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Karen Chung:

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Thank you very much for coming to the second installment of our ethics and practice training series. It's called how to stay out of hot water. My name is Karen Chung and I'm the Founder and CEO of Special Learning and our presentation designer today is Dr. John Bailey, who's Ph.D., CPA-D. I'll go into his background in a little bit more detail. Okay. A couple of housekeeping, post questions. Definitely if you have questions please post them. I believe there is a chat box or a question box or something like that on your GotoWebinar screen, so please do that if you have questions that, if we select your questions then we may unmute you because we want to try to go for engagement and more dialogue so we may just ask you to verbalize your questions so that we can have a dialogue going. If you have any technical difficulties, contact GotoWebinar directly. This will run about two hours then we'll take a break. All of you guys, I think are BCBA's that are on the call right now. So then you probably all know Dr. Bailey. He is received his PhD from University of Kansas and is currently Professor Emeritus of Psychology at Florida State University.

Karen Chung:

[00:01:12](#)

And he spent a member of faculty fort thirty eight years, produced a record sixty three PhDs. And he is a Board Certified Behavior Analyst at a D level. He also founded the Florida Association for Behavior Analysis in 1980. He's published over a hundred peer reviewed research articles and he's actually very accomplished obviously in the field. Essentially when I say about Dr. Bailey's, is that he is the person that founded this the area of ethics on the field of Behavior Analysis. And is there anything else start to Bailey that you'd like to talk to them or tell them about you?

Karen Chung:

[00:01:53](#)

That's, that's good. That's a good start.

Karen Chung:

[00:01:55](#)

Okay. Well go on. Some of the resources that you know, you'll have access to is a copy of the Professional Ethical Compliance Code is an attachment that's available and the BACB Notice of Alleged Violations Form is something that's a downloadable attachment that's made available to you as well. But the CEU Submission Form the Ethics for Behavior Analysts third edition. This is a book, Dr. Bailey's new book that's coming out. Dr.



Bailey gonna talk a little bit about this and the changes that you've made.

Karen Chung: [00:02:30](#) Let's see, so this is the third edition. It'll be out on I'm told on April 14th, and this has the new code and which is updated from the second edition and it has all new examples to go with the code based on my experience working with people for about the last five years. So it's got current examples in there and some new chapters that you might be interested in. And in the last, in the back of the book, we have those fifty cases and by popular demand, I've added hints for solutions to those.

Karen Chung: [00:03:16](#) Okay. And a copy of the full presentation will be made available. COEBO is an organization that Dr. Bailey mentioned in the first presentation that he did which was last month. And do you want to tell us a little bit about this organization? I think it's very useful for people to know.

Karen Chung: [00:03:32](#) Yeah, the concept behind this is that if you're a behavior analyst the most effective way to work is to work in a company or an organization that's also ethical. And in many cases from the, all of the, the cases that I receive people are complaining that they're trying to be ethical, but their organization is pushing them away from that. So we decided to create an organization that stresses ethics for organizations and it's a code of ethics for behavioral organizations or COEBO. There's a chapter about it in the new book written by Adam Venture and myself that describes it in considerable detail. But if you're interested, if your organization could use a tuneup and ethics take a look at that coebo.com website and it'll lay out for you what the what the essence of a code of ethics for an organization that matches the code of ethics for behavior analysts so that they kind of dovetail.

Karen Chung: [00:04:41](#) Thank you very much.

Speaker 3: [00:04:42](#) Okay.

Karen Chung: [00:04:49](#) Okay. This is by the way, guys, a second session of this particular topic, how to stay out of hot water. We actually had the first session a couple of weeks ago and a part of what we want to do with this entire ethic series is we want to make sure that we're touching upon the needs of the international BCBA's. I know



that oftentimes you guys feel like you're kind of out there alone and you're not getting the support that you know that you need and you don't have the resources that you need and there's a lot of different issues that you guys face that you're not able to address on your own. And so we decided that we would try to make a concerted effort to try to engage and find out about the needs of the people that are practicing outside of the United States. The group that we referred to as international BCBA.

Karen Chung:

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So we decided that holding a second session at a date and a time where it would be relatively convenient, more people can attend would be a good thing. So that's why we're having a second session. I do really appreciate Dr. Bailey, you agreeing to do that because I know that it really means a lot to international BCBA's because they don't get this kind of attention from the other associations and organizations and resources that are available. I just wanted to throw that out there. And so the discussion today is going to be more around international topics. Generally all of the issues that you guys do with internationally and domestically, eighty percent of the issues are probably about the same, but there are certain instances and issues and situations, circumstances that come up when you practice outside of the United States, which are specific to working in areas that don't potentially have enough resources and which is typically the issue where some cultural issues that you encounter.

Karen Chung :

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So we'd like to get into a little bit of that today and I think it'll make for a really interesting discussion. So quickly learning outcomes. Participants will know the common ethical violations or issues which are to be recorded to the BACB. Participants will understand the process of recording violations to the BACB and the internal investigation process. Participants will understand the differences and applying the code in an agency versus individual practice. Participants will understand the potential outcomes or reported violations and participants will understand the proper way to deal with perceived violations. We're going to jump right into some scenarios because we want to make this, as we said, engaging as possible. They're actually questions that were submitted by people that are attending the webinar today. So I can't actually see you guys when we actually get to the question that you've submitted. What Sarah will be doing, Sarah was on the call as well, she'll unmute you and ask



you to ask the question if you don't mind. And a first example scenario was submitted from Pamela. Oh, okay. Am I think you're there. Can you hear us?

- Pamela: [00:07:43](#) Yes. Can you hear me?
- Karen Chung: [00:07:45](#) Yup, we can hear you. Yes, you're unmuted now.
- Pamela: [00:07:48](#) Oh, good. Okay. You just, shall I just read this then? So I guess in Canada, many of the services, whether they be IBI or just behavioral service for the individual, they are impact covered through the government. And so these are all of course free for the individuals but sometimes I just wonder that it means since these are free, that the parents want to hang onto us and, and cover behaviors after behaviors. And then there's other clients on the wait list with very severe behaviors that are waiting. So we're kind of almost on that teeter-totter of when do we stay in and and should we have a limited timeframe for our services?
- John Bailey : [00:08:50](#) A reader? This is, or excuse me, Pamela, this is John Bailey. Can you hear me?
- Pamela: [00:08:54](#) Yes, I can hear you. Thank you.
- John Bailey : [00:08:56](#) Good. when you, are the cases handed to you or do you choose the cases?
- Pamela: [00:09:04](#) The cases are handed to us and they are handed according to the order of it has some severity. So the highest severity cases do get handed out before lower severity cases. But order is also a factor.
- John Bailey: [00:09:23](#) And can you see what's next in the list?
- Pamela: [00:09:30](#) On the flip side, I wonder if we are in a factor, do you mean that or
- John Bailey: [00:09:37](#) No. Well, let's say, let's say they, they give you a case...
- Pamela: [00:09:40](#) Oh, I see. I see. Do we know who is next on the wait list?
- Karen Chung: [00:09:44](#) Yes.



- Pamela: [00:09:45](#) No we do not.
- John Bailey: [00:09:48](#) But you do know that they have been prioritized in terms of greatest need.
- Pamela: [00:09:55](#) Greatest need it's almost a mathematical formula from order of a referral to and greatest need combined.
- John Bailey: [00:10:10](#) So I would, I would say, I mean, I'm interested in and your thoughts on this, but I would say that if that's the system that has been set up and you know, you get a case, it's already been determined by some other individual or committee or something that this is a severe it's an important case and you're supposed to work with behaviors one, two, and three for that particular case. When you finish that, I'm sure the parents would love to have you work on behaviors four or five and six, but sounds like under your system, there's somebody waiting who has those severe behaviors that need to be dealt with. So I would say that despite the fact that the parents want to keep you around, that would be unfair to the other people that are in the queue that also need treatment.
- John Bailey: [00:11:09](#) And I know that would that'd be hard because once you've gotten to know the clients and you've worked with those, those significant behaviors, you can probably see what the benefit would be to work on additional behaviors. But, but this, and then this is where the ethics comes in and it's both an ethics and a moral issue. It seems to me that, that by doing that, by keeping them on working on additional behaviors that that is unethical with regard to the people who are waiting in line, who are equally needy and it's just that you don't know them yet. And as soon as you transfer back, I'm not sure how you close out a case, but however you do that, then you're going to meet the next person in line and realize, Oh, there they were really in need. I really need to help them. So I think that that is that to me, that's the only fair thing to do.
- Pamela: [00:12:12](#) Yes, that makes a lot of sense.
- John Bailey: [00:12:19](#) I know, I know it's hard because of your personal contact with those individuals. I can certainly see that.



- Pamela: [00:12:27](#) Yes. I think some of, sometimes, again, because of our wait list, the parents have waited so long and they're in such desperate need when we come. And so they're afraid when we leave that they won't get us back when they need us, even though a majority of their concerns are now addressed. Then there's that fear that the parents feel.
- John Bailey: [00:12:54](#) Yeah. Is there any private sector behavioral services offered there?
- Pamela: [00:13:02](#) Yes. the standards of which some are really great and some aren't, but there is a private sector starting up.
- John Bailey: [00:13:13](#) So one option would be to I'm just talking off the top of my head here. One, one option would be for you to refer them to those services that you think are good. And so, you know, if they really want those additional services, I don't know, I guess is that would be private pay, would it?
- Pamela: [00:13:37](#) Yes, yes. They're not covered under our insurance at this point.
- John Bailey: [00:13:41](#) Yeah. So I mean that would be one, one way to handle it. You know, and I understand how the parents would feel that you know, they waited so long that you know, they might not see you again, which is probably true. But if you could, you know, with some confidence say, you know, here's, here's at least two other agencies, you might want to look into them. I've met with them. I don't think you could go wrong with either one and I wish you well.
- Sarah: [00:14:18](#) Dr. Bailey, could you repeat, you mentioned that some service would be available in April. Someone missed what you had talked about. You said something would be in April.
- John Bailey: [00:14:32](#) Oh, that's when April 14th is when the book comes out.
- Sarah: [00:14:35](#) Oh, okay. Perfect. Thank you. Yeah.
- John Bailey: [00:14:41](#) Then what about the second part of this? Second part of the question about on the flip side, I wonder if we're inefficient or do we offer too much? If we reduce aggression in the child, the mom says wait, he only eats french fries and apples. I guess now maybe that's what you were referring to. Yeah, yeah. In the



scheme of things, if what was referred to you initially Pamela was you know, some severe whatever severe behavior, I don't know what it would be, aggression or SIB or something. You know, the food preferences is a minor thing and maybe some of these private sector people that are are coming forward, maybe they could handle that.

- Karen Chung: [00:15:39](#) If we're done with that, I'd like to move on because there's a lot of material to cover. If you guys don't mind,
- John Bailey: [00:15:48](#) Are we going to go, are we going to cover her other two questions?
- Karen Chung: [00:15:53](#) No, because we have Rita's question, sorry and Raymond's question as well.
- John Bailey: [00:15:59](#) Okay, well, Pamela has two additional really good question. So when we get done with them, if we have time, I'd like to include those.
- Karen Chung: [00:16:07](#) Okay. That would be great. So the next question was submitted by Rita. I do know if Rita is on or not but...
- Sarah: [00:16:15](#) Rita, I am unmuting you now. Rita, are you available?
- Rita: [00:16:23](#) Yes, I am. Yeah, one of the questions was about referring to the Republic of Ireland and the people in Ireland, those of you who've been there probably know they're very kind, very social, very respectful which is wonderful why everybody loves them. On the other hand, trying to get people to speak up is not, it just isn't in their nature for a lot of folks. So in America, professionals very confident in their work. They speak up to others, they speak up to administrators when they have concerns, you know, it's not considered disrespectful and it's when it's unnecessary, it's people, people go forward by Irish, by nature, the Irish are non confrontation, so they tend to avoid many situations. So you've got things that probably should be addressed and people just kind of frozen, so they don't address them. They may talk about them outside of the situation, but they won't go to the individuals that might be able to do something about it. Where I believe the Irish could do it really well because they're very good nature and the agility with words and wording, but we need to get them to speak up. So



how do you get people who aren't used to doing that to give a very straight statement of concern? So that actually the message received is you know, what's important in terms of maybe something's going on in an organization or in a family that really as a behavior analyst, we can't stand by.

- John Bailey: [00:18:00](#) Let's see. Is it, is it nighttime over there, Rita?
- Rita: [00:18:04](#) No, it's, it's late afternoon. Early afternoon.
- John Bailey: [00:18:08](#) Oh, good afternoon to you. So you remember in reading verbal behavior, you remember the chapter on autoclitics?
- Rita: [00:18:21](#) Well, not, not, not I don't have a photographic memory, John. So, I consult you, shame on me.
- John Bailey: [00:18:34](#) Everybody who's online grab up your copy of Skinner's verbal behavior dusted off real good. Look at the chapter on autoclitics because I think that might be the key here to Rita's question because she says that they're non-confrontational and they avoid being direct and so on. And that's what a lot of autoclitics are all about. So Rita, could you just give me a quick example of something where somebody does need to be told that there's a concern?
- Rita: [00:19:12](#) Okay. I'll give you a good example. I had a social worker that in an organization was in a school and she came into me very distressed that she had just seen one of the nurses would, nurses in the schools that do some of the teaching. Nurses actually slap a child and she was shaking all over, but there was no way I said, what did you say anything? No. And the actual, the sup, the nurse's supervisor was also present at the time.
- John Bailey: [00:19:42](#) Yeah. Okay. So given the this problem about being non-confrontational but also this concept of autoclitics instead of going in and saying, you know, that's unethical for you to slap a kid, you'd say well Molly we've known each other for many years now and...
- Rita: [00:20:16](#) Oh I like the accent Jon and the choice of name.
- John Bailey: [00:20:16](#) I hope to improve that once I'm over there in June. We've known each other for many years. And remember this time we



had picnic down by the bay and we had such a wonderful time. And anyway, so you that's all autoclitics. That's all of that is autoclitic verbal behavior. And the intention of the autoclitic is to change the impact of what you're going to say next to the person. So if you just come right out and say what it is, they don't want to hear it.

John Bailey:

[00:20:52](#)

They pushed back. Maybe they're even a little bit aggressive. But if you put a bunch of autoclitics on there, and it sounds like for Irish culture it needs to be like Devcon six level autoclitics. So you know, you go back a long ways and you know, let's say this was a five minute conversation, four of the minutes would be on a clinic and then the last one would be the actual message. And so you're probably wondering what I'm getting around to Molly and what I would like to say is I think Johnny's parents would be really concerned if they knew he had been like that. So it's, you see what I mean? It's not correct if it was over here. And something like that happened, the behavior analyst from New York would March in there and say, you've just violated this child's rights and the law as well.

John Bailey:

[00:21:54](#)

And I'm gonna report you and you have anything to say about it. I mean, that's the way we would approach it. So it would be about 30 seconds and it would be direct and to the point, because, you know, like you said in your statement as sort of the way we are, we're fairly direct, we get right to the point and and it's accepted for whatever. The Irish people who came over here even learned how to be more direct I think. So that, that I think that would be my, my my suggestion is obviously just a general suggestion. And when I teach post-grads they were gobs and you say, when we discussed the ethical responsibility I can, I can see that because actually when I teach ethics the ethics class with my grad students, first year grad students, they also have that reaction because they're, because they're young people.

John Bailey:

[00:22:54](#)

So young people in general tend not to be confrontational. We have, I don't know if you have this in Ireland, but over here we have a name for these people. They're called millennials and they're I think very much like that. And we have to practice and role play and do scenarios in class to get them to the point that they would even think about doing something like that. And they're in they're in even more difficult situation because



they're young and the people that that they're talking to about whatever this is, are usually older than them..

Rita: [00:23:31](#) And sometimes in a position where they can take the job away from them.

John Bailey: [00:23:40](#) Yes. Right, right. Exactly. So you know, the autoclitics are the same thing over here for somebody who has a essentially low status or very low status. And, and in addition to the role playing, what I recommend is that they on the front end, that they establish a relationship with this person in advance, knowing that they may have to come back to them at some point and, and bring, bring up this bad news. And what I use for that is Dale Carnegie's book, how to win friends and influence people.

John Bailey: [00:24:19](#) And when I originally tell him about that, that's actually the first book that we read in my ethics course. And the reason I give for that is you're going to have to deal with people initially like you don't even know these people. All they know is they have gray hair and you don't. And they have raised three kids and been teaching for twenty years and you haven't done either. And so you're going to have to get them so they like you and yeah, which means you've got a pair of yourself with reinforcers and you have to reinforce them for whatever they're doing. And so on, knowing that there's gonna come a time a week later, a month later where you're going to have to go in and deliver some bad news about, about something. And if they don't know who you are or they don't like you or whatever, they're not going to listen.

John Bailey: [00:25:07](#) So you know, the solution to this sort of problem that you've got, which is really, I think it's a really interesting problem, is that we have to take what we know about behavior analysis and don't just think about how do I apply it to a client, but how do I apply it to everybody who is connected with this plan? How do I apply it to the parents? How do I apply it to the teacher? How do I apply it to the principal? How do I, whatever it is, how can I take what I know about behavior analysis and apply it in those other areas so that everything works a little better.

Rita: [00:25:44](#) Right.



- Karen Chung: [00:25:46](#) Well, thank you Rita for your question. We're going to move on to the next question, which was submitted by Raymond and I can see that Raymond is on, so I'm sorry, I'm going to...
- Sarah: [00:26:02](#) Raymond is not available.
- Karen Chung: [00:26:02](#) Okay. Dr. Bailey, do you want to address this question? I think it was kind of interesting. So the question is, is it ethical to deliver services that's solely based on training parents? And I guess I'll read the context, give you some context. Let's see. Southern of Alberta, Canadian services are provided only in that they're designed to make parent's competent. The Ministry in this jurisdiction only funds programming that consists of training instructions for parents to manage the behavior targeted per change. Alberta has no standard qualifications for behavior therapists and the government only waves his hand at best practices or evidence-based interventions. Applied behavior analysis has had little positive status in the province and the EIBI programming is widely the domain of well entrenched professions, mainly SLPs and OTs. In fact, the vast majority of programs, employee social workers acting as behavior specialists as well as contracting SLPs and OTs to comply with our local ministry. So what do you think?
- John Bailey: [00:27:06](#) Well the to answer the first question, is it ethical to deliver services solely based on training parents? The model that we have here in the, well, I don't know how Canada refers to us anymore, but they used to talk about us as the four forty eight or the lower fifty or something, whatever it is. But at the practice here I would say is that the behavior analyst goes into the home, figures out the problem develops a plan implements that long enough to realize whether it's right or not. And then as pretty soon as they, as they realize, yes, this is, I've got this right, this looks like it's going to work. Then they bring in the parents and train them to do that. And I would say that's considered best practice. Now, if you from if you, from the beginning, if you weren't allowed to do that first part, you weren't allowed to go in, observe the child, figure out what the functional variables are, develop a trial treatment plan, test it out.
- John Bailey: [00:28:12](#) If you weren't allowed to do that, then everything gets really shaky. Because the training of the parents can't be on a iffy



basis. It's gotta be on a, I've demonstrated this works. I've tried it. You've watched me. You know that this way of handling this problem is the right way. Now I'm going to train you to do it. If you leave that out and you just somehow meet with parents, listened to what their complaint is, and then train them to do something, you don't even know if it's right, cause you haven't had a chance to be in there and observe and try it yourself. And so I would consider that leaving that out as unethical. Now is it possible to train parents in the absence of that? Maybe, but I think it's probably going to be inefficient and furthermore, unless you can be in the home, watch what they do, you can't shape on them.

John Bailey:

[00:29:05](#)

And so so I don't, I don't think I got enough information from a Raymond here about exactly how this was done. The general concept I gather from the overall thing is that the Alberta Canadian, the ministry believes that parents can solve all these problems and that's just basically wrong. Now, I don't know how you bring that. I mean that would be a whole book full of autoclitics to tell the ministry that they don't know what they're doing. But basically, fundamentally, somebody in that agency has got a misconception about human behavior and has zero knowledge about this nearly fifty years of research that's developed into a best practice. They're totally ignorant. So somehow or another, somebody, some group of people, probably a combination of behavior analysts and parents has got to come together and they have to get a hearing in front of the ministry and begin to present, you know, here's the way these things work.

John Bailey:

[00:30:10](#)

So this is not something that can be done by one person. This is something, this is a political leverage that has to be exercised by the behavior analyst and at least one of the group, the parents or the consumers. Part of this is going to have to be educating parents. So in my response to Raymond, I made some offhand comments about, okay, well, so if that's what they believe that the parents are going to do this. So if the child needs their adenoids removed while they just give the parents some tools and a mirror and say, go at it. Right. same for a root canal. Kid needs a root canal. They give them a drill and one of those little bibs they put around their neck and some anesthesia and they say here you go do it. And of course, that would never happen.



- John Bailey: [00:31:01](#) That's ridiculous. But that's the equivalent of what they're doing with behavior, expecting that the parents can solve these problems when the professional doesn't even know what the solution is. So you know, you've got an additional problem here about these well-entrenched other people, the SLPs and OTs and social workers and so on. That makes it doubly difficult because now you have to figure out how to compromise those people and, and let them know that they're infringing on an area of expertise that they don't have. Social workers are not trained very well at all in behavior analysis. Ditto for SLPs, OTs, PTs, they get a little bit of it now, but they don't really know exactly how it works. And I think they'd be shocked if we went in and started doing social work with some of their clients or started doing language therapy with their, with their clients.
- John Bailey: [00:32:03](#) I think they'd be outraged in a Canadian way. However, Canadians get outraged, which is probably very calm and easy going or whatever it is. But, but the concept is that you've got a double problem. One convincing the ministry and two compromising these other groups that think that they want to be in charge of this. But the parents are being very shortchanged by this particular model because it is definitely not best practice. We don't have any research that shows that you can simply meet with parents, have them describe a problem, you tell them the solution and they go fix it. There is nothing in our literature that shows that that can be done. So I'm sorry I got on my soapbox about that, but Raymond brought out a question. I think that really needs some work as far as what's going to have to happen for this to bring best practice to these families.
- Karen Chung: [00:33:01](#) Hmm. Thank you. The, I think we're going to take a couple more questions from the audience. We'd like to try and get some live participation and then move on to the rest of the content. So I'm going to any questions, Sarah, you're good. You're able to see people out there. So are there, is there anybody with any other questions?
- Sarah: [00:33:23](#) Not so far.
- Karen Chung: [00:33:25](#) Okay. Well, let's move forward and then I know we have a couple of those other questions that Pamela asked Dr. Bailey that you want to come back to. So we'll just move forward for



the time being. And so BACB is responsibility or BCBA, I'm sorry. The BCBA's responsibility to report violations. Why do violations need to be reported?

John Bailey:

[00:33:52](#)

Well, this is a kind of a multifaceted answer. The most immediate reason is to, is to reduce whatever harm has occurred or is about to occur with a client. So, you know the question about the Rita had about the social worker the behavior analyst observed just say an individual slap a kid, well that needs to be fixed because people who do that will do other things and that's probably not the first time that that's happened. So our obligation first and foremost is to these clients and the purpose of reporting these violations does to get something done about that before further further harm occurs. Secondly if this is a violation by another behavior analyst, this needs to be reported because this represents a tarnished image of our field. And if you're a behavior analyst and you see another behavior analyst engage in that, you have an obligation to get that fixed because that affects all of us.

John Bailey:

[00:35:03](#)

And if you let that go, you observe a violation. You don't say anything. The highest probability is that that's going to occur again. And it may occur with greater intensity. It may widen in terms of the areas that it's applied to. So hurting the client it tarnishes our reputation. So that's, that can't be good for any of us. It's, and it's not unlike the, the concept of reporting a crime in your neighborhood. You know, if you see somebody breaking into neighbor's house, should you report it or should you say, Oh, thank God it's not my house. Well, you need to report it because your house could be next. And that's pretty much the general concept here. Furthermore, if you don't do something about it, then the longterm effect is that nobody wants to move to your neighborhood and your home values go down in the same way that the reputation of behavior analyst goes down.

John Bailey:

[00:36:02](#)

So you know, this is a self-policing system and a behavior analysts need to realize that, that that's a very key feature of what we do. I know when I teach my ethics class with the students and we start to get into this reporting of violations, some of them you can tell that they do we really have to do this? Because that's not what they envisioned. They thought they were going to be behavior analysts, they were going to work with autistic kids. They were going to help them acquire



language and social skills and it was going to be all sunshine and rainbows. It was going to be wonderful. And now we tell them this and all of a sudden they've got this additional responsibility. And in some cases, I mean, it's kind of an awesome responsibility to do that starts with understanding the code, which we'll talk a little bit about some of the code items, but understanding the code, understanding what a violation of the code is, and then realizing how absolutely important it is to keep everybody in check on this stuff.

John Bailey: [00:37:11](#) I'll say some more, but that's probably more than you want it on that Karen.

Karen Chung: [00:37:15](#) I think that the next point goes to what you talked about, which is the biggest hurdle is how do you overcome your personal reluctance? Because nobody wants to be a whistled breaker. You know, you want to have friends, you don't want to be disliked.

John Bailey: [00:37:29](#) Yeah, well, let me start at the back end and then I'll work forward. And that is ethics is not easy. If ethics was easy, everybody would be ethical and clearly they're not ethical. If, if something is difficult to do that means it's probably the right thing to do. If something requires you to act and the net result is that you're going to lose friends, that's a natural result. And I tell my students early in the semester, I tell them that if you're going to be ethical you'll probably have fewer friends because they're going to be threatened to a certain extent by you. But it's okay because you have too many friends now as it is. I've seen the data on Facebook and people have something like an average of three hundred friends.

John Bailey: [00:38:24](#) You don't need three hundred friends, you need about five or six friends is what you need. And they need to be as ethical as you are. So the worry about offending somebody is real. People who are shady in the ethical area and you bring up these ethical things, they're not, they're gonna not feel comfortable around you. And I think that personally, I think that's okay because you want people around you, your friends who will support your efforts to be an ethical behavior analyst. And then the other thing is if it's, if it's going to be, if you have to get in the business of having to report this, this is very difficult. It would be easier just to overlook it and say, ah, it's not my problem. I'll let



somebody else take care of it. That's easy. And you can just about guess that if something is easy, it's probably unethical.

John Bailey:

[00:39:20](#)

So this kind of goes with the territory, I would say, of being a behavior analyst. How do you overcome the reluctance? Well part of this is, is understanding how you bring up difficult topics with with people. How do you bring up difficult topics to in such a way that they'll listen to you and they'll ultimately respond. And I mentioned earlier about the Dale Carnegie book. And I've got one other kind of [inaudible] gonna seem like an off the wall recommendation, but another one for the people here in the, in the U S or maybe it's abroad too, is watch Dr. Phil show. He, he talks with people about really difficult topics, but he's got it down. He's got a way of kind of getting into them and getting close to them and, and then beginning to tell them the hard things.

John Bailey:

[00:40:14](#)

If you watch Dr. Phil a few times and see how he approaches these people. The most recent one I saw was a guy who had a gambling addiction and who and essentially gambled away the funds that had been set aside for his child's college and, and put his family in dire straights. And if you thought to think about how would you talk to somebody like that, that's gotta be really difficult. And it's not much different, not much different than talking to a parent about their use of aversive control. You know, they, they believe in punishment, they want to use punishment. That's a very difficult thing to talk about and it takes, it takes really good social skills. It takes the ability to think larger about how to approach this person. How to let them know that you're not rejecting them as a person.

John Bailey:

[00:41:07](#)

You're just commenting on their behavior. You have to show them an alternative way to, to respond to certain situations. And then there's a teaching function. So it's, it's not easy. It is not easy at all. And taking the description like I gave earlier to read it about the autoclitics and kind of starting easy and starting slower and kind of ultimately building up to it, that's probably the best thing that you can, you can do. And of course you have to, before you report somebody, you have to talk to them about it and you have to have, in your own satisfaction after talking to them, you realize they are not interested in this. This is, they liked the way they're doing things. They have no intention of changing and they essentially, in the way we talk



about it over here, they blow you off. So that basically means that you've, you've got to document that on this date and time I had this conversation and here's what I said and and because when you report this to the board, they want to know what have you done, what have you done to try to solve this problem? So you need to keep records on that. And so did you skip ahead on it

Karen Chung:

[00:42:27](#)

I did because you are covering it so you're ahead of me. That's exactly what you said. Yeah, they're, you know, there's some things to keep in mind. Obviously you have some, there's procedures to follow and you're going through this process and sort of stuff.

John Bailey:

[00:42:42](#)

Step one I make sure that it is in fact a violation of the code because you could be wrong. And in fact the reason for going to the person talk to them is you might, you might gain some information that makes you realize, Oh, I was wrong. I am so sorry. I didn't mean to bother you. I was thinking of it in a different way. You know, and so you back off basically you apologize and back off cause you realize you made a mistake. And, and people do make mistakes. They, they think they know something and they don't. So it's only after you've met with the person and I wouldn't, I wouldn't use the word confront cause that's too strong. But you've met with the person, you've discussed this you've told them what you've seen or what you've heard and you go from there.

John Bailey:

[00:43:31](#)

It's important to note in there that you have to have firsthand knowledge, can't be second hand knowledge that you heard from somebody that this was the case. It has to be something that you do. A lot of the questions that come to me will say, my friend observed such and such happen and I want to know what my obligation is. So they described what their friend told them. And my response is there's really only, you have only one obligation in this case and you can't report the person, but the person who told you about it, you need to meet with them. You need to educate them on their responsibilities. So, and this can be difficult, but when I just got a couple of days ago was a teacher reporting what a parent, or excuse me, a teacher reporting a college professors reporting what one of her students told her about a situation at work.



John Bailey: [00:44:25](#) And the professor was asking me what are my obligations? And I said, well, it's, you have to meet with that student. Only the student could make this report to the board because your student is the only one that has firsthand knowledge. And you know, you have an obligation to inform the student and to coach the student. But the student may ultimately decide not to do that because if it's student reports, the person at this setting where they're at, they're gonna get fired. So it's, it's all of the consequences are going to be on that student. And that's, that's way too much of a consequence, I think. And I think our method of handling code violations probably discourages, not deliberately, but indirectly discourages a certain kinds of people in vulnerable situations from reporting. Anything,

John Bailey: [00:45:18](#) Wait, go back one second, can you go back. Two, is have you discussed it with a trusted colleague in this case that I just described. The student came to the professor and the professor became the trusted colleague. If you are a BCBA and you're out in the field working, you should have somebody out there who is your trusted colleague and that you should probably discuss it with them first. This is somebody that you can trust with information that is confidential, that they won't reveal it. And your trusted colleague will help you kind of see, you know, yes, you write her, you know, I'd let this go or whatever it is. You want to make sure that you've done that. In some cases I've recommended people to if they feel like they're in a vulnerable position is to get that trusted colleague to go with them for that meeting. And that gives them a little more a little more confidence that they can do something. So now I think we've covered everything on this slide, Karen.

Karen Chung: [00:46:25](#) Perfect. So the, you're not alone this, you know, we're talking about the reluctance of people to launch a report or colleagues, but everybody feels the same way. Just wanted to know from the audience you have any examples or questions or scenarios that you'd like to discuss on further. You've come across situations and circumstances pretty often where you know, you're kind of caught between, Oh, I don't think that this is the right thing. Maybe I should report, but then, you know, what are the consequences? And again, I can't see the question. Sorry.



- Sarah: [00:47:00](#) Yeah. There is one question that was posted. Tara mentions about supervision. Tara, I'm going to go ahead and open up your microphone so that you can address the question yourself.
- Tara: [00:47:28](#) Can you hear me.
- Karen Chung: [00:47:29](#) Yes. Yep.
- Tara: [00:47:30](#) Okay. Basically my question is about supervising individuals as they're seeking their BCBA status. And I've just continued to supervision for a few people when I felt that they're not demonstrating growth or that they're having some concerns with ethical behavior. And that's, you know, I was their supervisor at work also. So at that point we are also terminating their employment. And so in their contracts that I had for them for BCBA supervision, those, those things were outlined. Like if they had two supervision periods without, you know, appropriate behavior or whatever, they would be discontinued supervision. So that, that all happened. I guess my question is, is there anything else I'm supposed to do? I guess I'm worried about people shopping around for supervisors and getting supervision here that was, you know, they did get some supervision hours from me before I discontinued. So they get supervision from me. They get supervision from five other people and eventually they get enough supervision hours just sit for their BCBA exam and potentially be professionals in the field. Is there anything else? I mean, unless it was like some egregious ethical behavior, is there anything else I should do as a supervisor in terms of making sure that people that aren't behaving unethically don't become BCBA's?
- John Bailey: [00:48:42](#) Hmm. I think the good question. That's a good question Tara. Have you considered I guess before you terminate them, you discuss their ethical behaviors so they know why you're terminating?
- Tara: [00:49:00](#) Yes, yes. I mean, because they're in supervision time as well as I was their supervisor at work. So you know, they get verbal warnings, they get coaching, they get other things from the workplace situations as well as, you know, just general BCBA supervision. So yes, they do, they do get to know exactly why they're being terminated as well as concerns about them being BCBA's.



- John Bailey: [00:49:25](#) And there's a paper trail on that.
- Tara: [00:49:28](#) Yes.
- John Bailey: [00:49:28](#) So I don't know that you consider this, but students come under the code of ethics and if they violate the code of ethics and met with them and they've not been able to correct that, it's time to report them to the board. I guess most of the supervisors that I've talked to about situations like this didn't realize that that was their medical responsibility. Because once, once you become a student, you study the field, take courses you're under the code, you violate the code, you're going to get reported. And under the new, under the new starting January one, then the new procedures what's going to happen is I'm assuming that whatever they did was relatively minor. I mean, they weren't actually attacking somebody or whatever.
- Tara: [00:50:27](#) Of course, that, I mean, otherwise I would have had to report their CPS.
- John Bailey: [00:50:30](#) Yeah. So what's right..exactly exactly good. So, but under the new code, the these gonna say minor, can see air quotes inner . Minor things are supposed to be rewarded because they will go to the chain committee and somebody from that committee is going to contact them and say, you've been reported, you know, you've been reported cause you've seen the notice and listen we need to talk about it, you've talked to them, but you felt that they didn't listen to you. Now they're going to get a call from somebody at the board who's going to say you've been reported, that a supervisor reports and you know what you did and you didn't fix it. So now you and I have to talk.
- John Bailey: [00:51:23](#) So this is like God speaking to you and God speaks to you and says, here's what you need to do. And if you don't do it, you're out. I think that's a powerful message and they're going to keep track of all that. So let's say you've met with a student, had no luck, report it to the board, some [inaudible]. If this happened again, there's a pretty good chance that they're gonna add some kind of severe penalty from the board. And it rather than just let these people kind of filter into our field, that'd be weeded out or they're going to fix it. And I think it's a good, a good chance for them to come in contact with the real world



and the real world is populated by people working for the board who are ethically serious about this, for example, me.

- John Bailey: [00:52:18](#) So imagine that student getting phone call from me and I'm pretty plainspoken when it comes to this stuff and I'm you know, you can mute this out if you want to Karen, I take no shit when it comes to ethics and we have a lot of people in our profession who are just like me. I take it very serious and don't consider it a minor violation at all. We don't want you in our field if you're gonna do stuff like this, and, you know, that might be the wake-up call this student needs to shape up. Okay. Thank you very much.
- Karen Chung: [00:53:00](#) I think it's a great question, Tara. Thank you so much for that. Couple of things come to mind, actually when I was going through the violations, the BACB site with the cited violations reported violations, there are, have been a couple instances of people not being allowed to take the exam because of some ethical violation. So clearly it happens. And I was also thinking, Sarah, this is probably something that's really not addressed in any supervision sessions. So I think this is something that would be really interesting to cover in one of our supervision topics. I've never heard of this scenario before.
- Sarah: [00:53:34](#) Absolutely. Me too. I that's a great way to just let everybody know that we do have a supervision topic coming up that will be our next ethical area. So if you have situations specifically relevant to supervision, please send us those scenarios. We would love to include them. Would that being said? There is another topic as it relates to supervision by Rita. So Rita, I'm going to go ahead and unmute you so you can add your comments.
- Sarah: [00:54:08](#) Rita, are you there?
- Rita: [00:54:09](#) Yeah, I am. And I've lost the screen. Oh yeah. The sound goes in and out, but mostly in but actually. Oh, there I am back.
- Sarah: [00:54:23](#) Could you come a little closer to the microphone or speak up a little bit.
- Rita: [00:54:28](#) Okay I flipped it up. Yeah.



- New Speaker: [00:54:29](#) Okay yeah okay. I still have the previous screen. You're not alone.
- Karen Chung: [00:54:36](#) Oh yeah. That's, that's where we kind of stopped and we, you know, we were soliciting questions.
- Rita: [00:54:42](#) Oh no. Yeah. You're talking about what I just submitted in writing?
- Sarah: [00:54:46](#) Yes. Your question. It was more of a comment
- Rita: [00:54:51](#) It wasn't a question. It was about this is, you know, I'm super big on supervision and certainly I would bring this to regardless of what level we're at or how long we've been in a field we all need to be getting regular supervision. And so this is something that I would bring to another colleague, you know, to actually to my own supervision and discuss. But I also think that we, everybody needs to have some structure around this is [inaudible] behavioral some sort of structure on what do we do when we're faced with an ethical dilemma and to have some steps to follow. And you know, including, you know, it'll be a go through the code and you write down each of the possible items that you feel maybe in violation of the code and then generate in, you know, again, I like to see it. I'm very visual. I guess that's why I like watches. I like to see things outside myself to write down what are the possible of who should I consult, you know who is affected by this and you know, all the different steps that you might take. What am I, various options. And then if I do this, what might be the outcome? And if I do that, what the outcome. And then you go into supervision then with a little template and discuss that. And then you have a lot of, you can have a lot of confidence because John, I mean, you know, for yourself and myself, we've been doing this a long time and you know, I think we have at this point we feel confident in our decisions enough and we don't worry too much about our approach, which may not be a great idea.
- Rita: [00:56:27](#) But anyway but no, well we have a bit of a reputation standing behind us I think. So people tend to listen. But for most folks to go in there, you want to feel, you have to feel confident or you're going to spill over your words, you're not going to be terribly effect. You're not going to get your point across well and you may lose the other person, which is something I think,



you know, Skinner and John were referring to with the autoclitics. So, if you've already gone over this at some length and it does take some time to do this, but I say for myself and I probably get in some potentially ethical quandary or dilemma or violation of the code personally about once a year or so. You know, so it's important that we all reflect on how we go about it.

- John Bailey: [00:57:14](#) This is not a plug for the book, but in in chapter four of the new book, we have a chapter on that called analyzing complex cases using [inaudible] model.
- Rita: [00:57:27](#) Absolutely. Good.
- John Bailey: [00:57:28](#) So that might be the tool. Just as comparison though [inaudible] the when I'm treating my students about this, I tell them if a week goes by and you haven't had an ethics situation come up, you must've been asleep because they're all around us and yet for specific little things, but you know, very rarely and, and really me probably jump on those little things. They have, the big things happen. And I also tell him that the big things happened about one of the quarter to six months. Something like that would be something very big. And in the meantime, you've got all these little things, you know, you're, you're working in a home, you're working with the kid and the parent asks you about some of the kids that you're working with.
- John Bailey: [00:58:27](#) Well, that's an ethical violation on their part. And how do you handle that? And you had to be able to do it. Same thing goes. You're working in a school working in a classroom on the kid and the teacher comes over and says, could you take a look at this other child? He's a problem too. Well that's a potential ethics violation. They're asking you to violate the code of ethics by taking a client who is not authorized. You're not authorized to work with somebody just cause somebody asked you that's an ethical violation as do you have these little things come up. You know, you're working in the home and as you're leaving, the dad walks you to the door and says, I wouldn't be playing this weekend. That's ethics violation right there in terms of, you're saying, Oh, nothing. What do you have in mind an ethics violation but she got to self-monitor that. And unfortunately these little things come up a lot. I like the fact that they come up a lot cause it gives you lots of practice.



- John Bailey: [00:59:29](#) Ethics being good at being good and off. You can't just play once a year. You've got to play at least once a week. If you're going to be good at this, you just have to be aware of it and there's, there's lots of butts that need to be work on and you have a chance to do that nearly every week. You've got a six footer or a five footer or whatever is that you practice with. And I think my message to my students and anybody who will listen is beyond the alert, all these small things and use those as practice or something big that's going to come up later.
- Sarah: [01:00:10](#) Dr Bailey Rita has oh sorry Karen. Rita asked a good question there. You'd said this can only take place after the individual has applied to take the exam. So that's a good question.
- Rita: [01:00:26](#) Yes. Yeah, that relates to the earlier one. Yes. Right.
- Sarah: [01:00:32](#) So at what point can, at what point can a student be have a code violation ticket to the BACB? Is it, you know, the start of the supervision or they started their first class? At what point does that come into play?
- John Bailey: [01:00:48](#) As soon as they, as soon as they enroll in a behavior analysis program.
- Rita: [01:00:54](#) That's approved by the board.
- John Bailey: [01:00:56](#) Yes. And the students have to be informed of that. So however students get accepted into the program in the very first class or even before that just to let you know, officially now as a Friday afternoon, at three o'clock, you are under the code of ethics. Here's the link that you need to read the code if you have any questions about any of that. But you need to do that. And as a matter of fact, if you look at section 10 of the code, there's a section in there that says you're not allowed to say, I didn't know that. That's no defense. Ignorance is no defense. And so in order for that to be true, the students have to be told starting now, right now, immediately now and preferably face to face starting now you're under the code and so you need to be aware of the code and follow the code.
- Sarah: [01:02:01](#) Wonderful. Thank you.
- John Bailey: [01:02:03](#) At halfway we take a break?



- Sarah: [01:02:08](#) Oh Karen, you're muted at the moment.
- Karen Chung: [01:02:11](#) Sorry, I think we're at the halfway point mark too. So let's take a five minute break and then come back and then in the meantime guys, if you have any questions, please post them in chat so that we can get to those when we come back.
- John Bailey: [01:02:23](#) Yeah, these are great. Really great questions. I want to thank everybody for writing in and speaking up. Thank you.
- Karen Chung: [01:02:30](#) Yeah, thank you. All right. We'll see you in a bit.
- Karen Chung: [01:05:48](#) Hey Dr. Bailey, I reordered this a little bit. I just wanted to get through the process of the violation first. So yeah, made some slight change. I'll go through the next two slides. It's just the process of viewing and then the process of investigating violations. I thought I'd set the framework and then we can go on to the categorization, the severe, moderate, low. I'd like to definitely get into where we're talking about the triage. I think that's really important, so if you don't mind kind of changed it a little bit.
- John Bailey: [01:06:28](#) And when we get down to that last page, can you put my email address on there if people want to write me with ethics questions?
- Karen Chung: [01:06:37](#) Absolutely. Let me take myself off so I can do that.
- Karen Chung: [01:07:38](#) This one the johnbailey1@mac.com?
- John Bailey: [01:07:44](#) yeah, that'd be good.
- Karen Chung: [01:07:46](#) Great. Thank you. Oops, you tell me if you can see my screen?
- Karen Chung: [01:08:16](#) Yeah.
- Karen Chung: [01:08:16](#) Yes. Great. Okay. Okay. I'm going to assume that everybody's back. There's a couple of things that I want to make sure that we get through Dr. Bailey has created a triage model, which is a really good way of looking at violations, how to categorize them and into different categories because obviously not all ethical violations are equal in severity and I want to make sure that we get those covered, but I'd also do want to go through the actual



kind of the procedure or the process of reporting violations to the BACB. So I'll just run through those really quickly, okay. First of all, if you notice that there's a violation or there may have been a violation, then you need to go and review the compliance codes, identify the section of the code, you all have copies of the code violation, you know where to get that.

Karen Chung:

[01:09:05](#)

And we've also provided that as an attachment as well and determine the severity of the violation. This is where we're going to get into the triage model, which Dr. Bailey will talk about in a little bit. And before you do anything, you want to make sure that you are initiating or dialogue with the person in violation to discuss your concerns and make sure that you're getting the, you know, the story, right. So there's always two different sides of the story. So you want to make sure that you know that you are really understanding what is happening. And then you are also able to address your concerns with that person so that they're able to take corrective action before you need to take it, you know, escalate that to the next level. If you're not getting any resolution, unfortunately, then you'll be filing a notice of alleged violation document with the BACB.

Karen Chung:

[01:09:53](#)

And you need to do that within six months of when you first actually noticed the violation and it's not just a documentation. So the BACB does actually take this very seriously and there's some supporting documentation that you would need to provide. And it would be, you know examples of like evidence of violations or any witness statements or litigation complaints filed. As you can see, these are, it's pretty serious. It's not just like writing an email to somebody and saying, hey, listen, I noticed so-and-so did something wrong. You know, it's a lot more, it has a lot more consequences to that. And the current process I believe Dr. Bailey did mention the process does not allow for any anonymity. So if you are actually filing a violation, then the person that is being charged with you know, a violation, will get notification saying that, you know, so and so has filed a complaint against you.

Karen Chung:

[01:10:46](#)

And so I know that that is a deterrent as well for a lot of people and this is something that, you know, I think that Dr. Bailey wants to, we talked a little bit about maybe, you know, putting out there different kind of a process in place or modifications so that there is a filter so that people would feel a little bit more



free to express themselves. The BACB process of investigating violations. So I'll go through this really quickly. Dr. Bailey, you'll know more. According to the BACB they'll determine the severity of the incident they'll investigate the facts and they'll issue a ruling. And the ruling can be, you know, anything from that's pretty moderate, which would be advisory, warning remediation, severe sanctions, which may lead up to the suspension or revocation of the license. They think that this is something that you wanted to talk a little bit more about Dr. Bailey, right? What happens on the back end?

John Bailey:

[01:11:39](#)

The the first thing that happens is that the every violation advisory come to the board and it's reviewed by a small team of attorneys who decide whether if it's serious enough that it can result in the person losing their certification if it's not in, in the old days, if it wasn't at that level, then it was essentially dropped. And now what it goes, it goes to a second committee that's called the shorthand is coaching committee. It goes to that committee and it's assigned to a subcommittee that works in that particular area. So there are 10 areas of the code and there are 10 committees that are dedicated to that. There's a chairperson of each committee and they now read this what are the submission is the incident. They read it and they decide how they want to handle that.

John Bailey:

[01:12:44](#)

And then the next thing you know, it's going to be a phone call or it's going to be one of these, what we're doing, I go to meeting-type of thing where you're looking, you can see the person and they're going to go through it and talk with them about it and they're going to set up some kind of a remedial action that needs to be taken. And it's, it's all done in the spirit of coaching. It's not that it's the person who is being reprimanded in any kind of open sence. But the idea is this is, this needs to be taken care of and here's our recommendation and it's actually a recommendation person is described to them, it's [inaudible] to them. And there's a timeline for completing whatever has to be done to correct this things so it doesn't happen again.

John Bailey:

[01:13:32](#)

And if it's a moderate event, whatever it happens to be, the person will probably get a warning as sort of like getting stopped by the police. And instead of getting a ticket, you get a warning. And so it's like that except that there, you may also go



to driving school depending on what you were doing. And so there is probably be some kind of continuing education and then there's follow up so you know, you'll be given a month or two months, whatever to fix this thing and then person's going to call you back and say, okay, did you fix, have you done, what have you learned? And all that kind of stuff. So it's a pretty much a shaping process. It's very behavioral in that regard. And I believe that the longterm effect is to increase the likelihood that behavior analyst, if they see something, they'll report it as opposed to, I don't want to get involved. Because once you know that it has these levels and that the person is not going to be a necessarily sanctioned but they could, they could receive some lesser consequence. Once you realize that, you realize, well that's behavior shaping. That's what we do I can live with that. So right now there is in place, a system. I don't know that it has a name, but it's a system where a decision is made that this is a little consequences and it will have a small consequence.

- Sarah: [01:15:08](#) Dr. Bailey, there's a question I'm going to open Lori's mic and we'll see if we can hear her. Oh, it looks like Lori's connection is not working at the moment. So I'll just read her question. This is as it relates to students being able to be reported to the BACB, she is assuming that a student taking an online BCBA approved 40-hour RBT Course must also comply with ethical codes as soon as they enroll the course. Is that true?
- John Bailey: [01:15:50](#) Yes. And in the, in the code there are certain items that are designated specifically for RBTs and so the supervisor would need to just check and see that that is in fact relevant for an RBT.
- Sarah: [01:16:08](#) Perfect. Thank you.
- John Bailey: [01:16:15](#) Are we back?
- Karen Chung: [01:16:16](#) We're back. If no questions, I'm going to move forward if the screen will let me. Okay so the responsibilities for reporting violations. So categorizing and so you know, there's a little bit of framework that needs to be in place to determine which violations are severe enough to warrant a recording. So they'd be categorized as severe, moderate or low. So do you just want to go through this? I guess we'll be going over it a little bit more



in the future slides, but I think talking about the categories, Dr. Bailey, I think, and framing it a little bit, what might be helpful?

John Bailey:

[01:16:56](#)

Yeah, the term triage and the idea that there are levels of violation that it occurred to me, this was a few months ago when I was thinking about this, that that we have something like that in the, in the medical environment where if you show up at the ER, somebody will quickly evaluate you to determine using this triage method is you need to be seen immediately. Or if you can wait because we have somebody else to see immediately or you can really wait and you know, we'll get to you when we can. And that that system is appropriate for us as behavior analysts as we think about this because not all ethics violations are created equal. Some of them are serious. And if it's, if it's not serious, like it's a low probability, but it happens repeatedly, then it moves up, in my opinion, it moves up to, you know, moderate and possibly severe.

John Bailey:

[01:17:58](#)

But that you know, forgetting the lock the filling cabinet, let's say that's a responsibility of somebody's behavior analyst in the locks and you talk to them about it and they fix it, but then it happens again and it happens again. It's getting to the point that you probably need to report that person because they clearly don't understand that there's the potential violation of confidentiality by leaving materials open to anybody could walk in there and see the information. So I think in life we tend to do as sort of automatic triage of most anything. If your car is making a funny sound, but it only happens every now and then and you don't see any black smoke, it's probably low. You'll let it go and so on. If it's severe you're going to deal with it immediately. And the idea is that we would adopt, you know, at least possibly subconsciously some system like that internally for this issue of dealing with, with ethics violations, you're probably going to see a lot of low ones and occasional moderate and even less frequently something severe. But you always need to be on guard because the severe stuff that be important would be dealt with immediately. You can't put that off until Monday, so you have a chance to think about it. You probably need to report that right away. So, but that's the concept.

Karen Chung:

[01:19:29](#)

Okay, so some examples of violations which warrant reporting, I think you're going to kind of definitely reportable consider reporting, initiate discussions. You guys will all get copies of the



PowerPoint presentation so you can take a look at that. But just the concept is categorizing it so that it's more actionable. It's easier for you to take action. I'm just going to skip over this. Dr. Bailey, this example of a severe violation. You want me to read this to you or summarize it for you?

John Bailey: [01:20:01](#)

Yeah, go ahead.

Karen Chung: [01:20:02](#)

Okay. So a BcABA supervisor quit his job and moved to another state. The BcABA continuous working with a half a dozen cases without supervision, doesn't inform many of his clients. So that his supervisor has moved on and does not inform the BACB. Keeps thinking that he'll find someone to supervise him, but his geographical area. It's hard to find anybody. Time drags on and the BcABA spends less time looking for a supervisor and begins to think that he's doing just fine on its own. At one point he has to sign a form indicating that certain objectives have been met with a client. He signs on the wrong line, the one that says BCBA signature here. A few more weeks go by and no one seems to notice that he's now signing off as though he's a BCBA. He's having some troubles with a couple of his cases, but by going online, he believes he's able to find some answers. At a professional meeting he runs into a former colleague who has asked him point blank if he passed his BCBA exam, he says, took it but don't have the results yet and hurries across the room to in the bar. So how would you categorize this violation?

John Bailey: [01:21:08](#)

I would say this is probably in the moderate range moving into moving into severe, depending upon what kind of cases this person is handling. And this is a particularly troublesome kind of case because the people who would have firsthand knowledge of this are probably clients, but clients would be reluctant I think to confront the person and say, hey, like I had in this scenario it says you run into a at a meeting. But what if that was a parent who said, Hey you're signing off as the BCBA. Did you get your BCBA? I don't know that parents would do that, but they would be the ones that are the direct victims to a certain extent of somebody who's not being improperly supervised. This is the troublesome case. And there are cases out there that are likeliest cause I hear about them where it's hard to get a handle on it because in order for, in order to be reported, it has to be reported by somebody knows what it is.



- John Bailey: [01:22:16](#) And this is one of those ones that it's sort of like a slow leak in a tire. You got to get that thing fixed because at some point you've got to get a flat. And if you're out on the interstate, when you get that flat, it can be very devastating. And so this is the sort of thing that needs to be considered in a mild to moderate range that could move up to severe violation depending upon what kind of cases this person is handling. So if this person gets a an SIB type of case or an elopement type of case or a food aversion type of case, something, any of those that could be somewhat life-threatening, handles that case, does it poorly. Next thing you know client is harmed. That's going to be really serious. And so the idea is that the see that it could become serious and report it and do something about it.
- Karen Chung: [01:23:15](#) But this is really problematic, right? Because you have to have firsthand knowledge. This is a colleague, so probably you know, colleagues, people that work with him, you know, that this is going on. The clients may or may not be aware of the difference between a BCBA and BcABA, most of them aren't, you know, as far as I know. So how would something like this ever be brought to light, you know, in this type of situation?
- John Bailey: [01:23:40](#) Well, unfortunately it would probably be brought to light at the point that somebody gets hurt. So the BcABA doesn't really know exactly what his or her limitations are. They take the case it starts to unravel and now this, the client, let's say it's an elopement issue, some of it could be serious and he doesn't just leave the house and run in the yard. He runs in the street and he gets hit. Well at that point there's going to be an investigation. They're going to find out that this person is not authorized to be handling these cases on his own. And then it's going to be, it's going to be serious. That person is going to probably lose their certification. There's going to be a big stank. They probably wouldn't be allowed to come back and apply again, dependent upon a lot of other circumstances.
- John Bailey: [01:24:34](#) But what this represents in terms of being a category of a serious severe violation is that the BcABA did not report to the board their changing status, which is I lost of supervisor. That's considered a violation a severe violation and if you report it, the board and the board will be in touch with you and we'll try to help you find a supervisor. And in the meantime, I don't know what they're going to say to you about you know, you're okay,



we're going to have to have somebody touch base with you, whatever it happens to be, but not reporting it is considered a severe violation because now you're sort of off the books and the BCBA and the behavioral health certification board, BACB doesn't want people to be off the books. They want you to be in the organization, in the community or not.

John Bailey:

[01:25:30](#)

If you're in, they want to know you're doing, your supervisor is, they want to know that you're working ethically. So that was F1 is the person failed to report their status. Same thing goes is, you know, you're working with a client and you get reported to child protection for something. You need to report that to the board. And if it comes out later that three months ago you were reported for this child protection for some issues, somebody thought that you abuse a kid. If you don't that to the board, then it becomes immediately, it blows up into a severe violation.

Karen Chung:

[01:26:08](#)

Okay. All right so I want to put myself in this colleague's shoes. So let's assume that I'm the colleague, you know, and I have now a moral problem because I know that this is what my colleague is doing and this can potentially lead to significant harm. What am I, what can I do or is there any actions that I can take?

John Bailey:

[01:26:32](#)

I think to get the ball rolling here. I think that that person at a professional meeting, he runs into a former colleague that former colleague could report it just based on that interaction, I want the board to know that I confronted this colleague, I know for a fact that he's a BcABA and I'm very sure that he's not being supervised. And I want to report this and maybe the board can look into it and I suspect it well, and once they do, they're going to realize that he is, he never did take the exam or he took it twice and didn't pass or something and they're going to contact him. So something like that will be done. The nature of the firsthand knowledge is a little slight in this case because you didn't actually observe them, but you had enough of an inkling, like a, you know, in some towns, all the BCBAs know each other and they know every status. They see each other at meetings and conferences and they talk and whatever it is. And it's like, I don't think that guy ever took the exam. What about you? Do you know anything about that? I don't know. I don't think he ever did either. And normally here's what happens



when somebody takes the exam, they tell everybody and we never heard about that. So and as a colleague, I would say based on the information that you've got that's enough to probably report the person.

- Karen Chung: [01:28:02](#) Is there an intermediate, that step that we can take, like just email the BACB as opposed to going through the process of reporting, you know, as a first step?
- John Bailey: [01:28:14](#) I think they're gonna tell you to fill out a form and make an official report. In the old days, in the old days, they might have responded to an email, but I think they're trying to essentially train everyone that the mechanism for this is you gotta fill out a violation form.
- Karen Chung: [01:28:36](#) Right. Okay. So the next kind of example is a moderate violation. We go through this fairly quickly. The BCBA works in a home setting with a five year old child noncompliance behaviors. Child's a DD, is on the spectrum the term of that noncompliance is related to automatic reinforcement, decisive hearing the parents would stronger reinforcers might make a difference. After two of treatment data shows slight improvements, but the parents can't see it. So the parents education is necessary. Over the next two weeks. The BCBA notices the child is looking thinner and seems to be losing weight to converse with the parents and they reveal that the child is refusing to eat, which is a new form of noncompliance. Parents beg for help, although the B CBA does not have experience in this area. She makes a recommendation on how to increase food consumption. Also due to her schedule, she's not able to be in the home during meal times to observe. So how would you categorize this violation?
- John Bailey: [01:29:36](#) Well, we have this boundaries of competence violation and in general boundaries of competence about relation are considered in the moderate range unless, unless I think it looks like there's harm being done. And this particular BCBA meaning somebody who doesn't have a supervisor, the person who could report this would be the parents. And it's sort of like that previous case. Where would they know? I don't know that we educate our parents well enough to say, are you competent to deal with this? Cause they're desperate. They want something. And so however it is a violation, a violation on the part of the



BCBA. That person should have said, you know what, I've read about this I saw a [inaudible] about it, but I am not competent to handle this. That's the appropriate reaction. And my experience of people out in the world is they, they want to help so badly that they don't stop.

John Bailey:

[01:30:47](#)

You know, I don't know enough a lot this too the handle that at all. And that that's basically what the point of this particular scenario is, is that they need to be constantly aware of where their boundaries of competence are and not to get beyond those boundaries of competence because of the possible liability to them and to the client, to the field. I had an interaction here while back with a colleague who was talking about getting into a new area of working with, he's found a new population to work with and it's people that have aggressive dogs. And it started with a neighbor who had a dog that bit somebody bit a kid and the neighbors said to him, hey, you're a behavior analyst. Maybe you can help me. So the guy did.

John Bailey:

[01:31:46](#)

Well, so then at this conference that I was at, I heard him talking about it and I walked up and kind of listened to it and he was bragging about how he knew about all this stuff. And I said are you are you a board certified animal behaviorist? And he said, no. And I said, well, if you're not a board certified animal behaviorist you're not qualified. I just told him straight out, you're not qualified to do that. And furthermore, here's the harm that could come. Let's say you work with somebody dog and you think that you've fixed it and a dog bite somebody and it's a severe bite. There's going to be an investigation and they're going to come back and discover that you who are not qualified to do this, trained this dog, and they're going to go after you. The average lawsuit for dog bites is in range of \$100,000. I mean, it's \$102,000 on average for people connected this and eight benefits on the moments that are never gonna happen. Well then I found out about a month later that he quit this. So that worked out just right

John Bailey:

[01:32:58](#)

Under the new code, I probably would've reported as it is the board doesn't know that he did this and he got out of the business. So, you know, it's probably okay the way it was handled, but under the new, under the new system, I wouldn't have to report him to the board because he told me what he was doing.



- Karen Chung: [01:33:20](#) Okay. How many friends do you have Dr. Bailey?
- Karen Chung: [01:33:25](#) A five.
- Karen Chung: [01:33:28](#) Perfect number. The triage model if you'd like to, let's see. I'm just going to put everything on the slide so you can talk about, that would be great
- John Bailey: [01:33:39](#) If I dumped one. I'll have an opening.
- John Bailey: [01:33:49](#) Okay. What else? See we're going to talk about, well this is what I did for this. I envisioned this triage model and it started off, I was just thinking in terms of severity of harm that could be caused. That's what you'd see across the top severe, moderate and mild, severe and worked with that little while going through the code. And then I realized that there's also an issue of what's the likelihood that a harm could happen. And so that gave me this box with two dimensions. So it's, you can have a severe violation of high-probability severe violation of moderate, low probability and so on. And then I went through the code and just very informally and so there's no social validation on this, but this is more of a think piece. I went through each code item and put them in a box to see where I just felt based on my experience where something like that could go.
- John Bailey: [01:34:45](#) And you can see a sort of what's in there. All the way from one point o one, one point o four, one point o seven those initial violations that have to do with, with people basically not doing behavior analysis, doing something else and calling it behavior analysis down to the eight point o two, o three, o four down in there where these are less, less likely to be cause harm mild harm and probably low probability. But again, this is, it looks efficient, but it's not. This is just an idea and I think I would urge it as an exercise for everybody to look through the code items and then see what they think about.
- Karen Chung: [01:35:35](#) Now I think that's a great idea. If you guys can all take a look at this a, because this is work in progress and you know, provide feedback on where you think certain code items fall. It would be, it would make the document a lot more stronger and a lot more, you know, we can validate that. So your feedback will be much appreciated. We have an example that's coming up on the next slide. I'd like you guys to think through some of those



scenarios that you have. And maybe we can walk through a couple of us on real life scenarios that you've run across and try to put them in this triage model. So the, an example of how to use the triage, I'm going to put all of this on and okay Dr. Bailey. So the example is a therapist uses another other consumer's plan by changing out the name only. So how would you then take that situation and put it into the triage model? The matrix?

John Bailey:

[01:36:28](#)

Well, the the probability for harm is probably the moderate range. Of course, this pretty much depends on what this plan is. But it is the acquisition type plan there, I mean, it could be in the low to moderate probability and I would say it's probably in the the moderate range of harm it, but it very much depends on how far off this particular thing is. And so if, if somebody copied another client's plan and just basically substitutes the name if it's, you know, acquisition, a simple acquisition of a skill, it might not be any big deal. But if it was a behavior reduction plan and it didn't take into account the the functional analysis of the occurrence of the behavior then it could be, it could be serious.

John Bailey:

[01:37:31](#)

Somebody engages in SIB and they do it in order to get attention from a parent or a teacher or something like that. You take the same one. And so in that case you'd say, okay, well you're doing it for attention. We know how to use an engine to reinforce the opposite behavior, but it's attention and theoretically you could even use timeout or something that, it doesn't get reinforced. But the second kid does the same behavior. But he, if he did an FA he would turn it out and he does it in the alone condition. So you put that kid in time out, that's where he wants to be. He's got nobody to interrupt him. He can go in there and SIB his heart's content. If that was the case, that could be serious. So it very much depends on the exact circumstances. But thinking of moderate behavior change plan is probably in the moderate range.

Karen Chung:

[01:38:27](#)

Okay. And I just chatted out. I wanted to know if there is any other scenarios that you guys wanted to try out to see how to apply that in the matrix. And while we're waiting for a response, we sent out a, Special Learning sent out a survey of the types of ethical violations and we got some responses back and we took the information and we put them into the actual triage, the matrix. So the question was, what types of ethics violations do you encounter most often? Some of the responses not



maintaining records properly. You know, no lock on filing cabinets and such, not not recording data or not analyzing data, insurance fraud, over-billing, not updating programs in a timely manner or not supervising RBTs correctly or at all. And so how they fell into the triage model, the matrix was here, Dr. Bailey, your thoughts on why they ended up where they ended up?

John Bailey:

[01:39:31](#)

Well, let's take a not recording data. Again each one of these, depending on the particulars would go some other box. But you know for an average acquisition program, the harm could be moderate. You're not recording data, but that doesn't mean that you're not implementing the program properly. So I would put it in the moderate, moderate range. Those with the analog, that doesn't mean that you're not a good therapist, but it means that if you keep this up this something bad could happen. Not updating programs, same thing. And that could range from a moderate, moderate to a moderate and then high probability depending on how bad that is, cause you can not take data on any given day, you could not analyze data on any given week. If you for non-revenue weeks, pretty soon these programs can go haywire and once that happens, the kid could now there could be harm, in which case it would move up to moderate and a high probability or even severe and high probability depending on what it is.

John Bailey:

[01:40:54](#)

Same thing goes with not supervising RBTs, if you don't supervise them for, you know, a month or something, it's probably not going to be critical. But if you get two months of it, then it's probably, it starts off as a moderate, moderate, but then it could move up and it could be severe because anybody, any RBT or anybody's [inaudible] wrong, it doesn't get any feedback about that and can continue to do it wrong and eventually they're going to do it wrong in such a way that somebody really gets hurts. And of course, we don't want that to happen. Insurance fraud I'd say it's a moderate probability cause, it doesn't, and I people who actually told me this they, they know about insurance fraud, but they're not going to report it because it's against the big insurance company and they're not gonna miss the money.

John Bailey:

[01:41:46](#)

And you know, so in that sense whoever says that it has got warped values of course, but the insurance fraud does not harm the client immediately, but it could eventually, so I put it in the



moderate probability of harm because eventually it's gonna catch up, somebody's going to do an accounting on this and they're going to discover it. In which case the client could lose services based on this or the behavior analyst could be charged for fraud that could happen. Same thing goes with recommending more hours than needed. There's not gonna be any immediate harm to the client from that. The behavior analyst thinks they need ten hours, but the company recommend twenty because they look at the insurance policy and they know policy will pay for twenty. That's not going to be an immediate harm to the client but in the long run and the probability of harm is somewhere between moderate and low. We have it in the moderate range, but that's what that could be. Any kind of a paperwork violation is probably not going to be in the severe range unless it's outright faking of data and miscategorizing of a behavior.

Karen Chung:

[01:43:07](#)

So the insurance fraud situation I think is interesting. Well, first of all, when I think of the triage model, Dr. Bailey, I look at those as being very client centric. So you know, you're categorizing violations based upon the damage severity and the probability of harm as it relates to the consumer or the patient or students or whomever. But the insurance fraud piece of it I think has a bigger implication or a broader implication because it has a broader implication to the field itself. Because we're not you mentioning something about the fact that insurance companies are now going to actually start to cap the number of hours, you know, or services provided.

John Bailey:

[01:43:45](#)

Yup. And that, so in that case, the harm could be severe to the that's, that's for sure. And you just said on my understanding is insurance companies are starting to list or actually beginning to do it. So it's no longer an open-ended invitation to behavior analyst you just tell us how many hours it's gonna go the way of HMOs is my guess where a [inaudible] and how much they'll pay for whatever it is.

Karen Chung:

[01:44:20](#)

Yeah and frankly...

Sarah:

[01:44:21](#)

Dr. Bailet, oh, sorry. There's just a scenario, but if you need to finish up, Karen, that's fine.



- Karen Chung: [01:44:28](#) Yeah. Just one comment that I had. I was, I'm frankly very, very surprised at the number of people that have written and said that they, you know, some of the violations that they experience or that they know of are insurance fraud violations. It just seems to be so commonplace that you can't help correlate all of that going on. Insurance companies being as smart as they are, are naturally going to be cracking down on it. So, you know, the seemingly kind of victimless crime, I guess if you wanted to call it that, because insurance companies have billions of dollars, right? Is it has huge implications then that, you know, and the field itself, obviously the profession, but ultimately it helped you to harvest a client because of they're going to now be limited to the number of services when they potentially could have gotten more if these some bad behaviors weren't being exhibited. So that was my point. Sarah question?
- Sarah: [01:45:18](#) Yes. this is, Rita has a scenario. Rita, I just unmuted your microphone. Are you there?
- Rita: [01:45:26](#) Oh, yes. Yeah, yeah. Just this would be somebody doing some placement work and has done the home training, got into the home, done a functional behavioral assessment all on supervision, and then you'll find out that he's given already given recommendation to the day program into the parents on intervention strategies. And yet there's no data being taken and the program isn't written up. And I certainly haven't seen it.
- John Bailey: [01:45:58](#) Is this Rita?
- Rita: [01:45:59](#) Yes, it is. Yeah. Yeah. This be an early, a student early in but actually he's a Registered Behavior Technician already now that I think of it.
- John Bailey: [01:46:11](#) Rita could give the first part, cause I might throw it down there for a minute. I didn't hear the full sentences.
- Rita: [01:46:18](#) Yeah, yeah. Yeah. That if you've got a student that is done a functional behavioral assessment properly under supervision, discussed the treatment plan with the supervisor, but then goes back to the parents and the day program and makes recommendations. But nothing is yet in writing. And other than ABC, there's no data being taken proceeding with intervention before there's an actual agreed plan.



- John Bailey: [01:46:53](#) So are you asking if this is the violation or what you should do?
- Rita: [01:46:55](#) But what are we putting that in in your triage? This is a wonderful way to, wonderful system to demonstrate to the student. I mean, not only do you tell them you don't, we don't work that way. That's not how behavior analysis works, but to actually be able to put it in the severity of harm, potential harm.
- John Bailey: [01:47:15](#) Yeah. so if the if the student who is sticking to the findings, the FA findings and tells that the, is it that the parents,
- Rita: [01:47:30](#) Well mostly the day program, but yes, the parents.
- John Bailey: [01:47:34](#) So if, if the student sticks to that and tells them this is what we found, I'm going to give you a written program here in a few days. I know you want to get started.
- Rita: [01:47:43](#) I know that's the piece that's missing. Jon, this fella has just gone ahead and is doing intervention himself and also telling people what else to do. There's no plan. There's no program plan.
- John Bailey: [01:47:59](#) Right. But you did do an FA?
- Rita: [01:48:01](#) He did do that. Yes.
- John Bailey: [01:48:03](#) And is what he's telling them. Does it match the FA?
- Rita: [01:48:10](#) Yes.
- John Bailey: [01:48:12](#) Okay. So if it, if it matches FA, and I will say this, the severity of harm is in a mild to moderate, if he deviated from what the FA was by a considerable extent it's going to be somewhere in the moderate to severe. The FA said one thing and he said something else that's going to be in the severe range and the probability of harm is going to be somewhere between moderate and high. But if he stopped, he stuck to what you said just he has written yet it hasn't been approved yet. But he did, it will be approved and say the probability of harm is low and the the severity is probably going to be in a mild to moderate range. Cause you know, it all depends on that. Some people they just get a wild hair about what they want to do and then do it despite what the evidence shows.



- John Bailey: [01:49:06](#) And that's where it moves up in the range. However, the triage system doesn't say what report these moderate ones. It just gives you some sense of, you know, how severe they are, whatever it is but the person should have a meeting with you being told you can't do it. You can't, you can't be in informing the day program staff about this until it's been written up and approved you can't do it. And that the guy says, well that's the way I've always done it and I don't think you're too slow or whatever it is. He write him up and send it in.
- Rita: [01:49:39](#) Right, thank you!
- Karen Chung: [01:49:46](#) Anybody else..
- John Bailey: [01:49:47](#) It looks like to me Karen it looks to me like we've got eight minutes.
- Karen Chung: [01:49:53](#) Eight minutes. Okay. We're going to then move on. There's a couple slides that I do want to go through and Dr. Bailey that I do want you to address. So here some cancel, sorry. Information. The states with the most reported violations, you know, you can look at the numbers for yourself California, Florida, New York obviously it goes, it makes sense because those are the States with the most number of BCBA's and states cover two thousand one through the fifteen. Total number of violations today since they started recording it is two hundred sixty one these eleven states make up over sixty percent of total reported violations. Most common violations number three, assessing behavior number six, a hundred twenty five cases of that. Number six the behavior analysts, ethical responsibility to the professional behavior analyst. And how can you stay out of trouble? Dr. Bailey, I'm going to run through these really quickly because there's another slide that I do want you to talk about. When to say no, how to say no and why to say no. Do you want to address that or do you want to do it as part of that I want you to talk about
- John Bailey: [01:51:04](#) Yeah, let's let's do that in the next slide.
- Karen Chung: [01:51:07](#) Okay. So we're going to skip the example scenario and okay, sorry, sorry, sorry. Oh, sorry. This is where I wanted to proactive practices that you can use to stay out of hot water.



- John Bailey: [01:51:26](#) Yeah. This basically, I mean I think we all want to stay out of hot water. We have two conflicting things it's like, you know, the angel on one shoulder and the devil on the other shoulder and the one is saying you've been practicing for years, you know what you're doing, you're ethical, don't worry about it. And the other one is saying, no, you don't. The code changes and you need to stick with it. You need to review the code and you need to give yourself just kind of a little personal chat. And so, you know, I prefer the latter and so I would like to see people review the code at least monthly and just go through and check, check, check and see if there's anything in there that they might've overlooked. But you know, if one thing I've learned about adults is that they like who they are and they don't like changing. And I don't like people telling them this should change. So it's really has to start with yourself.
- Karen Chung: [01:52:26](#) I think this is a good suggestion.
- John Bailey: [01:52:29](#) Yeah. Having, having a group a group meeting like once a month at your place of business for like lunch and learn because the thing about it I think is a good idea because you didn't bring up ethics topics and it's possible that, that you could use these group as the autoclitic to then get into stuff this more serious. So you could have articles, you could have case studies you've heard about or that are happening internally and just kind of see what other people think about that. It's also a really good way to find a trusted colleague because if you're doing this in a work setting there's going to be some people that sit up straight, listen and ask good questions and other people are gonna, you know, whatever. The whatever people don't make good colleagues trusted colleagues because they obviously don't take that seriously. There is your trusted colleague you want somebody to take this stuff serious and it's going to be good at ethics. It's sort of like a, you want to be good at tennis play with somebody better than you because you'll learn a lot by playing with somebody who's better you and it'll raise your game. And the same thing goes with a trusted colleague, somebody who has really high standards, asked them if they would be your trusted colleague and that will raise your game in this area.
- John Bailey: [01:54:02](#) The next one has to do with micro violations of the ethics code. These are the ones that can happen regularly, daily, weekly,



somewhere in there. All the little things that that happen maybe that you love to do, but things that happen to you. People ask you to do things and it could be your supervisor is asking you to do something like a take a case where you don't have the you don't have the competence, but it's not your, your competence level could be that all the way down to a people asking you to do things that you're, that you can't do you're not assigned to that case. The next one comes up really all the time oh my kid did this, which I do. Well you have to say, look, I'm not assigned to your case then so I can't do that.

Karen Chung: [01:54:57](#)

I know you have to go. But I do. How can you stay out of a hot water? It's when to say no, how to say no and why to say no. A couple of words on that because I think it's a good framework for to use.

John Bailey: [01:55:11](#)

Well when to say no is whenever it's somebody that asks you to do something that's a violation of the code. And it's difficult because the culture separate from the profession. If people ask you to do things you do because this is a reciprocal arrangement with you and your friends in your neighborhood or where you work or you can, Hey, could you give me a ride to work today? My car's broken down. Sure. That's not a problem. I ask you to do something and you do it. And then later on they say, use this prescription behavior prescription for I know you didn't look at it, but it would help me out if you could sign it. Because the BCBA who's supposed to do it is not here today. You have to say no you got to say no it's a violation. I can't do that. I'm sorry. That person who I've put him on, it's not that big a deal you're board certified, the other guy's board certified, he's sick today we need a signature gotta say no and it has to be fairly quick and it has to be fairly definitive. Like you can't do, you can't say, and I hear this all the time, Oh, I can't do it, I'm busy. Well that's the wrong answer. You're not busy. The reason you're not going to do is it's unethical. And people were somehow reluctant to just come down and say, listen, I'm sorry I can't do that. That's unethical, but that's the right answer. So you've got right answers and wrong answers and I'm too busy and so on. I mean, it's like you ask somebody out on a date and they go, Oh, I've got to wash my hair.

John Bailey: [01:56:48](#)

That's not an answer. The fact is they didn't want to go out on a date with you. And they're just using that as an excuse. And the



person should say is you and I have no future. We did have coffee that one time, but there's no chance in hell that there's anything that happened. But instead they make up this other stuff. Another one is no I can't gonna wash my dog. Come on you're making that up [inaudible] you are. So anyway behavior analysts need to tell the truth even though it might not be comfortable and always use the autoclitics. So what was the last one? When did what, how to do it.

John Bailey: [01:57:31](#)

Why? I can hear you. Yeah.

Karen Chung: [01:57:35](#)

Why?

John Bailey: [01:57:36](#)

Why? Because if you say, yeah, I'm going to get stuck in doing something that's unethical and it's going to come back to bite you and and it's going to turn into the reputation of everybody and and so on. I hear from people, clients offer me gifts and I say, no, I can't it's unethical. And then I find out that all my colleagues are accepting gifts and the client will tell me that while the OT she took the gift and the PT she took the gift, what's special about you? And you know, what you would want to say is, look, of the three of us, there's only one of us that's ethical. Do you know which one it is that's right it's me. That's what you want to say. But you know, you, you have to do a little momentary education and ethics and say welcome to my code of ethics. We're not allowed to accept gifts. And I don't know what their code says. You just kind of leave it at that. They're in fact the codes. And I said that I just discovered, for example, that supreme court judges are allowed to accept extravagant trips as a form of a gift from organizations that have issues before the supreme court.

John Bailey: [01:58:59](#)

That's outrageous! When just Scalia died. He died out in a ranch out in a exclusive ranch out in Texas. That was that was a freebie. He didn't pay for that. He wasn't there, you know, in a spa situation, he was invited by the owner to go out there and it turns out the owner of that particular ranch has business before the supreme court. That's outrageous as far as I'm concerned. That's unethical, these guys and that's the top that would be the most ethical people in our culture and that has a very bad model I think for everybody it's in the culture. So, you know, we have to separate ourselves from the rest of the culture and say



that may be them. They maybe doing it and I got to go.
Remember I told you I got to go.

- Karen Chung: [01:59:48](#) Thank you very much for your time, for you know, educating us on a Saturday. I really do appreciate that. Everybody I'll send you the presentation it has Dr. Bailey's email and he welcomes any kind of questions that you have so that we can engage in a further dialogue. Thank you very much for making this really interactive and we want to have a wonderful weekend. Thanks Dr. Bailey.
- John Bailey: [02:00:09](#) Well, there were a couple.
- Karen Chung: [02:00:12](#) Yeah.
- John Bailey: [02:00:14](#) Alright. Well we got a couple slides at the end that you wanted to cover a couple of slides at the end?
- Karen Chung: [02:00:22](#) We're good for now. I know you need to go pick up a student at the airport. Yup so be a good professor. Thanks. Have a great weekend.
- John Bailey: [02:00:31](#) Right. Bye. Bye.