



A Summary of Ethics Violations and Code-Enforcement Activities

2019–2021

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Introduction

In 2018, the Behavior Analyst Certification Board® (BACB®) published its first [summary](#) of ethics-code violations and ethics-code-enforcement activities, covering the 2-year period (2016–2017) following the enactment of the [Professional and Ethical Compliance Code for Behavior Analysts](#) (PECC). In 2019, significant updates were made to the BACB’s ethics processes and systems, necessitating a stand-alone summary of the 2018 ethics data in the [November 2019 BACB Newsletter](#). This report covers 2019 to 2021, the last years the PECC and [RBT Ethics Code \(RBT Code\)](#) were in effect.

The PECC went into effect on January 1, 2016, and served as the ethics code for all Board Certified Assistant Behavior Analyst® (BCaBA®), Board Certified Behavior Analyst® (BCBA®), and Board Certified Behavior Analyst-Doctoral® (BCBA-D®) certificants and applicants until December 31, 2021. Portions of the PECC also constituted the ethics code for Registered Behavior Technician® (RBT®) certificants and applicants from January 1, 2016, through December 31, 2018, after which the RBT Code went into effect. The PECC and RBT Code were the basis for the enforcement procedures used when an alleged violation was reported to the BACB, as well as the data presented in this report.

The purpose of this report is to summarize common violations under the PECC and RBT Code, and code-enforcement actions taken by the BACB. Please refer to the [Code-Enforcement Procedures](#) to see how the BACB processes Notices of Alleged Violation (Notices) against individuals reportedly in violation of one or more BACB ethics standards, the possible outcomes of such violations, and how due process is provided throughout the review process (e.g., opportunity to respond, opportunity to appeal).

Notices of Alleged Violation

From 2019 to 2021, 1,263 Notices met criteria to be processed through the BACB’s code-enforcement procedures. These criteria include the BACB having jurisdiction over the Subject of the Notice, the Notifier providing sufficient documentation to support the allegations, and the Notice being submitted in a timely manner, among others. Of these Notices, 325 were declined after obtaining a response from the Subject, either due to insufficient documentation or the allegations being sufficiently refuted. Of the remaining Notices, 762 were routed to the Disciplinary System, and 152 were routed to the Education System for additional processing. Please refer to the [Code-Enforcement Procedures](#) document for additional information on these systems.

The following table depicts the number of Notices received by Notifier type. The most common Notifier was the BACB, which typically files a Notice when it has identified a potential violation during an audit or an analysis of testing irregularities, among other sources.

Table 1. Number of Notices by Notifier Type: 2019–2021

Notifier’s Relationship to Subject	Total
BACB	620*
Supervisor or RBT Requirements Coordinator	136
Employer	99
Other	93
Client, Client Representative, or Parent/Caregiver	88
Anonymous	77**
Colleague	62
Employee	45
Third-Party Organization (e.g., funder, licensure board)	22
Supervisee, Trainee, or Student	21

* 514 Notices were related to testing irregularities in a specific geographic area.

** These Notices were submitted through the BACB’s [Publicly Available Documentation](#) reporting system.

Notices Processed Through the Education System

Notices processed through the Education System involve behavior that is typically less egregious than those processed through the Disciplinary System, with indications that the appropriate course of action is feedback, required action (e.g., additional training), or coaching by a BACB subject matter expert (SME). From 2019 to 2021, there were 111¹ Notices processed through the Education System; 50 resulted in coaching for BCBAs or BCaBAs, 31 resulted in educational memoranda for BCBAs or BCaBAs, and 30 resulted in educational memoranda for RBTs.

BCaBAs and BCBAs most often received coaching, feedback, or required actions for the following:

- ▶ improper discontinuation or transition of services/service interruptions
- ▶ improper or inadequate supervision or delegation of tasks
- ▶ nonsexual multiple or exploitive relationship(s)
- ▶ lack of professionalism and integrity
- ▶ failure to report critical events to the BACB as required
- ▶ improper use of testimonials and their required disclaimers
- ▶ failure to maintain client confidentiality

RBTs most often received feedback or required actions for the following:

- ▶ untruthful or dishonest behavior
- ▶ failure to follow through with obligations
- ▶ failure to report critical events to the BACB as required
- ▶ failure to adhere to the legal and ethical codes of their professional and social communities

¹ Although there were 152 Notices routed to the Education System between 2019 and 2021, 111 were fully processed during this time. Some Notices routed in late 2021 were not fully processed until 2022.

Notices Processed Through the Disciplinary System

Notices processed through the Disciplinary System are reviewed by SMEs to determine whether the alleged violation(s) are substantiated, after which appropriate consequences for the Subject are issued. Although there were 762 Notices routed to the Disciplinary System between 2019 and 2021, 693 were fully processed during this time. Some Notices routed in late 2021 were not fully processed until 2022.

The data in Table 2 reflect the most common substantiated ethics violations from all Notices that were processed through the Disciplinary System for BCaBA or BCBA certificants or applicants (n = 91). The 3 most common violation categories were professionalism and integrity, improper or inadequate supervision or delegation, and failure to report or respond to the BACB as required.

Table 2. Most Common Substantiated Violations of Ethics Standards by BCaBA and BCBA Certificants and Applicants: 2019–2021

Violation Category	Relevant PECC Standards*	# of Substantiated Violations**
Professionalism and integrity	1.04 Integrity 7.02 Ethical Violations by Others and Risk of Harm 1.05 Professional and Scientific Relationships 7.01 Promoting an Ethical Culture 1.02 Boundaries of Competence	66
Failure to report or respond to the BACB as required	10.02 Timely Responding, Reporting, and Updating of Information Provided to the BACB <ul style="list-style-type: none"> • Violation of national or state rules and regulations • Inability to practice due to safety concerns 	39
Improper or inadequate supervision or delegation	5.04 Designing Effective Supervision and Training 10.05 Compliance with BACB Supervision and Coursework Standards 5.02 Supervisory Volume 5.03 Supervisory Delegation 5.05 Communication of Supervision Conditions	22
Failure to maintain adequate or accurate records	2.13 Accuracy in Billing Reports 2.11 Records and Data	21
Responsibility to clients	2.05 Rights and Prerogatives of Clients 2.06 Maintaining Confidentiality	14
Nonsexual multiple or exploitive relationship	1.06 Multiple Relationships and Conflicts of Interest	7
Inaccurate and dishonest information in obtaining or maintaining a BACB certification or status	10.01 Truthful and Accurate Information Provided to the BACB	7
Improperly discontinuing or transitioning services or service interruptions	2.15 Interrupting or Discontinuing Services	5
All other reasons		50

* The standards in this column are ordered from most to least frequent.

** Although there were only 91 Notices, many of them included multiple violations of ethics standards.

The data in Table 3 reflect the most common substantiated ethics violations from all Notices that were processed through the Disciplinary System for RBT certificants or applicants (n = 602). The 3 most common violation categories were professionalism and integrity, failure to report or respond to the BACB as required, and responsibility to clients.

Table 3. Most Common Substantiated Violations of Ethics Standards by RBT Certificants and Applicants: 2019–2021

Violation Category	Relevant RBT Code Standards*	# of Substantiated Violations**
Professionalism and integrity	1.04 Legal and Ethical Codes 1.03 Truthful and Honest 1.10 Avoid Making False, Deceptive Statements 1.02 Remain Familiar with Code 1.01 Promote Values and Core Principles	1,619***
Failure to report or respond to the BACB as required	Preamble <ul style="list-style-type: none"> • Inaccurate and dishonest information in obtaining or maintaining a BACB certification or status • Violation of national or state rules and regulations • Inability to practice due to safety concerns 	544***
Responsibility to clients	2.01 Support Client’s Legal Rights 2.07 Protect Client’s Confidentiality 2.05 Avoid Sharing Client Information on Social Media	24
Nonsexual multiple or exploitive relationship	1.06 Avoid Multiple Relationships	9
Supervisee responsibilities	3.02 Follow Supervisor’s Direction	5
All other reasons		89

* The standards in this column are ordered from most to least frequent.

** Although there were only 602 Notices, many of them included multiple violations of ethics standards.

*** These violations were related to testing irregularities in a specific geographic area.

The data in Tables 4 and 5 reflect the number of sanctions and corrective actions issued to BCaBA and BCBA certificants and applicants for substantiated violations of ethics standards.

Table 4. Summary of Sanctions Issued to BCaBA and BCBA Certificants and Applicants: 2019–2021

Type	# of Sanctions
Mandatory Supervision	27
Invalidation and/or Revocation of Certification and/or Eligibility	26
Practice Restriction	14
Suspension	11
Total	78

Table 5. Summary of Corrective Actions Issued to BCaBA and BCBA Certificants and Applicants: 2019–2021

Type	# of Corrective Actions
Product Submission (e.g., develop a policy and procedure)	53
Mandatory Mentorship	33
Required Action (e.g., resolve multiple relationship, website correction)	25
Mandatory Continuing Education	21
Mandatory Coursework	8
Total	140

The data in Tables 6 and 7 reflect the number of sanctions and corrective actions issued to RBT certificants and applicants for substantiated violations of ethics standards.

Table 6. Summary of Sanctions Issued to RBT Certificants and Applicants: 2019–2021

Type	# of Sanctions
Invalidation and/or Revocation of Certification and/or Eligibility	552*
Mandatory Supervision	8
Practice Restriction	8
Suspension	2
Total	570

* These sanctions were related to testing irregularities in a specific geographic area.

Table 7. Summary of Corrective Actions Issued to RBT Certificants and Applicants: 2019–2021

Type	# of Corrective Actions
Required Action (e.g., website correction, billing audit)	34
Additional Training	15
Increased Supervision	13
Mandatory Mentorship	7
Consultation with Supervisor	4
Total	73