



## 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 *Code of Effective Behavioral Organizations by BHCOE* ("Code"), as these standards fall within the scope of these procedures. The BHCOE Commission will be organized by the BHCOE Standards Coordinator. Additionally, BHCOE Standards Coordinator will coordinate Subcommittees, when needed. The BHCOE Commission will maintain and keep current the process, appeals, interpretations, self-assessment guidance and other training and education activities relevant to the BHCOE Code. The BHCOE Standards Coordinator, BHCOE Commission and Subcommittees 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** – The BHCOE Commission shall be the approving authority for all subcommittees operating in accordance with these procedures.

The Commission shall:

- a. Organize the subcommittees.
- b. Oversee compliance with these procedures, including periodic review as necessary.

- c. Apply for accreditation by ANSI and maintain accreditation in accordance with ANSI requirements.
- d. Maintain rosters of all subcommittees.
- e. Establish and maintain standards for Applied Behavior Analysis therapy programs.
- f. Approve and discontinue all standards projects.
- g. Submit standards approved by the committee or subcommittees with supporting documentation for ANSI review and approval as American National Standards.
- h. Ensure adherence to periodic maintenance of BHCOE standards.
- i. Influence the accreditation process such that it encourages an applicant to bring its program into compliance with BHCOE standards.
- j. Develop a process of self-assessment of an applicant's compliance with established standards.
- k. Formally acknowledge compliance of a program by issuance of a certificate of accreditation.
- l. Accept fees, grants, gifts, bequests and other contributions that support the purpose of the Commission.
- m. 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.
- n. Educate legislative and executive branches of government and the public on the importance of quality Applied Behavior Analysis programs at all levels of government, education and healthcare systems based upon BHCOE standards.
- o. Ensure that business affairs and the programs of the Commission and its affiliates are conducted on a nondiscriminatory basis.
- p. Promote the concept of voluntary self-regulation inherent in the accreditation process
- q. 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 services.

**2.3 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~~

**2.4 Membership** – Voting Membership in the BHCOE Commission and Subcommittees is open to representatives of organizations accredited by Behavioral Health Center of Excellence (BHCOE) or certified or licensed as Behavior Analysts, but may also include personnel or stakeholders from other organizations and agencies that are involved in Applied Behavior Analysis, autism, and/or developmental disabilities, along with those directly and materially affected individuals impacted by the BHCOE Code. 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.

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

---

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 public and private sector groups.

The ten commissioners represent the following types of organizations.

1. Patient Advocate or Patient Representative (2)
2. Trade Associations (1)
3. Private Insurance Representative (1)
4. Public Insurance Representative (1)
5. Academic from Applied Behavior Analysis/field (1)
6. Private sector organizational representative (3)
7. Local State ABA Chapter representative (1)

The Commission Chairperson, Vice-Chairperson and Secretary are selected from within the Commission and are chosen by the members of the commission. Each commissioner holds office for three years or until his or her successor has been appointed. To ensure continuity on the Commission, the terms of office are staggered, with three seats expiring each year. Appointments are generally made each fall with service beginning on January 1.

As an administrative feature of the BHCOE Commission, an Executive Committee has been established, which is comprised of the Commission Chair, the Vice-Chair, and the Secretary. These individuals will be responsible for working with and addressing specific items relevant to BHCOE standards, accreditation program, and the viability of topics, which may affect the use of BCHOE policies, procedures, and standards before they are presented to the full BHCOE Commission. The Executive Committee may also be called upon to make decisions on urgent matters when it is not feasible to convene the full Commission.

- b. The BHCOE Standards Coordinator – The BHCOE Standards Coordinator is responsible for supporting the BHCOE Commission in developing new or revised language for The Code. 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 the BHCOE assessment and accreditation process. The Standards Coordinator is responsible for coordinating Subcommittees as needed.
- c. The BHCOE Disciplinary Review Committee – The Disciplinary Review Committee is responsible for evaluating compliance concerns brought to BHCOE regarding 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. The DRC review is a paper review. The provider has an opportunity to attend a video-conference review during the appeal process. The Committee's Final Determination is sent to the provider and if an appeal is not sought then the Final Determination is also sent to the complainant.

- d. Program Review Committee – This committee reviews the findings made by BHCOE Assessors following on-site assessments for Applied Behavior Analysis. The Program Review Committee provides ongoing review of the BHCOE's current criteria used to determine whether providers meet accreditation standards. This committee meets annually and submits a written report of recommendations to the Executive Committee.
- e. The BHCOE International Committee - The International Committee is responsible for identifying and, as directed by the BHCOE Commission, initiating contact with potential international partners, exploring new opportunities to use BHCOE standards and assessment process in other nations around the world. The International Committee partners with individuals and organizations to encourage international understanding of and involvement of BHCOE.

**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 Public Representatives, Private 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 Public Representative:** An individual that serves within a public or government mental health, behavioral health or autism program. Examples include personnel representing state, local, territorial, municipal, or tribal public health programs who will utilize BHCOE policies, directives, and standards in the enhancement of these programs.

**2.5.2 Private Representative:** An individual or entity that serves within a privately-owned business, directly related to or in the service of Applied Behavior Analysis. Examples include but are not limited to ABA therapy organizations; organizational and business therapy companies; practice management software organizations; billing and policy advisors; health care and medical companies.

**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 services. This category includes, but is not limited to, consumers of ABA services, consumer advocates, state professional chapters and organizations, other bodies interested in applying or modifying BHCOE policy, direction, or standards for application in for their own quality assurance programs or measures.

**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 of 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.

### **3. MEETINGS**

**3.1 Frequency** – The BHCOE Commission and BHCOE Standards Coordinator will meet to develop American National Standards on a one-year cycle.

**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 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**

Notification of Standards activity shall be announced in suitable media as appropriate to

demonstrate provision of opportunity for participation by all directly and materially affected persons. At the initiation of a project to develop or revise a Standard, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for listing in the ANSI Standards Action. BHCOE will address any comments received in response to the announcement of PINS in accordance with clause 2.5 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.

## **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 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. VOTING PROCEDURES**

**7.1 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, and reaffirmations and interpretations, and withdrawals of all Standards shall be approved by digital ballot by the BHCOE Commission.

**7.2 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

**7.3 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.

**7.4 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.

**7.5 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.

**7.6 Approved Actions** – Approvals of, substantive changes to, reaffirmations and interpretations, and withdrawals of all 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.

**7.7 Reporting Votes** – The results of each vote on all Standards shall be reported 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.

**7.8 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.

**7.9 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 and accompanied by any comments will be forwarded to the Committee that drafted the proposed Standard for response and resolution. An effort shall be made to resolve all objections. Committee Officers (with other Committee members as necessary) will draft the response on behalf of the Committee. Negative

votes may be judged as valid or comments 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*.

- b. 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.
- c. All substantive changes shall be submitted to ANSI via the BSR-8 document for further public review.
- d. Voting members or public review participants who have unresolved negative votes (comments) shall be notified of their right to appeal and of the appeals process in writing.
- 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.

## **8. INTERPRETATIONS**

**8.1 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.

**8.2 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 standard via the appropriate BHCOE Committee email list(s) and posted on the BHCOE website, [www.bhcoe.org](http://www.bhcoe.org).

## **9. PATENT POLICY**

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

## **10. COMMERCIAL TERMS & CONDITIONS POLICY**

The essential requirements for exclusion of commercial terms and conditions from all American National Standards are specified in section 3.2 of the ANSI Essential Requirements. BHCOE agrees to comply with this ANSI Commercial Terms and Conditions Policy. All American National Standards developed by BHCOE must therefore comply with this policy. The policy includes:

- Avoiding the appearance that a standard endorses any particular products, services, or companies.

- Mandatory use of the words “or the equivalent” whenever the name and address of a sole source supplier is included anywhere in a BHCOE standard to enable essential equipment, materials or services to comply with or to determine compliance with the standard.
- Restricting description of the process or criteria that are used in the determination of whether products or services conform to one or more standards to technical concerns and avoiding what would otherwise be a commercial term.

## **11. ANTITRUST POLICY**

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

## **12. 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.”

## **13. CORRESPONDENCE**

**13.1 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.

**13.2 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.

## **14. APPEALS**

**14.1 Complaint** – Persons who have been or may be affected by any Committee action, inaction, or decision shall have the right to appeal such action, inaction or decision. The appellant shall file a written complaint with the Commission within thirty (30) days of receipt of written notice of the BHCOE Commission action or decision or at any time with respect to inaction. The appeal must be in writing and must specify the grounds on which the appeal is made, which must be either a procedural violation or substantive error by BHCOE in its review of a Standard that is at issue, the action or inaction at issue, 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.

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

**14.3 Appeals Panel and Hearing** – Within 30 days after the receipt of the BHCOE Commission response, the appellant can file a formal appeal at which time 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 program filing the appeal or with the accreditation or standards process related to the program. BHCOE will confirm the willingness and availability of the panel and alternates to serve and notify the program of the proposed date for appeal review. The appellant program or individual 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). The BHCOE Commission will rule on such challenges.

**14.4 Conduct of the Hearing** – 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.

**14.5 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, 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*.

## **15. 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