

## Louisiana Behavior Analyst Board

IN THE MATTER OF

COMPLAINT NUMBER: 2020-001B

CAROLYN BARAHONA, PH.D., LBA

LICENSE NO. L-015

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### ORDER OF SUMMARY SUSPENSION

Pursuant to La. R.S. 37:3704(9), the Louisiana Behavior Analyst Board (“LBAB”) summarily suspends LBA License number L-015, issued to Carolyn Barahona, Ph.D., LBA (“Dr. Barahona”), pending an administrative hearing scheduled for June 5, 2020, at 9:00 a.m.

This Order of Summary Suspension is effective as of May 26, 2020. Upon execution of this Order, Dr. Barahona is not authorized to engage in the practice of applied behavior analysis services and must immediately cease and desist from the provision of applied behavior analysis. Further, Dr. Barahona must cease and desist from referring to herself as a Licensed Behavior Analyst.

#### **I. INITIAL FINDINGS**

To protect public health, safety, and welfare, emergency action is required due to the nature of the complaints against Dr. Barahona. Based upon conduct alleged to have occurred while she was employed at Gulf South Autism Center (“GSAC”), which is addressed hereinbelow, a lawsuit was filed against GSAC, Dr. Barahona, and others, alleging the improper and unethical provision of ABA services to client John Doe. On January 30, 2020, Dr. Barahona provided the Louisiana Behavior Analyst Board (“LBAB”) with a copy of the lawsuit filed against her, which due to the allegations contained therein, prompted the LBAB to open an investigation into the allegations against her. In association therewith, the LBAB issued a subpoena to GSAC in order to obtain documentation regarding the alleged conduct, which was recently provided to counsel for the LBAB. The documentation provided by GSAC revealed that in May, 2019, GSAC conducted an internal investigation into allegations against Dr. Barahona, including interviews of its employees, which confirmed some of the alleged behavior. Further, documentation received from GSAC verified additional allegations addressed in the lawsuit. As a result of the investigation, two Registered Line Technicians registered under the license of Dr. Barahona were terminated from GSAC and Dr. Barahona’s association with GSAC ceased shortly thereafter.

The allegations against Dr. Barahona include the following:

- Dr. Barahona directed her supervisees to provoke behaviors in clients with Autism while working at GSAC;
- Dr. Barahona failed to appropriately supervise Registered Line Technicians registered under her licensee, who reportedly bullied and handled clients in a hostile and harsh manner. The Registered Line Technicians working under Dr. Barahona were observed by other GSAC staff shoving, grabbing wrists, force-feeding, antagonizing tantrums and using verbally abusive language toward clients;

- Dr. Barahona failed to provide contracted and paid-for services;
- Dr. Barahona failed to adequately supervise Registered Line Technicians at GSAC, and promoted unqualified individuals into supervisory roles at GSAC;
- Dr. Barahona failed to adequately train Registered Line Technicians of GSAC;
- Dr. Barahona failed to adequately monitor the activities of Registered Line Technicians of GSAC;
- Dr. Barahona failed to implement appropriate ABA protocols and treatment for client John Doe (as named in the lawsuit) and/or adjust them as they were unsuccessful;
- Dr. Barahona advised employees and/or independent contractors and staff of GSAC to mislead parents about their child's progress or lack thereof, including but not limited to hiding portions of client data sheets from the parents;
- Dr. Barahona failed to directly supervise and train Registered Line Technicians;
- Dr. Barahona failed to spend an adequate amount of time in the client's classes;
- Dr. Barahona failed to address John Doe's obvious physical and behavioral decline;
- Dr. Barahona failed to provide John Doe with attainable goals;
- Dr. Barahona failed to timely collect accurate natural data and track the behaviors and skill levels of John Doe to determine the appropriate curriculum, instead collecting data skewed by data protocol;
- Dr. Barahona failed to implement positive reinforcement techniques due to the excessive implementation of behavioral protocol;
- Dr. Barahona failed to curb her RLT's excessive focus on eliminating behaviors they considered problematic, and failure to require development of new skills and behaviors;
- Dr. Barahona failed to prevent the improper, excessive, cruel, and pointless punishment of John Doe under the guise of ABA services;
- Dr. Barahona failed to provide the parents of John Doe with accurate information regarding what was happening with him while at GSAC, including but not limited to withholding portions of client data sheets, and withholding information regarding the implementation of "Behavioral Protocol";
- Dr. Barahona failed to comply with Louisiana law regarding reporting suspected abuse;
- Dr. Barahona failed to properly investigate allegations of misconduct and abuse, including failure to properly advise and provide the parents of John Doe with the complete and/or written results of the investigation into her conduct, as well as the conduct of Registered Line Technicians registered under her license;
- Dr. Barahona failed to provide to the LBAB accurate information when making a self-report regarding alleged unethical conduct in 2019;
- Dr. Barahona failed to provide accurate information regarding the self-injurious behavior of John Doe to the insurance company when detailing his Plan of Care upon seeking a renewal of services.

In this regard, it has been alleged that Carolyn Barahona committed the following violations, as set forth in La. R.S. 37:3712(B): (2) Practicing behavior analysis in such a manner as to endanger the welfare of clients or patients, including but not limited to: (a) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient; (c) Gross malpractice, repeated malpractice, or gross negligence in the practice of behavior analysis; (5) Use of repeated untruthful, deceptive, or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment...; (11) Making any fraudulent or untrue statement to the board; (12) Violation of the code of ethics adopted in the rules and regulations of the board or other immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations of the board; (14) Failure to report the physical, mental, or sexual abuse of a child to a law enforcement agency or district attorney; or (15) Violation of any of the provisions of this Chapter or of the rules and regulations promulgated by the board, which rules and regulations are addressed below.

The foregoing actions are a violation of the following statutes, Licensed Behavior Analyst Rules and the BACB Professional and Ethical Compliance Code for Behavior Analysts:

**BACB – Professional and Ethical Compliance Code for Behavior Analysts:**

- 1.0 Responsible conduct of Behavior Analysts – Behavior analysts maintain the high standards of behavior of the profession.
- 1.01 Behavior analysts rely on professionally derived knowledge based on science and behavior analysis when making scientific or professional judgements in human service provision, or when engaging in scholarly or professional endeavors.
- 1.04(a) Behavior analysts are truthful and honest and arrange the environment to promote truthful and honest behavior in others; (b) Behavior analysts do not implement contingencies that would cause others to engage in fraudulent, illegal, or unethical conduct; (d) Behavior analysts' behavior conforms to the legal and ethical codes of the social and professional community of which they are members.
- 1.05 Behavior analysts provide behavior analytic services only in the context of a defined, professional or scientific relationship or role.
- 2.0 Behavior Analysts' responsibility to Clients – Behavior analysts have a responsibility to operate in the best interest of clients.
- 2.04(c) When providing services to a minor or individual who is a member of a protected population at the request of a third party, behavior analysts ensure that the parent...is informed of the nature and scope of services to be provided, as well as their right to all service records and data.
- 2.05 Rights and Prerogatives of Clients (a) The rights of the client are paramount and behavior analyst support clients' legal rights and prerogatives.
- 2.09 Treatment/Intervention Efficacy (a) Clients have the right to effective treatment (i.e., based on the research literature and adapted to the individual client). Behavior analysts always have the obligation to advocate for and educate the client about scientifically supported, most-effective treatment procedures. Effective treatment procedures have been validated as having both long-term and short-term benefits to clients and society. (b) Behavior analysts have the responsibility to advocate for the appropriate amount and level of service provision and oversight to meet the defined behavior-change program goals (d) Behavior analysts review and appraise the effects of any treatments about which they are aware that might impact the goals of the behavior-change program, and their possible impact on the behavior-change program, to the extent possible.
- 2.10(a) Behavior analysts appropriately document their professional work in order to facilitate provision of services later by them or by other professionals, to ensure accountability, and to meet other requirements of organizations or the law; (b) Behavior

analysts have a responsibility to create and maintain documentation in the kind of detail and quality that would be consistent with best practices and the law.

- 2.13 Behavior analysts accurately state the nature of the services provided, the fee or charges, the identity of the provider, relevant outcomes, another required descriptive data.
- 4.0 Behavior analysts are responsible for all aspects of the behavior-change program from conceptualization to implementation and ultimately to discontinuation.
- 4.01 Behavior analysts design behavior-change programs that are conceptually consistent with behavior analytic principles.
- 4.03(a) Behavior analysts must tailor behavior-change programs to the unique behaviors, environmental variables, assessment results, and goals of each client.
- 4.04 Behavior analysts must obtain the client's written approval of the behavior-change program before implementation or making significant modifications.
- 4.05 Behavior analysts describe, in writing, the objectives of the behavior-change program to the client before attempting to implement the program. To the extent possible, a risk-benefit analysis should be conducted on the procedures to be implemented to reach the objective. The description of program objectives and the means by which they will be accomplished is an ongoing process throughout the duration of the client-practitioner relationship.
- 4.08 Considerations Regarding Punishment Procedures (a) Behavior analysts recommend reinforcement rather than punishment whenever possible. (b) If punishment procedures are necessary, behavior analysts always include reinforcement procedures for alternative behavior in the behavior-change program. (d) Behavior analysts ensure that aversive procedures are accompanied by an increased level of training, supervision, oversight. Behavior analysts must evaluate the effectiveness of aversive procedures in a timely manner and modify the behavior-change program if it is ineffective. Behavior analysts always include a plan to discontinue the use of aversive procedures when no longer needed.
- 4.09 Behavior analysts review and appraise the restrictiveness of procedures and always recommend the least restrictive procedures likely to be effective.
- 5.0 When behavior analysts are functioning as supervisors, they must take full responsibility for all facets of this undertaking.
- 5.03(a) Behavior analysts delegate to their supervisees only those responsibilities that such persons can reasonably be expected to perform competently, ethically, and safely; (b) If the supervisee does not have the skills necessary to perform competently, ethically, and safely, behavior analysts provide conditions for the acquisition of those skills.
- 5.05 Behavior analysts provide a clear written description of the purpose, requirements, evaluation criteria, conditions, and terms of supervision prior to the onset of the supervision.
- 5.06(a) Behavior analysts design feedback and reinforcement systems in a way that improves supervisee performance.
- 5.07 Behavior analysts design systems for obtaining ongoing evaluation of their own supervision activities.
- 7.01 Behavior analysts promote an ethical culture in their work environments and make others aware of this Code.
- 7.02(a) If behavior analysts believe there may be a legal or ethical violation, they must first determine whether there is potential for harm, a possible legal violation, a mandatory-reporting condition, or an agency, organization, or regulatory requirement addressing the violation; (b) If a client's legal rights are being violated, or if there is the potential for harm, behavior analysts must take the necessary action to protect the client, including, but not limited to, contacting relevant authorities, following organizational policies, and consulting with appropriate professionals, and documenting their efforts to address the matter.
- **Title 46 Professional and Occupational Standards Part VIII. Behavior Analysts:**
- §509(D) Supervision shall be an interactive process between the LBA or SCABA and RLT. It shall be more than peer review or co-signature. The supervisor and supervisee should maintain appropriate documentation on all supervision activities.

- §515(A) Supervision shall ensure that the quality of the services provided by the RLT to his employer and to consumers is in accordance with accepted standards, including the *Professional and Ethical Compliance Code for Behavior Analysts*, adopted by the Behavior Analyst Certification Board (BACB) board of directors on 08/07/14 and effective as of 01/01/16.
- §515(B) Supervision shall guide continuing professional development of the RLT in ways that improve the practitioner's knowledge and skills.
- §515(C) It is the responsibility of the designated supervisor to determine which tasks an RLT may perform as a function of his or her training, experience, and competence.
- §515(D) The LBA, SCABA, or the supervisor's alternate LBA or SCABA designee must be available for immediate consultation with the RLT. The supervisor need not be physically present or on the premises at all times.
- §515(E) The LBA is ultimately responsible and accountable for client care and outcomes under his clinical supervision. The supervising LBA shall:
  3. provide the minimum qualifying supervision requirements as stated in section, however more supervision may be necessary and should be conducted on a schedule consistent with evidence-based practice and sufficient to ensure competence in the delivery of each of the client's current treatment programs;
  5. be responsible for completing the client's evaluation/assessment. The RLT may contribute to the screening and/or evaluation process by gathering data and reporting observations. The RLT may not evaluate independently or initiate treatment before the supervising LBA's evaluation/assessment;
  6. be responsible for developing and modifying the client's treatment plan. The treatment plan must include goals, interventions, frequency, and duration of treatment. The RLT may contribute to the preparation, implementation, and documentation of the treatment plan. The supervising behavior analyst shall actively review all aspects of the RLTs contributions and be responsible for the outcome of the treatment plan and assigning of appropriate intervention plans to the RLT within the competency level of the RLT.
- §1001(A) The Louisiana Behavior Analyst Board incorporates by reference and maintains that licensed behavior analysts...shall follow the national Behavior Analyst Certification Board's (hereinafter referred to as the BACB's) Professional and Ethical Compliance Code, approved by the BACB's Board of Directors on August 7, 2014, with an effective date of January 1, 2016...

## II. DECISION AND ORDER

In accordance with La. R.S. 37:3704(9), in order to maintain public health, safety, and welfare, emergency action is required given the nature of the allegations made against Carolyn Barahona. Accordingly, summary suspension of LBA license number L-015 issued to Carolyn Barahona, is ordered, effective immediately, pending proceedings for a revocation of licensure or other action as the Louisiana Behavior Analyst Board deems fit.

Proceedings before the Louisiana Behavior Analyst Board shall be promptly instituted and determined. Accordingly, an administrative hearing before the Louisiana Behavior Analyst Board is scheduled for Friday, June 5, 2020 at 9:00 a.m. at the Louisiana Behavior Analyst Board Office, 4334 S. Sherwood Forest Boulevard, Suite C-150, Baton Rouge, Louisiana. The hearing panel will consist of current LBAB members and emergency members, as necessary, appointed by the governor for this hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and the Behavior Analyst Practice Act.

Carolyn Barahona will be given a full opportunity to appear and be heard, with or without counsel, and is entitled to hear a statement of what accusations have been made against her, to present evidence, to cross-examine witnesses, and to have witnesses

subpoenaed. Carolyn Barahona may request that subpoenas be issued by the Louisiana Behavior Analyst Board and must request to the Louisiana Behavior Analyst Board's office at least 5 days prior to the hearing, listing the names and addresses along with a brief summary of what the individual will testify to, along with payment of \$50.00 per subpoena. The testimony will be under oath and a court reporter will record the proceedings at the hearing, and any party wishing to obtain a transcript of the hearing may do so at their expense.



Date: 05-26-20

Alfred Tuminello, Jr., Chair  
Complaints Committee  
Louisiana Behavior Analyst Board