

Misdemeanor Domestic Violence Offender Treatment
Workgroup Meeting Notes
September 11, 2012

Regular text = paraphrased discussion

Italics=Department's response

Bold, italics and indented=rule change

The Department began the meeting with a statement that the Department will no longer issue licenses to domestic violence offender treatment centers (treatment center). Hence, by definition, a treatment center is not a health care institution (HCI). The Department explained that the Department is, according to A.R.S. §13-3601.01, authorized to "...establish standards for domestic violence offender treatment program approval." Because of this, the Department will no longer accept licensing applications, licensing fees, or inspect treatment centers. The Department will inspect a treatment center in response to a received complaint. With these new rules, the Department will accept from treatment centers applications for approval of a domestic violence offender treatment program and will issue certificates of approval to approved treatment centers. The Department will also post on the Division of Licensing website a list of all approved treatment centers.

In addition, the Department explained that since a treatment center is not a HCI, the exception provided to an HCI to use behavioral health paraprofessionals (BHPP) and behavioral health technicians (BHT) for licensed services – does not apply. These individuals may provide education because psych education is not counseling, which is a licensed service. According to statute, counseling services are required to be provided by a licensed behavioral health professional (BHP). If there is an issue with the quality-of-service being provided by BHP, the Arizona Board of Behavioral Health Examiners is the regulatory entity responsible for monitoring the BHP. If a treatment center is providing medical services, nursing services, or health-related services, the treatment center may request licensing as an HCI. Because outpatient facilities are HCIs and employee BHTs, they may, by definition, use a BHT to provide counseling to a domestic violence offender if domestic violence offender treatment service is included in their license. A treatment center may expand their scope-of-services.

R9-20-201 (16)

We have more than one location. Does each location have to have its own certificate of approval?

The Department will allow more than one location to an approval. As a part of your application, you will provide a list of your locations. The policies and procedures that you establish and provide with the application will apply to each location listed. If the services are provided in a licensed behavioral health outpatient facility, the approval will be limited to the licensed behavioral health outpatient facility.

R9-20-202 (4)

Who is the "individual" called out, "the individual who the business organization has designated to act on the business organizations' behalf..."

This individual is the person who has or has been delegated the authority and responsibility to act on behalf of the owner of the treatment center. This individual manages the treatment center, makes decisions for, and has signatory authority as required to satisfy and complete business activities required for the operations of the treatment center.

R9-20-203 (A)(4)

This is confusing, who is this person?

In this section, the applicant is the same as the applicant in section R9-20-202.

Under these rules, a treatment center will apply for approval. What about personnel/staff? Who will oversee the licensed professional?

The Department will approve a domestic violence offender treatment program, and that is what is in the rules. The Department does not make clinical judgments. Licensed professional are governed by the Board.

R9-20-203 (A)(f)

Should this include an “address and telephone number for each facility”? Can we use a post office box?

Yes, the Department will change to include “for each facility.” And no, a post office box may not be used for the physical location of a facility. The Department plans to change the rule to include the use of mailing address for an applicant.

R9-20-204

When do we reapply? Can we use our current policies and procedures?

These rules will not go into effect until July 2013. At that time, when your license expires, you will complete an application, under the new rules, for an approval certificate. You may use your current policies and procedures if the policies and procedures are consistent with the requirement of the new rules. The Department will require treatment centers to renewal every two years.

What if I had to renew my license in May of 2013 and now my new license will not expire until 2015?

Good question, the Department will take this situation back and discuss.

What if I have three treatment centers and each treatment center has a different expiration date?

The Department will discuss.

What are the requirements for client records and confidentiality issues?

A treatment center should operate according to their policies and procedures. These policies and procedures should ensure that client records are protected and confidential issues are reported and dealt with accordingly.

If I have an outpatient facility and provide DUI and DV treatment, will surveyors look at confidential issues during an outpatient facility audit/inspection?

Yes, the surveyors will look at all services that the outpatient facility is providing.

What if the facility is certified by JACHO?

JACHO accreditation will not affect approval.

R9-20-208(A)(2)(a)

Why does treatment have to be published within the five years before the date of application?

This language is a carryover from the old rules. Suggestions?

Suggest removing and would like strong, more specific language here, such as adding “evidence-based” and “professionally recognized.”

The Department does not survey for evidence-based outcomes. The Department provides minimum standards. The rules have to be flexible enough to allow for change, yet specific enough so that you know what you are required to do.

Should (A)(2)(a) be deleted? Won't a BHP be determining treatment based on an assessment?

They should. The Department will amend the rules. .

R9-20-208(A)(4)

Why does treatment have "to be completed in not less than four months"? Can this be changed to three months? We have found that for some a more intense approach is better. These individuals are usually first time offenders, with less severity. We also have some clients who, because of work schedule and other circumstances, are not able to meet this time frame. Discussion occurred regarding the difference between three months and four months, first offenders and second/third offenders, and clinical decision/court ordered.

The Department changed to "minimum of three months." Court order or BHP can prescribe more.

R9-20-208(A)(2)(b)

Can you add couples or marriage counseling?

The Department will amend to include.

R9-20-201(6)

This definition of client does not include self-referrals, should it?

No, these rules do not govern private, self-referrals.

R9-20-208(C)(1)

Discussion regarding court orders that specify the number of sessions that are less than the 26 sessions required by rule; why the rules require 26, 36, and 52 sessions; what if a BHP determines that a client should have less than 26 or more than 52 sessions; and whether risk assessment and personal injury should be considered when determining treatment? Some members expressed concerns about leaving this open-ended and requested to leave the rules as is.

The Department's authority is to establish minimum standards for domestic violence offender treatment program approval. The Department will keep the language as is; but, will include "Expect as provided in a court order," at the beginning of (C)(1).

R9-20-208(C)(2)

Can the duration of a session be changed to be not less than 50 minutes and can the "not longer than 60 minutes" be removed?

The Department will change the "45" to "50" and will remove "not longer than 60 minutes."

R9-20-208(D)

Can the requirement to provide policies and procedures to "each referring court" be removed? This is very burdensome since we do not provide services to all referring court.

The Department will remove "each referring court."

R9-20-208(D)(1)(d)

What does this mean? Can something be added to clarify "attendance"?

Program should, in their policies and procedures, explain unexcused and excused absences and can be flexible to allow for individuals' work schedules.

R9-20-208(D)(1)

What if a client does not attend treatment?

That is an operational issue and is not within the Department's authority.

Then is the timeline in (D)(1)(b) and (c) necessary?

The Department will look at removing.

R9-20-208(D)(4)

Can this section be removed; courts' procedures do not address these matters.

The Department will delete this section.

R9-20-208(E)(2)

Discussion occurred regarding the "completion of at least 40 hours of education or training in one of the listed areas with four years before the date the BHP begins providing treatment." Questions included whether the 40 hours would transfer; if a licensed BHP, is this the Department's call; and how will the Department know whether the 40 hours have been completed, since under the new rules, the Department is no longer inspecting.

*The Department understands, however, it is important to remember that BHP who has only treated eating disorders is not the BHP to treat a domestic violent offender. There is a general applicability concern. **The Department will remove the requirement from subsection (E) but will add to subsection (D) a requirement to provide policies and procedures that will ensure that BHPs' who are treating have related experience.***

R9-20-208(G)(3)

Can you add trauma and abuse history to the list? The current list does not look at domestic violence. Possible add more treatment based on the assessment.

The Department believes that the BHP can determine what information is necessary to obtain.

Can the Department look at DUI and be consistent regarding screening and assessment?

The Department will look at DUI.

R9-20-208(I)(1)

We provided the original to the client; can this be changed to allow that?

Yes, the Department will change (I)(1) and (I)(2) to allow the original to be provided to client and a copy to the court.