

BOARDS AND COMMISSIONS
Kentucky Applied Behavior Analysis Licensing Board
(Amended at ARRS Committee)

201 KAR 43:040. Code of ethical standards and standards of practice.

RELATES TO: KRS 202A.400, 319C.060(1), (2)(c), 620.030, 645.270

STATUTORY AUTHORITY: KRS 319C.060(2)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards and standards of practice for licensees.

Section 1. Definitions.

(1) "BACB Code" means the Behavior Analyst Certification Board (BACB) January 1, 2022 Ethics Code for Behavior Analysts.

(2) "Behavior analyst" means a person licensed under KRS Chapter 319C as a licensed behavior analyst, a licensed assistant behavior analyst, or a temporary licensee.

(3) "Client" means:

(a) A client as defined in the BACB Code;

(b) A person who receives behavior analytic assessment, intervention, consultation, treatment, or other professional services for the purpose of practicing applied behavior analysis;

(c) A corporate entity or other organization if the professional contract is to provide a professional service of benefit to the corporate entity or organization; and

(d) The legal guardian of a minor or a legally incompetent adult for a decision-making purpose.

(4) "Confidential information" means information revealed by a client or clients or otherwise obtained by a behavior analyst in a professional relationship and includes all protected health information (PHI) and educational records.

(5) "Kentucky Code" means the Code of Ethics set forth in this administrative regulation.

(6) "Professional relationship" means a mutually agreed upon relationship between a behavior analyst and a client for the purpose of the client obtaining the behavior analyst's professional expertise.

(7) "Professional service" means all actions of the behavior analyst in the context of a professional relationship with a client.

Section 2. Administration and Enforcement of the Code of Ethics.

(1) Notwithstanding the requirements of the BACB Code, the changes established in the Kentucky Code shall be mandatory and shall supersede any conflicting provisions of the BACB Code.

(2) Except as superseded by the provisions of this administrative regulation and the Kentucky Code, the BACB Code shall be the mandatory ethics code for Kentucky Applied Behavior Analysts.

Section 3. Additional Requirements for Kentucky Licensees.

(1) Reporting of abuse of children and vulnerable adults. The behavior analyst shall be familiar with the relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with those laws, including KRS 620.030.

(2) Disclosure without informed written consent. The behavior analyst shall disclose confidential information without the informed consent of the client if the behavior analyst has a duty to warn an intended victim of the client's threat of violence pursuant to KRS 202A.400 or 645.270.

Section 4. Incorporation by Reference.

(1) "Ethics Code for Behavior Analysts", Behavior Analyst Certification Board, January 1, 2022, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Applied Behavior Analysis Licensing Board, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the Behavior Analyst Certification Board's Web site at <https://www.bacb.com/wp-content/ethics-code-for-behavior-analysts/>.

(37 Ky.R. 3035; 38 Ky.R. 901; eff. 12-2-2011; Crt eff. 2-27-2020; 48 Ky.R. 1900, 2602; 49 Ky.R. 24; eff. 10-4-2022.)

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CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782-8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.