Unit 2: **Ethical Complexity and the Seven-Step Model**

**Lecture:**

Welcome, students! Do you remember when you were in junior high school – that desire to be “accepted” by the popular group on campus? Students have to work through a varying degree of peer pressure at any given time, e.g., the pressure to smoke, to use drugs, to drink at a party . . . . While some of these may be easy to refuse given the student’s strong core values, other stimuli can come to bear on the decision-making. For example, say the student with strong core values was developing a friendship with one member of the “popular group” and that “friend” was pushing the student to give in. The decision to go against his/her core beliefs and values, just got a little trickier. The same can be true for behavior analysts working in the real world. What appears to be an easy situation with which to deal can become very complex very fast.

Two variables that can impact decision-making can be the desire to hold onto a job and the dimming line between service provider and friend of the family. There may be a time when your manager has a friend or relative whose child could benefit from applied behavior analysis (ABA) therapy and he asks you to provide more hours per week than the Functional Behavior Assessment (FBA) indicates is needed. What do you do? Then, the dear family whose 4-year-old you have been working with for 9-months presents an invitation to a family social function, i.e., a family reunion, so they can introduce you to their relatives, thereby blurring the lines between professional relationship and social relationship. These seem like very farfetched situations to the novice, but they happen every day. If the behavior analyst is not grounded in the ethics code, the decision to do what the boss asked or accept the invitation gets very sticky.

Of course, these examples represent relatively simple ethical issues, but what about the complex issues? Let’s examine a more serious situation. A Board Certified Behavior Analyst (BCBA) has been working with a young child with a diagnosis of Autism for 18-months and then assigns a behavior technician to provide ABA therapy for 3 of the 15-hours he receives therapy per week. The BCBA observes the behavior technician once per week and meets with the technician every two weeks to provide feedback on what she is doing well and improvements that are needed. One Tuesday, the day before the scheduled supervision meeting, the behavior technician runs into the BCBA’s office and shows her a picture of the client’s mouth. There were cuts on the lower lip that were fairly prominent. When the BCBA asks if the client told her what happened, the technician says that he reported that his mother choked him. Now we have a complex situation. First, we are mandated reporters for abuse and neglect, as are most service providers to fragile populations. We are also accepting the word of a young child who is a very rambunctious and active little boy. While, at first glance, this may seem like an easy situation to handle, there are levels of complexity involved. Ultimately, we must report the situation to the supervisor, who will then report it to social services. It is up to social services to investigate the incident and make decisions regarding next steps.

Because of the wide-ranging level of complexity involved in situations that may come up in our daily practice, the authors of our text developed the “Behaviorally Anchored Rating System” (BARS) to guide our responses in ethical dilemmas. This system takes into account the behavior analyst’s education and experience level, threat of possible harm to our clients, agency conflicts, and possible legal issues. Using the BARS, the first scenario of the boss who wants the behavior analyst to provide more therapy hours per week than needed would seem to fall under Level 1; but is that accurate? Level 1 tells us that there is only a minor violation of the ethics code, that there is no risk of harm to the client, and that no serious agency conflicts might arise. It also tells us that there would be no legal issues arising out of this situation. But, let’s look a bit closer. It seems likely that if the behavior analyst stands up to her manager and says, “I’m sorry. I’d like to do this favor for you and your friend, but since the FBA doesn’t justify more hours, I cannot provide more hours. Hmmm. Uh oh! The behavior analyst could get fired. Now we have a risk to the behavior analyst. What about legal issues? At first glance, no legal issues come to mind. But, what about the insurance company that will be footing the bill for these unjustified hours? That points to billing fraud. So, as this example illustrates, the complexity can change very quickly when one begins to examine all the possibilities. One must decide, when faced with such dilemmas, whether one has the skill and clout to handle it oneself. A student working on supervised field experience would not have the necessary skill and clout and should seek the help of a senior BCBA or even a Board Certified Behavior Analyst - doctoral level, a BCBA-D.

Because real life ethics situations actually spill over into multiple Levels of Complexity, it is a great idea to use this approach with another helpful tool, the Seven-Step Model. This model covers 7-questions the behavior analyst must ask himself in order to discover how any given ethics situation should be handled. First, one must check to see if the situation is actually covered in our “Professional and Ethical Code for Behavior Analysts.” If it is, or if the situation is actually covered by multiple codes, you would then identify all those who may be impacted by the ethical dilemma and your approach to resolution. These “players” can include the behavior analyst, the client, the company employer, as well as insurance company representatives – and more, depending upon the complexity.

Once you have identified whether the situation falls under one or more of our codes, and you have identified all those who may be impacted by the situation and your approach to resolution, you will identify three increasingly aggressive plans to resolve the dilemma. By “aggressive,” I don’t mean physically aggressive but, rather, increasingly complex approaches that may carry more risk of fallout. While the novice may think that having one plan will be enough, experience proves that often, the simplest approach doesn’t work. If you don’t have alternative plans, you may be forced into a situation in which you are “winging it,” and that can prove, at best, less than effective and, at worst, disastrous. Have back-up plans!

Once you have identified your three plans, you must assess whether you have the skills and clout to carry out the plans. While a BCBA will likely be able to address most situations that occur, a behavior technician will need back-up! Seeking out his/her supervisor for guidance in the next steps is highly recommended!

Before moving forward with your plan – or plans, as the case may be, determine all the possible risks to the client, to the behavior analyst, and to others. In some cases, the resolution may present risk to all three and you will want to weigh your options and discuss possible risks with your client (or client family) and others who will be impacted.

There are other considerations when weighing a situation’s Level of Complexity and utilizing the Seven-Step Model to resolve ethical dilemmas, and one important consideration is your legal defense. It may seem unlikely that you would be called as a witness or named as a defendant in a legal proceeding, but you don’t want to count on that not happening. When emotions are involved, this could happen. Document everything!! To be safe, keep an E-mail trail, record (with informed consent) all meetings and transcribe them, and document all steps leading to resolution – or the attempted resolution. This is your career and you have to protect yourself as well as your clients!

Thank you for viewing this lecture!