

BOARDS AND COMMISSIONS
Kentucky Applied Behavior Analysis Licensing Board
(Amended After Comments)

201 KAR 43:050. Requirements for supervision.

RELATES TO: KRS 319C.050(1) and 319C.060(2)(a)-(d)

STATUTORY AUTHORITY: KRS 319C.060(2)(a)-(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

Section 1. Definitions.

- (1) "Direct supervision" means in-person interactions between the supervisor and the licensee under his or her supervision which includes direct observation of actual service provision to individuals.
- (2) "General supervision" means interactions between the supervisor and the licensee under his or her supervision involving real time visual and auditory contact, conducted in-person or via electronic means.
- (3) "Licensed supervisee" means an individual holding licensure in Kentucky as a:
 - (a) Licensed assistant behavior analyst permitted to practice the items from the most current BACB BCaBA Task List or BCaBA Test Content Outline under the direction of a Licensed Behavior Analyst qualified to supervise,
 - (b) Temporarily licensed behavior analyst permitted to practice the items from the most current BACB BCBA Task List or BCBA Test Content Outline under the direction of a Licensed Behavior Analyst qualified to supervise, or
 - (c) Temporarily licensed assistant behavior analyst permitted to practice the items from the most current BACB BCaBA Task List or BCaBA Test Content Outline under the direction of a Licensed Behavior Analyst qualified to supervise[licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst permitted to practice the items from the most current BCBA Task List for Temporary Licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts under the direction of a Licensed Behavior Analyst qualified to supervise.
- (4) "Supervisee" means a person who is not licensed but acts under the extended authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst to provide applied behavior analysis services; and limits their practice to the items from the most current BACB Registered Behavior Technician Task List.
- (5) "Unlicensed supervisee" means an individual accruing fieldwork/experience toward fulfilling eligibility requirements for BCaBA or BCBA certification without a license permitted to practice the items from the most current BCBA Task List for Temporary licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts under the direction of an individual qualified to supervise under the Behavior Analyst Certification Board's (BACB) supervision standards under limited conditions.

Section 2. Qualifications to Supervise. In order to provide supervision to a licensed supervisee, a Licensed Behavior Analyst shall:

- (1) Be licensed in good standing in Kentucky;
- (2) Be currently certified by the Behavior Analyst Certification Board as a:
 - (a) Board Certified Behavior Analyst (BCBA); or

- (b) Board Certified Behavior Analyst - Doctoral (BCBA-D); and
- (3) Meet and maintain qualifications to supervise under the Behavior Analyst Certification Board's (BACB) supervision requirements.

Section 3. Supervisory Plan and Report of Supervision .

- (1) Except as provided in Section 15 of this administrative regulation, a supervisory arrangement shall be submitted to the board for approval using a completed Supervisory Plan, as incorporated by reference in 201 KAR 43:010, by the supervisor and the licensed supervisee.
- (2) The supervisor and the licensed supervisee shall jointly complete and the licensed supervisee shall submit to the board a completed Supervisory Plan upon application for licensure and again annually or biannually as required in this administrative regulation.
- (3) The supervisor and the licensed supervisee shall jointly complete and the licensed supervisee shall submit to the board a Report of Supervision either annually or biannually as required in this administrative regulation. A final Report of Supervision shall also be submitted to the board by the licensed supervisee at the end of the supervisory relationship in accordance with Section 10(2) of this administrative regulation.
- (4) In calculating the amount of time spent in full-time practice while under supervision, 1,500 hours of satisfactory supervised practice shall be equivalent to one (1) year of experience.
 - (a) A licensed assistant behavior analyst with five (5) or more years of full-time practice, or its equivalent, shall submit a Report of Supervision and an updated Supervisory Plan every two (2) years prior to renewal.
 - (b) A licensed assistant behavior analyst with fewer than five (5) years of full-time practice, or its equivalent, shall submit a Report of Supervision and an updated Supervisory Plan annually on or before the anniversary of the date of licensure as a licensed assistant behavior analyst and prior to renewal.
 - (c) A temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst shall submit a Report of Supervision and an updated Supervisory Plan annually on or before the anniversary of the date of licensure as a temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst. A final Report of Supervision must be submitted by the licensed supervisee upon application for full licensure.
- (5) The Supervisory Plan shall include measurable goals for supervision and shall focus on a majority of items from the most current BCBA Task List for Temporary Licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts.
- (6) The Report of Supervision shall include:
 - (a) A description of the frequency, format, and duration of supervision;
 - (b) An assessment of the functioning of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst, including the strengths and weaknesses;
 - (c) The methods that the supervisor and licensed assistant behavior analyst practicing under the direction of the supervisor shall employ to plan, report, and evaluate the supervisory process; and
 - (d) Any other information, which the supervisor deems relevant to an adequate assessment of the practice of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst.
- (7) The licensed supervisee, or temporarily licensed assistant behavior analyst shall submit to the board the description of the supervisory arrangement or a change in the supervisory arrangement by submitting an updated Supervisory Plan no later than thirty (30) days after a change in the effective date of the arrangement or change. A final Report

of Supervision shall also be submitted by the licensed supervisee at the termination of any supervisory relationship in accordance with Section 10(2) of this administrative regulation.

Section 4. Supervisory Responsibilities.

- (1) The supervisor shall assure that the practice of each licensed supervisee is in compliance with this administrative regulation.
- (2) The supervisor shall report to the board an apparent violation of KRS Chapter 319C on the part of the supervisee.
- (3) The supervisor shall inform the board administrator in writing or electronically of a change in the ability to supervise, or in the ability of a licensed supervisee to function in the practice as a licensed supervisee in a competent manner.
- (4) The supervisor shall control, direct, or limit the behavior analytic duties performed by the licensed supervisee practicing under the direction of the supervisor to ensure that these duties are competently performed.
- (5)
 - (a) The supervisor of record shall be responsible for the behavior analytic duties of the licensed supervisee practicing under the direction of the supervisor.
 - (b) If the board initiates an investigation concerning a licensed supervisee practicing under the direction of the supervisor, the investigation shall include the supervisor of record.
- (6)
 - (a) For each person supervised, the supervisor shall maintain a record of each supervisory session that shall include the type, place, and general content of the session.
 - (b) This record shall be maintained for a period of not fewer than seven (7) years after the last date of supervision.

Section 5. Multiple Supervisors.

- (1) If a licensed supervisee has more than one (1) board-approved supervisor, the supervisors shall be in direct contact with each other at least once every six (6) months, and they shall each provide individual Supervisory Plans and Reports of Supervision to the board as well as copies to each other.
- (2) A request to have more than two (2) supervisors at one (1) time shall be subject to board approval and shall be submitted by new applicants on the licensure application and the Supervisory Plan and by existing licensees on the Supervisory Plan, which shall include detailed information as to how the supervisors shall communicate and coordinate with each other in providing the required supervision.

Section 6. Supervisor Experience. If a licensed supervisee practicing under the direction of the supervisor is a behavior analyst with less than five (5) years of fulltime, post-certification practice, or its equivalent, or a licensure candidate with temporary permission to practice, the supervisor of record shall:

- (1) Read and countersign all assessments and treatment plans to assess the competency of the licensed supervisee to render applied behavior analytic services;
- (2) Review notes and correspondence on an as-needed basis;
- (3) Have general supervision of the work performed by the licensed supervisee practicing under the direction of the supervisor at least twice per month;
- (4) Have direct supervision of the work performed by the licensed supervisee practicing under the direction of the supervisor at least once every three (3) months;
- (5) Have direct knowledge of the size and complexity of the caseload for each licensed supervisee practicing under the direction of the supervisor;

- (6) Limit and control the caseload as appropriate to the level of competence of each licensed supervisee practicing under the direction of the supervisor;
- (7) Have knowledge of the techniques being used by the licensed supervisee; and
- (8) Have knowledge of the physical and emotional well-being of each licensed supervisee practicing under the direction of the supervisor when it has a direct bearing on his or her competence to practice.

Section 7. Licensed Supervisee Experience. If the licensed assistant behavior analyst is a behavior analyst with more than five (5) years of fulltime, post-certification practice, or its equivalent, the supervisor of record shall:

- (1) Review and countersign assessments as needed or appropriate;
- (2) Review treatment plans, notes, and correspondence as needed or appropriate;
- (3) Have general supervision of the work performed by each licensed assistant behavior analyst practicing under the direction of the supervisor at least once per month;
- (4) Have direct supervision of the work performed by each licensed assistant behavior analyst practicing under the direction of the supervisor at least twice a year;
- (5) Have direct knowledge of the size and complexity of the caseloads for each licensed assistant behavior analyst practicing under the direction of the supervisor;
- (6) Limit and control the caseload as appropriate to the level of competence of each licensed assistant behavior analyst;
- (7) Have knowledge of the techniques being used by each licensed assistant behavior analyst; and
- (8) Have knowledge of the physical and emotional well-being of each licensed assistant behavior analyst practicing under the direction of the supervisor when it has a direct bearing on his or her competence to practice.

Section 8. Supervision Requirements.

- (1) A licensed assistant behavior analyst shall meet these supervision requirements, even if he or she is not currently providing behavior analytic services, unless having obtained Inactive status by the board.
- (2) If the licensed assistant behavior analyst is not currently providing behavior analytic services, supervision may focus on guiding the development and maintenance of the licensed assistant behavior analyst's professional knowledge and skills and remaining current with the professional literature in the field.[]

Section 9. Supervision for Part-Time Practice. Supervision requirements for part-time practice may be modified by the board upon approval of the submitted plan. Additional modifications of the format, frequency, or duration of supervision may be submitted for approval by the board.

Section 10. Supervisory Changes.

- (1) Upon a change of supervisor, an updated Supervisory Plan shall be submitted by the licensed supervisee to the board for approval.
- (2) Upon termination of the supervisory relationship, the final Report of Supervision shall be submitted to the board by the supervisee within thirty (30) days of the termination.

Section 11. Licensed Supervisee Responsibilities. The licensed supervisee shall:

- (1) Keep the supervisor adequately informed at all times of his or her activities and ability to function;
- (2) Seek supervision as needed in addition to a regularly scheduled supervisory session;
- (3) Participate with the supervisor in establishing supervisory goals and in completing the regular supervisory reports;
- (4) Be jointly responsible with the supervisor for ensuring that a supervisory report or plan has been sent to the board in accordance with the reporting schedule established in

Section 3 of this administrative regulation; and

(5) Report to the board any apparent violation of KRS Chapter 319C on the part of the supervisor.

Section 12. Identification of Provider in Billing. The actual deliverer of a service shall be identified to the client. A billing for a rendered service shall identify which service was performed by the assistant behavior analyst, temporarily licensed behavior analyst, trainee, supervisee, technician, or other provider and supervised by the licensed behavior analyst.

Section 13. Disciplinary Procedures and Supervision of a Disciplined License Holder.

(1) The board shall appoint an approved supervisor to supervise a disciplined license holder for the period of time defined by the final order or settlement agreement conferring the discipline.

(2) When specified by the final order or settlement agreement, the disciplined license holder shall be responsible for paying the costs of supervision.

(3) The supervisor shall:

(a) Review the originating complaint, agreed order, or findings of the disciplinary hearing;

(b) Meet with the disciplined license holder and the board liaison to:

1. Summarize the actions and concerns of the board;

2. Review the goals and expected outcomes of supervision submitted by the board liaison;

3. Develop a specific plan of supervision; and

4. Review the reporting requirements that shall be met during the period of supervision;

(c) Meet with the disciplined license holder at least weekly, on an individual face-to-face basis for a minimum of one (1) hour unless modified by the board;

(d) Submit a quarterly report to the board which reflects progress, problems, and other information relevant to the need for board-mandated supervision;

(e) Ensure that the disciplined license holder's practice is in compliance with KRS Chapter 319C and 201 KAR Chapter 43;

(f) Report to the board any apparent violation of KRS Chapter 319C on the part of the disciplined license holder;

(g) Immediately report to the board, in writing, a change in the ability to supervise, or in the ability of the disciplined license holder to function in the practice of a licensed behavior analyst in a competent manner;

(h) Review and countersign assessments as needed or appropriate;

(i) Review treatment plans, notes, and correspondence as needed or appropriate;

(j) Have direct observation of the disciplined license holder's work on an as-needed basis;

(k) Have direct knowledge of the size and complexity of the disciplined license holder's caseload;

(l) Have knowledge of the therapeutic modalities and techniques being used by the disciplined license holder; and

(m) Have knowledge of the disciplined license holder's physical and emotional wellbeing when it has direct bearing on the disciplined license holder's competence to practice.

(4) The supervisor shall control, direct, or limit the disciplined license holder's practice to ensure that the disciplined license holder's practice is competent.

(5) The supervisor shall contact the board liaison with any concern or problem with the disciplined license holder, his or her practice, or the supervision process.

(6)

(a) A final meeting shall be scheduled within thirty (30) days of the end of the established supervision period to summarize the supervision.

(b) The meeting shall include the supervisor, disciplined license holder, and board liaison.

(c) A written summary of the supervision shall be submitted by the supervisor to the board two (2) weeks following this meeting with a copy to the board liaison.

Section 14. Board Liaison for Disciplined License Holder. The board shall appoint a board member to serve as a liaison between the board and the approved supervisor. The board liaison shall:

(1) Recruit the supervising licensed behavior analyst from a list provided by the board;

(2) Provide the supervising licensed behavior analyst with the originating complaint, agreed order or findings of the hearing and supply other material relating to the disciplinary action;

(3) Ensure that the supervising licensed behavior analyst is provided with the necessary documentation for liability purposes to clarify that he or she is acting as an agent of the board and has immunity commensurate with that of a board member;

(4) Provide the supervising licensed behavior analyst with a written description of the responsibilities of the supervisor and a copy of the responsibilities of the liaison;

(5) Ensure that the board has sent a written notification letter to the disciplined license holder. The notification letter shall:

(a) State the name of the supervising licensed behavior analyst; and

(b) Specify that the disciplined license holder shall meet with the supervising licensed behavior analyst and the liaison within thirty (30) days of the date of the notification letter;

(6) Meet with the supervising licensed behavior analyst and disciplined license holder within thirty (30) days of the date of the notification letter to summarize the actions of the board, review the applicable statutes and administrative regulations regarding supervision requirements for a disciplined license holder, and assist with the development of a plan of supervision. The plan of supervision shall be written at the first meeting;

(7) Submit the Report of Supervision to the board for approval.

(a) The liaison shall place the Report of Supervision on the agenda for review and approval at the next regularly scheduled board meeting.

(b) In the interim, the supervising licensed behavior analyst and disciplined license holder shall continue to meet;

(8) Remain available to the supervising licensed behavior analyst to provide assistance and information as needed;

(9) Report any problem or concern to the board regarding the supervision and communicate a directive of the board to the supervising licensed behavior analyst;

(10) Review the quarterly Report of Supervision and forward to the supervision committee of the board for approval; and

(11) Meet with the supervising licensed behavior analyst and the disciplined license holder at the end of the term of supervision to summarize the supervision.

Section 15. Unlicensed supervisees shall:

(1) Be enrolled in coursework at a Verified Course Sequence (VCS) that meets the most current coursework requirements for eligibility to sit for a Behavior Analyst Certification Board's (BACB) exam;

(2) Be supervised by an individual qualified to supervise under the BACB supervision standards;

(3) Meet the BACB's most current experience requirements for individuals accruing fieldwork hours to fulfill the eligibility requirements for a BCBA or BCaBA certification exam;

- (4) Clearly identify his or her status as an unlicensed supervisee to all clients and payors;
and
- (5) Give to all clients and payors the name of the supervisor responsible for his or her work..

Section 16. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) ABA-002, "Supervisory Plan", October 2021; and
 - (b) Form ABA-003, "Report of Supervision", October 2021.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at aba.ky.gov.

DR. ERICK DUBUQUE, Board Chair

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