

## Current Issues in Ethics and Professional Behavior for Behavior Analysts

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## Disclaimer

- This presentation represents my personal opinion and interpretation.
- By no means should it be interpreted to be the opinion of the Behavior Analyst Certification Board, even though I am a member of the BACB® Executive Committee.
- Laws, rules, and BACB® documents do change. Always check the latest source.

## Content Outline

- A. A Case for Regulating Professions
- B. Legal versus Ethical Considerations
- C. Professional Regulation
- D. Practicing **within the Law: Statutes and Rules**
- E. **The BACB® & Professional Regulation**
- F. Case Scenarios

## Content Outline (continued)

## Note

- Martinez-Diaz, Freeman, & Normand (2007). Ethical considerations for behavior analysts. Invited Chapter in Cooper, Heron, and Heward. *Applied Behavior Analysis*, Second Edition.
- Bailey & Burch (2005). *Ethics for Behavior Analysts*.

## Why Regulate?

Section A of Outline

## Objective #1

- State and discuss principal and secondary reasons for regulating the practice of behavior analysts.

## The Story of “Boogaboo Therapy”



## So Why Regulate?

### Main Reasons to Regulate

- PROTECT CONSUMER
- PROTECT GENERAL PUBLIC

### Other Reasons to Regulate

- PROTECT PRACTITIONER
- PROTECT FIELD
- PROFESSIONAL IDENTITY
- ENABLE PRACTICE

## Legal versus Ethical Considerations

Section B of Outline

### Objective #2

- Discriminate between legal and ethical considerations.

## Legal versus Ethical

- The Law
  - State & Federal Statutes
  - State & Federal Rules
- Ethics
  - “Considerations”, Codes & Guidelines
- In between:
  - Disciplinary Standards
  - Service Contracts & “Assurances”

## Professional Regulation

Section C of Outline

### Objective #3

- Describe ways that professions are regulated, including licensure and certification.

## Licensure & Certification

- Identify persons meeting minimum competencies in profession
- Restrict who may identify herself as credentialed
- Enable practice

## Enabling Practice: Credential Recognition

- Government regulations, rules, laws
- Jobs & Funding specific to BCBA/BCABA
- Third party insurance funding

## Licensure

- Involves both profession and state
- Title acts
- Practice acts
- Not only enable, but RESTRICTS title and practice
- Problem: Dependent on political process and climate

## Certification

- Involves only the profession
- Does NOT depend on state statutes
- Does restrict title but NOT practice
- May be trumped by licensure, but NOT likely if cards played right
- Certification and exemptions in licensure acts

## Practicing within the Law

Section D of Outline

## Objective #4

- Name, give examples, and briefly describe the types of statutes and rules that behavior analytic practitioners should peruse.

### As a Practitioner you Must:

- Be thoroughly informed of the statutes and rules that regulate:
  - Your profession
  - Your practices
  - Professions that legally may engage in the same, similar, and/or related practices
- Protect the consumers you serve

### A Far Out Example

The story Dino, my hair stylist

### As a BCBA<sup>®</sup> or BCABA<sup>®</sup> You Must:

- Be thoroughly informed with all the statutes and rules that regulate:
  - Behavior Analysts (BCBA/BCABA) – (Profession)
  - Behavior analysis & “behavior modification.” (Practices)

### You Also Must:

- Be thoroughly informed with all the statutes and rules that regulate:
  - Professionals who may also practice behavior analysis & “behavior modification” (Same or similar practices) and...

### Related Practices/Professions

- ASR Time:
  - Q. What may be considered related practices and/or professions?
  - A. In Tennessee, they probably are the “Mental Health” Professions
  - In other states it may be other professions, depending on what you are doing (e.g., VB and SLP)

### As a Practitioner you Must:

- Be thoroughly informed of the statutes and rules that regulate:
  - ✓ Your profession
  - ✓ Your practices
  - ✓ Professions that legally may engage in the same, similar, and/or related practices
- Protect the consumers you serve

### Warning!

- Failure to follow any of these types of regulations may result in legal problems.
- In a few cases, behavior analysts need to actively seek to change them as they may restrict our practice beyond what is reasonable.

## The BACB® and Professional Regulation

### Section E of Outline

### Objective #5

- State the principal ways in which the BACB® regulates our profession.

## The BACB® and Professional Regulation

- Through job analysis & other processes involving the profession,
  - Sets minimum standards for acquiring and maintaining the credential(s)
  - Defines our practice
  - Restricts who may use the title(s)

## The BACB® and Professional Regulation

- Through the Disciplinary Standards, sets criteria and procedures for disciplining certificants
- Through Ethical Considerations and Guidelines for Responsible Conduct prescribes ethical conduct of certificants

## Case Scenarios: Ethical Dilemmas for Class Exercises

Section J of Outline

### Objectives #6 & #7

- Given a scenario, identify the BACB® considerations and guidelines that relate to the scenario, if any (e.g., being violated, in danger of being violated).
- Given a scenario, describe how one should behave in such a situation and adhere to the BACB's considerations and guidelines.

### Case Scenarios

1. The case of the agency, the many hours of wrap-around home-based services provided to a child with severe self-injury, the data, and the graphs.
2. The case of the behavioral assistant who became a CABA-FL\*, the mom, and the two agencies.
3. The case of the birth of the two new agencies.

### Case Scenarios

4. The case of Freddie the Shredder and the Laminated Polaroid pictures.
5. The case of Billy and his shoes & socks.
6. The case of the group home, their rules, and Alberta and her couch.
7. The case of the "Mom & Pop" home, the self-injurious 35-year-old, and his guardian.

### Case Scenarios

8. The case of the 22-year-old man who woke up the neighbors.
9. The case of the 29-year-old man with developmental disabilities who likes to have several drinks per night and ride his three-wheeler home.
10. The case of the 22-year-old young man with autism, his room, and his guardian mom.

### Case Scenarios

12. The case of the 15-year-old and the *Playboy* magazine.
13. The case of the 24-year-old, his room and the *Hustler* pictures on his wall.
14. The case of the 38-year-old man and his home, and his dad.
15. The case of the severe behaviors and the lack of funding.

### Case Scenarios

16. The case of the school system, the behavior analyst, and the FBA/IBP's.
17. The case of the student, the socks on his hands, and the old and the new teacher.
18. The case of the 45-year-old man, his restraints, and his elderly parents.
19. The case of the 7-year-old boy and his crib.

### Case Scenarios

19. The case of the group home, the contracts and the missing items.
20. The case of the child with severe SIB, the OT, and the teacher
21. The case of the 9-year-old who suddenly began to wet his pants.
22. The case of the nails and the cockroaches.

### Case Scenarios

- 23. The case of the 30-year-old man who ran away from a group home and lay down on the street.**
- 24. The case of the two different language curricula & teaching procedures.**

### Thank You Penn State!

- Conference Staff
- Participants
- Faculty