



# Disciplinary and Ethical Standards & Disciplinary Procedures

## I. BACB Professional Disciplinary and Ethical 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 rules 6-8 of these grounds for disciplinary action;
3. Unauthorized possession of, use of, distribution of, or access to
  - i. BACB exams,
  - ii. Certificates,
  - iii. Logo of BACB,
  - iv. 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*

- v. Any other BACB documents and materials.
  - vi. Mischaracterization of inactive status, and/or any other inaccurate representation of BACB certification status.
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 of applied behavior analysis or in solicitation of consumers; and f. The unauthorized material disclosure of confidential consumer information. Gross or repeated negligence 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.
9. Failure to adequately supervise or be supervised in accordance with the BACB Standards for Supervision.

## II. Reporting Requirements

Applicants and certificants must report the following to the BACB within thirty (30) days of the occurrence of:

1. A change in name, address or other vital information;
2. The filing of any criminal or civil charges against the applicant or certificant;
3. The initiation of any disciplinary charges, investigations or findings/sanctions by a health care organization, federal or state agency, or other professional association against the applicant or certificant; and
4. Any other change in information provided by the applicant or certificant to the BACB.

All notices to the BACB must be sent via verifiable methods of delivery, such as, certified mail return-receipt requested. E-mail notices will not be deemed valid unless the sender receives a (non-automatic) confirmation e-mail letter from the BACB.

## III. Limitations on Applying

An individual convicted of a felony directly related to behavior analysis practice and/or public health and safety shall be ineligible to apply for BACB certification or recertification for a period of three (3) years from the exhaustion of appeals, completion of parole or probation, or final release from confinement (if any), whichever is later.



## IV. Procedures: The Review Committee

The BACB Chair shall appoint to the Review Committee at least two BACB certificants and one current or former Director who shall serve as Chair of the Review Committee. The BACB Chair may also appoint additional members to the Review Committee in the discretion of the BACB Chair. For example, the BACB Chair may appoint an in-state certificant, or a person with special expertise to serve on the Review Committee. In designating an additional person to serve on the Review Committee, the BACB Chair shall also identify whether that person's service will be voting or non-voting (advisory only).

The Review Committee is authorized to review and decide the following:

1. Written appeals from denials of applications, examination conditions, renewal or recertification decisions. The appeal must be filed in within thirty (30) days of the date of the decision being appealed or the examination administration being contested; and
2. Alleged violations of the BACB Professional (Disciplinary) Standards.

Examination content may not be appealed to the Review or Appeal Committees.

The Review Committee shall only conduct its review through written documentation. However, if deemed necessary by the Review Committee, the Review Committee may telephonically or otherwise contact applicants, certificants, witnesses, and/or BACB staff to receive additional information.

All decisions of the Review Committee are final unless appealed to the Board of Directors within thirty (30) days of the date of receipt of the Review Committee decision.

Appeals of alleged violations of the BACB Professional Disciplinary Standards shall be heard by an Appeals Committee consisting of a minimum of three BACB current or former Directors. The BACB Chair shall appoint the BACB current or former Directors to the Appeals Committee and may (in the sole discretion of the BACB Chair) submit the appeal to be heard by the entire Board of Directors. In person appeals will be held at the next regularly scheduled in-person Board meeting if such hearing is requested by the appellant. Candidates and Certificants are responsible for their own costs associated with attending the appeal hearing. Candidates and Certificants entitled to an appeal hearing may waive the in-person hearing, and request, instead, that the hearing be held telephonically or in writing.



All other appeals must be in writing and shall not be entitled to an in-person hearing. Candidates and Certificants appealing decisions regarding applications, renewals and recertifications that do not involve alleged violations of the Professional Disciplinary and Ethical Standards are not entitled to an in-person hearing.

In the case of any appeal/hearing, the decision of the Appeals Committee is final and may not be further appealed. The BACB may publish the name, standard(s) found to have been violated and sanction issued against any current or former certificant that is sanctioned in a final Review or Appeal Committee action with a sanction that results in a limitation on practice, such as a suspension or revocation of certification.

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