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Ethical Dilemmas and Realistic Solution: Grappling with the Challenges of Practicing Behavior Analysis in the Real World ?

Applied Behavior Analysis

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Objectives

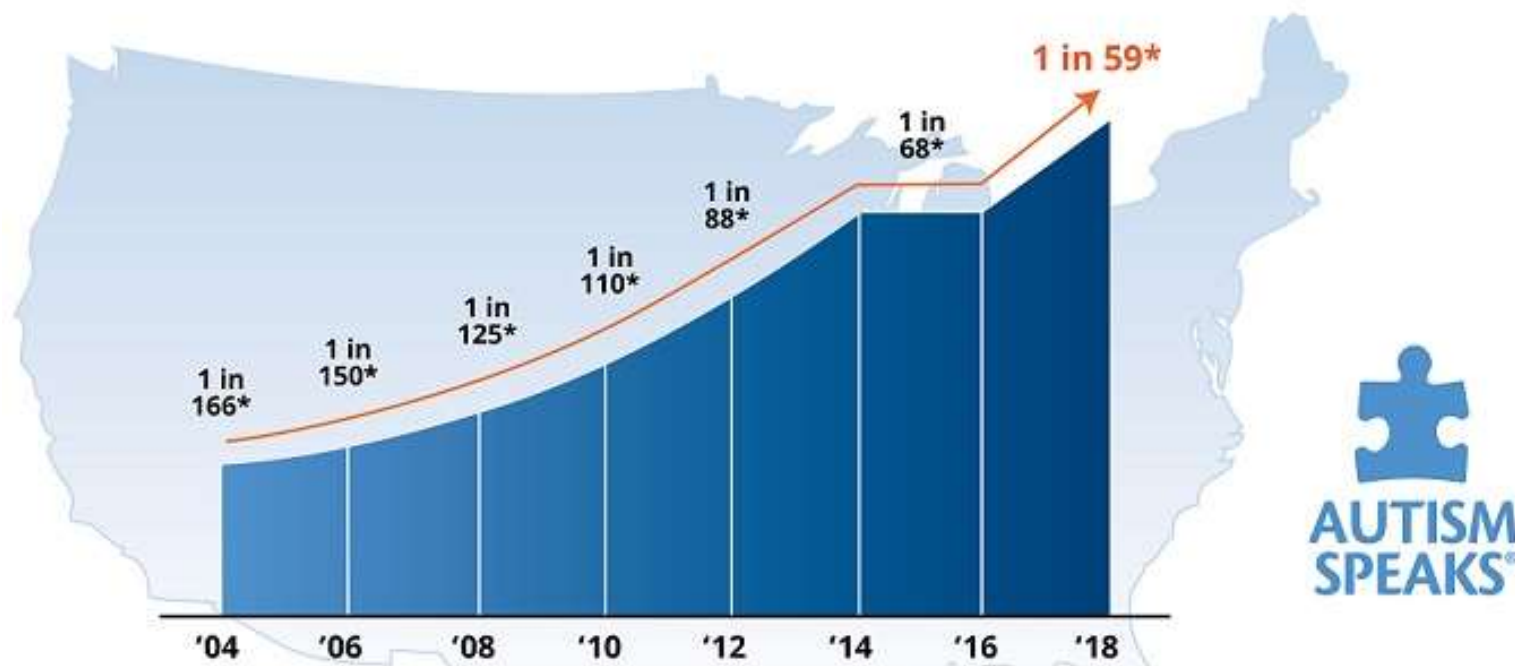
- Discuss the BACB shift from a stance of guidance to a stance of compliance
- Discuss other historical approaches to ethics
- Propose an ethical decision making process as a better way of approaching ethical decision making
- Practice on few case studies using the process
- Study one code from the PECC

A little bit about me...

- Working with children with ASD since 1978
- Believe that children with ASD are children first
- Believe that there is no one right way to educate children with ASD
- Educating children with ASD in a team sport
- Ethics is a team sport

Increase in ASD

Estimated Autism Prevalence 2018



* Centers for Disease Control and Prevention (CDC) prevalence estimates are for 4 years prior to the report date (e.g. 2018 figures are from 2014)

History of the BACB Ethical Code

- 2001-2015
 - *BACB Guidelines for Responsible Conduct for Behavior Analysts*
- 2016
 - *Professional and Ethical Compliance Code for Behavior Analysts.*

A Shift from Guidance to Compliance

- Title change
- Old

BEHAVIOR ANALYST CERTIFICATION BOARD*

Behavior Analysts Professional and Ethical Standards Board®

Guidelines

Compliance Code for

Analysts

Behavior Analysts

A Shift from Guidance to Compliance

1.04 Integrity. ^{RST}

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- (a) Behavior analysts are truthful and honest. The behavior analyst follows through on obligations and professional commitments with high quality work and refrains from making professional commitments that he/she cannot keep.
- (b) The behavior analyst's behavior conforms to the legal and moral codes of the social and professional community of which the behavior analyst is a member.
- (c) The activity of a behavior analyst falls **under these Guidelines** only if the activity is part of his or her work-related functions or the activity is behavior analytic in nature.
- (d) If behavior analysts' ethical responsibilities conflict with law, behavior analysts make known their commitment **to these Guidelines** and take steps to resolve the conflict in a responsible manner in accordance with law.

A Shift from Guidance to Compliance

– Title change

Portions of the BACB certification examinations relating to ethical and professional practice are based on what serve as the BACB's guidance to the field on ethical matters and as the basis for disciplinary complaints. Whereas the Conduct Guidelines are currently enforceable under the "gross or repeated" violations provision of the Disciplinary Standards, **the Code will be enforceable in its own right and in its entirety.** However, it is expected that minor violations of the Code will be handled when the matter is first addressed by the complainant with the certificant in question ~~the preliminary step of the disciplinary process that will remain the same under the revised~~ Ethical Standards; **these Guidelines, however, are not separately enforced by the BACB.**

- New

– Enforceability

- Old
- New

Implicit Assumptions of this Change

- There are a set of rules that can define ethical behavior for a behavior analyst in all circumstances
- Ethical behavior can best be achieved by policing adherence to that set of rules.
- This is an approach to ethics known as “rule-based ethics” or *deontology*.

Rule-Based Ethics

- Kant (1785)
- The morality of an action is determined by its adherence to a rule.

Potential Problems with Rule-Based Ethics

- Two or more rules can conflict
- Context can suggest an ethical course counter to the rule.
- Cultural considerations can suggest an ethical course counter to the rule

Two or More Rules Conflicting

- Code 1.05(f) "*Behavior analysts refrain from providing services when their personal circumstances may compromise delivering services to the best of their abilities.*"
- Code 1.04(c) "*Behavior analysts follow through on obligations, and contractual and professional commitments with high quality work....*"

Potential Problems with Rule-Based Ethics

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- Context can suggest an ethical course counter to the rule.
- Cultural considerations can suggest an ethical course counter to the rule

Context Matters

- Code 1.06(a) *Due to the potentially harmful effects of multiple relationships, behavior analysts avoid multiple relationships."*

Potential Problems with Rule-Based Ethics

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- Context can suggest an ethical course counter to the rule.
- Cultural considerations can suggest an ethical course counter to the rule

Culture Matters

- Reliance on scientific knowledge
 - Code 1.01 "*Behavior analysts rely on professionally derived knowledge based on science...*"
 - Code 2.09(a) "*Clients have a right to effective treatment (i.e., based on the research literature...)*".

Other Approaches to Ethical Decision Making

- Virtue Ethics: Aristotle
 - A commitment to being a “good” and virtuous person. Ethical decisions are based on what a person decides is most virtuous in a given situation.
 - Each ethical situation is unique and complex and the contextual factors of each must be considered on their own.

Other Approaches to Ethical Decision Making

- Ends-based ethics (Mills, 1861)
 - A focus on the potential consequences of different actions in an ethical dilemma
 - Choose the action that will result in the best outcome for the greatest number.

Other Approaches to Ethical Decision Making

- Care Ethics (Gilligan, 1982)
 - Moral action centers on interpersonal relationships and care as a virtue.
 - A commitment to act on behavior of persons with whom one has a significant relationship.

Ethical Decision Making as a Process

- A series of steps a behavior analyst would go through when considering an ethical issue.
 - Starts with a set of guidelines developed by experts
 - Systematically leads the behavior analyst through
 - Clarifying the issue
 - Considering relevant guidelines
 - Considering other factors
 - Brainstorming
 - Evaluating

Ethical Decision Making as a Process

- Ethical conduct would then be judged by one's ability to stand in front of a court of peers and defend one's decision making process, resolution and the reasons for it

“... treating ethical rules as immutable ends in themselves, separating them from the ethical ideals (i.e., the principles and virtues) they were designed to reflect and support, can turn rules into obstacles rather than facilitators of ethical ideals such as respect, fairness, caring, beneficence, and avoidance of harm.”

Pettifor, Sinclair, Falendar (2014)

Rushworth Kidder: “How Good People Make Tough Decisions.” (p. 152)

- “Ethics after all is not about what you to do because regulation compels it (like paying to ride a train) or nature requires it. It is about what you ought to do -- have an obligation to do -- because it is ‘right’.”

Food for thought...

- We see our process as a way to structure and stimulate healthy, ongoing debate and conversation about what makes an ethical behavior analyst.
- It is a strategy to develop your ethical fitness. You need to work out frequently and in a functional manner so that when you need to use the skills you have them

Step 1: Why does this trigger my ethical radar?

- Identify the ethical dilemma
- If applicable, Identify the client (s)
- Identify the relevant codes in the BACB Compliance Code.
- Identify personal values or biases that may influence your decision making on this issue.

Step 2: Brainstorm solutions.

- What solutions does the BACB Compliance Code suggest?
- What are other possible solutions?

Step 3: Evaluate solutions. Consider what issues, conflicts, or tensions might potentially influence each solution. Also consider the following:

- Client safety
- Client dignity and self-determination
- Client outcomes
- Impact on your relationships with involved parties
- Family preferences

Step 4: Have you found an acceptable solution?

NO

YES

Step 5: Implement solution with fidelity. Carefully document all actions taken.

Step 6: Reflect upon the results.

- Was it a successful resolution?
- Do I need to take any further steps in this particular situation?
- Have I learned anything that will affect future ethical decisions?
- Have I learned anything that will affect future ethical decisions?

A Process

1. Why does this trigger my ethical radar?
2. Brainstorm solutions
3. Evaluate solutions
4. Have you found an acceptable solutions
5. Make a decision and implement it with fidelity. Document all actions.
6. Reflect upon the results and evaluate.

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Evaluating Solutions

Weigh the following factors when evaluating solutions:

- student safety
- student dignity and self-determination
- impact on your relationships
- student outcomes
- family preferences
- cultural norms and beliefs

Case Study 1

- *John works as a BCBA providing early intervention services for children with autism in a low-income, rural area. He is the only BCBA within a 100-mile radius of his office. Recently, the two-year-old son of John's neighbor, a single-mother three houses down, was diagnosed with autism. The family's pediatrician referred the family to John for ABA services. John is struggling with how to handle the situation.*

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CASE STUDY 2

Sylvia is a BCBA that works for a school district. She was recently called to consult on a case where the teacher was sending children to sit in a closet when they were “acting out”. The teacher stated this wasn’t seclusion because the closet door was unlocked. The teacher reported that she has tried everything and nothing worked as well as being able to tell the children if they did not shape up that they would have to spend time in the closet. The teacher said she has been using this technique for 20 years and she has never had a complaint. Sylvia is not quite sure where to begin with this teacher. What would you advise?

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CASE STUDY 3

Drew is a BCBA who works in a large urban district. At the school where Drew works, staff are assigned to four-person interdisciplinary teams that consist of an educator/BCBA, speech-language pathologist, occupational therapist, and a social worker. Other members (e.g., physical therapists) are brought on to the team as needed as consultants. One of Drew's colleagues, who is the occupational therapist on the team, recently attended a workshop on sensory integration and now wants to incorporate some of the sensory integration activities (e.g., providing deep pressure, sitting on a therapy ball during group activities) into the activities at the center. Many of the children seem to "enjoy" the activities and now the therapist wants to implement these strategies more broadly. Drew is worried about how to navigate this situation. He recently read a study that showed no effect from some of these sensory integration activities. What advice would you give Drew?

Potentially relevant BCBA Guidelines: 2.03(b), 2.09(a)

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- The point here is a general one: Because X is valid or functional does not imply that Y or Z are invalid or non-functional.
- Neuringer 1991

CASE STUDY 4

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8.0 Public Statements

- Behavior analysts comply with this Code in public statements relating to their professional services, products, or publications, or to the profession of behavior analysis. Public statements include, but are not limited to, paid or unpaid advertising, brochures, printed matter, directory listings, personal resumes or curriculum vitae, interviews or comments for use in media, statements in legal proceedings, lectures and public presentations, social media, and published materials.

8.01(B) – Avoiding false or deceptive statement

- *Behavior analysts do not implement non-behavior-analytic interventions.* Non-behavior-analytic services may only be provided within the context of non-behavior-analytic education, formal training, and credentialing. ...

WHAT IS A BEHAVIORAL INTERVENTION

According to APBA

- Genuine ABA interventions have all the defining features of ABA and are designed and overseen by appropriately credentialed professionals.
- Applied Conceptually Systematic
- Behavioral Analytic Effective
- Technological Yield Generalized Outcome

According to Cooper, Heron, & Heward

- Accountable
- Public
- Doable
- Empowering
- Optimistic

BWR Define teach us...

- Similarly, applied research is constrained to examining behaviors which are socially important, rather than convenient for study.
- Behaviorism and pragmatism seem often to go hand in hand. Applied research is eminently pragmatic; it asks how it is possible to get an individual to do something effectively.

So, what does that mean...

- What needs to be in place for a practice to be a behavior intervention

Given your definitions, are the following behavior interventions

- Token System
- Incidental Teaching
- Video Modeling
- Social Stories
- Exercise as Antecedent Intervention
- Applied Conceptually Systematic
- Behavioral Analytic Effective
- Technological Yield Generalized Outcome

Beyond the code

Emilia's parents tell her that she was swimming before she was walking. She has always loved the water. She became a certified life guard and swimming instructor before she graduated from high school. When she entered college she started working with students with Down syndrome and now is a BCBA. She is passionate about ensuring that all children with disabilities learn to swim – an important life and recreational skill. She also noticed that when many of her clients with disabilities, especially those with low verbal skills, are in the pool they make more sounds and are more likely to engage in verbal imitation. Emilia is wondering if she can conduct behavioral sessions in the pool, billing for ABA services and addressing communication skills. What do you think?

A scientific stance that all knowledge is provisional and that one's most deeply held positions must continually be reconsidered.

Neuringer, 1991

- The student should have some convictions as to what kinds of data are most needed by science. This will give direction to his research, and will provide it with an over-all unity that will permit him to make a sounder contribution. But he should never be so self-centered in his convictions that he ignores methodologically sound data that arise from other points of view. And, as his science progresses, he must be able to change the directions of his research with new developments
- Sidman, 1960.

- Until the evidence is in, humble agnosticism may be more functional than adherence to any position.
- Neuringer, 1991

- The humble behaviorist's goal is to discover laws and solve problems (together, whenever possible, with colleagues from different "fields") rather than to prove the correctness of his or her own field or philosophical commitment. If humble behavioral practices yield scientific and social progress, they will survive the test of time. Neuringer 1991

Final thoughts

- Engaging in ethical practice requires on going thought, study, and action
- Consider what it means to you to be ethically fit
- Make a plan – what are you going to do begin you your ethical fitness program
- Be thoughtful. Be humble. Behavior is all around us. Let's learn from it.