



## Focus on Ethics: OOPS! Did I Say That?

Page 2

### Contents:

#### Important Developments for Behavior Analyst Professionals

Page 1

#### Focus on Ethics: OOPS! Did I Say That?

Page 2

#### News And Notes

Page 4

#### Did You Know?

Page 5

#### Improvements and Clarifications of the Disciplinary Standards

Page 5

## Important Developments For Behavior Analyst Professionals

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*BACB Executive Officer*

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*President, BACB Board of Directors*

Since its inception, the Behavior Analyst Certification Board has recognized the growing need for a professional association to support the practice of applied behavior analysis beyond what the BACB itself could provide to its certificants. A professional organization has been needed to address the myriad of issues facing practitioners today: providing political support in addressing state and national-level public policy issues, providing insurance policies for certificants, offering high-quality continuing education opportunities targeted to practitioner needs, and generally engaging in activities to support the recognition of BACB certifications and the funding of BACB certificant services.

An appropriately constituted professional organization was necessary to address these critical issues because the BACB is limited by law in the services it is able to provide certificants. The BACB is dedicated to providing high quality certification and protecting the credentials issued by the BACB. Although the BACB may correspond with licensure bodies to protect the credential, provide certain types of support to state-level organizations, and support the recognition of its credentials, it is not permitted by its 501(c)(3) status to address the full-scale professional needs of certificants.

The Association for Behavior Analysis International (ABAI) has supported and endorsed the BACB and it is hoped that a strong and mutually supportive relationship will continue in the years ahead.

However, ABAI is a broad based organization, representing behavior analysts with a wide spectrum of interests, and thus distributes its attention and resources across its many constituencies.

Given the critical issues facing the field today, it became apparent that practitioner issues must be addressed more directly and intensively than ever before. Perhaps of greatest concern is the proliferation of licensure initiatives that may impede your rights to practice or limit your ability to use your BACB credentials. Additionally, autism insurance laws are being put into place systematically on a state-by-state basis and we need to ensure that applied behavior analysis (ABA) and BACB certificants are included and adequately funded. Also of concern are the issues facing consumers seeking to obtain qualified service providers. We need to act now before these windows of opportunity close, perhaps forever.

As a result, the Association of Professional Behavior Analysts (APBA) was created in 2007 to address professional concerns of BACB certificants and other behavior analyst practitioners. Please note that APBA is a separate and distinct entity from the BACB. Our hope is that, in addition to basic professional services, the APBA will become a leader in supporting the BACB's credentials and certificants by monitoring and coordinating responses to licensure initiatives, reimbursement issues, and other educational, community and legislative challenges facing BACB certificants. In return, we plan to work with the APBA to coordinate efforts to



## Important Developments... *cont'd*

respond to such issues and we hope that you will participate as well.

The BACB Board of Directors has made arrangements with APBA to provide membership to all BACB certificants for a one-year period. After one year, you will be responsible for continuing your APBA membership, and we hope that you will desire to do so. This arrangement between APBA and the BACB will give you an opportunity to see first-hand what APBA can do for you and the field. In addition, APBA will have an initial membership of over 6,000 behavior analysts; enough members to work effectively with legislators,

consumers, and other professions. It also will enhance APBA's financial foundation, which will allow APBA to begin the work-at-hand quickly. Of course, your financial contributions and volunteer support are most welcome. The BACB expects that this relationship will be beneficial to all of us, however if you wish not to be a member you will have an opportunity to "opt out" through the BACB website soon. For more information about the APBA, please visit the APBA's website ([www.APBAhome.net](http://www.APBAhome.net)). Welcome to an exciting new future for the profession and the field.

## Contents:

### Important Developments for Behavior Analyst Professionals

Page 1

### Focus on Ethics: OOPS! Did I Say That?

Page 2

### News And Notes

Page 4

### Did You Know?

Page 5

### Improvements and Clarifications of the Disciplinary Standards

Page 5

## Focus on Ethics: OOPS – Did I Say That?

As the credentials offered by the BACB become more recognized and more valuable, students and new professionals are more likely to want to let others know that they hope to obtain BACB certification in the future. Unfortunately doing so can lead to confusion or misrepresentation of affiliation with the BACB. As BCBA's and BCaBA's, you may be in a position interact with these individuals and guide them how to represent themselves correctly. Here are some common questions we encounter from people who hope to become certified and how to address them:

**Question:** What's wrong with the claim that I'm "BCBA or BCaBA, Pending Examination" once I've been approved to sit for the examination?

**Answer:** Because you may be misleading consumers or employers into thinking you are certified when you are not.

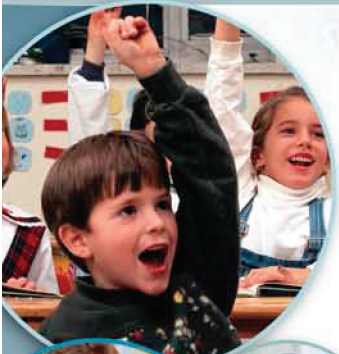
**Question:** What about saying that I plan to "pursue BACB certification as a BCBA or BCaBA?" Or that I "plan to sit for the BCBA or BCaBA exam" in the future?

**Answer:** Again, this is problematic because it may mislead consumers or employers into thinking you will eventually become certified, when that is not a certainty.

**Question:** Well, what can I put on my resume or say to prospective employers or clients about my intentions to become certified?

**Answer:** The safest approach is to not mention the BACB or BACB Credentials (BCBA or BCaBA) unless you are certified. Anything else runs the risk of being a misrepresentation of certification status. Under Section 3 of the Professional Disciplinary Standards, any misrepresentations of certification status may be grounds for disciplinary sanctions, including denial or revocation of certification, imposition of fees and other sanctions against eligibility or certification.

The following chart includes a few samples of statements you should avoid and suggested alternatives:



## Focus on Ethics... *cont'd*

### Contents:

**Important Developments  
for Behavior Analyst  
Professionals**

Page 1

**Focus on Ethics:  
OOPS! Did I Say That?**

Page 2

**News And Notes**

Page 4

**Did You Know?**

Page 5

**Improvements and  
Clarifications of  
the Disciplinary  
Standards**

Page 5

AVOID SAYING:	REASON	ALTERNATIVE
<b>BCBA Pending</b> <b>BCaBA Pending</b> <b>BCBA Pending Examination</b> <b>BCaBA Pending Examination</b>	There is no such thing as BCBA/BCaBA Pending. You either are certified or you are not certified. There is no interim credential.	Working towards national certification. (Do not mention the BACB, BCBA or BCaBA)
<b>BCBA Candidate</b> <b>BCaBA Candidate</b>	Again, the BACB does not have a "Candidate" status. Even if you have been approved to sit for the test, you still may not misrepresent this as a BACB certification status.	Working towards national certification. (Do not mention the BACB, BCBA or BCaBA)
<b>ABA Certification Pending or Candidate</b>	The same issues as above apply when making an effort to misrepresent BACB certification by using confusingly similar titles	None – you should never make up your own certification category
<b>BACB, BCBA or BCABA misrepresentations relating to claiming compliance with some of the BACB requirements</b>  (e.g., BCBA compliant coursework, or BCaBA Experience Completed, BCBA eligible, will be sitting for the exam on XXX date)	Until you have been certified, you may not represent partial completion of the requirements as an achievement towards certification.	List out the actual coursework or experience you have completed without mentioning the BACB, BCBA or BCaBA.



## News and Notes

### **Upcoming Job Analysis**

Although the first exams based upon the Third Edition Exam Content Task List were given approximately three years ago, they were actually the culmination of a multi-year Job Analysis process. Job Analyses for professional credentials must be repeated periodically to ensure that the exams remain up-to-date and remain consistent with any changes in the field. At this time, the BACB is preparing to conduct the next Job Analysis. This process will involve carefully reviewing the current Task List and determining what, if any, changes are necessary to update its content to reflect the knowledge and skills that BCBAs and BCaBAs are required to use in their daily work. The review will be conducted by a panel made up of BCBA and BCaBA volunteers. The panel will be comprised of certificants from various backgrounds, locations and areas of practice, in order to be as representative of the certificant population as possible. In addition, the Job Analysis process will include a comprehensive survey, giving all certificants an opportunity to participate. We anticipate that the initial meeting for this multi-year process will take place in early 2009. Resulting updates to the examinations, if any are warranted, would be announced after the job analysis is complete and at least a year prior to implementation. Please watch the Maintaining Certification section of [www.BACB.com](http://www.BACB.com) and future newsletters for announcements about the Job Analysis, as we will be in need of volunteers to participate in the process.

### **Online Certification Management System - THE BACB IS GOING GREEN:**

The BACB always has worked hard to provide online resources to certificants, and keeping paper usage to a minimum. Now the BACB is taking a huge step in this direction. Since November of 2006, the BACB has been working towards offering applicants and certificants an online certification management system.

The BACB is proud to announce that its online certification management system is now operational. A link will appear on the BACB homepage in the near future,

allowing you to apply online and to set up an account to view information about your application and/or certification, or you can access the system directly by going to <http://portal.bacb.com>. You will also be able to change your contact information, keep track of your CE and complete your renewal and recertification applications via this system. Also, BCBAs will be able to indicate in their profile whether they are willing to supervise individuals who are pursuing BACB certification and/or BCaBAs who need a supervisor for their practice. We will use this information to distinguish BCBAs willing to be supervisors on the Certificant Registry -- AND YES, THE SYSTEM WILL ACCEPT CREDIT CARDS!

Yes, that means it will be significantly easier and much more convenient for you to renew and recertify. No longer will you have to wait several weeks to receive confirmation of your renewal or confirmation of receipt of your recertification. We even expect that the system will help automate the sending of certificates to recertification candidates on a more frequent basis.

Our expectation is that the certification management system will help to keep costs of operations reasonable by increasing efficiency, and increasing information accuracy. No longer will we need to dedicate extensive staff time and resources to examination application and renewal/recertification information and payment processing. You will be inputting your information directly into the system (as opposed to the current practice of staff transferred information from your form) and you can change your personal information at any time, so your personal information can be accurate and up-to-date. The BACB is proud to say that we have been able to avoid raising renewal and recertification rates since we began. Our hope is that the widespread use of the certification management system by all certificants will allow this trend to continue.

Of course you will have the option of sending in a paper form and paper check to renew and recertify – but you'll not be able to hug your favorite tree with a clear conscience.

## Contents:

**Important Developments for Behavior Analyst Professionals**  
Page 1

**Focus on Ethics: OOPS! Did I Say That?**  
Page 2

**News And Notes**  
Page 4

**Did You Know?**  
Page 5

**Improvements and Clarifications of the Disciplinary Standards**  
Page 5



## Contents:

### Important Developments for Behavior Analyst Professionals

Page 1

### Focus on Ethics: OOPS! Did I Say That?

Page 2

### News And Notes

Page 4

### Did You Know?

Page 5

### Improvements and Clarifications of the Disciplinary Standards

Page 5

## Did You Know?



- There is now a free, easy way to support the BACB. Sign up with [www.iGive.com](http://www.iGive.com) and select the BACB as your charity. Each time you shop at one of over 680 stores such as Staples, The Gap, Expedia, Office Depot, eBay, and Land's End, a portion of your purchase will be donated to the BACB. iGive will donate up to 26% of each purchase. Shopping through iGive will often save you money through exclusive coupon codes and deals like free shipping and double donations. Once you are registered, you can also use iSearchiGive to raise .01 every time you search the web. Thank you for your support!
- More information about the new supervision requirements for BCaBAs has been posted in the Maintain Certification section of [www.BACB.com](http://www.BACB.com). Click here (link to document in downloads section please) to view the document containing the requirements and the necessary form for reporting supervision annually.
- Over half a dozen individuals have already qualified to take the BCBA examination using the new Doctorate/BCBA Review Option and we anticipate more in the future. If you know of an individual who has been working as a behavior analyst for ten years or more, but who might have been hesitant to apply because of the difficulty in documenting their coursework and experience, please encourage them to consider this qualification option. Also, we understand that there may be some individuals who are unable to obtain verification from three BCBAAs familiar with their experience. In those cases, the individual may contact the BACB directly to discuss alternatives. This qualification option will be reviewed annually by the Board of Directors to determine whether it will remain in effect. Full details about the Doctorate/BCBA Review Option can be found in the standard BCBA exam application in the Downloads section of [www.BACB.com](http://www.BACB.com).

## Improvements and Clarification of the Disciplinary Standards

At the May 2008 annual meeting of the BACB Board of Directors, the Board reviewed and approved a few minor changes to the BACB's Disciplinary Policy. These changes are scheduled to take effect on January 1, 2010. In a nutshell, the Board has better defined Disciplinary Standard 6, prohibiting "gross or repeated negligence, incompetence, misconduct or malpractice in professional work" and the Board has added a new Standard 9 to address supervision requirements.

With regards to Standard 6, normally the BACB only reviews cases that have first been acted upon by the employer or governing state or health care agency, or other party

charged with overseeing the case, client or certificant; these are the parties closest to the case and who are perhaps best able to ascertain the facts of the case and render an opinion in the case. The 2010 clarification now includes "misconduct" and better defines the types of actions likely to rise to the level of a disciplinary action under Standard 6. We expect that these changes will benefit consumers and certificants in identifying the types of cases the BACB will investigate.

A copy of the Disciplinary Standards follows. Changes, to go into effect in 2010, appear in highlighted text. It is your responsibility to know and comply with these Standards.



## Contents:

**Important Developments  
for Behavior Analyst  
Professionals**  
Page 1

**Focus on Ethics:  
OOPS! Did I Say That?**  
Page 2

**News And Notes**  
Page 4

**Did You Know?**  
Page 5

**Improvements and  
Clarifications of  
the Disciplinary  
Standards**  
Page 5

# Improvements and Clarification of the Disciplinary Standards cont'd...

## **BACB Professional Disciplinary Standards**

The BACB may issue sanctions, including, but not limited to, denials of initial certification, renewal or recertification, revocation, suspension or any other limitation of certification or combination of sanctions. Grounds for issuing sanctions include:

1. Ineligibility for certification, regardless of when the ineligibility is discovered;
2. Any violation of a BACB rule or procedure, as may be revised from time to time, and any failure to provide information requested by BACB, or to update (within thirty days) information previously provided to BACB, including, but not limited to, any failure to timely report to BACB an action, complaint, or charge that relates to any of these Disciplinary Standards; (minor edit to reflect charges involving all standards)
3. Unauthorized possession of, use of, distribution of, or access to

- a. BACB exams,
- b. Certificates,
- c. Logo of BACB,

d. Trademarks and abbreviations relating thereto, including, but not limited to, misrepresentation of self, professional practice or BACB certification status, prior to or following the grant of certification by BACB, if any. Individuals not certified by the BACB are expressly prohibited from misrepresenting that they are BACB certified as either a BCBA or BCABA, or misrepresenting eligibility for BCBA or BCABA certification, including misrepresentations of similar designations designed to imply BACB certification or eligibility status. ***This rule will be enforced against individuals who have graduated from a certificate awarding educational program, who are not entitled to represent BACB certification until such time as they are certified by the BACB.***

Applicants for certification who have previously misrepresented BACB certification or eligibility status may be subject to additional fines and penalties (\$500 for each occurrence)

for the misrepresentations prior to consideration of their certification application; and

e. Any other BACB documents and materials.

4. Any examination irregularity, including, but not limited to, copying answers, permitting another to copy answers, disrupting the conduct of an examination, falsifying information or identification, education or credentials, providing and/or receiving unauthorized advice about exam content before, during, or following the examination. In addition to other authorized sanctions, the BACB may delay, cancel or refuse to release examination results if an exam irregularity has been demonstrated;
5. Obtaining or attempting to obtain certification or recertification for oneself or another by a false or misleading statement or failure to make a required statement, or fraud or deceit in any communication to BACB;
6. Gross or repeated negligence, incompetence, **misconduct** or malpractice in professional work, including, but not limited to,

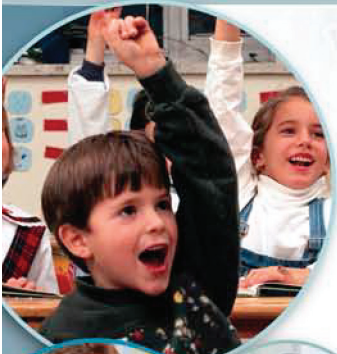
a. Any physical or mental condition that currently impairs competent professional performance or poses a substantial risk to the client/consumer of behavior analysis services;

b. **Professional conduct that constitutes an extreme and unjustified deviation from the customary standard of practice accepted in the applied behavior analytic community and that creates a serious risk of harm to or deception of consumers;**

c. **Abandonment of a consumer resulting in the termination of imminently needed care of a consumer without adequate notice or provision for transition;**

d. **Professional record keeping and/or data collection that constitutes an extreme and unjustified deviation from the customary standard of practice for the field, and/or deceptively altering consumer records or data;**

e. **Engaging in blatant fraud, deception, misrepresentation, false promise or pretense or intimidation in the practice**



## Contents:

### Important Developments for Behavior Analyst Professionals

Page 1

### Focus on Ethics: OOPS! Did I Say That?

Page 2

### News And Notes

Page 4

### Did You Know?

Page 5

### Improvements and Clarifications of the Disciplinary Standards

Page 5

## Improvements and Clarification of the Disciplinary Standards cont'd...

of applied behavior analysis or in solicitation of consumers; and

### f. The unauthorized material disclosure of confidential consumer information.

Gross or repeated negligence or misconduct complaints must include evidence of a disciplinary review and formal finding by an employer, professional peer review organization/group, governing official, federal or state agency, or other licensing or certification board. If the certificant was not overseen by an employing agency, governing official agency, or other Board, then the BACB President and Executive Director shall determine, by consensus, whether the complaint should be submitted to a Review Committee. Incompetence or malpractice must be evidenced by official determinations (such as, court

orders, jury findings, or treatment professional findings of incompetence or malpractice);

**7.** Limitation, sanction, revocation or suspension by a health care organization, professional organization, or other private or governmental body, relating to behavior analysis practice, public health or safety or behavior analysis certification;

**8.** Any conviction of a felony or misdemeanor directly relating to behavior analysis practice and/or public health and safety, including, but not limited to: exploitation or abuses of a consumer, assault and/or battery of a consumer, or violent or negligent behavior creating risk of harm to consumer;

### 9. Failure to adequately supervise or be supervised in accordance with the BACB Standards for Supervision.

