



A Summary of Ethics Violations and Code-Enforcement Activities:

2016-2017

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About the Behavior Analyst Certification Board

The Behavior Analyst Certification Board (BACB) was established in 1998 and is a nonprofit 501(c)(3) corporation. The mission of the BACB is to protect consumers of behavior analysis services worldwide by systematically establishing, promoting, and disseminating professional standards. The BACB's certification programs are accredited by the National Commission for Certifying Agencies.

The BACB offers certification at three levels of behavior analysis practice: Board Certified Behavior Analyst (BCBA), Board Certified Assistant Behavior Analyst (BCaBA), and Registered Behavior Technician (RBT).

The BCBA is a graduate-level certification in behavior analysis. Professionals who are certified at the BCBA level are independent practitioners who provide behavior analysis services. BCBA's who have completed doctoral training in behavior analysis may qualify for a doctoral designation (i.e., Board Certified Behavior Analyst-Doctoral; BCBA-D). The BCaBA is an undergraduate-level certification in behavior analysis. Professionals who are certified at the BCaBA level provide behavior analysis services under the supervision of a BCBA or BCBA-D. The RBT is a high school-level certification for paraprofessionals who practice under the supervision of a BCBA-D, BCBA, or BCaBA¹.

Enforcement of Professional and Ethical Conduct

Ethics Code

The [Professional and Ethical Compliance Code for Behavior Analysts](#) (Code) went into effect on January 1, 2016 and represents the professional and ethical requirements for all BACB certificants and applicants². The Code includes over 70 elements and is the basis for the enforcement procedures used when an alleged violation is reported to the BACB.

Code-Enforcement Systems

A [Notice of Alleged Violation](#) (Notice) may be submitted to the BACB when a certificant or applicant is alleged to have violated the Code. Anyone who can substantiate the alleged Code violation may submit a Notice (e.g., clients, other behavior analysts, employers, funders, licensure boards, the BACB). Because the BACB is not an investigative body, Notices must include all pertinent information about the alleged violation and meet certain technical requirements (e.g., length, confidentiality redactions, evidence linked to specific Code elements). Notices that meet these requirements are reviewed by at least two BACB staff members to determine whether there is sufficient evidence of a Code violation. If the Notice contains sufficient evidence (i.e., a Notice),

¹ Other approved supervisor categories are described at <https://www.bacb.com/rbt/responsible-certificants/>.

² Applicants are individuals who have submitted a BACB certification application but are not yet certified.

it will be routed through one of the following systems: (a) Disciplinary Review³ (DR), (b) Code Compliance (CC), or (c) Cautionary Guidance (CG). See the table below and the [Code-Enforcement Procedures](#) document for additional information about each system.

Table 1. Overview of Code-Enforcement Systems

	Disciplinary Review	Code Compliance	Cautionary Guidance
Description	BACB staff review Notices and research relevant precedents that may be presented to a volunteer review committee composed of behavior analysts	Volunteer behavior analysts meet with the Subject of the Notice (Subject) to create a professional development plan	Letter sent to the Subject
Goal	Determine if an ethics violation occurred and, if so, whether consequences are warranted	Improve Subject's ethical repertoires and, if possible, remediate the alleged violation	Provide feedback about an alleged violation
Potential Consequences	Revocation, invalidated certification, suspension, restrictions, corrective action, advisory warning, verification of competency	N/A	N/A

Ethics Violations and Disciplinary Actions

The remainder of this report summarizes the Notices received and resolved by the BACB in 2016 and 2017, including data on submitted Notices (i.e., total Notices submitted, number of Notices accepted, the relationship between the Notifier and the Subject of the Notice) and Notices (i.e., number of actionable violations per Notice, violation types). In addition, the number and types of DR actions are presented. The following data are intended to inform ethics instruction and to aid in the development of ethics-related resources in applied behavior analysis.

³ The Disciplinary Review system may include review by a disciplinary review committee that consists of one current or former BACB director and other certified behavior analysts.

Accepted and Resolved Notices

The BACB accepted and resolved 219 Notices in 2016 and 2017. Table 2 depicts the number of Notices received by each type of Notifier. The most common Notifiers were the BACB (n=69, 31.5%) and clients of behavior analysis services (n=49, 22.4%). The BACB typically files a Notice when the BACB has identified a violation, such as through a licensure board notification, a routine audit of BACB standards, or if publicly available information is made known to the BACB.

Table 2. Number of Notices by Notifier Type: 2016-2017

Notifier	# of Notices
BACB	69
Client	49
Supervisor or employer	44
Self report ⁴	25
Supervisee or employee	14
Colleague	9
Other	5
Third-party organization	4
Total	219

Actionable Violations

An early activity in the code-enforcement systems is the identification of actionable Code violations in the Notices. Because a single instance of misconduct might involve multiple Code elements, and a single Code element might be relevant to multiple types of misconduct, an analysis of the most commonly violated *elements* might not accurately reflect the prevalence of certain *categories* of misconduct. Thus, to improve the usefulness of these data for educational purposes, the Code-element violations in the 219 Notices have been combined into broader violation categories.

The data in Figure 1 depict the number of actionable violations per Notice. The majority of the Notices contained 1 or 2 actionable violations (n=144, 65.8%) while only a few contained more than 5 actionable violations (n=8, 3.7%).

⁴ Self-reported incidents may be routed through one of the code-enforcement systems. These violations are treated as Notices in this analysis because the process was the same except for how the information was reported to the BACB.

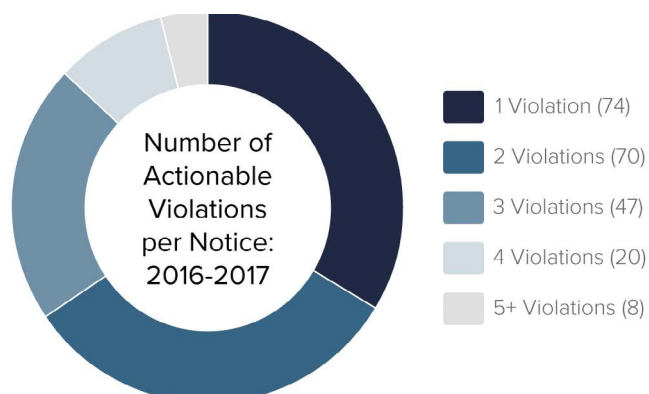


Figure 1. Number of actionable violations per Notice that were submitted and resolved by the BACB in 2016 and 2017.

The data in Table 3 reflect the most frequent ethics violations from all Notices and from the subset of Notices whose violations were substantiated through DR. The three most common violation categories — overall and in DR — were improper or inadequate supervision or delegation, failure to report or respond to the BACB as required⁵, and professionalism and integrity.

Table 3. Most Frequent Ethical Violations: 2016-2017

Violation Category	Relevant Code Elements	# of Total Actionable* Violations (all systems)	# of Substantiated Violations (DR)
Improper or inadequate supervision or delegation	5.0 Behavior Analysts as Supervisors 10.05 Compliance with BACB Supervision and Coursework Standards	67	25
Failure to report or respond to the BACB as required	10.02 Timely Responding, Reporting, and Updating of Information Provided to the BACB	67	29
Professionalism and integrity	1.04 Integrity 1.05 Professional and Scientific Relationships 7.01 Promoting an Ethical Culture 7.02 Ethical Violations by Others and Risk of Harm	65	34

⁵ This violation category includes failure to report criminal convictions, investigations by licensure boards and funders, and inability to practice due to safety concerns.

A SUMMARY OF ETHICS VIOLATIONS AND CODE-ENFORCEMENT ACTIVITIES: 2016-2017

Violation Category	Relevant Code Elements	# of Total Actionable* Violations (all systems)	# of Substantiated Violations (DR)
Inaccurate and dishonest information in attaining or maintaining a BACB certification or status	10.01 Truthful and Accurate Information Provided to the BACB 10.04 Examination Honesty and Irregularities 10.05 Compliance with BACB Supervision and Coursework Standards	31	20
Failure to maintain adequate or accurate records	2.07 Maintaining Records 2.10 Documenting Professional Work and Research 2.11 Records and Data 2.13 Accuracy in Billing Reports	27	16
Non-sexual multiple or exploitive relationship	1.06 Multiple Relationships and Conflicts of Interest 1.07 Exploitative Relationships	27	15
Insufficient service continuity	2.15 Interrupting or Discontinuing Services 4.11 Discontinuing Behavior-Change Programs and Behavior-Analytic Services	27	6
Responsibility to the client	2.0 Behavior Analysts' Responsibility to Clients 2.02 Responsibility 2.05 Rights and Prerogatives of Clients	24	15
Non-evidence-based or non-behavior-analytic assessments or interventions	1.01 Reliance on Scientific Knowledge 2.09 Treatment/Intervention Efficacy 4.01 Conceptual Consistency 6.01 Affirming Principles	21	14
Failure to obtain informed consent	2.12 Contracts, Fees, and Financial Arrangements 3.03 Behavior-Analytic Assessment Consent 3.04 Explaining Assessment Results 3.05 Consent-Client Records 4.02 Involving Clients in Planning and Consent 4.04 Approving Behavior-Change Programs 4.05 Describing Behavior-Change Program Objectives 9.03 Informed Consent	15	7

Violation Category	Relevant Code Elements	# of Total Actionable* Violations (all systems)	# of Substantiated Violations (DR)
Violation of national or state rules and regulations	10.02 Timely Responding, Reporting, and Updating of Information Provided to the BACB	13	12
Inability to practice due to safety concerns	10.02 Timely Responding, Reporting, and Updating of Information Provided to the BACB	13	13
All other reasons		81	43
Total**		478	249

* Actionable violations are those with sufficient evidence to warrant action; however, only a subset of the violations were confirmed as a result of Disciplinary Review (the “# of Substantiated Violations” column).

** Although there were only 219 Notices, many of them included multiple violations.

Disciplinary Review Consequences

In 2016 and 2017, action was taken on 94 Notices through the DR system. Consequences that may be issued through the DR system include the following:

- 1) *Revocation* – Certification is terminated.
- 2) *Invalidated Certification* – Certification is invalidated because the eligibility requirements had not been met.
- 3) *Suspension* – Certification may not be used for a specified period of time.
- 4) *Eligibility Suspension* – Individual is not eligible to apply for BACB certification for a specified period of time.
- 5) *Restriction* – Certificant’s ability to practice behavior analysis using their BACB certification is limited (e.g., mandatory supervision).
- 6) *Corrective Action* – Certificant must fulfill certain conditions (e.g., acquire continuing education on a topic relevant to the violation) to avoid further consequences by the BACB.
- 7) *Advisory Warning* – Certificant is issued a warning, sometimes with recommendations to promote adherence to the Code.
- 8) *Verification of Competency* – Certificant is required to submit documentation of competency to practice. This may be requested when someone has disclosed a condition (e.g., criminal offense related to drinking-and-driving, mental health treatment that has prevented work for a period of time) that may impact their ability to practice.

Figure 2 depicts the number of consequences issued through the DR system for each certification status for the 94 Notices handled within the system⁶. The most common consequence issued was corrective action (n=41, 43.6%) and the most severe consequence was revocation of certification (n=8, 8.5%).

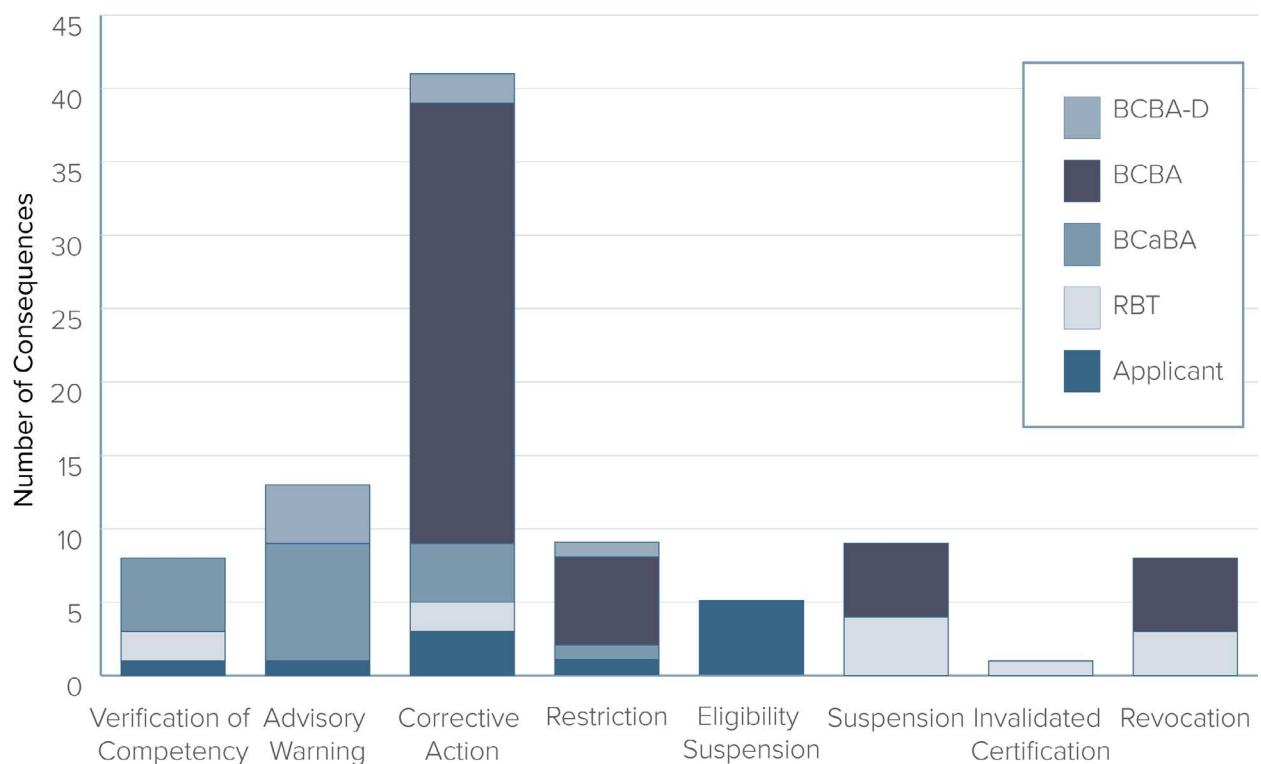


Figure 2. Number of consequences issued in 2016 and 2017 through the Disciplinary Review system for each BACB certification status.

⁶ The BACB publishes disciplinary actions taken against certificants at <http://info.bacb.com/o.php?page=100180>. In cases where a reportable consequence is issued (i.e., the certification was revoked, suspended, invalidated or restricted), the reported information includes the type of consequence against the applicant or certificant, his or her name and geographic location, the Code elements implicated, and the year the consequence was issued.