



NEWS

BACB NEWSLETTER | MAY 2015

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CONTENTS:

- › The Definition of "Client" | p.1
- › On Gifts | p.2
- › The 2015 Michael Hemingway Behavior Analysis Award | p.3
- › RBT Credential Updates | p.4
- › New Passing Scores Established for BACB Examinations | p.4
- › Supervision Training Update | p.5
- › Upcoming Requirements for Coordinators of Approved Course Sequences: A Modification | p.5
- › Communication Update | p.5
- › BACB Events at the ABAI Convention | p.6
- › A Summary of Recent and Upcoming Changes to BACB Standards | p.6

The Professional Ethical and Compliance Code for Behavior Analysts: An Update

The Definition of "Client"

The new *Professional Ethical and Compliance Code for Behavior Analysts* (Code) has been revised to clarify the definition of "client" by removing the inclusion of "student" and "supervisee" from the definition. The definition of "client" now reads:

Client. The term client refers to any recipient or beneficiary of the professional services provided by a behavior analyst. The term includes, but is not limited to:

- a) The direct recipient of services;
- b) The parent, relative, legal representative or legal guardian of the recipient of services;
- c) The employer, agency representative, institutional representative, or third-party contractor for services of the behavior analyst; and/or
- d) Any other individual or entity that is a known beneficiary of services or who would normally be construed as a "client" or "client-surrogate" in a health-care context.

For purposes of this definition, the term client does not include third-party insurers or payers, unless the behavior analyst is hired directly under contract with the third-party insurer or payer.

The original broader definition of "client" was chosen because many Code elements that reference the "client" also apply to other parties, such as students, supervisees, etc. However, to avoid any confusion in the interpretation of the Code, we have restricted the definition of "client" and explicitly inserted other relevant parties into each Code element as applicable. Accordingly, the following sections were revised to clarify when they apply to non-

(continued on page 2)



NEWS

BACB NEWSLETTER | MAY 2015

www.bacb.com

[continued from p 1]

client parties such as students and supervisees: 1.06(c), 1.07(d), 2.05(b) and (d), 2.06 (e), 2.15(a) and (e), 8.04(b), 9.02(h), and 9.04(a) (removed "student"). Please note that these are not the only sections that apply to "students" and/or "supervisees." (See also, 1.07(a-c), 2.06(d), 5.0, 10.05)

In addition, although "supervisee" was already separately defined in the Glossary, we have added a definition of "student" that reads:

Student. A student is an individual who is matriculated at a college/university. This Code applies to the student during formal behavior-analytic instruction.

As we continue to progress towards the **January 1, 2016** effective date for the Code, we will inform you of any additional clarifications. We recommend that you always refer to the BACB website for the most current version of the Code.

On Gifts

Introduction to the Code Element. This article will focus on a seemingly new BACB ethical requirement in the new Code – the prohibition on giving or receiving gifts. Under the Code, effective **January 1, 2016**, the BACB will enforce the following element:

1.06(d) Behavior analysts do not accept any gifts from or give any gifts to clients because this constitutes a multiple relationship.

Although the prohibition on gifts is quite straightforward, the context in which gifts will be evaluated by the BACB requires further elaboration. It is important to note that gifts may include a variety of items, including, but not limited to: store gift cards, food, clothing, tickets to events, housing, vehicles, and just about any other tangible or financial item exchanged between the behavior analyst and the client outside the scope of a contract for services.

The prohibition on gift giving and receipt is not exactly new. Under the current *Guidelines for Responsible Conduct for Behavior Analysts* (Conduct Guidelines), the context where gifts are problematic is addressed as follows:

1.06(b) A behavior analyst refrains from entering into or promising a personal, scientific, professional, financial, or other relationship with any such person if it appears likely that such a relationship reasonably might impair the behavior analyst's objectivity or otherwise interfere with the behavior analyst's ability to effectively perform his or her functions as a behavior analyst, or might harm or exploit the other party.

The concern about giving and receiving gifts as articulated in

1.06(d) of the new Code is, in fact, a concern expressed in the Conduct Guidelines that the "relationship reasonably might impair the behavior analyst's objectivity or otherwise interfere with the behavior analyst's ability to effectively perform his or her functions as a behavior analyst, or might harm or exploit the other party." The new Code clarifies concerns about gifts in the service-delivery relationship.

You might be wondering about the BACB's position on gifts, especially since some other professions appear to allow gifts under certain circumstances. Although this may be true, behavior analysts often work with clients and their caregivers in such an extended and intensive manner that multiple relationships are prone to arise and must be diligently guarded against. For example, gifts pose a special problem for behavior analysts who provide services in a client's home because of the familiarity of the setting and the ease with which critical boundaries can be compromised.

Preparing Your Environment. As mentioned above, gifts are unique in that they have the potential to compromise the professional relationship whether the professional accepts or refuses the gift. As such, it is important to help minimize this risk before the gift is even offered. One explicit way to do this is to provide a policy about gift receipt to new clients and review it annually, especially before gift-laden holidays. One way to avoid the problem of complete prohibition is to include in the policy examples of what constitutes a gift and what does not. Having a well-considered policy, ensuring that your staff follow it, and ensuring that clients understand it will likely minimize the probability that you find yourself in a situation in which you are ill-prepared to avoid a professional compromise while maintaining strong rapport and trust with your clients.

Although a gift policy is a good start, it is equally important for organizations to prepare all staff members to handle the inevitable gift encounter. Behavior analysts are aware that providing information is seldom sufficient to affect behavior, so even though a policy has been presented to consumers, some of them will likely still offer gifts. The probability of this encounter might even increase proportionally to treatment success. A gift is often a simple gesture of gratitude rather than a more pernicious attempt to undercut objectivity or otherwise compromise the relationship. It is important for the professional to understand the *intention* of this behavior, and respond in a way that continues to strengthen the professional relationship. Although the Code prohibits gift exchange, the method by which one handles the



NEWS

BACB NEWSLETTER | MAY 2015

www.bacb.com

[continued from p 2]

interaction is incredibly important. The behavior analyst must use professional judgment to determine the best time and method to reject a gift without jeopardizing the professional relationship by offending the client. For example, one might be able to thank the client, remind the client of the gift-exchange policy, and state that they wish they could accept it, but per organization policy they cannot. However, if the gift was offered in a group, it might be best to simply thank the client in the moment, and return it later in the context of a sensitive and respectful discussion. In most cases, it is important to acknowledge the thought and gratitude behind the gift and make certain that by rejecting the gift, the behavior analyst does not appear to imply ulterior motives, or suggest that other professionals who do accept the gifts are less ethical. As described later, context is always considered by a BACB Review Committee; if professional judgment can be described that demonstrates that rejecting the gift would have proven more harmful than otherwise, then a violation might not have occurred.

BACB Review Committees and Gifts. With a few notable exceptions, most complaints received by a Review Committee do not identify the giving and receiving of the gift as the basis for the complaint. Instead, the gift exchange is often identified during the course of an investigation. Consider the following example. During an investigation alleging abandonment, a client reports, "I can't believe the behavior analyst terminated services after all I've done for her." Upon further inquiry, the BACB might discover the family had allowed the behavior analyst to join in personal family celebrations and holidays. The reason identified might have been the family's concern that the behavior analyst feel like a part of the family. In such an example, a number of factors would be considered by the Review Committee, including, but not limited to:

1. Was the gift the beginning of a multiple relationship and conflict of interest?
2. Was the gift evidence of a multiple relationship and conflict of interest?
3. What was the intention of the gift?
 - a. Are there any cultural influences that would refute the multiple relationship inference?
 - b. Was any effort made to make the gift less personal to the recipient and, thus, less likely to influence the professional relationship?

Taking the aforementioned points into consideration, a gift exchange by itself typically would not lead to sanction of one's

credential. Instead, the BACB would most likely seek to coach the behavior analyst on the reasons to avoid gift exchanges with clients. On the other hand, a gift exchange that is clearly evidence of a multiple relationship will likely result in disciplinary action, especially in circumstances where the multiple relationship becomes sexual in nature. In addition, the monetary value of a gift is often an indicator of whether personal-professional boundaries have been crossed. However, the *intention* and effect of the gift is of greatest concern.

The 2015 Michael Hemingway Behavior Analysis Award

This annual award is given in honor of the late Michael Hemingway, who played a central role in the development of behavior analyst certification in Florida before serving as a founding director of the BACB. Michael's commitments to the profession of behavior analysis and to increasing access to services are reflected in the behavior of the individuals who receive this award.



Sandra L. Harris, PhD

We are pleased to announce that the 2015 recipient of the Michael Hemingway Behavior Analysis Award is Dr. Sandra L. Harris from Rutgers University. Dr. Harris has a distinguished record of service to behavior analysis. As a Board of Governors Distinguished Service Professor of Clinical Psychology, Dr. Harris mentored and trained numerous behavior-analytic professionals and made important scholarly contributions to the discipline, especially in the area of the behavior-analytic treatment of autism spectrum disorders. Early in her career, Dr. Harris founded the Douglass Developmental Disabilities Center, a university-affiliated service program for children with autism where she still serves as Executive Director. In addition to providing access to evidenced-based treatment to hundreds of families, the center has served as the nexus for her numerous training and research activities. A colleague who has worked closely with Dr. Harris shared the following remark: "Her work has helped to guide the past and current practices of behavior analysts as well as greatly increased the availability and quality of behavior-analytic services available



[continued from p 3]

to children, adolescents, and adults for more than a quarter of a century.”

Congratulations, Dr. Harris!

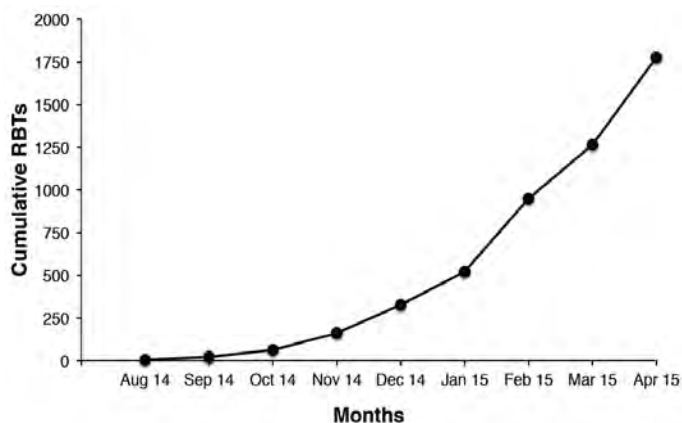
RBT Credential Updates

Accreditation:

We are pleased to announce that the BACB is now entering the next phase of the RBT development process, which will involve implementing the requirements essential for an application for national accreditation of the credential.

RBT Program Growth:

The RBT program has grown quite robustly, as evidenced by the following cumulative record of new RBTs per month since applications became available. By the end of April 2015, there were 1,777 behavior technicians that had become RBTs.



Alternative Pathway for RBT Training:

One requirement of the 40-hour training for the RBT credential was that the training be completed within 90 days. This standard was established to ensure that a technician's initial training was sufficiently concentrated and not distributed over such an extended time period that the effects of training might have been compromised. However, we realize that the 90-day requirement might disadvantage existing behavior technicians who had already received quality training that otherwise would have met RBT training requirements. Thus, the BACB's Board of Directors recently established an alternative pathway for previously trained behavior technicians to satisfy the RBT training requirement. Training obtained prior to January 1, 2015, which was not completed within a 90-day period, may be acceptable if it can be demonstrated (by attestation from a BCBA or BCaBA) that (a) the training covered the

required content from the *RBT Task List* and met all other related training requirements and (b) since completion of the training, the applicant has continued to perform *RBT Task List* duties at an acceptable level.

Requirements for Proof of RBT Training:

The RBT application process requires that applicants upload a document that verifies completion of a 40-hour training program. All such documents must include the following information.

- The start and end dates of the training
- The name of the individual who delivered the training
- The total number of hours of instruction
- Content statement: "This training program is based on the *Registered Behavior Technician Task List* and is designed to meet the 40-hour training requirement for the RBT credential. The program is offered independent of the BACB."
- A statement indicating that the learner successfully completed the training

Please note that documentation should contain only the above information. A summary sheet of individual training modules completed, or portions of training received from various providers, will not be accepted. If your organization partners with a training provider that cannot produce such a document, the organization should draft a certificate of completion that can be submitted with the transcript from the training provider. A supervisor may also draft a certificate of completion for applicants who have combined training experiences, which should also be accompanied by transcripts verifying the student was actually enrolled in the program(s).

New Passing Scores Established for BACB Examinations

As we announced in the [November 2014](#) issue of *BACB Newsletter*, the first examinations based on the *Fourth Edition Task List* were administered in February 2015. In March 2015, 16 subject matter experts met with the BACB Psychometrician to establish the passing standards for the new "base" examinations. The panel followed the same process described in the [January 2012](#) issue of the *BACB Newsletter* ("Our Recent Passing Score Study"). After careful consideration, the panel recommended that the passing score for the BCaBA base exam be 76% (99 out of 130 correct) and



NEWS

[continued from p 4]

the passing score for the BCBA base exam be 76% (114 out of 150 correct). Note: exam forms that are more or less difficult than the base-exam forms have comparably adjusted passing scores. After reviewing the results of the passing-score study, the BACB's Board of Directors voted to accept the panel's recommendations. Pass-rate information for the February 2015 examinations is available on our [website](#).

Supervision Training Update

Since the beginning of 2015, individuals who supervise RBTs, BCaBAs, or the applied experience of those pursuing certification have been required to complete an 8-hour, competency-based training that includes all areas on the [BACB Supervisor Training Curriculum Outline](#). The BACB's Board of Directors recently modified this requirement in two important ways that are **effective immediately**:

1. Completion timeline:

Although this training requirement originally could only be satisfied if individuals were already certified, individuals will now be permitted to complete the training up to 180 days prior to their original certification date (i.e., the last day of the month in which the exam was passed). This change provides an option for candidates to be immediately eligible to supervise others after becoming certified. However, if completion of the supervision training occurred more than 180 days prior to the original certification date, the certificant will have to re-take the 8-hour training before qualifying to supervise others.

2. Approved training entities:

Originally, only Approved Continuing Education providers were permitted to deliver this training. Approved Course Sequences will now be permitted to integrate the 8 hours of supervision training into a course as long as all of the training requirements are met. Individuals who complete the training as part of a university course may upload their course syllabus as proof of training.

Upcoming Requirements for Coordinators of Approved Course Sequences: A Modification

In the [May 2013](#) issue of *BACB Newsletter*, we announced new requirements for individuals who coordinate Approved Course Sequences (ACS Coordinators). The requirements announced at that time were that, effective **January 1, 2017**, all ACS Coordinators must:

- Be employed full-time as faculty by the university; and
- Hold a doctoral degree; and
- Hold BCBA or BCBA-D certification

In an effort to make these requirements consistent with the common standard of universities requiring instructors to hold at least one degree higher than the degree their students are seeking, the BACB's Board of Directors recently agreed to modify these requirements as they pertain to "stand-alone" BCaBA course sequences. A stand-alone BCaBA course sequence is defined as one in which coursework is offered at the undergraduate level without an accompanying BCBA course sequence offered in the same academic department. Thus, effective **January 1, 2017**, ACS Coordinators in stand-alone BCaBA course sequences must meet the following requirements:

- Be employed full-time as faculty by the university; and
- Hold a master's degree or higher; and
- Hold BCBA or BCBA-D certification

Communication Update

We have started using automated telephone calls to augment the BACB's email notification system. For example, you might receive a call to notify you about upcoming renewals/recertifications or issues with your certification. We plan to add text messaging alerts as well in the near future. Thus, it is imperative that you keep the BACB informed of any changes in your contact information (i.e., email, address, telephone numbers).



BACB Events at the ABAI Convention

The BACB will be actively involved in this year's annual convention of the Association for Behavior Analysis International in San Antonio, Texas. Below is a list of our events that may be of interest to BACB certificants. Please stop by the exhibit booth (#102) to say hello during the convention.

Sunday (May 24)

Event #115

8:00-8:50 am

207B (Convention Center)

Introduction to BACB Certification

Christine Ratcliff

Event #182

11:00-11:50 am

214A (Convention Center)

An Update on the Behavior Analyst Certification Board

Jim Carr, Jane Howard, and Neil Martin

Event #274

9:00-11:00 pm

Crockett A (Grand Hyatt)

BACB Approved Course Sequence Coordinators Reception

Coordinators of BACB Approved Course Sequences are invited to an informal gathering. Come connect with BACB staff and other coordinators in a relaxed, social atmosphere.

Monday (May 25)

Event #403

3:00-4:50 pm

006AB (Convention Center)

The Role of Basic Behavior Analytic Concepts and Principles in BACB-Approved Course Sequences

in "Is There a Home for EAB in Applied Training Programs?" Invited Symposium
Jim Carr

A Summary of Recent and Upcoming Changes to BACB Standards

Recent issues of *BACB Newsletter* have described a number of impending changes to BACB standards. In an effort to help certificants keep track of these many changes, we have provided the following table that includes the changes, their effective dates, and their original published source. We plan to publish this table and other reminders in future newsletters until the majority of the changes have been enacted.

Effective Date	Area	Change	Newsletter
January 1, 2015	Supervisor Requirements	Pass an 8-hr, post-certification, competency-based training on supervising pre-certification individuals	September 2012
January 1, 2015	Supervisor Requirements	Pass an online, competency-based training module on BACB experience standards at www.BACB.com	September 2012
January 1, 2015	Supervisee Requirements	Pass an online, competency-based training module on BACB experience standards at www.BACB.com	September 2012
January 1, 2015	Distribution of Experience	The start-date and end-date of experience may not be more than five years apart	September 2012
Recertification cycles that begin on or after January 1, 2015	Continuing Education	Changes to recertification cycle duration, # of required CEUs, ethics CE, and new CE categories	February 2013
January 1, 2016	BCBA Degree Requirement	Possession of a minimum of a master's degree from an accredited university that was (a) conferred in behavior analysis, education, or psychology, or (b) conferred in a degree program in which the candidate completed a BACB approved course sequence	February 2013
January 1, 2016	Ethics and Discipline	The Professional and Ethical Compliance Code for Behavior Analysts will be enforced. Revisions to the disciplinary system will take effect	September 2014
January 1, 2016	BCBA Eligibility Requirements	Changes to eligibility requirements for Options 2 (College Teaching) and 3 (Postdoctoral Experience)	November 2014
January 1, 2017	BCaBA Supervision	Changes made to supervisor responsibilities and qualifications, supervision amount and structure, group supervision, and documentation of supervision	December 2014