

## Section 3: Specialized Treatment and Treatment Providers

The provisions of this section govern the procedures relating to (a) the certification by the SOMB of professionals who are approved to provide specialized treatment to adults convicted of sex offenses or sex offense-related crimes (as referenced in Section 18-8314, Idaho Code) and (b) professionals' required practices with respect to providing such treatment.<sup>1</sup>

### I. GENERAL CONSIDERATIONS

- A. A person certified by the SOMB to provide specialized treatment in accordance with the minimum requirements and other expectations outlined in this section is expected to:
  - a. Adhere to the ethical principles and codes, and any and all practice standards and guidelines, for the person's respective discipline/area of professional licensure as promulgated by the licensing body;
  - b. Adhere to current professional code of ethics established by ATSA. Although membership in ATSA is not a requirement for certification pursuant to this section, it is strongly recommended;
  - c. Follow current practice standards and guidelines for sexual abuser-specific treatment as established by ATSA;
  - d. Be committed to community protection and safety; and
  - e. Conduct treatment procedures in a manner that ensures the humane and ethical treatment of the client.
- B. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall:
  - a. Appreciate that specialized treatment for adults who have engaged in sexually abusive behavior is an evolving science; and
  - b. Remain apprised of contemporary research and engage in professional development activities in order to provide contemporary research-supported and evidence-based treatment.

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<sup>1</sup> Standards and guidelines pertaining to treating juveniles adjudicated for sex offenses will be addressed by the SOMB at a later date.

- c. Collaborate with other professionals who are involved in the management of clients to further the goals of specialized treatment and management and promote the guiding principles of these standards.
- C. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall develop a comprehensive written document that details the treatment program being offered and guides delivery of services. This document shall be made available to the SOMB upon application for initial certification and certification renewal.
- D. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall not make assertions regarding a client's absolute risk/potential to reoffend prior to the initiation of treatment, during the course of treatment, or subsequent to treatment completion.

## **II. BROAD GOALS AND OBJECTIVES OF SPECIALIZED TREATMENT**

Specialized treatment provided to adult sex offenders in accordance with this section, and in support of the guiding principles of these standards, is primarily designed to:

- A. Assist clients with effectively managing thoughts, fantasies, feelings, attitudes, and behaviors associated with their potential to sexually abuse or their risk for sexual re-offense;
- B. Promote the development of prosocial attitudes and practicing of pro-social skills;
- C. Support a lifestyle that is consistent with non-offending behavior; and
- D. Treat and document client's:
  - a. Reduction of empirically based dynamic risk factors/variables that increase risk to reoffend; and
  - b. Development of protective factors/variables that decrease risk.

## **III. INFORMED CONSENT AND TREATMENT AGREEMENTS**

- A. Informed Consent. A person certified to provide specialized treatment to adult sex offenders in accordance with this section shall provide the individual receiving

treatment (and/or legal guardian) with informed consent/assent and document accordingly in writing. This shall minimally address the following:

- a. The nature and purpose of the treatment;
  - b. The methods and modalities of treatment to be used;
  - c. Benefits and risks associated with participating in such treatment;
  - d. Right to refuse or decline treatment, and the potential consequences of such a refusal or declination when treatment is mandated or ordered by the courts or other authorities;
  - e. Mandatory reporting requirements; and
  - f. Confidentiality limits.
- B. Treatment Agreements. A person certified to provide specialized treatment to adult sex offenders in accordance with this section shall establish a written treatment agreement with the client (and/or legal guardian). At a minimum, this agreement shall address:
- a. The nature, goals, and objectives of treatment;
  - b. The expected frequency and duration of treatment;
  - c. Rules and expectations of treatment program participants;
  - d. Incentives for participation and progress;
  - e. Consequences of noncompliance with treatment program rules and expectations; and
  - f. Criteria used to gauge treatment progress and determine completion of treatment.

#### **IV. TREATMENT GUIDED BY ASSESSMENT**

- A. Any person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall:
  - a. Develop and implement an individualized, written treatment plan for each client that:

- i. Outlines appropriate targets of treatment, and specific, clear, and measurable goals and objectives that are consistent with the results of a current psychosexual evaluation or risk assessment;
    - ii. Is signed by the client (and/or legal guardian) and the provider;
    - iii. Is reviewed and updated routinely to evaluate progress and documented in accordance with this section; and
    - iv. Addresses the client's level of compliance and demonstrated effort.
  - b. Deliver treatment that is commensurate with a given client's assessed recidivism risk and intervention needs.
    - i. Empirically based risk variables shall be considered when determining recidivism risk (See appendix for Static and Dynamic Risk Variables Checklist);
    - ii. Routine utilization of a sex offender risk assessment such as the STABLE-2007 to guide the client's treatment needs and address negative or no changes in dynamic factors; and
    - iii. Timely collaboration and communication with the client's supervising authority to address treatment non-compliance, changes in assessed risk, treatment attendance and participation, and other client management information.
- B. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall offer treatment only when they have the resources necessary to provide an adequate and appropriate level of intervention for a client's assessed level of risk and intervention needs.
- C. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section, excluding a Provisional/Supervised Sex Offender Treatment Provider shall refer a potential client to other treatment providers or agencies when they cannot provide an adequate and appropriate level of intervention.

## V. TREATMENT METHODS, MODALITIES, AND ENGAGEMENT

- A. Methods. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall utilize research-supported methods of intervention, to the extent that such research is available. At present, these include, but are not limited to:
- a. Cognitive-behavioral techniques to help clients develop, practice, and implement strategies to effectively manage situations that may increase their risk of sexually abusing or otherwise reoffending; and
  - b. Behavioral methods such as education, modeling, supervised practice, and positive reinforcement to teach clients skills that will help them achieve prosocial goals.
- B. Modalities. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall deliver treatment using research-supported modalities that are matched to a clients' individual intervention needs and responsivity factors. Such modalities shall include, as appropriate:
- a. Individual therapy;
  - b. Family and/or couples therapy; and
  - c. Group therapy, within the following parameters:
    - i. Group therapy ideally may be co-facilitated and minimally must be facilitated by at least one treatment provider certified in accordance with this section;
    - ii. The therapist: client ratio for group therapy shall generally not exceed 1:10;
    - iii. Treatment groups shall generally not exceed 12 clients;
    - iv. Male and female clients shall not be included in the same treatment group;
    - v. Juvenile and adult modalities shall not be included in the same treatment group; and
    - vi. Best practice suggests not combining low- and high-risk offenders into the same groups, as available or practical.

- C. Treatment Engagement. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall strive to engage clients in treatment and promote internal motivation to change. This shall be facilitated by:
- a. Conducting treatment in a respectful, directive, and humane manner;
  - b. Creating a therapeutic climate that is conducive to trust and openness; and
  - c. Involving clients in the development of their treatment plans and identifying realistic goals, objectives and timeframes for achieving goals.

## VI. TARGETS OF TREATMENT

A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall deliver treatment that focuses primarily on research-supported dynamic risk factors that are linked to sexual and non-sexual recidivism.

These include:

- A. General Self-Regulation. To assist clients with:
- a. Managing emotional states that support or contribute to the client's potential to engage in problem behavior;
  - b. Learning and practicing problem-solving and impulse control skills;
  - c. Managing mental health and substance abuse difficulties; and
  - d. Medication management as necessary.
- B. Sexual Self-Regulation. To assist clients with:
- a. Developing healthy sexual interest and arousal, fantasies, and behaviors oriented toward age-appropriate and consensual partners;
  - b. Improving management and control of sexual impulses; and
  - c. Modifying thinking patterns that serve to support age-inappropriate and/or non-consensual sexual interest, arousal and behavior.
- C. Attitudes Supporting Criminality. To assist clients with:
- a. Increasing attitudes, beliefs, and values that support prosocial sexual behaviors; and
  - b. Managing or decreasing attitudes, beliefs, and values that support sexually abusive and other antisocial behavior.

- D. Close Interpersonal Relationships. To assist clients with:
  - a. Developing skills for establishing and maintaining prosocial, healthy relationships with family members and intimate partners (as applicable and appropriate) to the population being served; and
  - b. Building on strengths in the client’s existing relationships.
- E. Social and Community Supports. To assist clients with:
  - a. Identifying appropriate, prosocial individuals who can act as positive support persons;
  - b. Engaging family members and other support persons to actively participate in the treatment process; and
  - c. Developing and maintaining stability in housing, employment, school, and leisure.
- F. Ancillary treatment targets may include factors not clearly established by research as linked to recidivism among adult sex offenders, but which may enhance the therapeutic relationship, engagement in treatment, and responsiveness to treatment. These may include targets such as:
  - a. Denial and minimization;
  - b. Victim empathy; and
  - c. Self-esteem.

## **VII. RESPONSIVITY FACTORS AND SPECIAL POPULATIONS**

A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall recognize that not all treatments have been developed or evaluated with various subpopulations of sexual abusers (e.g., juveniles, individuals with intellectual and developmental disabilities, clients with serious mental illness, those with varied cultures and other demographics). Accordingly, a treatment provider shall:

- A. Adjust approaches to interventions and match clients to appropriate services based on identified responsivity factors (e.g., age, gender, cognitive functioning) in order to facilitate clients’ abilities to benefit from services;

- B. Equip themselves with the knowledge and skills necessary to adequately address clients' responsivity factors and/or special needs by consulting with knowledgeable others, accessing specialized training, and participating in other professional development activities; and
- C. Recognize their own strengths and limitations with respect to their ability to provide adequately responsive services to clients, and refer clients to providers skilled in addressing specific responsivity factors when necessary.

### **VIII. TREATMENT PROGRESS AND COMPLETION**

- A. Continuum of Care. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall recognize that treatment occurs across a broad range of care within the criminal justice process. The Idaho Department of Correction shall be responsible for identifying procedures and expected roles for transitioning clients who are under court or Commission for Pardons and Parole supervision through the continuum of care.
- B. Progress. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall routinely assess and document a client's progress toward attainment of the specific objectives outlined in the client's individual treatment plan. Assessments of progress shall be conducted using multiple methods such as:
  - a. Client self-report;
  - b. Collateral reports;
  - c. Research-grounded assessment scales and measures specific to adult sex offenders; and
  - d. Specialized physiological and behavioral assessments as appropriate for the population being served.
- C. Polygraph. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall collaborate with the client's supervising authority to address the results of a client's polygraph examinations.

Polygraph results and admissions made during the polygraph process shall be used to identify additional treatment needs and potential sanctions.

- D. Completion. A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section, excluding a Provisional/Supervised Sex Offender Treatment Provider shall recognize and communicate that successful completion of a specialized treatment program:
  - a. Indicates that the client has met the specified series of goals and objectives of an individualized treatment plan designed to reduce the individual's risk to reoffend and increase stability and prosocial behaviors; and
  - b. The client has demonstrated the goals and objectives of treatment have been achieved as demonstrated by their behavior while in treatment and under supervision; but
  - c. Does not indicate that the client's risk to reoffend has been eliminated completely.
- E. A client's progress in and completion of treatment shall be gauged by the provider within the context of a clients' individual capacities, abilities, and limitations.
- F. The treatment provider shall take reasonable steps to prepare the client for treatment completion. These steps may include:
  - a. A gradual reduction in frequency of contacts over time as treatment gains are made;
  - b. Aftercare/maintenance sessions to reinforce and assess treatment gains; and
  - c. Providing written information that includes follow up recommendations for maintaining treatment gains to the client, family/partner, support persons, and appropriate professionals involved in ongoing case management, within the confidentiality parameters established.

## **IX. DOCUMENTATION**

A person certified by the SOMB to provide specialized sex offender treatment in accordance with this section shall maintain appropriate written documentation pertaining to the delivery of treatment services for each client. This documentation

shall be conducted in accordance with any professional regulations, standards and guidelines, will be included in each individual case file and shall minimally include, but not be limited to:

- A. Informed consent;
- B. Treatment agreements;
- C. Treatment plans and treatment plan reviews:
  - a. Treatment plan reviews should be conducted at least every 180 days; and
  - b. The client's participation in treatment plan reviews must be documented.
- D. Assessments of treatment progress;
  - a. Monthly status updates and quarterly progress reports submitted to the client's supervising authority and the client utilizing the SOMB approved forms. (See Appendix);
    - i. The SOMB approved forms may be supplemented with additional reporting measures as desired by the treatment provider.
  - b. Monthly status updates may be completed at the time of case staffing with the supervising officer; and
  - c. If agreed upon with the supervising officer, treatment progress assessment may be reduced to only quarterly reporting.
- E. Treatment notes from each individual, group, and/or family session conducted; and
- F. Discharge summaries when a client has successfully completed or otherwise discontinued treatment.

**X. CATEGORIES OF SOMB-CERTIFIED SPECIALIZED TREATMENT PROVIDERS**

A. Pursuant to the statutory mandate and authority afforded to the SOMB, to be eligible to provide specialized treatment to adult sex offenders in accordance with this section, an individual must be formally certified by the SOMB. The 3 established categories of certification for treatment providers are:

- a. **Senior/Approved Sex Offender Treatment Provider.** A Senior/Approved Sex Offender Treatment Provider is a clinical professional who is currently authorized by the SOMB to:
  - i. Independently provide treatment to adult sex offenders in accordance with the requirements and standards for such treatment as outlined in this section; and
  - ii. Provide direct clinical supervision to individuals certified as an Associate/Supervised Sex Offender Treatment Provider, a Provisional/Supervised Sex Offender Treatment Provider, or who are otherwise seeking certification to provide such treatment.
- b. **Associate/Supervised Sex Offender Treatment Provider.** An Associate/Supervised Sex Offender Treatment Provider is a professional who is currently authorized by the SOMB to provide treatment to adult sex offenders only under the clinical supervision of a Senior/Approved Sex Offender Treatment Provider in good standing and whose treatment documentation and other work products must be reviewed and co-signed by a Senior/Approved Sex Offender Treatment Provider in good standing.
- c. **Provisional/Supervised Sex Offender Treatment Provider.** A Provisional/Supervised Sex Offender Treatment Provider is a professional with limited clinical experience and specialized training who is currently authorized by the SOMB to provide treatment to adult sex offenders only under the direct supervision of a Senior/Approved Sex Offender Treatment Provider in good standing and whose treatment documentation and other work products must be reviewed and co-signed by a Senior/Approved Sex Offender Treatment Provider in good standing.

- B. The SOMB shall provide authorization of the professional to provide treatment for adult sex offenders, based on the minimum educational, experience, specialized training, and other criteria set forth in this section.<sup>2</sup>

## **XI. CENTRAL ROSTER OF CERTIFIED SEX OFFENDER TREATMENT PROVIDERS**

- A. The SOMB shall maintain a complete and current official roster of all Senior/Approved Sex Offender Treatment Providers, Associate/Supervised Sex Offender Treatment Providers and Provisional/Supervised Sex Offender Treatment Providers, to minimally include the:
  - a. Name of the treatment provider;
  - b. Business name, address, telephone number, and other contact information;
  - c. Level of certification as designated by the SOMB; and
  - d. Population for which the person is authorized by the SOMB to provide treatment (adult).
- B. The SOMB shall ensure the accuracy and currency of the official roster by updating the roster at a minimum of quarterly or as otherwise necessary and indicating on the official roster the date on which it was updated.
- C. The SOMB shall publish the central roster on the SOMB's website and make the written roster otherwise available upon request.
- D. A certified sex offender treatment provider as designated by the SOMB has a continuing duty and obligation to maintain eligibility under this section if desiring to remain on the central roster.
- E. The SOMB may remove an individual from the official roster of certified treatment providers for reasons as outlined in these standards.

## **XII. REPRESENTATIONS AS A CERTIFIED SEX OFFENDER TREATMENT PROVIDER**

- A. A person providing specialized treatment to adult sex offenders in accordance with this section shall clearly and accurately indicate their level and scope of certification as either a Senior/Approved Sex Offender Treatment Provider, an

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<sup>2</sup> Standards and guidelines pertaining to treating juveniles adjudicated for sex offenses will be addressed by the SOMB at a later date.

Associate/Supervised Sex Offender Treatment Provider, or a Provisional/Supervised Sex Offender Treatment Provider when:

- a. Making oneself available to accept referrals for specialized treatment;
  - b. Advertising oneself as a sex offender treatment provider;
  - c. Communicating with the courts, other professionals, or the public regarding their certification to provide specialized treatment to adult sex offenders;
  - d. Providing informed consent to clients (and/or legal guardian) prior to initiating treatment; and
  - e. Signing any and all treatment documentation and records.
- B. In accordance with Section 18-8314, Idaho Code, no person shall claim or imply oneself to be a certified sex offender treatment provider pursuant to this section, or use a title or any abbreviation that implies that the person is a certified sex offender treatment provider pursuant to this section, unless so certified by the SOMB and currently in good standing on the official roster of sex offender treatment providers.

**XIII. MINIMUM REQUIREMENTS FOR SOMB CERTIFICATION AS A SEX OFFENDER TREATMENT PROVIDER FOR ADULT SEX OFFENDERS**

- A. A person who provides sex offender treatment in accordance with this section must meet the eligibility criteria and minimum requirements as set forth in this section and be certified by the SOMB as a Senior/Approved Sex Offender Treatment Provider, an Associate/Supervised Sex Offender Treatment Provider, or a Provisional/Supervised Sex Offender Treatment Provider.
- B. A person certified by the SOMB to provide sex offender treatment has a continuing duty to notify the SOMB in writing should circumstances result in the ineligibility of the provider to meet the minimum requirements for the level of certification designated by the SOMB.
- C. The minimum requirements for certification by the SOMB as a sex offender treatment provider include criteria, requirements, and expectations in the following categories:

- a. Formal educational requirements;
  - b. Professional licensure requirements;
  - c. Clinical experience requirements;
  - d. Specialized training requirements; and
  - e. Continuing education/ongoing professional development requirements.
- D. A person certified by the SOMB to provide sex offender treatment shall secure and maintain professional liability insurance coverage.
- E. For purposes of clinical practice supervision for Associate/Supervised Sex Offender Treatment Provider certification, “supervision” is generally considered as face-to-face direct contact, documented teleconferencing, and/or interactive video conferencing using a ratio of 1 hour of clinical supervision for every 20 hours of direct service provided. If no approved supervisor is available within a 50 mile radius, applicants may submit a request to the SOMB to utilize an alternate supervisor.
- F. For purposes of clinical practice supervision for Provisional/Supervised Sex Offender Treatment Provider certification, “supervision” is considered as face-to-face direct contact.
- a. Clinical supervision for purposes of Provisional/Supervised Sex Offender Treatment Provider certification may not meet standard requirements for professional licensure.

**XIV. REQUIREMENTS FOR CERTIFICATION AS A SENIOR/APPROVED SEX OFFENDER TREATMENT PROVIDER**

To be eligible for SOMB certification as a Senior/Approved Sex Offender Treatment Provider, a person must:

- A. Formal Education Requirements. Possess an advanced/graduate degree (e.g., master’s, doctoral) in an applied clinical practice field such as psychiatry, psychology, counseling, or social work from an accredited university or college and program of study, preferably with an emphasis on the application of forensic clinical practice and for which a bachelor’s degree was a pre-requisite.

- B. Professional Licensure Requirements.
- a. Possess a valid license to practice as a psychiatrist, psychologist, social worker, professional counselor, or marriage and family therapist with such license issued by the appropriate/respective regulatory body for the discipline or profession;
  - b. Maintain such licensure for the duration of the certification period authorized by the SOMB; and
  - c. Remain in good standing with the licensing body for the regulated profession, and not currently be under formal sanction or suspension of practice for ethical or other disciplinary matters.
- C. Clinical Experience and Specialized Training Requirements.
- a. Engaged in a combination of direct face-to-face clinical practice with adult sex offenders and received specialized training for a minimum of 1500 hours.
    - i. Clinical practice is defined as face-to-face when possible, sex offender assessment, individual and/or group treatment, case treatment staffing/planning and crisis management.
    - ii. Shall have been accumulated within the 3 years immediately preceding the initial application for SOMB certification as a Senior/Approved Sex Offender Treatment Provider;
    - iii. Of the 1500 hours requirement, a minimum of 500 hours shall be specific to providing specialized sex offender treatment; and
    - iv. Of the 1500 hours requirement, a minimum of 60 hours or a maximum of 375 hours may be attributed to specialized training.
    - v. No more than 16 hours of training specific to the treatment of victims of sexual abuse can be used to count toward the minimum number of specialized training hours.
  - b. Specialized training may be in a combination of areas such as:
    - i. Contemporary research regarding the etiology of sexually abusive behavior;

- ii. Research-identified risk factors for the development and continuation of sexually abusive/offending behavior for adults;
  - iii. Contemporary research and practice in the areas of assessment, treatment, and management of adult sex offenders;
  - iv. Research-supported, sex offender-specific risk assessment tools for adults; and
  - v. Physiological assessment of deviant sexual arousal and/or interests.
- c. A person seeking certification as a Senior/Approved Sex Offender Treatment Provider who is unable to meet the required clinical experience and/or specialized training requirements within the designated 3-year time-frame may apply for conditional waiver consideration, as outlined in this section.

**XV. REQUIREMENTS FOR CERTIFICATION AS AN ASSOCIATE/SUPERVISED SEX OFFENDER TREATMENT PROVIDER**

To be eligible for SOMB certification as an Associate/Supervised Sex Offender Treatment Provider, a person must:

- A. Formal Education Requirements. Possess an advanced/graduate degree (e.g., master's, doctoral) in an applied clinical practice field such as psychiatry, psychology, counseling, or social work from an accredited university or college and program of study, preferably with an emphasis on the application of forensic clinical practice and for which a bachelor's degree was a pre-requisite.
- B. Professional Licensure Requirements.
  - a. Possess a valid license to practice as a psychiatrist, psychologist, social worker, professional counselor, or marriage and family therapist with such license issued by the appropriate/respective regulatory body for the discipline or profession;
  - b. Maintain such licensure for the duration of the certification period authorized by the SOMB; and

- c. Remain in good standing with the licensing body for the regulated profession, and not currently be under formal sanction or suspension of practice for ethical or other disciplinary matters.
- C. Practice under a current and formal clinical supervision agreement approved by the SOMB as specified in the Formal Clinical Supervision Agreement section.
- D. Clinical Experience and Specialized Training Requirements. To be eligible for SOMB certification as an Associate/Supervised Sex Offender Treatment Provider, a person must have:
  - a. Practiced only under the supervision of a Senior/Approved Sex Offender Treatment Provider and in accordance with a formal clinical supervision plan as outlined in this section;
  - b. Engaged in a combination of direct, face-to-face clinical practice with adult sex offenders and received specialized training for a minimum of 500 hours,
    - i. Clinical practice is defined as face-to-face when possible, sex offender assessment, individual and/or group treatment, case treatment staffing/planning, and crisis management;
    - ii. Shall have been accumulated within the 3 years immediately preceding the initial application for SOMB certification as an Associate/Supervised Sex Offender Treatment Provider; and
    - iii. Of the 500 hours requirement, a minimum of 60 hours or a maximum of 175 hours may be attributed to specialized training.
    - iv. No more than 16 hours of training specific to the treatment of victims of sexual abuse can be used to count toward the minimum number of specialized training hours.
  - c. Specialized training may be in a combination of areas such as:
    - i. Contemporary theories regarding the etiology of sexually abusive behavior;
    - ii. Research-identified risk factors for the development and continuation of sexually abusive/offending behavior for adults;

- iii. Contemporary research and practice in the areas of assessment, treatment, and management of adult sex offenders;
  - iv. Research-supported, sex offender-specific risk assessment tools for adults; and
  - v. Physiological assessment of deviant sexual arousal and/or interests.
- d. For *initial* certification as an Associate/Supervised Sex Offender Treatment Provider, a person shall have:
- i. Directly observed a Senior/Approved Sex Offender Treatment Provider conducting specialized treatment for a minimum of 100 hours within the preceding 3 years, and discussed with the supervisor the supervisor’s approach to such services; and
  - ii. Co-facilitated a minimum of 100 treatment hours under the direct clinical supervision and immediate oversight of a Senior/Approved Sex Offender Treatment Provider and under a formal clinical supervision agreement as outlined in this section.
- e. To maximally support any application for SOMB certification as a sex offender treatment provider, supervisees are required to maintain a cumulative log that includes at minimum:
- i. The dates of face-to-face, telephone/teleconferencing, and/or other “live” and interactive web-based verbal conversation;
  - ii. Number of hours of clinical supervision received; and
  - iii. Number of hours of treatment services provided and the dates of service, all of which can be verified by the supervisor.
- f. A cumulative log may be required by the SOMB as a condition of approval of a formal supervision plan or application for certification; such a log may be subject to audit or requested by the SOMB in support of decision making regarding certification or quality assurances processes.
- g. A person seeking certification as an Associate/Supervised Sex Offender Treatment Provider who is unable to meet the required clinical experience

and/or specialized training requirements within the designated time-frame may apply for conditional waiver consideration, as outlined in this section.

E. Formal Clinical Supervision Agreement.

- a. A person seeking certification or currently certified as an Associate/Supervised Sex Offender Treatment Provider shall only provide such treatment under the clinical practice supervision of a Senior/Approved Sex Offender Treatment Provider and in accordance with the terms of a formal clinical supervision agreement to be approved in advance by the SOMB.
- b. The formal clinical supervision agreement shall minimally address the following criteria:
  - i. The name and contact information of the supervisee and supervisor(s);
  - ii. Population to be served (adult);
  - iii. Location, setting, nature of practice in which treatment services will be conducted;
  - iv. Effective period of clinical supervision;
  - v. The ratio of face-to-face or other “live” supervision hours to hours of direct service delivery; and
  - vi. Any other methods of clinical supervision that are anticipated to be employed.
- c. The formal clinical supervision agreement must accompany any initial or renewal application for an Associate/Supervised Sex Offender Treatment Provider or application for change of certification category to the level of Senior/Approved Sex Offender Treatment Provider.

**XVI. REQUIREMENTS FOR CERTIFICATION AS A PROVISIONAL/SUPERVISED SEX OFFENDER TREATMENT PROVIDER**

Certification as a Provisional/Supervised Sex Offender Treatment Provider is limited to a 3 year period, at which time the person must have achieved the minimum requirements for certification level upgrade to Associate/Supervised Sex Offender Treatment Provider.

To be eligible for SOMB certification as a Provisional/Supervised Sex Offender Treatment Provider, a person must:

- A. Formal Education and Licensure Requirements.
  - a. Possess or be currently enrolled in a graduate program of study toward the attainment of an advanced/graduate degree (e.g., master's, doctoral) from an accredited university or college and program of study, preferably with an emphasis on the application of forensic clinical practice; and
  - b. Possess or be pursuing licensure in an applied clinical practice field such as psychiatry, psychology, counseling, or social work.
- B. Clinical Experience Requirements.
  - a. Practice only under the supervision of a Senior/Approved Sex Offender Treatment Provider and in accordance with a formal clinical supervision plan as outlined in this section.
  - b. For *renewal* certification as a Provisional/Supervised Sex Offender Treatment Provider, a person must accumulate a minimum of 147 face-to-face clinical practice hours under the supervision of a Senior/Approved Sex Offender Treatment Provider during the period of certification preceding the annual renewal application.
    - i. The SOMB may consider modifications to the renewal clinical practice requirements on a case by case basis as circumstances warrant.
  - c. Face-to-face supervision is required during any period of time in which a Provisional/Supervised Sex Offender Treatment Provider is providing specialized treatment services.
  - d. To maximally support any application for SOMB certification as a sex offender treatment provider, supervisees are required to maintain a cumulative log that includes at minimum:
    - i. The dates of face-to-face clinical supervision;
    - ii. Number of hours of clinical supervision received; and
    - iii. Number of hours of treatment services provided and the dates of service, all of which can be verified by the supervisor.

- e. A cumulative log may be required by the SOMB as a condition of approval of a formal supervision plan or application for certification; such a log may be subject to audit or requested by the SOMB in support of decision making regarding certification or quality assurances processes.

C. Formal Clinical Supervision Agreement.

- a. A person seeking certification or currently certified as a Provisional/Supervised Sex Offender Treatment Provider shall only provide such treatment under the direct clinical practice supervision of a Senior/Approved Sex Offender Treatment Provider and in accordance with the terms of a formal clinical supervision agreement to be approved in advance by the SOMB.
- b. The formal clinical supervision agreement shall minimally address the following criteria:
  - i. The name and contact information of the supervisee and supervisor(s);
  - ii. Population to be served (adults);
  - iii. Location, setting, nature of practice in which treatment services will be conducted;
  - iv. Effective period of clinical supervision; and
  - v. Any other methods of clinical supervision that are anticipated to be employed.
- c. The formal clinical supervision agreement must accompany any initial or renewal application for a Provisional/Supervised Sex Offender Treatment Provider or application for change of certification category to the level of Associate/Supervised Sex Offender Treatment Provider.

**XVII. CONTINUING EDUCATION/ONGOING PROFESSIONAL DEVELOPMENT REQUIREMENTS**

- A. To maintain certification as a Senior/Approved Sex Offender Treatment Provider, or an Associate/Supervised Sex Offender Treatment Provider, a person must receive a minimum of 40 verifiable hours of continuing education in the form of

workshops, conferences, symposia, or on-line training over the course of the 2 year period prior to each renewal period.

- a. Twenty (20) hours of continuing education shall be consistent with maintaining licensure in their individual discipline of practice;
  - b. Twenty (20) hours of continuing education shall address a combination of specialized areas such as:
    - i. Contemporary research regarding the etiology of sexually abusive behaviors;
    - ii. Research-identified risk factors for the development and continuation of sexually abusive/offending behavior for adults;
    - iii. Contemporary research and practice in the areas of assessment, treatment, and management of adult sex offenders;
    - iv. Research-supported, sex offender-specific risk assessment tools for adults; and
    - v. Physiological assessment of deviant sexual arousal and/or interests.
  - c. No more than 16 hours of training specific to the treatment of victims of sexual abuse can be used to count toward the minimum number of specialized training hours.
  - d. Any on-line education must be from a recognized accredited educational institution, and no more than 10 hours of continuing education credits obtained from such on-line educational resources shall count toward the biennial 40 hour continuing education requirement.
  - e. Teaching relevant coursework at an accredited university or college, or providing training at a conference or workshop training (to be reviewed and approved by the SOMB) can substitute for up to one-half of the continuing education hours for an applicant.
- D. To maintain certification as a Provisional/Supervised Sex Offender Treatment Provider, a person must receive a minimum of 20 verifiable hours of specialized continuing education in the form of workshops, conferences, symposia, or on-line

training annually. This specialized continuing education must meet the standards outlined in this section.

#### **XVIII. CONDITIONAL WAIVER**

- A. Initial Application for Certification. A person not meeting the minimum *clinical experience and/or specialized training requirements* for providing sex offender treatment as set forth in this section at the time of *initial* application for certification may formally petition the SOMB in writing for a one-time, time-limited conditional waiver and exception.
- B. Renewal Application for Certification. A person not meeting the *continuing education requirements* for providing treatment as set forth in this section when submitting a *renewal* application for certification may formally petition the SOMB in writing for a one-time, time-limited conditional waiver and exception.
- C. Conditional waivers are not permitted and requests shall not be considered by the SOMB with respect to the *formal educational and professional licensure* requirements for sex offender treatment providers as specified in this section.
- D. A person submitting a petition for conditional waiver shall clearly articulate in writing the reasons that the one-time, time-limited exception for this requirement shall be considered by the SOMB.
- E. The ongoing practice of the applicant, if granted a conditional waiver and certified during the initial application process, will be subject to the terms and any remedial action as established by the SOMB. The terms and remedial actions may, at the SOMB's discretion, include a period of clinical supervision.
- F. A conditional waiver granted at the time of initial certification shall not remain in effect for longer than 2 years.
- G. To be eligible for renewal certification as a sex offender treatment provider, a person granted a conditional waiver shall be required to fully meet the minimum requirements and qualifications outlined in this section for the applicable level of certification at the time of the application for renewal. Failure to fully meet the

minimum requirements shall result in the treatment provider being placed in a less independent level of certification.

- H. The SOMB has sole discretion and final authority for granting or denying any conditional waiver requests, and determining any terms of the waiver if so granted.

## **XIX. RECIPROCITY**

- A. The SOMB may waive any initial certification pre-requisites for an applicant after receiving the applicant's credentials and determining that the applicant holds a current license/certification/credential from another state or jurisdiction that has requirements that are substantially equivalent to those set forth by the SOMB.
  - a. The level of Idaho certification shall be determined by the SOMB upon reviewing the applicant's credentials.
  - b. The SOMB reserves the right to require the applicant to meet minimum standards for Idaho certification.
  - c. A person who has been certified by the SOMB by reciprocity consideration on initial application shall be required to meet all qualifications, requirements and quality assurance standards set forth by the SOMB for continued Idaho certification.
- B. Providers of applicable sex offender management services residing in other states or jurisdictions must be certified by the Idaho SOMB to be eligible to receive referrals to provide services to sex offenders who reside in Idaho and who are under supervision by the Idaho Department of Correction.

## **XX. APPLICATION PROCESS**

- A. Any person seeking certification by the SOMB to provide sex offender treatment pursuant to this section does so voluntarily and shall apply for certification only upon reviewing and understanding the educational, licensure, clinical experience, specialized training, and continuing education criteria for Senior/Approved Sex Offender Treatment Providers, Associate/Supervised Sex Offender Treatment

Providers and Provisional/Approved Sex Offender Treatment Providers as set forth in this section.

- B. By submitting an application for SOMB certification to provide sex offender treatment in accordance with this section, the applicant:
  - a. Attests that they meet the minimum requirements and qualifications for the category of certification for which they are applying;
  - b. Agrees that the information provided through the application process is truthful and accurate;
  - c. Agrees to participate in any quality assurance or auditing processes as established by the SOMB in support of upholding the goals, objectives, and guiding principles as set forth in these standards; and
  - d. Understands that the SOMB has statutory responsibility and final authority for making all initial and renewal certification decisions – including approval, denial, suspension, revocation of certification or other monitoring.
- C. Application for Initial Certification. A person seeking certification to provide sex offender treatment in accordance with this section shall submit the following:
  - a. A completed application using any forms developed by the SOMB for the purposes of certification;
  - b. Any and all accompanying supporting documentation as indicated on such application form(s) and in accordance with the criteria and requirements set forth in this section including, but not limited to:
    - i. Proof of licensure, if applicable for level of certification;
    - ii. Verification of educational requirements;
    - iii. Attestation of clinical experience and specialized training requirements, if applicable for level of certification;
    - iv. For a Senior/Approved Sex Offender Treatment Provider or an Associate/Supervised Sex Offender Treatment Provider, copies of 2 treatment plans, 2 progress reports and 2 treatment summary reports that:
      - 1. Were developed by the applicant on separate adult clients;

2. Were developed within the year preceding the application;
  3. Have the identifying information and characteristics redacted; and
  4. Have not been previously submitted to the SOMB as part of any review and certification process as set forth in this section.
- v. For a Senior/Approved Sex Offender Treatment Provider or an Associate/Supervised Sex Offender Treatment Provider, documentation related to the person's treatment program curriculum to include:
1. A program narrative describing the sex offender treatment program theory/model;
  2. Modality (e.g. individual, group, family, etc.) of treatment used for the sex offender treatment program;
  3. Acceptance criteria for the sex offender treatment program;
  4. Descriptions about how treatment plans are developed and modified;
  5. Templates of treatment plans, contracts and agreements;
  6. Treatment program rules and expectations;
  7. Assessment tools to be used to inform treatment planning and gauge treatment progress;
  8. An outline of modules, exercises and activities; and
  9. Data to be collected to assess program impact and effectiveness.
- c. Any additional information or documentation as deemed necessary by the SOMB to make an appropriate certification decision, including the supervision agreement for an Associate/Supervised Sex Offender Treatment Provider or a Provisional/Supervised Sex Offender Treatment Provider;
- d. Proof of professional liability insurance
- e. The assurances and release form; and
- f. The applicable application fee:
- i. For a Senior/Associate Sex Offender Treatment Provider or an Associate/Supervised Sex Offender Treatment Provider, a non-

refundable initial application fee of \$75 payable to the Idaho Sexual Offender Management Board; or

- ii. For a Provisional/Supervised Sex Offender Treatment Provider, a non-refundable initial application fee of \$50 payable to the Idaho Sexual Offender Management Board.

D. Application for Renewal of Certification. A person seeking renewal of certification to provide sex offender treatment shall submit, within 30 days of the expiration of the effective dates of the initial certification period indicated on the certificate issued by the SOMB:

- a. A completed application using any forms developed by the SOMB for the purposes of certification;
- b. Any and all accompanying supporting documentation as indicated on such application form(s) and in accordance with the criteria and requirements set forth in this chapter, including, but not limited to:
  - i. Proof of licensure if applicable for level of certification;
  - ii. Verification of educational requirements if applicable for level of certification;
  - iii. Attestation of specialized training requirements;
  - iv. Copies of 2 treatment plans, 2 progress reports and 2 treatment summary reports that:
    - 1. Were developed by the applicant on separate adult clients;
    - 2. Were developed within the year preceding the application;
    - 3. Have the identifying information and characteristics redacted; and
    - 4. Have not been previously submitted to the SOMB as part of any review and certification process as set forth in this section.
  - v. Documentation related to any changes to the person's initial certification application treatment program curriculum.
- c. Any additional information or documentation as deemed necessary by the SOMB to make an appropriate certification decision, including the

supervision agreement for an Associate/Supervised Sex Offender Treatment Provider or a Provisional/Supervised Sex Offender Treatment Provider;

- d. Proof of professional liability insurance;
- e. The assurances and release form; and
- f. The applicable application fee:
  - i. For a Senior/Approved Sex Offender Treatment Provider or an Associate/Supervised Sex Offender Treatment Provider, a non-refundable renewal application fee of \$50 payable to the Idaho Sexual Offender Management Board; or
  - ii. For a Provisional/Supervised Sex Offender Treatment Provider, a non-refundable renewal application fee of \$30 payable to the Idaho Sexual Offender Management Board.
- g. Certification renewal application review for a Senior/Approved Sex Offender Treatment Provider or an Associate/Supervised Sex Offender Treatment Provider shall typically occur during a person's month of birth 2 years following initial certification, and every 2 years thereafter.
- h. Certification renewal application review for a Provisional/Supervised Sex Offender Treatment Provider shall typically occur during a person's month of birth one year following initial certification and every year thereafter, not to exceed 3 years.

E. Request for Change in Level of Certification.

- a. *Request to Advance to a Senior/Approved Level of Certification.* A person currently certified as an Associate/Supervised Sex Offender Treatment Provider may apply, at any time during an effective period of certification as an Associate/Supervised Sex Offender Treatment Provider, for a change of certification status to a Senior/Approved Sex Offender Treatment Provider level provided that:
  - i. The person meets the established requirements and qualifications for a Senior/Approved Sex Offender Treatment Provider;

- ii. Additional hours of sex offender related specialized training may be necessary to meet the established requirements for Senior/Approved Sex Offender Treatment Provider status;
  - iii. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any accompanying supporting documentation as indicated on such application form;
  - iv. A letter of attestation and support is received from the Senior/Approved Sex Offender Treatment Provider responsible for the supervision of the applicant and as outlined in the formal clinical supervision agreement previously approved by the SOMB; and
  - v. A non-refundable renewal application processing fee of \$50 made payable to the Idaho Sexual Offender Management Board has been received. If, however, a completed application for change in certification status is submitted less than 365 days from a person's most recent effective certification date, the processing fees shall be waived for the change in certification level application.
- b. *Request to Advance to an Associate/Supervised Level of Certification.* A person currently certified as a Provisional/Supervised Sex Offender Treatment Provider may apply, at any time during an effective period of certification as a Provisional/Supervised Sex Offender Treatment Provider, for a change of certification status to an Associate/Supervised Sex Offender Treatment Provider level provided that:
- i. The person meets the established requirements and qualifications for an Associate/Supervised Sex Offender Treatment Provider;
  - ii. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any accompanying supporting documentation as indicated on such application form;

- iii. A letter of attestation and support is received from the Senior/Approved Sex Offender Treatment Provider responsible for the supervision of the applicant and as outlined in the formal clinical supervision agreement previously approved by the SOMB; and
  - iv. A non-refundable renewal application processing fee of \$30 made payable to the Idaho Sexual Offender Management Board has been received. If, however, a completed application for change in certification status is submitted less than 365 days from a person's most recent effective certification date, the processing fees shall be waived for the change in certification level application.
- c. *Request to Change to Less Independent Level of Certification.* A person currently certified as a Senior/Approved Sex Offender Treatment Provider may apply, at any time during an effective period of certification for a change in certification status to an Associate/Supervised Sex Offender Treatment Provider level in the event that:
- i. The person no longer meets the established requirements and qualifications for a Senior/Approved Sex Offender Treatment Provider;
  - ii. The person meets the established requirements and qualifications for an Associate/Supervised Sex Offender Treatment Provider;
  - iii. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any accompanying supporting documentation as indicated on such application form, and specifying in writing the reason(s) for the request for a lower level of certification; and
  - iv. A non-refundable renewal application processing fee of \$50 made payable to the Idaho Sexual Offender Management Board has been received. If, however, a completed application for change in certification status is submitted less than 365 days from a person's most recent effective certification date, the processing fees shall be waived for the change in certification level application.

- d. *Voluntary Request for Placement on Inactive Status.*
  - i. A person certified in accordance with this section may, at any time, voluntarily request placement on inactive status by submitting a written request to the SOMB, specifying the reason(s) for the request and indicating the date at which their inactivity or removal is requested to be effective;
  - ii. The SOMB shall respond in writing within 15 business days of receipt of the request to provide confirmation of the request;
  - iii. A person voluntarily placed on inactive status shall be removed from the central roster of certified treatment providers;
  - iv. A person who has been placed voluntarily on inactive status for less than 365 days may reapply for certification in accordance with the certification *renewal* process as outlined in this section, and any processing fees shall be waived; or
  - v. A person who has been placed voluntarily on inactive status for 365 days or more may reapply for certification in accordance with the *initial* certification process as outlined in this section and submit the applicable processing fees.

**XXI. APPLICABLE FEES**

Non-refundable fees established by the SOMB for processing certification applications are as follows:

- A. \$75 for each person submitting an application for initial certification as a Senior/Approved Sex Offender Treatment Provider or as an Associate/Supervised Sex Offender Treatment Provider;
- B. \$50 for each person applying for a 2-year renewal of certification as a Senior/Approved Sex Offender Treatment Provider or as an Associate/Supervised Sex Offender Treatment Provider;
- C. \$50 for each person submitting an application for initial certification as a Provisional/Supervised Sex Offender Treatment Provider;

- D. \$30 for each person applying for annual renewal of certification as a Provisional/Supervised Sex Offender Treatment Provider;
- E. \$50 renewal processing fee for each person submitting an application for change in certification level status from Senior/Approved Sex Offender Treatment Provider or Associate/Supervised Sex Offender Treatment Provider 365 days or more subsequent to the most recent effective certification date issued by the SOMB; and
- F. \$30 renewal processing fee for each person submitting an application for change in certification level status from Provisional/Supervised Sex Offender Treatment Provider 365 days or more subsequent to the most recent effective certification date issued by the SOMB.

**XXII. SOMB DECISIONMAKING PROCESSES FOR CERTIFYING SEX OFFENDER TREATMENT PROVIDERS**

- A. Certification Committee. The SOMB shall establish/appoint a Certification Committee composed of no fewer than 4 members to oversee the certification of sex offender treatment providers pursuant to this section. The Certification Committee shall minimally include:
  - a. Two current SOMB members who are eligible for certification as a Senior/Approved Evaluator or Treatment Provider;
  - b. A non-clinical SOMB member; and
  - c. A SOMB member of the board's choosing.
- B. Certification Committee Protocols. The SOMB shall establish in writing the proposed processes by which the Certification Committee shall review, render, and document certification decision making, or may authorize the Certification Committee to propose these processes, which will be subject to final approval by the SOMB.
  - a. No Certification Committee member holding a personal or financial interest in an application before the committee shall participate in the deliberation or voting on approval of the application.

- C. Verification of Completeness of Applications. The SOMB coordinator shall:
- a. Determine, using an established checklist, the completeness of any application submitted for certification;
  - b. Provide written notification to the applicant within 5 business days of the receipt of the application and indicate whether:
    - i. All required items (the application, supporting documentation, and fees) have been received and the application is complete and ready for review by the Certification Committee; or
    - ii. Any required items are absent and needed to complete the application in order to be forwarded to the Certification Committee for review and a deadline for submitting these items; and
  - c. Provide to the Certification Committee the completed packet of applications to allow committee members time to review the materials prior to the regularly scheduled meeting.
- D. To be considered for review by the Certification Committee in a given month, the completed application and all supporting documentation must be received no less than 30 days prior to the next scheduled meeting date, with such meeting dates published on the SOMB calendar/website.
- E. The Certification Committee shall utilize the quality assurance checklist/protocol established by the SOMB for reviewing:
- a. The educational, experience, specialized training, and continuing education qualifications or other requirements for certification;
  - b. Any formal clinical supervision agreements; and
  - c. The redacted treatment plans and treatment summaries submitted by an applicant as part of the supporting documentation.
- F. A Certification Review Form shall be completed for each applicant reviewed on the date of the meeting, noting the decision of the committee.
- G. The Certification Committee shall, subsequent to their scheduled review of pending applications, provide the SOMB with the list of applicant names, the nature of the requests for certification, the Certification Committee's

recommended decisions to approve, deny or otherwise monitor certification and any reasons for the recommended action. The SOMB shall review this information and vote to accept or oppose any certification decisions recommended by the Certification Committee.

- H. The SOMB shall provide each applicant a written notification, within 15 business days, of the final approval/denial status as decided by the SOMB.
- I. Denial of Certification. If an application is denied, the SOMB shall specify the reasons for the denial of certification for the applicant in accordance with the reasons set forth in this section.
  - a. The SOMB shall provide written notification to the applicant within 15 business days of the denial decision, the reason(s) for the denial and notice of the right to a hearing; and
  - b. The SOMB shall provide the applicant for whom certification was denied any recommended remedial steps or actions that can be taken to support further consideration for certification and any deadlines or timeframes in which such remedial action should occur.
  - c. A person who submits, less than 365 days from the submission of the previously denied application for certification, a revised application subsequent to completing any remedial steps as recommended by the SOMB shall not be required to provide another application processing fee.
- J. Forms. The SOMB shall be responsible for developing forms for use by the Certification Committee for the certification review and decision making processes, or shall authorize the Certification Committee to develop draft forms, which will be subject to final approval by the SOMB.
- K. The SOMB shall retain a complete file for each applicant seeking initial or renewal certification, including all written correspondence, applications and supporting documentation, and approval/denial decisions.

### XXIII. CERTIFICATION PERIOD

- A. Certification as a Senior/Approved Sex Offender Treatment Provider or an Associate/Supervised Sex Offender Treatment Provider shall remain in effect for 2 years provided that the sex offender treatment provider continues to meet the criteria for such certification and such certification has not been suspended, revoked, otherwise restricted or on voluntary status.
- B. Certification as a Provisional/Supervised Sex Offender Treatment Provider shall remain in effect for 1 year provided that the sex offender treatment provider continues to meet the criteria for such certification and such certification has not been suspended or revoked. Certification as a Provisional/Supervised Treatment Provider is limited to a 3 year period.
- C. The SOMB shall issue to each applicant approved for certification a certificate that:
  - a. Designates the person as a certified sex offender treatment provider for the appropriate level of certification and population the person is authorized to provide treatment services for (adults);
  - b. Indicates the effective period of the person's certification status, including the expiration date; and
  - c. Is signed by the Chair and Vice Chair of the SOMB.
- D. The SOMB shall notify in writing each certified sex offender treatment provider of the expiration of their approved status within 60 days of the expiration of their effective term of certification, outline the steps necessary to apply for renewal, and the deadline for providing a completed application for renewal. However, the certificate holder is ultimately responsible for timely renewal of certification.
- E. A person whose certification has not been renewed by the expiration date on the certificate issued by the SOMB shall no longer be certified as such and shall be removed from the central roster within 30 days of the expiration of their certification.
- F. Expiration. A person whose certification has expired may reapply at any time for certification as follows:

- a. A person whose certification has been expired for less than 365 days may reapply for certification following the certification *renewal* process as outlined in this section.
- b. A person whose certification has been expired for 365 days or more may reapply for certification by following the *initial* certification process as outlined in this section.