

CLARIFICATIONS TO LBAB STATEMENT REGARDING RE-OPENING OF ABA CLINICS – May 4, 2020

The statement approved and issued by the LBAB on May 1, 2020, was for guidance only, as the LBAB received several requests to make an official statement regarding same. The statement was intended to only provide guidance to licensees and certificants who will be providing in-person ABA services to clients, and does not modify any existing guidance established by local, state, and federal agencies. Due to some requests for clarifications to the statement, the LBAB responds as follows:

1) Regarding questions related to the title of the statement, “LBAB Statement Regarding Re-Opening of ABA Clinics”, the LBAB responds as follows:

- *The LBAB recognizes that there are clinics providing ABA services that have not closed during the statewide public health emergency and/or Governor’s Stay at Home Order. However, upon information and belief, many clinics providing ABA services have either closed or have primarily shifted to providing ABA services via teletherapy during the Stay at Home Order.*
- *The statement is intended to provide guidance to licensees when providing in-person ABA services and/or re-opening clinics.*
- *The LBAB regulates licensees, who are ethically bound to adhere to the BACB Professional and Ethical Compliance Code for Behavior Analysts, which was incorporated into a rule promulgated by the LBAB. See LAC:VIII §1001. As addressed in the following ethical rules, if a clinic policy or procedure contradicts the BACB Professional and Ethical Compliance Code, the licensee’s responsibility is to the client:*
 - *2.0 Behavior analysts have a responsibility to operate in the best interest of clients.*
 - *2.04 Third Party Involvement in Services*
 - (b) If there is a foreseeable risk of behavior analysts being called upon to perform conflicting roles because of the involvement of a third party, behavior analysts clarify the nature and direction of their responsibilities, keep all parties appropriately informed as matters develop, and resolve the situation in accordance with this Code.*
 - (d) Behavior analysts put the client’s care above all others and, should the third party make requirements for services that are contradicted by the behavior analyst’s recommendations, behavior analysts are obligated to resolve such conflicts in the best interest of the client.*

2) Regarding a question received stating that complaints may only be filed against licensees, not clinics or safety practices:

- *Refer to 1) above. A complaint may be filed against a licensee due to any reason set forth at La. R.S. 37:3712, which specifically includes practicing behavior analysis in such a manner as to endanger the welfare of clients or patients. See also LAC 46:VIII §601, et seq.*

3) Regarding a question as to the use of the phrase “careful and serious assessment” in the LBAB statement:

- *As stated by LDH in its update on 4/24/20, which was emailed to all LBAs and posted on the LBAB website:
“The decision to proceed with any medical, surgical or dental procedure will be up to the professional judgment of the medical or dental professional.” It also stated that those operating in good faith will not be in violation of the order.*

4) Regarding a question related to the phrase used in the statement: “as is our obligation at any point in time, behavior analysts must provide justification for their clinical decision making” and when and to whom such justifications must be made:

- *As addressed at No. 3 above, the professional must determine when it is appropriate to provide in-person ABA services. A best practice would be for the licensee to document their analysis of the risks and benefits to the client when proceeding with in-patient ABA services. At this time, the licensee is not obligated to report such justifications to the LBAB. It is possible, however, that the LBAB may request that a licensee provide such justifications should a complaint be filed against them.*

5) Regarding a question as to the use of the phrase “our ethical standards are established...” in the statement:

The LBAB promulgated a rule specifically incorporating the BACB Professional and Ethical Compliance Code for Behavior Analysts. See LAC:VIII §1001.