



**Rules of
Department of Commerce and
Insurance**

**Division 2063—Behavior Analyst Advisory Board
Chapter 6—Standards of Practice**

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**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2063—Behavior Analyst
Advisory Board
Chapter 6—Standards of Practice**

20 CSR 2063-6.005 Ethical Rules of Conduct

PURPOSE: This rule complies with section 337.310, RSMo which allows the committee through the division to promulgate ethical principles governing the practice of behavior analysis.

(1) General Principles.

(A) Purpose. The ethical rules of conduct constitute the standards against which the required professional conduct of behavior analysts and assistant behavior analysts is measured.

(B) Scope. Behavior analysts and assistant behavior analysts shall be governed by these ethical rules of conduct. These ethical rules of conduct shall apply to the conduct of all licensees and applicants, including the applicant's conduct during the period of education, training, and employment which is required for licensure. The terms behavior analyst and assistant behavior analyst, as used within these ethical rules of conduct, shall be interpreted accordingly whenever applied behavior analysis is being provided in any context. These rules of ethical conduct apply to teaching, publishing, or researching regarding behavior analysis only where there is a behavior analysis clinical component to such teaching, publishing, or researching; where there are behavior analysis clinical services being provided as a part of the teaching, publishing, or researching; and where there is interaction with behavior analysis clients in teaching, publishing, or researching behavioral analysis.

(C) Responsibility for Own Actions. Behavior analysts and assistant behavior analysts, when functioning as a licensed behavior analyst or assistant behavior analyst, shall be fully responsible for his or her own professional decisions and professional actions.

(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of original licensure, reinstatement, or renewal of licensure.

(E) Aids to Interpretation. The Behavior Analyst Certification Board's Professional and Ethical Compliance Code for Behavior Analysts shall be used as an aid in resolving ambiguities which may arise in the interpretation of the ethical rules of conduct, except that these ethical rules of conduct shall prevail whenever any conflict exists between

these rules and any professional association standard.

(2) Definitions.

(A) Client—The term client as used here is broadly applicable to whomever the behavior analyst or assistant behavior analyst provides services whether an individual person (service recipient), parent or guardian of a service recipient, an institutional representative, a public or private agency, a firm or corporation.

(B) Confidential information—means information revealed to a behavior analyst or assistant behavior analyst or otherwise obtained by a behavior analyst or assistant behavior analyst, where there is a reasonable expectation that because of the relationship between the individual(s) and the behavior analyst or assistant behavior analyst, or the circumstances under which the information was revealed or obtained, the information shall not be disclosed by the behavior analyst or assistant behavior analyst without the informed written consent of the individual(s). When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when obtained in the proper course of that contract. That information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is reasonable expectation by that individual that information was obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements.

(C) Court order—means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if that authority has been lawfully delegated to that magistrate or administrator.

(D) Licensed—means licensed, certified, or any other term when such term identifies a person whose professional behavior is subject to regulation by the committee or board.

(E) Professional relationship—means a mutually agreed upon relationship between a behavior analyst and assistant behavior analyst and a client or any combination of two or more such individuals or entities for the purpose of the client obtaining the behavior analyst's and assistant behavior analyst's professional expertise.

(F) Professional service—means all actions of the behavior analyst and assistant behavior analyst in the context of a professional relationship with a client.

(G) Supervision, supervisor, and supervisee—means any and all actions of a person (supervisor) overseeing a person (supervisee) regarding the provision of behavior analysis

services.

(3) Competence.

(A) Limits on Practice. Behavior analysts and assistant behavior analysts shall provide services, teach, and conduct research only within the boundaries of their competence, based on their education, training, supervised experience, or appropriate professional experience. If important aspects of the client's problems fall outside the boundaries of competency, then the behavior analyst and assistant behavior analyst shall assist his or her client in obtaining additional professional consultation.

(B) Reliance on Scientific Knowledge. Behavior analysts and assistant behavior analysts shall rely on scientifically and professionally derived knowledge when making scientific or professional judgments in providing professional service, or when engaging in scholarly or professional endeavors.

(C) Maintaining Competency. Behavior analysts and assistant behavior analysts shall maintain current competency in the areas in which they practice, through continuing education, consultation, other training, or any combination of these, in conformance with current standards of scientific and professional knowledge.

(D) Adding New Services and Techniques. Behavior analysts and assistant behavior analysts shall provide services, teach, or conduct research in new areas or involving new techniques only after first undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.

(E) Accurate Representation. Behavior analysts and assistant behavior analysts shall accurately represent their areas of competence, education, training, experience, and professional affiliations to the committee, the board, the public, and colleagues.

(F) Professional Development. Behavior analysts and assistant behavior analysts who engage in assessment, therapy, teaching, research, organizational consulting, or other professional activities shall maintain a reasonable level of awareness of current scientific and professional information in their fields of activity, and undertake ongoing efforts to maintain competence in the skills they use by reading the appropriate literature, attending conferences and conventions, participating in workshops, or maintaining Behavior Analyst Certification Board certification.

(G) Integrity. If behavior analysts' and assistant behavior analysts' ethical responsibilities conflict with law, behavior analysts and assistant behavior analysts shall make known their commitment to these rules and take steps to resolve the conflict in a responsible manner



in accordance with law.

(H) Professional and Scientific Relationships.

1. Behavior analysts and assistant behavior analysts shall provide behavioral assessment, therapeutic, teaching, research, supervisory, consultative, or other behavior analytic services only in the context of a defined, professional, or scientific relationship or role.

2. When behavior analysts and assistant behavior analysts provide assessment, evaluation, treatment, supervision, teaching, consultation, research, or other behavior analytic services to an individual, a group, or an organization, they shall use language that is fully understandable to the recipient of those services. They shall provide appropriate information prior to service delivery about the nature of such services and appropriate information later about results and conclusions.

3. Where differences of age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status significantly affect behavior analysts' and assistant behavior analysts' work concerning particular individuals or groups, behavior analysts and assistant behavior analysts shall obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals.

4. In their work-related activities, behavior analysts and assistant behavior analysts shall not engage in discrimination against individuals or groups based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

5. Behavior analysts and assistant behavior analysts shall not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status, in accordance with law.

6. Behavior analysts and assistant behavior analysts shall recognize that their personal problems and conflicts may interfere with their effectiveness. Behavior analysts and assistant behavior analysts shall refrain from providing services when their personal circumstances may compromise delivering services to the best of their abilities.

(4) Maintenance and Retention of Records.

(A) The behavior analyst and assistant behavior analyst rendering professional services to a client, or services billed to a third party payer, shall maintain professional records that include:

1. Name of the client and other identifying information such as address, telephone number, age, and sex;

2. The presenting problem(s) and diagnosis (if applicable);

3. Any assessment including test results or other evaluative results obtained and any basic test data from which they were derived;

4. The date and description of each contact or service provided or pertaining to the client;

5. The nature, type, and goals of any applied behavior analysis interventions;

6. The fee arrangement and documentation of discussion with the client(s) prior to initiation of services;

7. A copy of all tests or other evaluative reports prepared as part of the professional relationship;

8. Notation and results of formal consultations with other providers;

9. Notation of referrals given or recommended to the client;

10. Any releases executed by the client;

11. Data relating to financial transactions between the behavior analyst and assistant behavior analyst and client, including fees assessed and collected;

12. Written informed consent must be obtained concerning all aspects of services including assessment and therapy;

13. An assistant behavior analyst must include on the informed consent the fact that the licensee is working under the supervision of a licensed behavior analyst. The informed consent form must identify the supervising behavior analyst; and

14. Entries in the records must be made within ten (10) days following each consultation or rendition of service. Entries that are made after the date of service must indicate the date entries are made, as well as the date of service.

(B) Behavior analysts shall create, maintain, disseminate, store, retain, and dispose of records and data relating to their research, practice, and other work in accordance with applicable laws or regulations.

(C) Behavior analysts and assistant behavior analysts shall assure that all data entries in the professional records are maintained for a period of not fewer than five (5) years after the last date of service rendered, or not less than the time required by other regulations, if that is longer.

1. The behavior analyst shall store and dispose of written, electronic, and other records in such a manner as to ensure their confidentiality. The behavior analyst shall maintain the confidentiality of all applied behavior analysis records in the behavior analyst's possession or under the behavior ana-

lyst's control except as otherwise provided by law or pursuant to authorization of a client specifically requesting or authorizing release or disclosure of the client's applied behavior analysis records; and

2. For each person professionally supervised, the behavior analyst shall maintain, for a period of not less than five (5) years after the last date of supervision, a record of the supervisory session that shall include the type, place, and general content of the session, as well as other information required by these rules, other law, or good practice.

(5) Continuity of Care.

(A) The behavior analyst shall make prior arrangements for another appropriate professional(s) to be available for consultation during periods of his or her extended absences from professional availability. Behavior analysts and assistant behavior analysts shall inform the client of available emergency services for use during those times when he or she cannot be reached. These periods include, but are not limited to, after-office hours, weekends, holidays, or vacations.

(B) The behavior analyst shall make provisions for the transfer or disposal of all written or electronic records of the client in the event of the behavior analyst's or assistant behavior analyst's death or incapacitation. The arrangement for transfer or disposal shall be in writing and signed by all necessary parties.

(6) Multiple Relationships.

(A) Impaired Behavior Analyst or Assistant Behavior Analyst. Behavior analysts and assistant behavior analysts shall not undertake or continue a professional relationship with a client when the competency of the behavior analyst or assistant behavior analyst is, or could reasonably be expected to be, impaired due to mental, emotional, physiologic, pharmacologic or substance abuse conditions. If a condition develops after a professional relationship has been initiated, the behavior analyst or assistant behavior analyst shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination, and shall assist the client in obtaining services from another professional.

(B) Multiple Relationships Affecting Behavior Analyst's or Assistant Behavior Analyst's Judgment. Behavior analysts and assistant behavior analysts shall not undertake or continue a professional relationship with a client when the objectivity or competency of the behavior analyst or assistant behavior analyst is, or could reasonably be expected to be impaired because of the behavior analyst's or assistant behavior analyst's present or previous familial, social, sexual, emotional, financial,



supervisory, political, administrative, or legal relationship with the client or a relevant person associated with or related to the client. If a dual relationship develops or is discovered after the professional relationship has been initiated, the behavior analyst or assistant behavior analyst shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination and shall assist the client in obtaining services from another professional.

(C) Prohibited Relationships.

1. Behavior analysts and assistant behavior analysts, in interacting with any client shall not enter into a financial or other potentially exploitive relationship with any such client.

2. The behavior analyst and assistant behavior analyst, in interacting with any client shall not engage in any harassing, exploitive, seductive, or repeated comments, gestures, or physical contact of a sexual nature.

3. Prohibited exploitation in professional relationships. Behavior analysts and assistant behavior analysts shall not exploit, sexually or otherwise, his or her professional relationship with clients, supervisees, students, employees, research participants, or others.

(7) Client Welfare.

(A) Responsibility to Clients.

1. Behavior analysts and assistant behavior analysts have a responsibility to operate in the best interest of clients.

2. The behavior analyst's and assistant behavior analyst's responsibility is to all parties affected by behavioral services.

(B) Providing Explanation of Procedures.

1. The behavior analyst and assistant behavior analyst shall give a truthful, understandable, and reasonably complete account of the client's condition to the client or the parent of minor children or legal guardian. The behavior analyst or assistant behavior analyst shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided.

2. When a behavior analyst and assistant behavior analyst agree to provide services to a person or entity at the request of a third party, the behavior analyst or assistant behavior analyst shall explain and document the nature of the relationships with all individuals or organizations involved. This includes the role of the behavior analyst and assistant behavior analyst, who is the client, the probable uses of the services provided or the information obtained, and any known or probable limits to confidentiality.

(C) Interrupting or Terminating Services.

1. Behavior analysts and assistant behav-

ior analysts shall make reasonable efforts to plan for facilitating care in the event that behavior analytic services are interrupted by factors such as the behavior analyst's or assistant behavior analyst's illness, impending death, unavailability, or relocation or by the client's relocation or financial limitations.

2. When entering into employment or contractual relationships, behavior analysts and assistant behavior analysts shall provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client.

3. Approving Interventions. Behavior analysts or assistant behavior analysts shall obtain the client's or legal guardian's approval in writing of the behavior intervention plan before implementing them.

4. Behavior analysts and assistant behavior analysts shall not abandon clients. Applied behavior analysis services can be terminated when it becomes reasonably clear that the client no longer needs the service, is not benefiting, or is being harmed by continued service and the behavior analyst establishes understandable and objective (i.e., measurable) criteria for the termination of the program and describes them to the client or client-surrogate. The relationship shall be terminated when the established criteria for termination are attained, as in when a series of planned or revised intervention goals has been completed.

5. Prior to termination, except where precluded by the client's conduct, behavior analysts and assistant behavior analysts shall discuss the client's views and needs, provide appropriate pre-termination services, suggest alternative service providers as appropriate, and take other reasonable steps to facilitate transfer of responsibility to another provider if the client needs one immediately.

6. Applied behavior analysis services may be terminated by the behavior analyst or assistant behavior analyst when the behavior analyst or assistant behavior analyst identifies a physical or emotional harm or threat of physical or emotional harm to himself or herself or his or her staff. The behavior analyst or assistant behavior analyst shall provide notice to the client and shall make all reasonable attempts to provide for the client's continuity of care as described in section (5) above.

(D) Unnecessary Service. The behavior analyst and assistant behavior analyst shall not exploit clients by providing unnecessary applied behavior analysis.

(E) Stereotyping. Behavior analysts and assistant behavior analysts shall not impose on the client any stereotypes of behavior, val-

ues, or roles related to age, gender, religion, race, disability, nationality, or sexual preference which would interfere with the objective provision of services to the client. Behavior analysts and assistant behavior analysts shall obtain training and experience to assure competent service or research relating to these persons.

(F) Solicitation of Business by Clients. Behavior analysts and assistant behavior analysts providing services to an individual client shall not induce that client(s) to solicit business on behalf of the behavior analyst or assistant behavior analyst.

(G) Referrals on Request. Behavior analysts and assistant behavior analysts shall make an appropriate referral to another professional when requested to do so by the client.

(H) Offering Services to Clients of Others. In deciding whether to offer services to someone already receiving similar services elsewhere, behavior analysts and assistant behavior analysts shall carefully consider the treatment issues and the potential client's welfare. Behavior analysts and assistant behavior analysts shall discuss these issues with the potential client to minimize the probable risks of confusion and conflict, and proceed with caution and sensitivity to the therapeutic issues. Behavior analysts and assistant behavior analysts shall not initiate such discussions and may only go forward with such discussions where initiated by another.

(I) Rights and Prerogatives of Clients.

1. Behavior analysts and assistant behavior analysts shall support individual rights under the law.

2. The client must be provided on request an accurate, current set of the behavior analyst's and assistant behavior analyst's credentials.

3. Permission for electronic recording of interviews, service delivery sessions, and all other settings shall be secured from clients and relevant staff. Consent for different uses must be obtained specifically and separately.

4. Clients must be informed of their rights, and about procedures to complain about professional practices of the behavior analyst.

5. Behavior analysts and assistant behavior analysts shall comply with all requirements for criminal background checks.

(J) Clarifying expectations. Behavior analysts and assistant behavior analysts shall document that the client has been informed as to the purpose and nature of an evaluation, treatment, or educational procedure as well as reasonable alternatives in language commensurate with the individual's level of comprehension.

(K) Voluntary and mandatory procedures.



Behavior analysts or assistant behavior analysts shall inform recipients as to the voluntary or mandatory nature of the assessment, treatment, educational, or training procedure. When a procedure is voluntary, behavior analysts or assistant behavior analysts shall inform the clients or student of their freedom of choice and any alternatives to participation.

(8) Welfare of Supervisees and Students. The behavior analyst shall not harass or exploit a supervisee or student in any way—sexually, financially, or otherwise. The behavior analyst as a teacher shall recognize that the primary obligation is to help others acquire knowledge and skill. The behavior analyst shall maintain high standards of scholarship by presenting applied behavior analysis information objectively, fully, and accurately. The teaching duties of the behavior analyst shall be performed on the basis of careful preparation so that the instruction is accurate, current, and scholarly.

(9) Protecting Confidentiality of Clients.

(A) Maintaining Confidentiality.

1. Behavior analysts and assistant behavior analysts have a primary obligation and shall take reasonable precautions to respect the confidentiality of those with whom they work or consult, recognizing that confidentiality may be established by law, institutional rules, or professional or scientific relationships.

2. Clients have a right to confidentiality. Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

3. In order to minimize intrusions on privacy, behavior analysts and assistant behavior analysts shall include only information germane to the purpose for which the communication is made in written and oral reports, consultations, and the like.

4. Behavior analysts and assistant behavior analysts shall discuss confidential information obtained in clinical or consulting relationships, or evaluative data concerning patients, individual or organizational clients, students, research participants, supervisees, and employees, only for appropriate scientific or professional purposes.

(B) Disclosure of Confidential Information. Behavior analysts and assistant behavior analysts also may disclose confidential information with the appropriate consent of the individual or organizational client (or of another legally authorized person on behalf of the client), unless prohibited by law.

(C) Disclosures Without Consent. Behav-

ior analysts and assistant behavior analysts may disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose, such as 1) to provide needed professional services to the individual or organizational client, 2) to obtain appropriate professional consultations, 3) to protect the client or others from harm, 4) to obtain payment for services, or 5) to the board or the committee as requested or required by the board or the committee, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose.

(D) Limited Access to Client Records. Behavior analysts and assistant behavior analysts shall limit access to client records and shall assure that all persons working under his or her authority comply with the requirements for confidentiality of client material.

(E) Disguising Confidential Information. For any confidential information used in teaching, research, or writing, behavior analysts and assistant behavior analysts shall insure that the reported material is appropriately disguised to prevent client identification.

(F) Confidentiality After Termination of Professional Relationship. Behavior analysts and assistant behavior analysts shall continue to treat client records as confidential information after the professional relationship between the behavior analyst and assistant behavior analyst and the client has ceased.

(10) Integrity and Representation of Title and Services.

(A) Display of License. Behavior analysts and assistant behavior analysts shall display prominently on the premises of the professional practice the behavior analyst's or assistant behavior analyst's current Missouri license to practice applied behavior analysis or carry the current license on their person when providing behavior analytic services.

(B) Use of Appropriate Title. When representing himself or herself to the public through advertisements, including telephone listings, business cards, letterhead, and other public announcements, behavior analysts and assistant behavior analysts shall use a title which accurately reflects professional education, training, and experience. This title shall be clearly presented as to denote the actual status and training of the person. Initials of titles are not appropriate for use unless authorized by sections 337.300 to 337.345, RSMo or 20 CSR 2063.

(C) Accurate Representation of Qualifications. A behavior analyst and assistant behavior analyst shall not misrepresent directly or by implication his or her professional qualifi-

cations, such as, education, experience, or areas of competence.

(D) Accurate Representation of Affiliations. A behavior analyst and assistant behavior analyst shall not misrepresent directly or by implication his or her affiliations, or the purposes or characteristics of institutions and organizations with which the behavior analyst or assistant behavior analyst is associated.

(E) False or Misleading Information. Behavior analysts and assistant behavior analysts shall not include false or misleading information in public statements concerning applied behavior analysis services offered. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They shall not contain:

1. A false, fraudulent, misleading, deceptive, or unfair statement;

2. A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

3. A testimonial from a client regarding the quality of a behavior analyst's or assistant behavior analyst's services or products;

4. A statement intended or likely to create false or unjustified expectations of favorable results;

5. A statement implying unusual, unique, or one-of-a-kind abilities;

6. A statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;

7. A statement concerning the comparative desirability of offered services; or

8. A statement of direct solicitation of individual clients.

(F) Accurate Representation of Services or Products. A behavior analyst and assistant behavior analyst shall not associate with or permit his or her name to be used in connection with any services or products in such a way as to misrepresent—

1. The services or products;

2. The degree of his or her responsibility for the services or products; or

3. The nature of his or her association with the services or products.

(G) Correction of Misrepresentation by Others. A behavior analyst or assistant behavior analyst shall correct others who misrepresent his or her professional qualifications or affiliations.

(H) Accurate Claims. Behavior analysts and assistant behavior analysts shall take credit only for work actually done, including publication credit.



(I) **Publication Credit.** Publication credit shall accurately reflect the relative contribution of the individuals involved, regardless of professional status. A student generally is listed as the principal author of any multiple-authored article based primarily on the student's thesis or dissertation. Minor contributions to publications shall be acknowledged in footnotes or in an introductory statement.

(J) **Acknowledging All Sources.** Plagiarism in either written or oral form is unethical. Acknowledgment through specific citations shall be made for unpublished as well as published material that has directly influenced the research or writing.

(K) **Fabrication or Falsification of Data.** Behavior analysts and assistant behavior analysts shall not fabricate or falsify data. If a behavior analyst or assistant behavior analyst discovers significant errors in their data, they shall take reasonable steps to correct these errors in a correction, retraction, erratum, or other appropriate publication means.

(11) Remuneration.

(A) **Fees, Financial Arrangements, and Terms of Consultation.**

1. As early as is feasible in a professional or scientific relationship, behavior analysts and assistant behavior analysts and the client or other appropriate recipient of behavior analytic services shall reach an agreement specifying compensation and billing arrangements.

2. Behavior analysts' and assistant behavior analysts' fee practices shall be consistent with law and behavior analysts and assistant behavior analysts shall not misrepresent their fees. If limitations to services can be anticipated because of limitations in financing, this shall be discussed with the patient, client, or other appropriate recipient of services as early as is feasible.

3. Prior to the implementation of services, behavior analysts and assistant behavior analysts shall provide in writing the terms of consultation with regard to specific requirements for providing services and the responsibilities of all parties (a contract or Declaration of Professional Services).

(B) **Accuracy in Reports to Those Who Pay for Services.** In their reports to those who pay for services or sources of research, project, or program funding, behavior analysts and assistant behavior analysts shall accurately state the nature of the research or service provided, the fees or charges, and where applicable, the identity of the provider, the findings, and other required descriptive data.

(C) **Referrals and Fees.** When a behavior analyst pays, receives payment from, or divides fees with another professional other than in an employer-employee relationship,

the referral shall be disclosed to the client.

(D) **Improper Arrangements.**

1. Behavior analysts and assistant behavior analysts shall neither derive nor solicit any form of monetary profit or personal gain as a result of his or her professional relationship with clients or immediate ex-clients as set forth in paragraph (6)(C)1. of this rule, beyond the payment of fees for applied behavior analysis services rendered. However, unsolicited token gifts from a client are permissible.

2. A behavior analyst and assistant behavior analyst shall not use his or her professional relationship with clients, or immediate ex-clients as set forth in paragraph (6)(C)1. of this rule, to derive personal gain, other than through fees for professional services, for himself or herself, or for any other person, or for any organization from the sale or promotion of a product or service.

3. Behavior analysts and assistant behavior analysts shall neither give nor receive any commission, rebate, or other form of remuneration for referral of a client for professional services.

4. Behavior analysts and assistant behavior analysts shall not bill for services that are not rendered. However, he or she may bill for missed appointments which the client did not cancel in advance, if this is part of the financial arrangements made in accordance with paragraph (11)(A)1. of this rule.

(E) **Third-Party Requests for Services.**

1. When behavior analysts and assistant behavior analysts agree to provide services to a person or entity at the request of a third party, the behavior analyst and assistant behavior analyst shall clarify to the extent feasible, at the outset of the service, the nature of the relationship with each party. This clarification includes the role of the behavior analyst and assistant behavior analyst (such as therapist, organizational consultant, or expert witness), the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality.

2. If there is a foreseeable risk of behavior analysts and assistant behavior analysts being called upon to perform conflicting roles because of the involvement of a third party, the behavior analyst and assistant behavior analyst shall clarify the nature and direction of his or her responsibilities, keep all parties appropriately informed as matters develop, and resolve the situation in accordance with these rules.

(12) Assessment Procedures.

(A) **Accepting Clients.** Behavior analysts and assistant behavior analysts shall accept as

clients only those individuals or legal entities whose behavior problems or requested service are commensurate with the behavior analyst's or assistant behavior analyst's education, training, and experience. In lieu of these conditions, behavior analysts and assistant behavior analysts must function under the supervision of or in consultation with a behavior analyst whose credentials permit working with such behavior problems or services.

(B) **Consultation.**

1. Behavior analysts and assistant behavior analysts shall arrange for appropriate consultations and referrals based principally on the best interests of their clients, with appropriate consent, and subject to other relevant considerations, including applicable law and contractual obligations.

2. When indicated and professionally appropriate, behavior analysts and assistant behavior analysts shall cooperate with other professionals in order to serve their clients effectively and appropriately. Behavior analysts and assistant behavior analysts shall recognize that other professions have ethical codes that may differ in their specific requirements from these rules.

(C) **Competent Use of Assessment Techniques.** The behavior analyst and assistant behavior analyst shall use, administer, and interpret applied behavior analysis assessment techniques competently and maintain current knowledge about research developments and revisions concerning the techniques that are used.

(D) **Behavior Assessment.**

1. **Assessing Behaviors.** Behavior analysts and assistant behavior analysts who use behavioral assessment techniques shall do so for purposes that are appropriate in light of research. Behavior analysts and assistant behavior analysts shall recommend seeking a medical consultation if there is any reasonable possibility that a referred behavior is a result of a medication side effect or some biological cause.

A. Behavior analysts' and assistant behavior analysts' assessments, recommendations, reports, and evaluative statements shall be based on information and techniques sufficient to provide appropriate substantiation for their findings.

B. Behavior analysts and assistant behavior analysts shall refrain from misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide.

C. Behavior analysts and assistant behavior analysts shall recognize limits to the certainty with which judgments or predictions



can be made about individuals.

D. Behavior analysts and assistant behavior analysts shall not promote the use of behavioral assessment techniques by unqualified persons, i.e., those who are unsupervised by experienced professionals and have not demonstrated valid and reliable assessment skills.

E. Behavioral Assessment Approval. Behavior analysts or assistant behavior analysts shall obtain the client's or client-surrogate's approval in writing of the behavior assessment procedures before implementing them. As used here, client-surrogate refers to someone legally empowered to make decisions for the person(s) whose behavior the program is intended to change; examples of client-surrogates include parents of minors, guardians, and legally designated representatives.

F. Functional Assessment.

(I) Behavior analysts or assistant behavior analysts shall conduct a functional assessment, as defined below, to provide the necessary data to develop an effective behavior change program.

(II) Functional assessment includes a variety of systematic information-gathering activities regarding factors influencing the occurrence of a behavior (e.g., antecedents, consequences, setting events, or motivating operations) including interview, direct observation, and experimental analysis.

G. Explaining Assessment Results. Unless the nature of the relationship is clearly explained to the person being assessed in advance and precludes provision of an explanation of results (such as in some organizational consultation, some screenings, and forensic evaluations), behavior analysts and assistant behavior analysts shall ensure that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client. Regardless of whether the interpretation is done by the behavior analyst, or assistant behavior analyst, or others, behavior analysts and assistant behavior analysts shall take reasonable steps to ensure that appropriate explanations of results are given.

H. Treatment Efficacy.

(I) The behavior analyst shall always have the responsibility to recommend scientifically supported most effective treatment procedures. Effective treatment procedures have been validated as having both long-term and short-term benefits to clients and society.

(II) Clients have a right to effective treatment (i.e., based on the research literature and adapted to the individual client).

(III) Behavior analysts and assistant behavior analysts shall be responsible for

review and appraisal of likely effects on the behavioral intervention of all alternative treatments, including those provided by other disciplines and no intervention.

(IV) In those instances where more than one scientifically supported treatment has been established, additional factors may be considered in selecting interventions, including, but not limited to, efficiency and cost-effectiveness, risks and side-effects of the interventions, client preference, and practitioner experience and training.

I. Confidential Information. Behavior analysts and assistant behavior analysts shall treat an assessment result or interpretation regarding an individual as confidential information.

J. Communication of Results. Behavior analysts and assistant behavior analysts shall accompany communication of results of assessment procedures to the client, parents, legal guardians, or other agents of the client by adequate interpretive aids or explanations.

K. Reservations Concerning Results. Behavior analysts and assistant behavior analysts shall include in his or her report of the results of an assessment procedure any deficiencies of the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability, or other interpretation of results.

L. Protection of Integrity of Assessment Procedures. Behavior analysts and assistant behavior analysts shall not reproduce or describe in popular publications, lectures or public presentations, tests or other assessment devices in ways that invalidate them.

M. Information for Professional Users. Behavior analysts and assistant behavior analysts offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed material which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. Behavior analysts and assistant behavior analysts shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. Behavior analysts and assistant behavior analysts shall ensure that the advertisements for the assessment procedure or interpretive services are factual and descriptive.

(13) Violations of Law.

(A) Violations of Applicable Statutes. Behavior analysts and assistant behavior analysts shall not violate any applicable statute

or administrative rule regarding the practice of behavior analysis.

(B) Use of Fraud, Misrepresentation, or Deception. Behavior analysts and assistant behavior analysts shall not use fraud, misrepresentation, or deception in:

1. Obtaining a behavior analyst or assistant behavior analyst license;
2. Passing a behavior analyst or assistant behavior analyst licensing examination;
3. Assisting another to obtain a behavior analyst or assistant behavior analyst license or to pass a behavior analyst or assistant behavior analyst licensing examination;
4. Billing clients or third-party payors;
5. Providing behavior analysis service;
6. Reporting the results of applied behavior analysis evaluations or services; or
7. Conducting any other activity related to the practice of applied behavior analysis.

(14) Aiding Unauthorized Practice.

(A) Aiding Unauthorized Practice. Behavior analysts and assistant behavior analysts shall not aid or abet another person in misrepresenting his or her professional credentials or in illegally engaging in the practice of applied behavior analysis.

(B) Employing Other Licensed Professionals. A behavior analyst and assistant behavior analyst may employ or utilize the services of other licensed professionals in his or her practice so long as this professional is acting within the terms and scope of his or her respective license.

(C) Delegating Professional Responsibility. Behavior analysts and assistant behavior analysts shall not delegate professional responsibilities to a person not qualified or not appropriately credentialed to provide those services.

(D) Providing Supervision. Behavior analysts and assistant behavior analysts shall exercise appropriate supervision over supervisees.

1. In academic and supervisory relationships, behavior analysts and assistant behavior analysts shall establish timely and specific processes for providing feedback to students and supervisees. Information regarding the process shall be provided to the student and supervisees at the beginning of supervision.

2. Behavior analysts and assistant behavior analysts shall evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

(15) Resolving Issues.

(A) Reporting of Violations to Board. Behavior analysts and assistant behavior analysts who have knowledge or believe in good faith that there has been a violation of the



statutes or rules of the board shall inform the board in writing. When the information regarding that violation is obtained in a professional relationship with a client, behavior analysts and assistant behavior analysts shall report it only with the written permission of the client. Nothing in this rule shall relieve a behavior analyst or assistant behavior analyst of the duty to file any report required by applicable statutes. Failure to report a violation of the statutes or rules, is in itself, an ethics violation. No action will be taken by the board against a behavior analyst who has made a report pursuant to the provisions of this section unless malice is shown to be the motive for an untruthful report.

(B) Providing Information to Client. When behavior analysts or assistant behavior analysts learn from a client of a possible violation of the statutes or rules of the board, or when behavior analysts or assistant behavior analysts receive a request from a client for information on how to file a complaint with the board, behavior analysts and assistant behavior analysts have an obligation to inform the client of the standards of applied behavior analysis and how to file a complaint with the board.

(C) Cooperating with the Board. Behavior analysts and assistant behavior analysts shall cooperate with the Behavior Analyst Advisory Board by promptly responding personally or through his or her attorney to inquiries.

(D) Circumventing Disciplinary Rules. Behavior analysts and assistant behavior analysts shall not circumvent a disciplinary rule of professional conduct through actions of another.

AUTHORITY: section 337.310.2., RSMo 2016. Original rule filed Sept. 5, 2013, effective April 30, 2014. Amended: Filed April 19, 2021, effective Oct. 30, 2021.*

**Original authority: 337.310, RSMo 2010, amended 2012.*