training of the person. Initials of titles are not appropriate for use unless authorized by sections 337.300 to 337.345, RSMo or 20 CSR 2063.

(C) **Accurate Representation of Qualifications.** A behavior analyst and assistant behavior analyst shall not misrepresent directly or by implication his or her professional qualifi-

cations, such as, education, experience, or areas of competence.

(D) **Accurate Representation of Affiliations.** A behavior analyst and assistant behavior analyst shall not misrepresent directly or by implication his or her affiliations, or the purposes or characteristics of institutions and organizations with which the behavior analyst or assistant behavior analyst is associated.

(E) **False or Misleading Information.** Behavior analysts and assistant behavior analysts shall not include false or misleading information in public statements concerning applied behavior analysis services offered. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They shall not contain:

1. A false, fraudulent, misleading, deceptive, or unfair statement;

2. A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

3. A testimonial from a client regarding the quality of a behavior analyst's or assistant behavior analyst's services or products;

4. A statement intended or likely to create false or unjustified expectations of favorable results;

5. A statement implying unusual, unique, or one-of-a-kind abilities;

6. A statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;

7. A statement concerning the comparative desirability of offered services; or

8. A statement of direct solicitation of individual clients.

(F) **Accurate Representation of Services or Products.** A behavior analyst and assistant behavior analyst shall not associate with or permit his or her name to be used in connection with any services or products in such a way as to misrepresent—

1. The services or products;

2. The degree of his or her responsibility for the services or products; or

3. The nature of his or her association with the services or products.

(G) **Correction of Misrepresentation by Others.** A behavior analyst or assistant behavior analyst shall correct others who misrepresent his or her professional qualifications or affiliations.

(H) **Accurate Claims.** Behavior analysts and assistant behavior analysts shall take credit only for work actually done, including publication credit.



(I) **Publication Credit.** Publication credit shall accurately reflect the relative contribution of the individuals involved, regardless of professional status. A student generally is listed as the principal author of any multiple-authored article based primarily on the student's thesis or dissertation. Minor contributions to publications shall be acknowledged in footnotes or in an introductory statement.

(J) **Acknowledging All Sources.** Plagiarism in either written or oral form is unethical. Acknowledgment through specific citations shall be made for unpublished as well as published material that has directly influenced the research or writing.

(K) **Fabrication or Falsification of Data.** Behavior analysts and assistant behavior analysts shall not fabricate or falsify data. If a behavior analyst or assistant behavior analyst discovers significant errors in their data, they shall take reasonable steps to correct these errors in a correction, retraction, erratum, or other appropriate publication means.

#### (11) Remuneration.

(A) **Fees, Financial Arrangements, and Terms of Consultation.**

1. As early as is feasible in a professional or scientific relationship, behavior analysts and assistant behavior analysts and the client or other appropriate recipient of behavior analytic services shall reach an agreement specifying compensation and billing arrangements.

2. Behavior analysts' and assistant behavior analysts' fee practices shall be consistent with law and behavior analysts and assistant behavior analysts shall not misrepresent their fees. If limitations to services can be anticipated because of limitations in financing, this shall be discussed with the patient, client, or other appropriate recipient of services as early as is feasible.

3. Prior to the implementation of services, behavior analysts and assistant behavior analysts shall provide in writing the terms of consultation with regard to specific requirements for providing services and the responsibilities of all parties (a contract or Declaration of Professional Services).

(B) **Accuracy in Reports to Those Who Pay for Services.** In their reports to those who pay for services or sources of research, project, or program funding, behavior analysts and assistant behavior analysts shall accurately state the nature of the research or service provided, the fees or charges, and where applicable, the identity of the provider, the findings, and other required descriptive data.

(C) **Referrals and Fees.** When a behavior analyst pays, receives payment from, or divides fees with another professional other than in an employer-employee relationship,

the referral shall be disclosed to the client.

(D) **Improper Arrangements.**

1. Behavior analysts and assistant behavior analysts shall neither derive nor solicit any form of monetary profit or personal gain as a result of his or her professional relationship with clients or immediate ex-clients as set forth in paragraph (6)(C)1. of this rule, beyond the payment of fees for applied behavior analysis services rendered. However, unsolicited token gifts from a client are permissible.

2. A behavior analyst and assistant behavior analyst shall not use his or her professional relationship with clients, or immediate ex-clients as set forth in paragraph (6)(C)1. of this rule, to derive personal gain, other than through fees for professional services, for himself or herself, or for any other person, or for any organization from the sale or promotion of a product or service.

3. Behavior analysts and assistant behavior analysts shall neither give nor receive any commission, rebate, or other form of remuneration for referral of a client for professional services.

4. Behavior analysts and assistant behavior analysts shall not bill for services that are not rendered. However, he or she may bill for missed appointments which the client did not cancel in advance, if this is part of the financial arrangements made in accordance with paragraph (11)(A)1. of this rule.

(E) **Third-Party Requests for Services.**

1. When behavior analysts and assistant behavior analysts agree to provide services to a person or entity at the request of a third party, the behavior analyst and assistant behavior analyst shall clarify to the extent feasible, at the outset of the service, the nature of the relationship with each party. This clarification includes the role of the behavior analyst and assistant behavior analyst (such as therapist, organizational consultant, or expert witness), the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality.

2. If there is a foreseeable risk of behavior analysts and assistant behavior analysts being called upon to perform conflicting roles because of the involvement of a third party, the behavior analyst and assistant behavior analyst shall clarify the nature and direction of his or her responsibilities, keep all parties appropriately informed as matters develop, and resolve the situation in accordance with these rules.

#### (12) Assessment Procedures.

(A) **Accepting Clients.** Behavior analysts and assistant behavior analysts shall accept as

clients only those individuals or legal entities whose behavior problems or requested service are commensurate with the behavior analyst's or assistant behavior analyst's education, training, and experience. In lieu of these conditions, behavior analysts and assistant behavior analysts must function under the supervision of or in consultation with a behavior analyst whose credentials permit working with such behavior problems or services.

(B) **Consultation.**

1. Behavior analysts and assistant behavior analysts shall arrange for appropriate consultations and referrals based principally on the best interests of their clients, with appropriate consent, and subject to other relevant considerations, including applicable law and contractual obligations.

2. When indicated and professionally appropriate, behavior analysts and assistant behavior analysts shall cooperate with other professionals in order to serve their clients effectively and appropriately. Behavior analysts and assistant behavior analysts shall recognize that other professions have ethical codes that may differ in their specific requirements from these rules.

(C) **Competent Use of Assessment Techniques.** The behavior analyst and assistant behavior analyst shall use, administer, and interpret applied behavior analysis assessment techniques competently and maintain current knowledge about research developments and revisions concerning the techniques that are used.

(D) **Behavior Assessment.**

1. **Assessing Behaviors.** Behavior analysts and assistant behavior analysts who use behavioral assessment techniques shall do so for purposes that are appropriate in light of research. Behavior analysts and assistant behavior analysts shall recommend seeking a medical consultation if there is any reasonable possibility that a referred behavior is a result of a medication side effect or some biological cause.

A. Behavior analysts' and assistant behavior analysts' assessments, recommendations, reports, and evaluative statements shall be based on information and techniques sufficient to provide appropriate substantiation for their findings.

B. Behavior analysts and assistant behavior analysts shall refrain from misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide.

C. Behavior analysts and assistant behavior analysts shall recognize limits to the certainty with which judgments or predictions



can be made about individuals.

D. Behavior analysts and assistant behavior analysts shall not promote the use of behavioral assessment techniques by unqualified persons, i.e., those who are unsupervised by experienced professionals and have not demonstrated valid and reliable assessment skills.

E. Behavioral Assessment Approval. Behavior analysts or assistant behavior analysts shall obtain the client's or client-surrogate's approval in writing of the behavior assessment procedures before implementing them. As used here, client-surrogate refers to someone legally empowered to make decisions for the person(s) whose behavior the program is intended to change; examples of client-surrogates include parents of minors, guardians, and legally designated representatives.

F. Functional Assessment.

(I) Behavior analysts or assistant behavior analysts shall conduct a functional assessment, as defined below, to provide the necessary data to develop an effective behavior change program.

(II) Functional assessment includes a variety of systematic information-gathering activities regarding factors influencing the occurrence of a behavior (e.g., antecedents, consequences, setting events, or motivating operations) including interview, direct observation, and experimental analysis.

G. Explaining Assessment Results. Unless the nature of the relationship is clearly explained to the person being assessed in advance and precludes provision of an explanation of results (such as in some organizational consultation, some screenings, and forensic evaluations), behavior analysts and assistant behavior analysts shall ensure that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client. Regardless of whether the interpretation is done by the behavior analyst, or assistant behavior analyst, or others, behavior analysts and assistant behavior analysts shall take reasonable steps to ensure that appropriate explanations of results are given.

H. Treatment Efficacy.

(I) The behavior analyst shall always have the responsibility to recommend scientifically supported most effective treatment procedures. Effective treatment procedures have been validated as having both long-term and short-term benefits to clients and society.

(II) Clients have a right to effective treatment (i.e., based on the research literature and adapted to the individual client).

(III) Behavior analysts and assistant behavior analysts shall be responsible for

review and appraisal of likely effects on the behavioral intervention of all alternative treatments, including those provided by other disciplines and no intervention.

(IV) In those instances where more than one scientifically supported treatment has been established, additional factors may be considered in selecting interventions, including, but not limited to, efficiency and cost-effectiveness, risks and side-effects of the interventions, client preference, and practitioner experience and training.

I. Confidential Information. Behavior analysts and assistant behavior analysts shall treat an assessment result or interpretation regarding an individual as confidential information.

J. Communication of Results. Behavior analysts and assistant behavior analysts shall accompany communication of results of assessment procedures to the client, parents, legal guardians, or other agents of the client by adequate interpretive aids or explanations.

K. Reservations Concerning Results. Behavior analysts and assistant behavior analysts shall include in his or her report of the results of an assessment procedure any deficiencies of the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability, or other interpretation of results.

L. Protection of Integrity of Assessment Procedures. Behavior analysts and assistant behavior analysts shall not reproduce or describe in popular publications, lectures or public presentations, tests or other assessment devices in ways that invalidate them.

M. Information for Professional Users. Behavior analysts and assistant behavior analysts offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed material which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. Behavior analysts and assistant behavior analysts shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. Behavior analysts and assistant behavior analysts shall ensure that the advertisements for the assessment procedure or interpretive services are factual and descriptive.

(13) Violations of Law.

(A) Violations of Applicable Statutes. Behavior analysts and assistant behavior analysts shall not violate any applicable statute

or administrative rule regarding the practice of behavior analysis.

(B) Use of Fraud, Misrepresentation, or Deception. Behavior analysts and assistant behavior analysts shall not use fraud, misrepresentation, or deception in:

1. Obtaining a behavior analyst or assistant behavior analyst license;
2. Passing a behavior analyst or assistant behavior analyst licensing examination;
3. Assisting another to obtain a behavior analyst or assistant behavior analyst license or to pass a behavior analyst or assistant behavior analyst licensing examination;
4. Billing clients or third-party payors;
5. Providing behavior analysis service;
6. Reporting the results of applied behavior analysis evaluations or services; or
7. Conducting any other activity related to the practice of applied behavior analysis.

(14) Aiding Unauthorized Practice.

(A) Aiding Unauthorized Practice. Behavior analysts and assistant behavior analysts shall not aid or abet another person in misrepresenting his or her professional credentials or in illegally engaging in the practice of applied behavior analysis.

(B) Employing Other Licensed Professionals. A behavior analyst and assistant behavior analyst may employ or utilize the services of other licensed professionals in his or her practice so long as this professional is acting within the terms and scope of his or her respective license.

(C) Delegating Professional Responsibility. Behavior analysts and assistant behavior analysts shall not delegate professional responsibilities to a person not qualified or not appropriately credentialed to provide those services.

(D) Providing Supervision. Behavior analysts and assistant behavior analysts shall exercise appropriate supervision over supervisees.

1. In academic and supervisory relationships, behavior analysts and assistant behavior analysts shall establish timely and specific processes for providing feedback to students and supervisees. Information regarding the process shall be provided to the student and supervisees at the beginning of supervision.

2. Behavior analysts and assistant behavior analysts shall evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

(15) Resolving Issues.

(A) Reporting of Violations to Board. Behavior analysts and assistant behavior analysts who have knowledge or believe in good faith that there has been a violation of the



statutes or rules of the board shall inform the board in writing. When the information regarding that violation is obtained in a professional relationship with a client, behavior analysts and assistant behavior analysts shall report it only with the written permission of the client. Nothing in this rule shall relieve a behavior analyst or assistant behavior analyst of the duty to file any report required by applicable statutes. Failure to report a violation of the statutes or rules, is in itself, an ethics violation. No action will be taken by the board against a behavior analyst who has made a report pursuant to the provisions of this section unless malice is shown to be the motive for an untruthful report.

(B) Providing Information to Client. When behavior analysts or assistant behavior analysts learn from a client of a possible violation of the statutes or rules of the board, or when behavior analysts or assistant behavior analysts receive a request from a client for information on how to file a complaint with the board, behavior analysts and assistant behavior analysts have an obligation to inform the client of the standards of applied behavior analysis and how to file a complaint with the board.

(C) Cooperating with the Board. Behavior analysts and assistant behavior analysts shall cooperate with the Behavior Analyst Advisory Board by promptly responding personally or through his or her attorney to inquiries.

(D) Circumventing Disciplinary Rules. Behavior analysts and assistant behavior analysts shall not circumvent a disciplinary rule of professional conduct through actions of another.

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*\*Original authority: 337.310, RSMo 2010, amended 2012.*