

TITLE 9. HEALTH SERVICES
CHAPTER 20. DEPARTMENT OF HEALTH SERVICES
- BEHAVIORAL SUPPORT SERVICES

ARTICLE 2. MISDEMEANOR DOMESTIC VIOLENCE OFFENDER TREATMENT

R9-20-201. Definitions

The following definitions apply in this Article unless otherwise specified:

1. "Administrator" means an individual who has authority and responsibility for managing the provision of treatment.
2. "Applicant" means an individual or business organization that has submitted an application packet to the Department.
3. "Application packet" means the forms, documents, and additional information the Department requires an applicant to submit to become a provider.
4. "Behavioral health professional" means an individual licensed under A.R.S. Title 32 whose scope of practice allows the individual to:
 - a. Independently provide behavioral health services, or
 - b. Provide behavioral health services under direct supervision as defined in A.A.C. R4-6-101.
5. "Business organization" means the same as "entity" in A.R.S. § 10-140.
6. "Client" means an individual who is ordered by a judge to complete a domestic violence offender treatment as a result of a conviction of a misdemeanor domestic violence offense according to A.R.S. § 13-3601.01.
7. "Client record" means any documentation relating to the client's treatment.
8. "Controlling person" means a person who, with respect to a business organization:
 - a. Through ownership, has the power to vote at least 10% of the outstanding voting securities of the business organization;
 - b. If the business organization is a partnership, is a general partner or is a limited partner who holds at least 10% of the voting rights of the partnership;
 - c. If the business organization is a corporation, association, or limited liability company, is the president, the chief executive officer, the incorporator, an agent, or any person who owns or controls at least 10% of the voting securities; or
 - d. Holds a beneficial interest in 10% or more of the liabilities of the business organization.

9. "Day" means a calendar day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or state holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday.
10. "Department" means the Arizona Department of Health Services.
11. "Documentation" means written information in written, photographic, electronic, or other permanent form.
12. "Domestic violence offense" has the same meaning as in A.R.S. § 13-3601.
13. "Employee" means an individual compensated by a provider for work on behalf of the provider.
14. "Facility" means the building or buildings used to provide treatment.
15. "Monitoring" means the Department's inspection of a facility to observe and check compliance with this Article.
16. "Provider" means an individual or business organization that meets the standards in this Article, as determined by the Department and is approved by the Department to provide treatment.
17. "Treatment" means the program for misdemeanor domestic violence offenders according to A.R.S. § 13-3601.01.

R9-20-202. Individuals to Act for Applicant or Provider

When an applicant or provider is required by this Article to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or provider:

1. If the applicant or provider is an individual, the individual; or
2. If the applicant or provider is a business organization, the individual who the business organization has designated to act on the business organization's behalf and who:
 - a. Is a controlling person of the business organization;
 - b. Is a U.S. citizen or legal resident; and
 - c. Has an Arizona address.

R9-20-203. Application and Renewal

- A. An applicant applying to become a provider shall submit to the Department an application packet that contains:
 1. An application form provided by the Department that includes:
 - a. The applicant's name;
 - b. The applicant's address and telephone number;
 - c. The applicant's e-mail address;

- d. The name, telephone number, and e-mail address of the individual acting on behalf of the applicant according to R9-20-202, if applicable;
 - e. The name under which the applicant plans to do business, if different from the applicant's name;
 - f. The address and telephone number of the facility; and
 - g. The applicant's signature and the date signed;
2. A copy of:
 - a. The program description required in R9-20-208(A)(1),
 - b. The policies and procedures required in R9-20-208(B), and
 - c. The policies and procedures required in R9-20-208(D);
 3. The name of the administrator; and
 4. A copy of the applicant's:
 - a. U.S. Passport, current or expired;
 - b. Birth certificate;
 - c. Naturalization documents; or
 - d. Documentation of legal resident alien status.
- B. For renewal, at least 60 days before the expiration of approval, a provider shall submit to the Department:
1. The provider's approval number,
 2. The information in subsection (A)(1), and
 3. The documentation in subsection (A)(2).

R9-20-204. Application or Renewal Approval Process

- A. The Department shall:
1. Review the documents submitted by the applicant or provider as required in R9-20-203,
 2. Issue an approval or non-approval based on the applicant's or provider's compliance with the requirements of R9-20-203, and
 3. Notify the applicant or provider of the Department's decision within 21 days after receiving the documents specified in R9-20-203.
- B. The Department shall send an applicant or provider a written notice of non-approval, with reasons for the non-approval, if:
1. The applicant fails to provide the documentation as required in R9-20-203, or
 2. The Department determines the documentation submitted under R9-20-203 does not comply with this Article or contains false information.

R9-20-205. Notification of Change

- A. A provider shall notify the Department in writing at least 30 days before the effective date of:
 - 1. A termination of treatment provision;
 - 2. A change in:
 - a. The name under which the provider does business,
 - b. The address and telephone number of the facility, or
 - c. The administrator.
- B. The Department shall update the provider's approval to reflect the changes in subsection (A).
- C. Once the notification of change is approved by the Department, the provider retains the existing expiration date of the application approval.

R9-20-206. Rescinding Approval

- A. The Department may rescind the approval of a provider if the Department determines that noncompliance with this Article by the provider negatively impacts the treatment a client is receiving from the provider.
- B. If the Department rescinds the approval of a provider, the Department shall:
 - 1. Provide written notice of the rescindment to the provider that includes a list of the requirements with which the provider is not in compliance,
 - 2. Remove the provider from the Department's list of approved providers, and
 - 3. Provide written notice of the rescindment to the appropriate court of jurisdiction.
- C. To obtain approval after a rescindment, a provider shall submit:
 - 1. The application required in R9-20-203, and
 - 2. A written recommendation for approval of the provider from the appropriate court of jurisdiction.
- D. The Department shall review the application and recommendation in subsection (C) and issue an approval or notice of non-approval no sooner than 60 days, but not later than 90 days after the Department receives the application and recommendation.

R9-20-207. Administration

- A. A provider shall designate an administrator who meets qualifications established by the provider.
- B. A provider shall allow the Department immediate access to all areas of the facility, a client, or records, according to A.R.S. § 41-1009.

R9-20-208. Misdemeanor Domestic Violence Offender Treatment Standards

- A. An administrator shall ensure that:
1. A program description is developed that includes, in addition to the items listed in R9-20-203(A)(2), a method for providing treatment;
 2. The treatment:
 - a. Is professionally recognized treatment for which supportive research results have been published within the five years before the date of application for an approval or renewal;
 - b. Does not disproportionately or exclusively include one or more of the following:
 - i. Anger or stress management,
 - ii. Conflict resolution,
 - iii. Family counseling, or
 - iv. Education or information about domestic violence;
 - c. Emphasizes personal responsibility;
 - d. Identifies domestic violence as a means of asserting power and control over another individual;
 - e. Does not require the participation of a victim of domestic violence;
 - f. Includes individual counseling, group counseling, or a combination of individual counseling and group counseling that:
 - i. Is conducted by a behavioral health professional; and
 - ii. Requires each counseling session to be documented in the client record;
 - g. Does not include more than 15 clients in group counseling;
 3. Treatment is not provided at a location where a victim of domestic violence is sheltered; and
 4. Treatment for a client is scheduled to be completed in not less than four months and no more than 12 months after the client is admitted into treatment.
- B. An administrator shall ensure that policies and procedures are developed, documented, and implemented that:
1. Require a client to complete treatment in not less than four months and no more than 12 months after the date the client begins treatment, unless the provider extends the time for completion of the treatment;
 2. Establish policies and procedures for determining whether to extend the time for a client's completion of treatment, such as an occurrence of one of the following during the 12 months after the date the client is admitted for treatment:
 - a. A client serving jail time,

- b. Illness of a client or a client's family member,
- c. Death of a client's family member, and
- d. The court requiring the client to complete more than 52 sessions of treatment.

C. An administrator shall ensure that:

- 1. Treatment includes, at a minimum, the following number of sessions, to be completed after the applicable offense for which the client was required to complete treatment:
 - a. For a first offense, 26 sessions;
 - b. For a second offense, 36 sessions; and
 - c. For a third offense or any subsequent offense, 52 sessions.
- 2. The duration of a session in subsection (C) is:
 - a. For an individual session, not less than 45 minutes and not longer than 60 minutes; and
 - b. For a group session, not less than 90 minutes and not longer than 180 minutes.

D. An administrator shall ensure that, for each referring court, policies and procedures are developed, documented, and implemented for providing treatment that:

- 1. Establish:
 - a. The process for a client to begin and complete treatment;
 - b. The timeline for a client to begin treatment;
 - c. The timeline for a client to complete treatment, which shall not exceed 12 months, except as provided by in subsections (B)(1) and (B)(2); and
 - d. Criteria for a client's successful completion treatment, including attendance, conduct, and participation requirements;
- 2. Requires notification to a client at the time of admission of the consequences to the client, imposed by the referring court or the provider, if the client fails to successfully complete treatment;
- 3. Requires notification to the referring court or the entity that referred the client to the provider on behalf of the court, in writing, within a timeline established with the referring court or the entity that referred the client to the provider on behalf of the court, when any of the following occur:
 - a. A client referred by the referring court has not reported for admission to treatment,
 - b. A client referred by the referring court is ineligible or inappropriate for treatment,
 - c. A client is admitted for treatment,
 - d. A client is voluntarily or involuntarily discharged from treatment,

- e. A client fails to comply with treatment, or
 - f. A client completes treatment;
 4. Requires the provider to contact the referring court or entity that referred a client to the agency on behalf of the court at least once every 12 months after the date the provider begins to provide treatment to determine whether the referring court has made any changes in its procedures or requirements that necessitate changes to the provider's policies and procedures;
 5. Are reviewed and revised as necessary by the provider at least once every 12 months; and
 6. Are maintained at the facility.
- E. An administrator shall ensure that treatment is provided by a behavioral health professional who:
 1. Has at least six months of full-time work experience with domestic violence offenders or other criminal offenders, or is visually observed and directed by a behavioral health professional with at least six months of full-time work experience with domestic violence offenders or other criminal offenders; and
 2. Has completed at least 40 hours of education or training in one or more of the following areas within the four years before the date the behavioral health professional begins providing treatment:
 - a. Domestic violence offender treatment,
 - b. The dynamics and impact of domestic violence and violent relationships, and
 - c. Methods to determine an individual's potential to harm the individual or another.
- F. An administrator shall ensure that:
 1. All employees are provided orientation specific to the duties of the employee,
 2. Orientation is completed before providing treatment,
 3. Annual training requirements are established for an employee, and
 4. Orientation and training required in this Section are documented.
- G. An administrator shall ensure that:
 1. A behavioral health professional completes an assessment of each client;
 2. The assessment and information in subsections (G)(3) and (G)(4) are documented in the client record;
 3. The assessment includes a client's:
 - a. Substance abuse history,
 - b. Legal history,
 - c. Family history, and
 - d. Behavioral health treatment history;

4. The following information is requested:
 - a. The case number or identification number assigned to the client by the referring court;
 - b. Whether the client has any past or current orders for protection or no-contact orders issued by a court;
 - c. The client's history of domestic violence or family disturbances, including incidents that did not result in arrest;
 - d. The details of the misdemeanor domestic violence offense that led to the client's referral for treatment; and
 5. The client's potential to harm the client or another individual is determined.
- H. An administrator shall ensure that a client who has completed misdemeanor domestic violence offender treatment receives a certificate of completion that includes:
1. The case number or identification number assigned to the client by the referring court or, if the provider has made three documented attempts to obtain the case number or identification number without success, the client's date of birth;
 2. The client's name;
 3. The date of completion of treatment;
 4. The name, address, and telephone number of the provider; and
 5. The signature of an individual authorized to sign on behalf of the provider.
- I. An administrator shall:
1. Provide the original of a client's certificate of completion to the referring court according to the timeline established in the provider's policies and procedures,
 2. Provide a copy of the client's certificate of completion to the client, and
 3. Maintain a copy of the client's certificate of completion in the client record.