



BHCOE Accreditation Program

Commitment to continuous improvement through standards of excellence.

POLICIES & PROCEDURES FOR THE DEVELOPMENT OF AN AMERICAN NATIONAL STANDARD

1. INTRODUCTION

This document defines the Operating Principles and Procedures that will be followed by the Behavioral Health Center of Excellence Accreditation Program (BHCOE) to comply with the essential requirements and policies of ANSI for American National Standards (ANS) Developers. These requirements are defined in "**ANSI Essential Requirements: Due process requirements for American National Standards**". Where the BHCOE Operating Principles and Procedures are silent on an issue, the American National Standards Institute's ("ANSI") Essential Requirements document referenced above shall serve as the precedent document.

When operating outside of the ANSI Essential Requirements Procedures, BHCOE Meetings and Committees shall follow the Operating Procedures for BHCOE Meetings and Committees.

2. ORGANIZATION

2.1 Committees – The *BHCOE Commission* is responsible for developing new or revised language for *The Standards of Excellence* as these standards fall within the scope of these procedures. If multiple standards are in development concurrently, additional BHCOE Commissions may be formed and named to ensure appropriate dedication of resources to each standards development project. BHCOE Commissions will be organized by the BHCOE Standards Coordinator. Additionally, BHCOE Standards Coordinator will coordinate Subcommittees, when needed. BHCOE Commissions will maintain and keep current the process, appeals, interpretations, self-assessment guidance and other training and education activities relevant to the standards development project for which they are assigned. The BHCOE Standards Coordinator and BHCOE Commissions must comply with the ANSI requirement for openness, balance, and due process.

The BHCOE Commission will also serve as the "consensus body" for the purpose of documenting consensus on all American National Standards proposed by BHCOE.

2.2 Commission –BHCOE Commissions shall be the approving authority for all subcommittees operating on behalf of the specific standards development project

The Commission shall:

- a. Organize the subcommittees.
- b. Develop and maintain standards as requested by BHCOE leadership.
- c. Approve standards projects for submission to ANSI for designation as an American National Standard.
- d. Ensure maintenance of BHCOE standards in alignment with these policies.
- e. Develop a process of assessment of an applicant's compliance with established standards.
- f. Accept fees, grants, gifts, bequests, and other contributions that support the purpose of the Commission.
- g. Develop and maintain close working relationships with national, regional, state and local associations and agencies in Applied Behavior Analysis and related fields for mutual growth and benefit.
- h. Educate legislative and executive branches of government and the public on the importance of quality Applied Behavior Analysis programs and related programs at all levels of government, education and healthcare systems based upon BHCOE standards.
- i. Ensure that affairs of the Commission and its affiliates are conducted in a nondiscriminatory fashion.
- j. Promote the concept of voluntary self-regulation inherent in the accreditation process
- k. Cooperate with other private and public agencies in a manner that will lead to the improvement in the accreditation program and the delivery of Applied Behavior Analysis and related services.

2.3 BHCOE Standards Coordinator

The BHCOE Standards Coordinator – The BHCOE Standards Coordinator is responsible for supporting the BHCOE Commission in developing new or revised standards. The Standards Coordinator will also maintain and keep current the process, review, appeals, interpretations, self-assessment guidance and other training and education activities relevant to standard development and implementation. The Standards Coordinator is responsible for coordinating Subcommittees as needed.

The standards coordinator shall be a nonvoting member of the BHCOE commission who shall be selected by BHCOE's CEO, approved by vote of the BHCOE Commission and shall serve 1 year terms renewable each calendar year.

The Standards Coordinator shall:

- a. Oversee compliance with these procedures, including periodic review as ~~necessary~~.
- b. Apply for accreditation by ANSI and maintain accreditation in accordance with ANSI requirements.
- c. Maintain rosters of all subcommittees
- d. Submit standards approved by the committee or subcommittees with supporting documentation for ANSI review and approval as American National Standards.

- e. Support the BHCOE Commission in developing new or revised language for standards development projects
- f. Manage the BHCOE Commission meetings in a manner that is efficient and in compliance with these Policies.
- g. Ensure BHCOE Commission responsibilities are completed in a timely manner, including reviewing drafts for ballots.
- h. Coordinate and providing a liaison role with subcommittees.
- i. Coordinate and managing the public commentary process
- j. Communicate with ANSI regarding all standards development activities
- k. Act as a liaison between members of the public and the BHCOE Commission regarding all views and objections encountered in the balloting and public review processes.
- l. Process requests from members of the public including requests for proposed standards development, ANS revision, ANS withdrawal, ANS Interpretations and appeals
- m. Maintain and keeping current the process, review, appeals, interpretations, self-assessment guidance and other training and education activities relevant to the BHCOE assessment and accreditation process
- n. Manage documentation related to BHCOE Commission activities and standards development activities.
- o. Perform other functions as required by these policies or at the request of the BHCOE commission

2.4 Membership – Voting Membership in the BHCOE Commissions and Subcommittees is open to representatives of organizations accredited by Behavioral Health Center of Excellence (BHCOE) or certified or licensed as Behavior Analysts or other behavioral health practitioners, but may also include personnel or stakeholders from other organizations and agencies that are involved in Applied Behavior Analysis, autism, developmental disabilities, or other behavioral health practices along with those directly and materially affected individuals impacted by the BHCOE Standards. Participation on the BHCOE Committees shall be open to all persons who are directly and materially affected by the activity in question. BHCOE, shall make a concerted effort to ensure that no interest category has a majority of members.

Representatives within the BHCOE Commission or Subcommittees shall be sufficiently diverse to ensure reasonable balance without dominance by any single interest group, individual or organization.

Composition of these groups has been established in the following manner:

- a. The BHCOE Commission – The Commission is composed of a minimum of ten commissioners who are appointed by the Behavioral Health Center of Excellence (BHCOE); Commissioners represent a broad spectrum of service delivery, service use and receipt and general interest groups.

Efforts will be made to ensure the commission is composed of a balanced representation as follows (see section 2.5 Interest Categories for a description of each stakeholder group):

1. Organizational Representatives (30% of the Commission)
2. User Representatives (30% of the Commission)
3. General Interest Representatives (approximately 40% of the Commission)

b. The BHCOE Disciplinary Review Committee – The Disciplinary Review Committee is responsible for evaluating compliance concerns brought to BHCOE regarding the implementation of standards. The Disciplinary Review Committee (DRC) consists of 4 members. The DRC members hold a BACB certification, or equivalent, which is in good standing. The DRC meets once a month to deliberate on complaints/responses as needed. The DRC review is a paper review. The Committee’s Final Determination is sent to the provider and if no appeal is sought then the Final Determination is also sent to the complainant.

2.5 Interest Categories – For purposes of developing an American National Standard, all members of the BHCOE Commission and its Committees, Subcommittees and Work Groups shall be classified as Organizational Representatives, User Representatives or General Interest Representatives in accordance with the definitions below. An individual in professional practice or a consultant, retained under an agreement indefinitely continuing with an organization, shall be classified in accordance with the classification of the organization retaining the individual and shall be so identified.

2.5.1 Organizational Representative: The category of Organizational Representatives is comprised of individuals representing organizations that provide Applied Behavior Analysis (ABA) or other behavioral health services to service recipients such as privately-owned businesses; sole proprietorships; not-for-profit organizations; or public, government or tribal mental health, behavioral health, or autism programs.

2.5.2 User Representative: The category of User Representatives is comprised of individuals who are direct recipients or direct deliverers of ABA and other behavioral health services such as patients or clients and their advocates of Applied Behavior Analysis and other behavioral health services. The category also includes workers who provide ABA or other behavioral health services on behalf of an organization.

2.5.3 General Interest: The category of General Interest is comprised of members who may use BHCOE policy, direction, and standards in furthering quality of Applied Behavior Analysis and behavioral health services and those who have a general interest in the provision of ABA and other behavioral health services. This category includes but is not limited to representatives from professional associations, academics within the behavioral health field; individuals and organizations providing services that support the delivery of ABA and other behavioral health services such as billing and policy advisors; and representatives from private and public payers of ABA and other behavioral health services.

2.6 Membership Roster – The BHCOE Commission shall prepare and maintain a membership roster documenting the classification of each Committee, Subcommittee, and Workgroup member. These rosters shall be circulated to the relevant committee members annually.

2.7 Termination of Membership – The Commission shall be authorized to terminate the membership of an individual on a Committee. A Committee member shall be considered inactive for failure to attend or otherwise participate in at least one Committee meeting for a calendar year. After one year of inactivity from a committee member, the BHCOE Commission may ask for a replacement. Committee members shall notify the BHCOE Commission of any changes in employment affecting representation and shall submit a new application if continued membership on a Committee is desired.

2.8 Records

Material associated with the development of a Standard (including reaffirmations, revisions, and withdrawals) shall be retained in the BHCOE files until the completion of the next standards cycle, or 5 years from the date of withdrawal as an American National Standard, for accuracy and historical purposes. The BHCOE Commission will make final decision on standards for publication and a historical file maintained at the BHCOE headquarters (Los Angeles, CA) for all standards published.

3. MEETINGS

3.1 Frequency – The BHCOE Commission and BHCOE Standards Coordinator will meet on at least a one-year cycle to review the status of the BHCOE American National Standards and determine if there is a need to revise, reaffirm or withdraw any active standards. Additional meetings will be held on a frequency to be determined by the BHCOE Commission and the BHCOE Standards Coordinator to complete standards development activities when a standard is in development.

3.2 Notification – Where possible, all face-to-face meetings shall be announced via email and no less than four weeks prior to the meeting date. All other meetings, including virtual meetings and conference calls, should be announced via email no less than two weeks prior to the meeting date. Special exceptions for extraordinary circumstances may be made on an as-needed basis. When an exception for extraordinary circumstances is necessary, the BHCOE Commission will announce the meeting as soon as practicable. A draft agenda shall be prepared and distributed with the meeting notice.

3.3 Open Meetings – Meetings of BHCOE Commission and Subcommittees are open for attendance by interested parties. Personnel attending may be subject to membership requirements and individual policies of each Committee (e.g., regarding registration, minimum attendance levels, confidentiality, etc.). Non-Committee members shall not have the right to vote. An Exception to the Open Meeting Policy shall be at a time when the BHCOE Commission is in an Executive Session. Once an Executive Session is called, only BHCOE Commission members and BHCOE staff can attend. Scheduling of Executive Sessions shall be done in advance of regular BHCOE Commission meetings.

3.4 Quorum – A simple majority of the members of the Commission or Subcommittee shall constitute a quorum for conducting business at a meeting. Matters shall be deemed approved by the affirmative vote of a majority of the members present. If a quorum is not

BHCOE Policies & Procedures for the Development of an American National Standard

present, actions on agenda items may be taken but shall be subject to ratification by a ballot of the BHCOE Commission or Committee.

3.5 Parliamentary Procedures – The meetings of the BHCOE Commission, Committees and Subcommittees shall be conducted in accordance with Robert’s Rules of Order. If such rules are contrary to any provisions of the Articles of Incorporation or Bylaws of the Corporation, the articles or bylaws will take precedent.

4. NOTIFICATION OF STANDARDS DEVELOPMENT

BHCOE executive leadership team and board of directors will make decisions regarding the initiation of a standards development project and will communicate those decisions to BHCOE standards development staff and to the Standards Coordinator. Initiation of a standards development project will be documented and filed by the Standards Coordinator.

At the initiation of a project to develop or revise a Standard, timely notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for listing in the ANSI Standards Action, in alignment with section 2.5.1 of the ANSI Essential Requirements. BHCOE will address any comments received in response to the announcement of PINS in accordance with clause 2.5.1 of the ANSI Essential Requirements. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw a Standard.

Timely and adequate notice of standards development activity, including formation of a consensus body or consensus body meeting, shall be announced in media suitable to demonstrate that a meaningful opportunity for participation by all directly and materially interested parties in a fair and equitable manner was provided.

5. PUBLIC REVIEW AND COMMENT

Proposals for new Standards or comments of existing Standards shall be transmitted to ANSI for listing in the ANSI Standards Action (BSR-8) for comment. The BHCOE Commission shall determine whether listing of proposed standards actions shall be submitted before, during, or after each consensus body ballot and whether announcement in other suitable media is appropriate. The BHCOE Commission and the BHCOE Standards Coordinator shall consider all comments that are received. The commenter shall then be notified in writing of the Committee’s decision/response and reasons therefore in accordance with Section 7.9 to comply with the ANSI Essential Requirements.

6. SUBSTANTIVE CHANGE

A substantive change in a Standard is one that directly and materially affects the use of the Standard. Examples of substantive changes are below:

- a. “shall” to “should” or “should” to “shall”;
- b. the addition, deletion, or revision of requirements, regardless of the number of changes; or
- c. the revision of standards that are already mandatory in the BHCOE code

- d. the addition of mandatory compliance with referenced standards

7. WITHDRAWAL OF A STANDARD

BHCOE may withdraw any American National Standards it develops without a vote from the relevant consensus body by notifying ANSI immediately of such action for announcement in *Standards Action*.

8. DISCONTINUATION OF A STANDARDS PROJECT

BHCOE may discontinue the processing of a proposed new or revised American National Standard or portion thereof without vote of the relevant consensus body by notifying ANSI immediately of such action for announcement in *Standards Action*.

9. VOTING PROCEDURES

9.1 Ballots – Documentation associated with American National Standards will undergo a digital ballot process initiated during the BHCOE Commission meetings. Substantive changes to and interpretations of all Standards shall be approved by digital ballot of all committee members.

All new proposed American National Standards, substantive changes to, reaffirmations, interpretations, and revisions of all Standards shall be approved by digital ballot by the BHCOE Commission.

9.2 Voting – Each member shall vote in accordance with one of the following positions on letter ballots:

- a. Affirmative
- b. Affirmative with comment
- c. Negative with comment
- d. Abstain

9.3 Voting Rights – A member’s representative shall ordinarily cast that member’s vote. The member’s alternate representative shall cast that member’s vote only if the member’s representative fails to vote.

9.4 Proxies – Unless otherwise provided by the BHCOE Commission, votes of a Commissioner may be cast by proxy issued to any other Commissioner, provided, however, such proxies will not be counted in determining whether a quorum of Commissioners is present at a meeting of the Commissioners. Notice of proxy shall be provided to the secretary-treasurer before or at the meeting for which the proxy is effective.

9.5 Voting Period – The closure date for digital ballots shall be at least 15 days from the date of the issuance of the ballot. A reminder notice shall be sent approximately 7 days prior to the close of the ballot to those who have not returned their ballots. The BHCOE Commission shall be authorized to grant an extension of the voting period if deemed necessary.

9.6 Approved Actions – Approvals of, substantive changes to, reaffirmations and interpretations of all new and revised Standards shall be considered approved when all the following conditions have been met:

1. A majority of the members have returned their digital ballot.
2. At least 75 percent of the votes cast, excluding abstentions and negatives without comments, are affirmative.
3. All negative votes with comments have been addressed in accordance with Section 7.9.

9.7 Reporting Votes – The results of each vote on all Standards shall be reported to ANSI as follows:

- a. Number of members and their interest category (Public, Private or General Interest).
- b. Number of members voting affirmatively.
- c. Number of members voting negatively with comments.
- d. Number of members voting negatively without comments.
- e. Number of members abstaining.
- f. Number of members not returning ballots.

9.8 Negative Votes – A negative vote shall be required to be accompanied by a comment (reason) and, if possible, should include specific wording or actions that would resolve the objection. A negative vote not supported by a comment, or a negative vote accompanied by comments not related to the Standard are not required to be recirculated but are recorded as negative without comment on the ANSI Board of Standards Review (BSR) BSR-9 document during submittal to ANSI. The ballot shall be counted as returned for the purpose of establishing a quorum.

9.9 Consideration of Views and Objections – Committee(s) shall use the following procedures in attempting to resolve negative votes and public review comments:

- a. All negative votes accompanied by any comments will be forwarded to the appropriate consensus body for response, resolution. An effort shall be made to resolve all objections. The Standards Coordinator (with other Committee members) will draft the response on behalf of the Committee. Negative votes may be judged as valid or as not related to the standard. All comments are to be given a written disposition with reasons therefore in accordance with clause 2.6 of the *ANSI Essential Requirements*. In addition, each unresolved objection and attempt at resolution and any substantive change made in the proposed American National Standard shall be reported to the Committee in order to afford all members of the Committee an opportunity to respond, reaffirm, or change their vote.
- b. Voting members who have unresolved negative votes shall be notified of their right to appeal and of the appeals process in writing. In addition, each unresolved objection and attempt at resolution and any substantive change made in the proposed American National Standard shall be reported to the Committee in order to afford all members of the Committee an opportunity to respond, reaffirm, or change their vote.
- c. Public comments submitted via a correctly completed form, available on the BHCOE website, will be considered by the BHCOE. Commentary must include 1)

BHCOE Policies & Procedures for the Development of an American National Standard

a relevant comment 2) rationale and 3) proposed solution in order to be considered by the BHCOE commission. Each commenter shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefore for the disposition. In addition, each unresolved objection and attempt at resolution and any substantive change made in the proposed American National Standard shall be reported to the Committee in order to afford all members of the Committee an opportunity to respond, reaffirm, or change their vote.

- d. Public commenters who have unresolved comments shall be notified of their right to appeal and of the appeals process in writing.
 - i. Public commenters will be provided ten (10) days following notification of the final disposition of their comment to notify BHCOE of any remaining unresolved concerns. If unresolved concerns are reported, BHCOE will attempt to address the concerns directly with the commenter.
 - a. BHCOE will consider any commenter who does not respond by the 10-day timeframe as being resolved
 - ii. If the commentor responds within the 10-day timeframe to report they remain unresolved, BHCOE will notify the commenter of the proposed resolution and will notify the commenter of their right to appeal (see Appeals section below).
- e. All comments that have been determined to be unrelated to the standard, or the particular part of the standard under review, may be held as proposals for new work. The commenter shall be notified of this action.
- f. All substantive changes shall be submitted to ANSI via the BSR-8 document for further public review.

10. APPEALS

10.1 Complaint – Directly and materially interested parties who have been or will be adversely affected by any Committee procedural action, inaction, or decision shall have the right to appeal such procedural action, inaction, or decision. The appellant shall file a written complaint with the Commission within fifteen (15) days of receipt of written notice of the BHCOE Commission procedural action, decision. Appeals related to any inaction may be filed at any time. The appeal must be in writing and must specify the grounds on which the appeal is made, which must be a procedural violation by BHCOE, and the specific remedial action(s) that would satisfy the appellant’s concerns. Previous efforts to resolve the objections and the outcome of each shall be noted.

10.2 Response – Within 30 days after the receipt of the complaint the BHCOE Commission shall attempt to resolve the complaint directly with appellant. The BHCOE Commission shall respond in writing to the appellant, specifically addressing each allegation in the complaint to the extent possible.

- a. BHCOE will notify the appellant in writing of the proposed resolution
 - i. The appellant will be provided fifteen (15) days following notification of the proposed resolution to notify BHCOE of any remaining unresolved concerns and of their desire to continue the appeals procedure.
 - a. If the appellant does not respond within the 15-day timeframe

BHCOE will consider the appeal closed.

- ii. If the appellant responds within the 15-day timeframe to report that they wish to continue the Appeal the appeal will move to the Appeals Panel and Hearing
- iii. If the appellant responds within the 15-day timeframe to report their concern is resolved, the appeal will be closed, and the appellant will be notified of the closure in writing.

10.3 Appeals Panel and Hearing – Upon receipt of notification that an appellant wishes to proceed with an appeal, the BHCOE Commission shall appoint an ad hoc appeal panel of three members and three alternates, none of whom will have had affiliation with the party filing the appeal, have an affiliation with the accreditation or standards process related to the program and none of whom are directly and materially affected by the outcome of the appeal. BHCOE will confirm the willingness and availability of the panel and alternates to serve and notify the appellant of the proposed date for appeal review. The appellant and the BHCOE Commission will have the opportunity to review the names of prospective appeal panel members and to challenge them for due cause (e.g., conflict of interest, bias, or other prejudicial infirmity). In the event a challenge is received, members of the Disciplinary Review Committee will consider and rule on the challenge.

10.4 Conduct of the Hearing – The appeals panel shall conduct a hearing within 30 days of notification that the appellant wishes to proceed with the appeal. The appellant has the responsibility of demonstrating improper action or inaction, the adverse effects therefrom, and the efficacy of the requested remedial action. The BHCOE Commission has the responsibility to demonstrate that the Committee took all actions in question in compliance with these procedures.

10.5 Decision – The appeals panel shall render its decision in writing within 30 days of the hearing, based upon a preponderance of the evidence, stating its findings of fact and conclusions, with reasons therefore and citing the evidence. The BHCOE Commission shall notify the appellant and the Committee of the decision of the appeals panel in writing, which shall be binding and final on all concerned.

Further appeal may be made directly to ANSI according to the appeal procedures in the *ANSI Essential Requirements*.

11. INTERPRETATIONS

11.1 Processing Interpretations – Requests for interpretations of Standards shall be submitted in writing to the Secretary and shall be forwarded by the Secretary to Committee Officers. Any Committee member may prepare proposed interpretations with particular expertise on the subject in question. All proposed interpretations shall be prepared in writing and shall be submitted to the Secretary for a ballot of the Committee. Interpretations shall be approved in accordance with section 7.6.

11.2 Notification of Interpretations - Notification of approved interpretations shall be sent in writing to the requester. Notification shall also be given to other users of the

BHCOE Policies & Procedures for the Development of an American National Standard standard via the appropriate BHCOE Committee email list(s) and posted on the BHCOE website, www.bhcoe.org.

12. PATENT POLICY

BHCOE has adopted the ANSI Patent Policy, as outlined in section 3.1 of the ANSI Essential Requirements.

13. COMMERCIAL TERMS & CONDITIONS POLICY

BHCOE has adopted the ANSI Commercial terms and conditions policy, as outlined in section 3.2 of the ANSI Essential Requirements.

14. ANTITRUST POLICY

BHCOE has adopted the ANSI Antitrust Policy, as outlined in section 3.3 of the ANSI Essential Requirements.

15. METRIC POLICY

In accordance with section 3.5 of the ANSI Essential Requirements, BHCOE accepts ANSI's Metric Policy which states that, "International System of Units (SI) are the preferred units of measurement in American National Standards."

16. CORRESPONDENCE

16.1 Committee Correspondence – All official Subcommittee correspondence, including meeting notices, agendas, reports, and ballots, shall be made available to the Commission. Copies of all other correspondence between Subcommittee members, relating to The Code as well as other American National Standards developed by BHCOE shall be shared with the Commission.

16.2 External Correspondence – All official Committee correspondence to external parties must be approved by the Committee or its delegated representative and distributed by the Commission. Inquiries relating to the Committee and Standards shall be directed to the Commission. Subcommittee members should advise individuals who contact them that the Commission handles responses to all inquiries.

17. REVISIONS TO PROCEDURES

These Operating Procedures are maintained by BHCOE. Proposed revisions to these Operating Procedures may be submitted in writing by any member, program, or committee member to the Executive Committee of the Commission along with a supporting rationale for the proposed change. The Executive Committee of the Commission will present the proposed revisions to the Commission for review and consideration. The revised procedures are then submitted to ANSI for public comment, and ANSI review and approval. Any approved revisions to these Operating Procedures shall be effective upon publication.

The Commission shall be responsible for the interpretation of these Operating Principles and Procedures.

End of Procedures