

JURISPRUDENCE AND ETHICS KNOWLEDGE AND COMPETENCY STANDARDS FOR ONTARIO BEHAVIOUR ANALYSTS

Behaviour analysts in Ontario practice in accordance with the current version of the Ethics Code for Behavior Analysts (Code) from the Behavior Analyst Certification Board® (BACB®). In addition, behaviour analysts are required to know and comply with applicable legislation, regulations, program requirements and policy directives of municipal, provincial, and federal authorities. The purpose of this document is to outline the knowledge and competency standards pertaining to jurisprudence and ethics requirements for behaviour analysts in Ontario.

1 Professionalism

Behaviour analysts maintain the standards of the profession by complying with ethics guidelines and relevant legislation to ensure that service recipients receive high quality services. If behaviour analysts identify conflicts between their ethical responsibilities, the law, policy directives, and/or organizational processes, they clarify their commitment to the Code as well as these Jurisprudence and Ethics Standards and attempt to resolve the conflict in accordance with applicable law.

1.1 Code of Ethics

- 1.1.a Adhere to the BACB Ethics Code for Behavior Analysts.
- 1.1.b Seek consultation or training on ethical dilemmas when necessary.

1.2 Service Recipient Care Primary

- 1.2.a Maintain service recipient's interests as primary to develop recipient-centered service plans.
- 1.2.b Obtain input from the service recipient and/or consent source to determine the service recipient's interests and meet their needs.

1.3 Professional Boundaries

- 1.3.a Identify when a dual/multiple relationship exists to address real or perceived conflicts of interest.
- 1.3.b Disclose, to all parties involved in service provision, any dual/multiple relationships that cannot be avoided.
- 1.3.c Maintain professional boundaries to prevent exploitative relationships.

1.4 Discrimination

- 1.4.a Acknowledge and address bias, prejudice, and discrimination within service provision to minimize harm.

1.5 Ethical and Professional Practice Violations

- 1.5.a Identify and attempt to resolve unethical/unprofessional practice and report as required.

1.6 Areas of Competence and Scope of Practice

- 1.6.a Restrict services to scope of practice and areas of competence.
- 1.6.b Seek training, education, or supervision as required to maintain and broaden areas of competence.
- 1.6.c Identify when the service recipient's needs are outside of areas of competence or scope of practice and refer to another suitable professional or seek appropriate consultation/supervision.

1.7 Ontario Program Guidelines and Policy Directives

- 1.7.a Identify and comply with Ontario program guidelines and policy directives relevant to the service setting(s), clinical population(s), funding source(s), etc.

1.8 Supervision of ABA Programming

- 1.8.a When providing supervision of ABA programming, ensure that supervisees, trainees, and staff know and comply with applicable municipal, provincial, and federal legislation, regulations, guidelines, and policies.

2 Consent

Behaviour analysts in Ontario ensure that the service recipients' freedom of choice is protected by obtaining valid consent (i.e., legal, informed, voluntary) for service provision before service commences, and at key junctures throughout service provision, in accordance with relevant legislation, including but not limited to, the Health Care Consent Act (HCCA), Substitute Decisions Act (SDA), O. Reg. 299/10: Quality Assurance Measures (QAM), and Child, Youth and Family Services Act (CYFSA).

2.1 Obtain Consent

- 2.1.a Identify the most legally-supportable consent source to direct decisions pertaining to each specific service element.
- 2.1.b Inform the consent source on all aspects of the proposed service provision so they can make informed decisions.
- 2.1.c Verify that the consent source is able to provide consent free from coercion.
- 2.1.d Inform the consent source of the processes to withdraw consent.
- 2.1.e Obtain valid consent.

2.2 Seek Assent

- 2.2.a Seek assent when the service recipient is not the legal consent source.

2.3 Document Consent and Assent

- 2.3.a Document the process for obtaining oral or written consent, assent, and withdrawal in the service recipient's file/clinical record.

3 Privacy, Confidentiality and Record Keeping

Behaviour analysts in Ontario ensure the service recipient's right to privacy and confidentiality by complying with all relevant legislation including, but not limited to, the Personal Health Information Protection Act (PHIPA), Personal Information Protection and Electronic Documents Act (PIPEDA), Freedom of Information and Protection of Privacy Act (FIPPA), and Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

3.1 Privacy

- 3.1.a Restrict information collection to what is relevant and necessary for effective service provision.
- 3.1.b Provide the service recipient and consent source appropriate access to records and clinical documentation pertaining to service provision.
- 3.1.c Provide the service recipient and/or the consent source opportunity to dispute and/or request correction of information in their file/clinical record.
- 3.1.d Comply with requirements for addressing privacy breaches according to relevant legislation.

3.2 Confidentiality

- 3.2.a Inform the service recipient and consent source about their rights to confidentiality and the limits of confidentiality.
- 3.2.b Protect information regarding the service recipient and service provision.
- 3.2.c Obtain consent prior to requesting and releasing information regarding the service recipient and service provision [unless otherwise required by law].
- 3.2.d Identify the limits of confidentiality based on relevant legislation for the setting and services provided and follow the required procedures.
- 3.2.e Recognize signs of suspected or actual risk to safety of service recipient or other(s) that may require a breach of confidentiality.
- 3.2.f Identify and comply with the legislation regarding mandatory reporting of abuse and neglect.
- 3.2.g Determine when a duty to warn necessitates the breach of confidentiality to ensure safety of service recipient and/or other(s).

3.3 Record Keeping

- 3.3.a Record relevant information pertaining to service provision in accordance with applicable laws and regulations.
- 3.3.b Store paper documentation in a secure manner.
- 3.3.c Store and protect electronic documentation and media using current and appropriate safeguards.
- 3.3.d Transmit paper documentation in a secure manner.
- 3.3.e Transmit electronic documentation and media using current and appropriate safeguards.
- 3.3.f Retain records pertaining to services rendered in compliance with legislation appropriate to the setting.
- 3.3.g Dispose of records securely in accordance with legislation.

4 Business Practices

Behaviour analysts in Ontario ensure that the service recipients, employees, and employers involved in behaviour analytic services are protected by complying with all relevant business practice legislation and funding guidelines including, but not limited to, the Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act (AODA), Consumer Protection Act (CPA), Occupational Health and Safety Act (OHSA), and Employment Standards Act (ESA).

4.1 Service Contract

- 4.1.a Prior to commencing service delivery, create a service contract, and related documents, that includes the important elements of service provision and is signed by the consent source.

4.2 Billing

- 4.2.a When billing for services, accurately represent the fees, the nature of each service provided, the name of the service provider, and other descriptive information as required (i.e., by law, relevant funding organizations).
- 4.2.b Bill only for services agreed upon and provided.

4.3 Misrepresentation

- 4.3.a Accurately describe the service providers' experience, training, and qualifications.
- 4.3.b Provide services in accordance with the service contract agreed upon by all parties.

4.4 Workplace Safety

- 4.4.a Identify and resolve workplace safety issues in accordance with relevant policy, procedure, and legislation.

4.5 Accessibility

- 4.5.a Identify, prevent, and remove barriers for people with disabilities in accordance with relevant policy, procedure, and legislation.

5 Research and Program Evaluation

Behaviour analysts in Ontario ensure that the service recipients' and research participants' rights, wellbeing, and dignity are protected when conducting research or program evaluation by complying with ethics guidelines and relevant legislation, including but not limited to the Tri-Council Policy Statement (TCPS2), Health Care Consent Act (HCCA), Personal Health Information Protection Act (PHIPA), and Personal Information Protection and Electronic Documents Act (PIPEDA).

5.1 Research Approval

- 5.1.a Identify the ethical and legal requirements for research ethics board (REB) and program evaluation.
- 5.1.b Obtain ethics approval, as required, from the relevant body prior to conducting any research or program evaluation.

5.2 Research and Program Evaluation Practices

- 5.2.a Obtain valid consent, as required, for participation in research activities from participant or other consent source (See Section 2).
- 5.2.b In addition to obtaining valid consent, seek assent (whenever possible) when participant is not the consent source.
- 5.2.c Determine when access to and use of existing clinical data may be legally permitted for research purposes without consent.
- 5.2.d Obtain consent and protect privacy when using clinical data for publication and presentation purposes.
- 5.2.e Collect, disseminate, store, and retain research and program evaluation data in compliance with ethics guidelines and legislation.
- 5.2.f Conduct ethical research, including citing the work of others to acknowledge intellectual property, respect copyright laws and avoid conflicts of interest.