

Dear Senators LODGE, Vick, Bock, and
Representatives WILLS, Luker, Burgoyne:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Sexual Offender Management Board:

IDAPA 57.01.01 - Rules of the Sexual Offender Management Board - Proposed Rule (Docket No. 57-0101-1401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 09/23/2014. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/22/2014.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee
FROM: Senior Legislative Research Analyst - Ryan Bush
DATE: September 4, 2014
SUBJECT: Sexual Offender Management Board

IDAPA 57.01.01 - Rules of the Sexual Offender Management Board - Proposed Rule (Docket No. 57-0101-1401)

The Sexual Offender Management Board submits notice of proposed rulemaking at IDAPA 57.01.01 - Rules of the Sexual Offender Management Board. The Board states that this rule establishes standards and qualifications for psychosexual evaluations and evaluators as well as sexual offender treatment and treatment providers for practitioners who provide services to juveniles who have been adjudicated for sexual offenses. This rule also incorporates by reference the Board's standards and guidelines and its required format. In addition, this rule accomplishes the following:

- (1) Certified evaluators and certified sexual offender treatment providers must be certified specifically for adult or juvenile clients or separately for both;
- (2) Certified examiners shall not require certification specific to adults or children;
- (3) Specific factors shall be taken into consideration when administering a polygraph to a juvenile offender;
- (4) The Board shall publish whether a certificate holder is approved to provide services for adults, children or both; and
- (5) Provides for separate standards for adult and juvenile psychosexual evaluations.

Negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Board in Section 18-8314, Idaho Code.

cc: Sexual Offender Management Board
Kathy Baird

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01 - RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD

DOCKET NO. 57-0101-1401

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 18-8314, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

Information on date, time and location for public meeting(s) will be posted on the agency website: www.somb.idaho.gov.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Sexual Offender Management Board is responsible for developing, advancing and overseeing sound sexual offender management practices statewide. This rulemaking applies to practitioners who provide services to juveniles who have been adjudicated for sexual offenses by establishing standards and qualifications for psychosexual evaluations and evaluators, as well as sexual offender treatment and treatment providers. The adopted standards document will be incorporated into this rulemaking.

The chapter is also being modified for applicability to sexual offender management practices and practitioners for juveniles who have been adjudicated for sexual offenses.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There is no change to fees currently established in IDAPA 57.01.01.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: There is no negative fiscal impact on general funds with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published as Docket No. 57-0102-1401 in the June 4, 2014 Idaho Administrative Bulletin, **Vol. 14-6, page 103**.

The juvenile practice standards and certification documents are posted on the agency website for public review and comment. Public meetings will be conducted for additional comments.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The practice standards and certification qualifications established by the agency pursuant to Section 18-8314, Idaho Code, are compiled and incorporated into IDAPA 57.01.01. With this rulemaking, new documents entitled "Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders" 2014 edition, and the Sexual Offender Management Board's "Required Format for Juvenile Psychosexual Evaluation Reports" effective 2015, are incorporated by reference to give them the force and effect of law. These documents are not being reprinted in this chapter of rules due to their length and format and because of the cost for republication. They can be found on the agency's website.

Also incorporated by reference into this chapter are professional and ethical standards from nationally recognized organizations, as applicable to sexual offender management. The following citation is updated in this rulemaking:

“Association for the Treatment of Sexual Abusers Practice Guidelines for the Assessment, Treatment and Management of Male Adult Sexual Abusers” 2014 edition. This document is not being reprinted in this chapter of rules due to its length and format and because of the cost for republication. It is available from the Association for the Treatment of Sexual Abusers, 4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kathy Baird, (208) 954-8511.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 14, 2014.

DATED this eleventh day of August, 2014.

Kathy Baird, Management Assistant
Sexual Offender Management Board
IDOC Clinical Services Annex
3125 S. Shoshone St., Boise, ID 83705
Phone: (208) 954-8511
Fax: (208) 954-8519
www.somb.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 57-0101-1401
(Only those Sections being amended are shown.)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules: (3-20-14)

01. “Association for the Treatment of Sexual Abusers Professional Code of Ethics” 2001 revision, is herein incorporated by reference and is available from the Association for the Treatment of Sexual Abusers, 4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005, Website <http://www.atsa.com/>. (3-20-14)

02. “Association for the Treatment of Sexual Abusers Practice ~~Standards and Guidelines~~ for the ~~Evaluation Assessment~~, Treatment and Management of ~~Adult Male~~ ~~Adult~~ Sexual Abusers” 2005 ~~revision~~ 14 edition, is herein incorporated by reference and is available from the Association for the Treatment of Sexual Abusers, 4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005, website <http://www.atsa.com/>. (3-20-14)()

03. “Bylaws and Constitution of the American Association of Police Polygraphists” effective May, 2010, is herein incorporated by reference and is available from the American Association of Police Polygraphists, PO Box 657, Waynesville, Ohio 45068, website <http://www.policepolygraph.org/>. (3-20-14)

04. “Bylaws of the American Polygraph Association” effective January 2012, is herein incorporated by reference and is available from the American Polygraph Association, PO Box 8037, Chattanooga, Tennessee 37414, website <http://www.polygraph.org/>. (3-20-14)

05. “Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices” edition 2013 November 2013 revision, is herein incorporated by reference and is available from the Board’s office and on the Board website, <http://somb.idaho.gov/>. (3-20-14)

06. **“Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders”** 2014 edition, is herein incorporated by reference and is available from the Board's office and on the Board's website, <http://somb.idaho.gov/>. ()

07. **The Sexual Offender Management Board's “Required Format for Juvenile Psychosexual Evaluation Reports”** effective 2015, is herein incorporated by reference and is available from the Board's office and on the Board's website, <http://somb.idaho.gov/>. ()

068. **The Sexual Offender Management Board’s “Required Format for Psychosexual Evaluation Reports”** effective 2013, is herein incorporated by reference and is available from the Board's office and on the Board's website, <http://somb.idaho.gov/>. (3-20-14)()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- INTERNET WEBSITE.

The office of the Sexual Offender Management Board is located within the Idaho Department of Correction Clinical Services Annex, 3125 S. Shoshone St., Boise, Idaho 83705. Business hours are typically 8 a.m. to 5 p.m. Monday through Friday except legal holidays. The Board's telephone number is (208) 954-8511 and the FAX number is (208) 954-8518⁹. The Board's official website is <http://somb.idaho.gov/>. (3-20-14)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. Board. The Sexual Offender Management Board described in Section 18-8312, Idaho Code. (3-20-14)

02. Central Roster. A roster of evaluators, treatment providers and polygraph examiners, who meet the qualifications and are certified by the Board to conduct psychosexual evaluations, provide sexual offender treatment or conduct post conviction sexual offender polygraphs. (3-20-14)

03. Certificate Holder. A person who has been approved by the Board and certified as meeting qualifications to conduct or assist in the conduct of psychosexual evaluations, provide sexual offender treatment or conduct post conviction sexual offender polygraphs. (3-20-14)

04. Certified Evaluator. Either a psychiatrist licensed by this state pursuant to Title 54, Chapter 18, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. The evaluator shall have by education, experience and training, expertise in the assessment and treatment of sexual offenders, shall meet the qualifications and shall be approved by the Board to perform psychosexual evaluations in this state, as described in Section 18-8314, Idaho Code. A person meeting this definition may be certified by the Board as either a senior/approved certified evaluator or an associate/supervised certified evaluator. (3-20-14)

05. Certified Polygraph Examiner. A polygraph examiner who has received specialized post conviction sex offender testing training, and who is certified by the Board to conduct post conviction sexual offender polygraph examinations as ordered or required by the court, Idaho Department of Correction, or Idaho Commission for Pardons and Parole. (3-20-14)

06. Certified Treatment Provider. A person who has been certified by the Board as meeting qualifications to provide sexual offender treatment as ordered by the court, Idaho Department of Correction, Idaho Commission for Pardons and Parole, or Idaho Department of Juvenile Corrections. Such person shall be licensed by this state or another state or jurisdiction as a psychiatrist, or a master's or doctoral level mental health professional, and who has by education, experience and training, expertise in the treatment of sexual offenders. A person meeting this definition may be certified by the Board as either a senior/approved sex offender treatment provider or an associate/supervised sex offender treatment provider. (3-20-14)

067. Client. An person adult or juvenile receiving services from a person certified by the Board pursuant to Section 18-8314, Idaho Code. (3-20-14)()

08. Established Standards. The “Idaho Sexual Offender Management Board’s Standards and Guidelines for Adult Sexual Offender Management Practices;” and the “Idaho Sexual Offender Management Board’s Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders” as referenced in Section 004 of these rules and established pursuant to Section 18-8314, Idaho Code. (3-20-14)()

09. Provisional/Supervised Psychosexual Evaluator. A person with limited clinical experience and specialized training, who may be licensed or is working toward licensure as a psychiatrist or master’s or doctoral level mental health professional, who is authorized by the Board to assist with the conduct of psychosexual evaluations under the direct supervision of a senior/approved psychosexual evaluator. A person with a provisional/supervised psychosexual evaluator certificate is not considered to be a certified evaluator as defined in Section 18-8303, Idaho Code or for the purposes of conducting a psychosexual evaluation in accordance with Section 18-8316, Idaho Code. Certification approval is specific to adult or juvenile clients. (3-20-14)()

10. Provisional/Supervised Sex Offender Treatment Provider. A person with limited clinical experience and specialized training, who may be licensed or is working toward licensure as a psychiatrist or master’s or doctoral level mental health professional, who is authorized by the Board to provide sexual offender treatment under the direct supervision of a senior/approved sex offender treatment provider. Certification approval is specific to adult or juvenile clients. (3-20-14)()

11. Psychosexual Evaluation. A comprehensive evaluation and assessment specifically addressing a person’s sexual development, sexual deviancy, sexual history and risk of re-offense. A psychosexual evaluation for the purpose of these rules is conducted post conviction, as ordered by the court pursuant to Section 18-8316, Idaho Code, or Title 20, Chapter 5, Idaho Code, by a person who has been certified by the Board. (3-20-14)()

12. Quality Assurance. Processes established by the Board to review psychosexual evaluations and sexual offender treatment procedures to assure minimum standards and certificate holder qualifications are met. All quality assurance reviews will be conducted under the direction of the Board. (3-20-14)

13. Sexual Offender. A person adjudicated or convicted of an offense as listed in Section 18-8304, Idaho Code, or a substantially equivalent offense under the laws of another state, territory, commonwealth, or other jurisdiction of the United States including tribal courts and military courts; or who has been adjudicated or convicted of a sexual offense-related crime. (3-20-14)()

14. Sexual Offender Classification Board. A board in effect from 1998 to 2011 that determined whether a sexual offender should be designated as a violent sexual predator; set certified evaluator qualifications and standards; and administered an evaluator certification process. (3-20-14)

15. Supervision. (3-20-14)

a. For purposes of clinical practice supervision for associate/supervised psychosexual evaluator or associate/supervised sex offender treatment provider certification, supervision is generally considered as face-to-face direct contact, documented teleconferencing, or interactive video conferencing with a Board-approved supervisor using a ratio of one (1) hour of clinical supervision for every twenty (20) hours of direct service provided; or (3-20-14)

b. For purposes of clinical practice supervision for provisional/supervised psychosexual evaluator or provisional/supervised treatment provider certification, supervision is considered as continual face-to-face direct contact with a Board-approved supervisor. (3-20-14)

16. Treatment. For purposes of certification eligibility the provision of face-to-face individual, group, or family therapy with a person who has been investigated by law enforcement or child protective services for commission of a sexual offense, or who has been adjudicated or convicted of a sexual offense or sexual offense-related crime. Treatment must be directly relevant to the client’s sexually offending behavior. (3-20-14)

17. Violent Sexual Predator. A person who was designated as a violent sexual predator by the Sexual Offender Classification Board where such designation has not been removed by judicial action or otherwise. (3-20-14)

011. ABBREVIATIONS.

- 01. ATSA.** The Association for the Treatment of Sexual Abusers. (3-20-14)
- 02. DSM.** The “Diagnostic and Statistical Manual of Mental Disorders,” published by the American Psychiatric Association. (3-20-14)
- 03. IDOC.** The Idaho Department of Correction. (3-20-14)
- 04. IDJC.** The Idaho Department of Juvenile Corrections. ()
- 045. PCSOT.** “Post conviction sex offender testing” is specialized instruction beyond the basic polygraph training for the purpose of specific polygraph testing of post convicted sex offenders. (3-20-14)
- 056. SOCB.** The Sexual Offender Classification Board. (3-20-14)
- 067. SOMB.** The Sexual Offender Management Board. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

040. CERTIFIED EVALUATOR QUALIFICATIONS.

01. Certified Evaluators. Each evaluator who conducts or assists with the conduct of a psychosexual evaluation pursuant to Section 18-8316, Idaho Code, must meet the qualifications as set forth in the established standards issued by the Board and be certified by the Board. (3-20-14)

- a.** Certification approval is specific to adult or juvenile clients. ()
- b.** A certificate holder may be separately approved to provide services to both adult and juvenile clients. ()

02. Certification Requirements. Minimum requirements for certification as a psychosexual evaluator include criteria, requirements, and expectations in the following categories: (3-20-14)

- a.** Formal educational requirements; (3-20-14)
- b.** Professional licensure requirements; (3-20-14)
- c.** Clinical experience requirements; (3-20-14)
- d.** Specialized training requirements; and (3-20-14)
- e.** Continuing education and professional development requirements. (3-20-14)

041. LEVELS OF PSYCHOSEXUAL EVALUATOR CERTIFICATION.

The Board issues certificates within three (3) levels reflective of a person’s training and experience specific to the population to be served: (3-20-14)()

- 01. Senior/Approved Psychosexual Evaluator.** (3-20-14)
- a.** Possesses a valid Idaho license to practice as a psychiatrist or master’s or doctoral level

psychologist, social worker, professional counselor, or marriage and family therapist. (3-20-14)

b. Has engaged in a combination of direct, face-to-face clinical practice with sexual offenders and received specialized training for a minimum of 1500 hours which were accumulate within the three (3) years immediately preceding an initial application for certification at this level, as set forth in the established standards issued by the Board; and (3-20-14)

c. Has conducted a minimum of nine (9) psychosexual evaluations within the three (3) years preceding an initial application for certification at this level. (3-20-14)

02. Associate/Supervised Psychosexual Evaluator. (3-20-14)

a. Possesses a valid Idaho license to practice as a psychiatrist or master's or doctoral level psychologist, social worker, professional counselor, or marriage and family therapist. (3-20-14)

b. Has engaged in a combination of supervised direct, face-to-face clinical practice with sexual offenders and received specialized training for a minimum of 500 hours which were accumulate within the three (3) years immediately preceding an initial application for certification at this level, as set forth in the established standards issued by the Board; (3-20-14)

c. Has conducted a minimum of six (6) psychosexual evaluations within the three (3) years preceding an initial application for certification at this level; and (3-20-14)

d. Shall only conduct psychosexual evaluations under the clinical practice supervision of a Board-approved supervisor as defined in Paragraph 010.15.a. of these rules, and under the terms of a formal clinical supervision agreement. (3-20-14)

03. Provisional/Supervised Psychosexual Evaluator. (3-20-14)

a. Possesses or is currently enrolled in a graduate program of study toward the attainment of a master's or doctoral degree, preferably with an emphasis on the application of forensic clinical practice; (3-20-14)

b. Possesses or is pursuing a valid license to practice as a psychiatrist or master's or doctoral level psychologist, social worker, professional counselor, or marriage and family therapist; (3-20-14)

c. May assist with the conduct of psychosexual evaluations only under the direct supervision of a Board-approved supervisor as defined in Paragraph 010.15.b. of these rules, and under the terms of a formal clinical supervision agreement. Face-to-face supervision is required when providing direct clinical services to sex offenders. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

080. SEXUAL OFFENDER TREATMENT PROVIDER QUALIFICATIONS.

01. Certified Sexual Offender Treatment Provider. Each person who provides treatment to sexual offenders as ordered or required by the court, Idaho Department of Correction, Idaho Commission for Pardons and Parole, or the Idaho Department of Juvenile Corrections, in accordance with Section 18-8314, Idaho Code, must meet the qualifications as set forth in the established standards issued by the Board and be certified by the Board. (3-20-14)

a. Certification approval is specific to adult or juvenile clients. ()

b. A certificate holder may be separately approved to provide services to both adult and juvenile clients. ()

02. Certification Requirements. Minimum requirements for certification as a sexual offender treatment provider include criteria, requirements, and expectations in the following categories: (3-20-14)

- a. Formal educational requirements; (3-20-14)
- b. Professional licensure requirements; (3-20-14)
- c. Clinical experience requirements; (3-20-14)
- d. Specialized training requirements; and (3-20-14)
- e. Continuing education and professional development requirements. (3-20-14)

081. LEVELS OF SEXUAL OFFENDER TREATMENT PROVIDER CERTIFICATION.

The Board issues certificates within three (3) levels reflective of a person's training and experience specific to the population to be served: ~~(3-20-14)~~ ()

01. Senior/Approved Sexual Offender Treatment Provider. (3-20-14)

- a. Possesses a valid license to practice in this state or another state or jurisdiction as a psychiatrist or master's or doctoral level psychologist, social worker, professional counselor, or marriage and family therapist; and (3-20-14)
- b. Has engaged in a combination of direct, face-to-face clinical practice with sexual offenders and received specialized training for a minimum of 1500 hours which were accumulate within the three (3) years immediately preceding an initial application for certification at this level, as set forth in the established standards issued by the Board. (3-20-14)

02. Associate/Supervised Sexual Offender Treatment Provider. (3-20-14)

- a. Possesses a valid license to practice in this state or another state or jurisdiction as a psychiatrist or master's or doctoral level psychologist, social worker, professional counselor, or marriage and family therapist. (3-20-14)
- b. Has engaged in a combination of supervised direct, face-to-face clinical practice with sexual offenders and received specialized training for a minimum of 500 hours which were accumulate within the three (3) years immediately preceding an initial application for certification at this level, as set forth in the established standards issued by the Board; and (3-20-14)

c. Shall only provide treatment services under the clinical practice supervision of a Board-approved supervisor as defined in Paragraph 010.15.a. of these rules, and under the terms of a formal clinical supervision agreement. (3-20-14)

03. Provisional/Supervised Sexual Offender Treatment Provider. (3-20-14)

- a. Possesses or is currently enrolled in a graduate program of study toward the attainment of a master's or doctoral degree, preferably with an emphasis on the application of forensic clinical practice; and (3-20-14)
- b. Possesses or is pursuing a valid license to practice as a psychiatrist or master's or doctoral level psychologist, social worker, professional counselor, or marriage and family therapist. (3-20-14)
- c. Shall only provide treatment services under the direct supervision of a Board-approved supervisor as defined in Paragraph 010.15.b. of these rules, and under the terms of a formal clinical supervision agreement. Face-to-face supervision is required when providing direct clinical services to sex offenders. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

100. SPECIALIZED TRAINING FOR PSYCHOSEXUAL EVALUATORS AND SEXUAL OFFENDER TREATMENT PROVIDERS.

For initial certification as a psychosexual evaluator or sexual offender treatment provider, an applicant must have participated in specialized training in the field of sexual abuse, as set forth in the established standards issued by the Board. Sources for such training may be formal conferences, symposia, seminars and workshops in areas such as:

(3-20-14)

01. Sexually Abusive Behavior. Contemporary research regarding the etiology of sexually abusive behavior;

(3-20-14)

02. Offending Behavior. Research-identified risk factors for the development and continuation of sexually abusive/offending behavior;

(3-20-14)

03. Assessment, Treatment, and Management of Adult Or Juvenile Sex Offenders. Contemporary research and practice in the areas of assessment, treatment, and management of adult or juvenile sex offenders;

~~(3-20-14)~~()

04. Specific Risk Assessment Tools. Research-supported, sex offender-specific risk assessment tools; and

(3-20-14)

05. Deviant Sexual Arousal and/or Interests. Physiological assessment of deviant sexual arousal and/or interests.

(3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

200. POST CONVICTION SEXUAL OFFENDER POLYGRAPH EXAMINER QUALIFICATIONS.

01. Certified Examiner. Each person who conducts post conviction sexual offender polygraphs as ordered or required by the court, Idaho Department of Correction, or Idaho Commission for Pardons and Parole, in accordance with Section 18-8314, Idaho Code, must meet the qualifications as set forth in the established standards issued by the Board and be certified by the Board. There shall not be a separate certification specific to adult or juvenile clients.

~~(3-20-14)~~()

02. Certification Requirements. Minimum requirements for certification as a sexual offender treatment provider include criteria and requirements in the following categories:

(3-20-14)

a. Educational requirements; (3-20-14)

b. Experience requirements; (3-20-14)

c. Specialized training requirements; and (3-20-14)

d. Continuing education and professional development requirements. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

300. STANDARDS FOR PROFESSIONAL CONDUCT AND CLIENT RELATIONS.

01. General Considerations for Certified Evaluators and Certified Treatment Providers. Each

person who is certified by the Board to conduct or assist with the conduct of psychosexual evaluations or provide sexual offender treatment shall: (3-20-14)

- a. Adhere to the ethical principles and codes, and all practice standards and guidelines for the person's respective discipline and area of professional licensure; (3-20-14)
- b. Adhere to the ATSA treatment philosophy, the ATSA Professional Code of Ethics, and the ATSA Practice ~~Standards and~~ Guidelines, as referenced in Section 004 of these rules; ~~(3-20-14)~~()
- c. Be knowledgeable of statutes and scientific data relevant to specialized sexual offender evaluation and sexual offender treatment; (3-20-14)
- d. Be familiar with the statutory requirements for assessments and reports for the courts, pursuant to Section 18-8316, Idaho Code; (3-20-14)
- e. Be committed to community protection and safety; (3-20-14)
- f. Provide services in a manner that ensures humane and ethical treatment of clients; (3-20-14)
- g. Conduct testing in accordance with the person's licensing body, qualifications and experience, and in a manner that ensures the integrity of testing data; (3-20-14)
- h. Avoid relationships with clients that may constitute a conflict of interest, impair professional judgment and risk exploitation; and (3-20-14)
- i. Have no sexual relationships with any client. (3-20-14)

02. General Considerations for Certified Post Conviction Sexual Offender Polygraph Examiners. Each person who is certified by the Board to conduct post conviction sexual offender polygraph examinations shall: (3-20-14)

- a. Adhere to the ethical principles and codes, and all practice standards and guidelines for the person's discipline, area of professional practice, or licensure as promulgated by any applicable regulatory board or licensing authority; (3-20-14)
- b. Adhere to the standards and guidelines specific to post conviction sexual offender testing as promulgated by the American Polygraph Association; (3-20-14)
- c. Adhere to the ethical principles and codes, and all practice standards and guidelines for the administration of polygraph examinations generally, as promulgated by the American Polygraph Association or the American Association of Police Polygraphists, as referenced in Section 004 of these rules; (3-20-14)
- d. Adhere to the current practice standards and guidelines pertaining to post conviction sexual offender polygraphs within the context of sexual offender management as established by the Association for the Treatment of Sexual Abusers, as referenced in Section 004 of these rules; (3-20-14)
- e. Avoid relationships with clients that may constitute a conflict of interest, impair professional judgment and risk exploitation; ~~and~~ ~~(3-20-14)~~()
- f. Have no sexual relationships with any client; ~~and~~ ~~(3-20-14)~~()
- g. Take factors such as age, mental capacity and co-occurring mental health concerns into consideration when utilizing polygraphy with juvenile offenders. ()

(BREAK IN CONTINUITY OF SECTIONS)

330. INITIAL CERTIFICATION APPLICATION.

An applicant seeking certification by the Board must submit a completed application on forms provided by the Board for the applicant's area of practice and client population if applicable, accompanied by documentation as outlined in the established standards issued by the Board and an initial certification application fee made payable to the Board. (3-20-14)()

331. EXPIRATION AND RENEWAL OF CERTIFICATION.

No certification shall be renewed, except as follows: (3-20-14)

01. Renewal. At least thirty (30) days prior to the expiration of a certification, a certificate holder shall apply for renewal of the certification on forms provided by the Board for the applicant's area of practice and client population if applicable, accompanied by documentation as outlined in the established standards issued by the Board and a renewal certification application fee made payable to the Board. (3-20-14)()

02. Removal from the Roster. A certificate holder who has not renewed his certification shall be removed from the central roster thirty (30) days after his certification has expired. (3-20-14)

03. Renewal After Certification Expiration. A certificate holder whose certification has expired may reapply at any time for certification as follows: (3-20-14)

a. A certificate holder whose certification has been expired for less than three hundred sixty-five (365) days may reapply following the certification renewal process as referenced in Subsection 331.01 of these rules. (3-20-14)

b. A certificate holder whose certification has been expired for three hundred sixty-five (365) days or longer may reapply for certification following the initial certification process as referenced in Section 330 of these rules. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

350. CENTRAL ROSTER OF PSYCHOSEXUAL EVALUATORS, SEXUAL OFFENDER TREATMENT PROVIDERS AND POST CONVICTION SEXUAL OFFENDER POLYGRAPH PROVIDERS.

01. Identification. The Board shall publish a central roster of psychosexual evaluators, sexual offender treatment providers and post conviction sexual offender polygraph providers pursuant to Sections 18-8312 through 18-8316, Idaho Code. The central roster shall indicate: (3-20-14)

a. The certificate holder's name; (3-20-14)

b. The certificate holder's business address and telephone number; (3-20-14)

c. Whether the certificate holder is certified or approved by conditional waiver; (3-20-14)

d. The category and applicable level of certification; (3-20-14)

e. The expiration date of the certification or conditional waiver; ~~and~~ (3-20-14)()

f. Whether the certificate holder is approved to provide services to adult or juvenile clients or both; ()
and

g. Current formal disciplinary action imposed on a certificate holder by the Board. (3-20-14)

02. Availability. A copy of the central roster may be obtained from the Board, and shall be posted on

the Board's website.

(3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

450. PSYCHOSEXUAL EVALUATIONS.

01. Adult Psychosexual Evaluations. Pre-sentence psychosexual evaluations on adult sexual offenders shall be conducted pursuant to the established standards issued by the Board and written utilizing the "Required Format for Psychosexual Evaluation ~~s~~ Reports," as referenced in Section 004 of these rules.

~~(3-20-14)~~()

02. Juvenile Psychosexual Evaluations. Psychosexual evaluations on juveniles adjudicated for sexual offenses shall be conducted in accordance with the established standards issued by the Board and written utilizing the "Required Format for Juvenile Psychosexual Evaluation Reports," as referenced in Section 004 of these rules. ()

03. Testing. The evaluator shall utilize testing instrumentation and assessment measures as outlined in the established standards issued by the Board. (3-20-14)

04. Client Participation. The client being evaluated may refuse or decline to participate in any testing, assessment measure, or physiological measure used for the pre-sentence psychosexual evaluation. The evaluator shall document the client's refusal or declination in the psychosexual evaluation report. (3-20-14)