

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DELAWARE SEX OFFENDER MANAGEMENT BOARD
Statutory Authority: 11 Delaware Code, Section 4120A(c)(8) (11 **Del.C.** §4120A(c)(8))
1 **DE Admin. Code** 1100

FINAL

ORDER

1100 Delaware Sex Offender Management Board

NATURE OF THE PROCEEDINGS

At 22 **DE Reg.** 271 (October 1, 2018), The Sex Offender Management Board (SOMB), pursuant to 11 **Del.C.** §4120A(c)(8) and in accordance with 29 **Del.C.** §10115, published notice of intent to adopt regulations that update, clarify and provide more detailed information regarding qualifications for Sex Offense Service Providers and the credentialing process. At the same time, the SOMB submitted a Regulatory Flexibility Analysis and Impact Statement for this proposed revised regulation, as required by 29 **Del.C.** Ch. 104. The SOMB solicited written comments from the public for thirty (30) days as mandated by 29 **Del.C.** §10118(a).

SUMMARY OF EVIDENCE

In accordance with law, public notice regarding the proposed revised regulation was published in the Delaware *Register of Regulations*. The public comment period was open from October 1, 2018 through October 31, 2018. During this period, the SOMB did not receive any written responses.

FINDINGS OF FACT

The public was given the required notice of the Boards intention to adopt the proposed revised regulation and was given opportunity to submit comments. The required Regulatory Flexibility Analysis and Impact Statement for this proposed revised regulation was submitted. No written responses were received during the comment period. Thus, the SOMB finds that the proposed regulation should be adopted as submitted.

EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the SOMB pursuant to 11 **Del.C.** §4120A(c)(8). The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware *Register of Regulations*.

ORDER

NOW THEREFORE, under the statutory authority and for the reasons set forth above, the Sex Offender Management Board does hereby ORDER this 29th day of October, 2018 that the regulations be, and that they hereby are, adopted to be enacted as set forth below.

IT IS SO ORDERED, this 29th day of October 2018.

SEX OFFENDER MANAGEMENT BOARD:

Melanie Ewing-Lahutsky, President Judge,
Delaware Superior Court, or designee
Perry Phelps, Commissioner,
Delaware Department of Correction (absent)
Kecia Winchester, Representative,
Probation and Parole
David Henderson, Chairperson
Board of Parole (absent)

Francesca Stasko, Governor appointed
Treatment Expert for juvenile sex offenders
Alicia Porter, Esq., Attorney General or designee
Lisa A. Minutola, Chief Defender or designee
Chief Marvin Mailey, Chairperson, Delaware Police
Chiefs' Council (absent)

Dr. Amy Diehl-Iannetta, Representative,
Division of Prevention and Behavioral Health
Services

Governor appointed licensed Mental Health
Professional - vacant

Nancy McGee,
Governor appointed Member at-large

Dr. Kara Odom Walker, Secretary, Delaware
Department of Health and Social Services (absent)

Colonel McQueen, Superintendent,
Delaware State Police

Brian Moore, Representative,
Department of Education (absent)

James McGiffin, Jr., Chief Judge, Family Court

Cheri Will, Governor appointed Expert
in the field of sex abuse

Valerie Marek, Governor appointed Expert
in the field of sex abuse (absent)

Lt. Charles Sawchenko,
Delaware State Police Sex Offender Unit

Earl McCloskey, Executive Director, DELJIS

Ashley Bruncsak, Representative,
Youth Rehabilitative Services (absent)

Robert Coupe, Secretary, Department of Safety and
Homeland Security (signed 10/29/2018)

1100 Delaware Sex Offender Management Board

1.0 Intent and Purpose

~~The General Assembly hereby declares that the comprehensive evaluation, identification, classification, treatment, and continued monitoring of sex offenders who are subject to the supervision of the criminal justice system is necessary in order to work toward the reduction of recidivism by such offenders. Therefore, the General Assembly hereby creates a Board which shall~~ responsibility of the Sex Offender Management Board is to develop, and standardize, and maintain current standards in the field with regard to the evaluation, identification, classification, treatment, and continued monitoring of sex offenders at each stage of the criminal justice system so that such offenders will ~~curtail recidivistic behavior and the protection of victims and potential victims will be enhanced.~~ receive appropriate clinical services; which is both in their best interests as well as the interests of community safety. ~~The General Assembly hereby recognizes that some sex offenders cannot or will not respond to treatment and that, in creating the Board described in this section, the General Assembly does not intend to imply that all sex offenders can be successful in treatment. Further, the General Assembly mandates that each member agency as outlined below must act in accordance with the standards established by the Board.~~ The following regulations outline the process by which Sex Offense Services Providers can be credentialed and their required qualifications.

2.0 Definitions

~~“Accountability” means accurate attributions of responsibility, without distortion, minimization, or denial.~~

~~“Adult Standards” means the standards and guidelines established to evaluate, monitor, and treat adult convicted sex offenders. Section 1.0 establishes guidelines for pre-sentence investigations. Section 2.0 establishes standards for sex offense specific evaluations. Section 3.0 establishes standards of practice for treatment providers. Section 4.0 establishes the qualifications for both adult and juvenile treatment providers, evaluators, and polygraph examiners. Section 5.0 establishes standards and guidelines for management of sex offenders on probation, parole, and community corrections. Section 6.0 establishes standards of practice for post-conviction sex offender polygraph testing. Section 7.0 establishes guidelines for institutional treatment of sex offenders.~~

~~“Assessment” means the collection of facts to draw conclusions which may suggest the proper course of action. Sometimes assessment and evaluation may be used interchangeably but assessment is on-going and includes an analysis of all data including a sex-offense sex-offense specific evaluation.~~

~~“ATSA code of ethics Code of Ethics” means the Association for Treatment of Sexual Abusers has published a code of ethics for those individuals involved in the evaluation and treatment of sexual offenders. Delaware Sex Offender Management Board approved providers must adhere to these ethics.~~

~~“Behavior Monitoring” means a variety of methods for checking, regulating, and supervising the behavior of sex offenders~~

~~“Case Management” means coordination and implementation of the activities directed towards supervising, treating, and managing the behavior of individual sex offenders offenders.~~

~~“Clinical Experience” means activities directly related to providing evaluation and/or treatment to individual sex offenders. For example; face to face therapy, report writing, administration, scoring and interpretation of tests, participation on supervision teams, and clinical supervision of therapists treating sex offenders.~~

“Community Supervision Team” means those individuals involved in the case management of a particular sex offender. The supervision team determines the best course of action to reduce risk while the sex offender is supervised in the community community.

~~“Criminal Justice Sanction” means activities or action used to reduce the liberties of sex offenders under community supervision and the sentence of the Court or Board of Parole. Sanctions range from imposition of a curfew to incarceration for violation of probation/parole.~~

“Denial” means in psychological terms, denial means a defense mechanism used to protect the ego from anxiety-producing information.

~~“Developmental Disabilities” means chronic disabilities attributable to mental or physical impairments apparent before the age of 22. These disabilities tend to be life long and result in substantial functional limitations in major life activities such as self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency.~~

“Evaluation” means the systematic collection, analysis, and documentation of psychological, behavioral and social information. Sex-offense specific evaluation includes the above information as well as information related to sexual history, arousal patterns, sexual deviance, dysfunction, sexual attitudes and cognition, risk of sexual re-offense, and risk of failure in sex offense specific treatment and supervision.

~~“Evidence-based practices” means approaches and interventions that have been scientifically tested in controlled studies and proven effective.~~

“Guardian” means an individual who has legal authority to make decisions on behalf of another.

~~“Informed Assent” means acquiesce or comply with specific terms or agreement. The use of “assent” in this document recognizes sex offenders are not voluntary clients and their choices are therefore limited.~~

~~“Informed Consent” means voluntary agreement or approval to do something in compliance with a request.~~

“Plothysmograph” means an electronic device used to measure variations in penile tumescence associated with sexual arousal. The tool is used in sex offender treatment to assist in determining deviant sexual arousal. There is a device that measures physiological changes for women as well.

“Polygraph Exam” means an instrument that simultaneously records changes in physiological processes such as heartbeat, blood pressure, and respiration, often used to detect deception. There are three types of post-conviction polygraph tests commonly administered to sex offenders: Specific Issue Examination, Disclosure of Sexual History Examination, and Maintenance Examination.

“Provider List” means a list published by the SOMB of individual treatment providers, evaluators, and polygraph examiners who meet the criteria set forth by the Standards.

“Risk assessment Assessment” means the process by which an evaluator, treatment provider, supervision officer, or pre-sentence officer determines to determine risk for sexual re-offense through the best current practices in the field. Appropriate risk assessment includes a review of all pertinent data, behavioral observations, physiological testing, and use of formal risk assessment tools.

~~“Sex Offender” means as used in 11 Del.C. §4120A(b)(2) and §4121(a)(4) means any person who has ever been convicted of an offense as defined in 11 Del.C. §761 and §4121(a)(4), or of any attempt or conspiracy to commit any of the aforementioned offenses. Convictions shall include adjudications of delinquency and persons who enter a plea of guilty, or are found guilty but mentally ill, or not guilty by reason of insanity.~~

“Sex Offense Service Provider” means a person who conducts sex offense-specific treatment or evaluations with individuals who have engaged in sexually problematic behavior according the standards and guidelines of this document.

“Sex offense-specific Offense-Specific Treatment” means a long term comprehensive set of planned therapeutic experiences and interventions to change sexually abusive thoughts and behaviors. Such treatment specifically addresses the occurrence and dynamics of sexually deviant behavior and utilizes specific strategies to promote change. Sex offense-specific programming focuses on the concrete details of the actual sexual behavior, fantasies, arousal, planning, denial, and rationalizations. ~~The primary treatment modality for sex offense specific treatment is group therapy. Other treatment modalities may be used in conjunction with group therapy.~~

“Sexual Paraphilias/Sexual Deviance” means a subclass of sexual disorders in which the essential features are “recurrent intense sexually arousing fantasies, sexual urges, or behaviors generally involving (1) nonhuman objects, (2) suffering and humiliation of oneself or one’s partner, or (3) children or other non-consenting persons that occur over a period of at least six months and cause clinically significant distress in one or more important areas of functioning.

“SOMB” means the Delaware Sex Offender Management Board Board.

~~“Supervision Officer” means the Probation or Parole officer assigned to monitor the sex offender while they are serving a sentence in the community.~~

“Supervision Plan” means a plan developed by the supervision officer in conjunction with the treatment team which outlines specific measurable goals related to success in supervision and reduction in recidivism.

“Treatment Provider” means a person who provides sex offense-specific treatment to sex offenders according to the Standards and Guidelines of this document.

3.0 **Qualifications of Treatment Providers and Evaluators Sex Offense Service Providers**

- 3.1 There are distinct clinical functions within the levels of Full Operating and Associate Level Providers. The following sections outline qualifications for Treatment Providers, and Evaluators Sex Offense Service Providers.
- 3.2 Treatment Provider Sex Offense Service Provider– Full Operating Level. A Full Operating Level Treatment provider may treat sex offenders without supervision and may supervise Associate Level Treatment Providers. To qualify to provide sex offender treatment at the Full Operating Level be credentialed as a Sex Offense Service Provider with the SOMB, an individual must meet all the following criteria:
 - 3.2.1 The individual shall have a minimum of a Masters Degree in a behavioral science related field field, and shall have completed within the past five (5) years a minimum of two thousand (2000) hours of clinical experience specifically in the areas of evaluation and treatment of sex offenders, at least half of which shall have been face-to-face therapy with adult convicted sex offenders or adjudicated juvenile offenders depending on the population you service (see definition of clinical experience); or
 - 3.2.2 The individual shall have attained the underlying credential of licensure or certification and be in good standing as a physician, psychologist, clinical social worker, professional counselor, marriage and family therapist, or clinical psychiatric nurse specialist; and
 - 3.2.3 The individual shall have completed within the past five (5) years a minimum of one thousand (1000) hours of clinical experience specifically in the areas of either evaluation and or treatment, or both, of sex offenders, at least half three hundred fifty (350) of which shall have been face-to-face therapy clinical experience with adult convicted sex offenders, or adjudicated juvenile offenders depending on the population you service (see definition of clinical experience). Such clinical experience may have been obtained while seeking licensure or after obtaining licensure, but if it was obtained in part or in full after licensure, it is subject to the same requirements for supervision as required for Treatment Providers under these Standards.
 - 3.2.4 The individual shall have had at least eighty (80) fifty (50) hours of documented training specifically related to either evaluation and or treatment methods, or both, described in Sections subsections 2.10, 3.4, and 3.5 of the Adult Standards within the last five (5) years. The individual must demonstrate a balanced training, with fifty (50) of the hours coming from the subject areas listed as sex offense specific training and thirty (30) hours coming from the general topic areas as described below. Twelve (12) of the required fifty (50) hours shall be specific to developmental disabilities, Fifteen (15) hours of required thirty (30) general topic training hours must be in the area of victimology. Training shall be specific to the population you serve.
 - 3.2.4.1 Sex offense specific training (at least 50 hours required from these areas):
 - 3.2.4.1.1 Prevalence of sexual offending by adults/juveniles victimization rates
 - 3.2.4.1.2 Typologies of adult sex offenders
 - 3.2.4.1.3 Sex offender evaluation and assessment
 - 3.2.4.1.4 Sex offender treatment planning and assessing treatment outcomes
 - 3.2.4.1.5 Community Supervision techniques
 - 3.2.4.1.6 Clinical supervision training
 - 3.2.4.1.7 Treatment modalities, specific recommended applications, justification for use, contra-indicators
 - 3.2.4.1.8 Sex Offender Treatment Techniques including:
 - 3.2.4.1.8.1 Evaluating and reducing denial
 - 3.2.4.1.8.2 Behavioral treatment techniques
 - 3.2.4.1.8.3 Cognitive behavioral techniques
 - 3.2.4.1.8.4 Relapse prevention
 - 3.2.4.1.8.5 Offense cycle
 - 3.2.4.1.8.6 Empathy training
 - 3.2.4.1.8.7 Confrontation techniques
 - 3.2.4.1.8.8 Safety and containment planning

- 3.2.4.1.9 Offender/offense characteristics Crossover
- 3.2.4.1.10 Sex offender risk assessment adult and/or juvenile
- 3.2.4.1.11 Objective measures including:
 - 3.2.4.1.11.1 Polygraph (adult only)
 - 3.2.4.1.11.2 Plethysmograph (adult only)
 - 3.2.4.1.11.3 Abel Assessment (adult only)
- 3.2.4.1.12 Special sex offender populations including:
 - 3.2.4.1.12.1 Sadists (adult only)
 - 3.2.4.1.12.2 Psychopaths (adult only)
 - 3.2.4.1.12.3 Developmentally disabled
 - 3.2.4.1.12.4 Compulsive
 - 3.2.4.1.12.5 Juvenile
 - 3.2.4.1.12.6 Female
- 3.2.4.1.13 Family Unification/visitation
- 3.2.4.1.14 Pharmacotherapy with sex offenders
- 3.2.4.1.15 Impact of sex offenses
- 3.2.4.1.16 Assessing treatment progress
- 3.2.4.1.17 Support system, family stability, parenting skills
- 3.2.4.1.18 Sex offender attachment style
- 3.2.4.1.19 Knowledge of laws, policies and ethical concerns relating to confidentiality, mandatory reporting, risk management and offender participation in treatment.
- 3.2.4.1.20 Ethics
- 3.2.4.1.21 Philosophy and principles of the ~~Sex Offender Management Board~~ SOMB
- 3.2.4.1.22 Continuing research in the field of adult and/or juvenile sexual offending
- 3.2.4.2 General topic training areas (at least a total of 30 hours required from these areas, to include 15 hours of victimology):
 - 3.2.4.2.1 Victim issues including impact and treatment
 - 3.2.4.2.2 Knowledge of criminal justice and/or court system, legal parameters and the relationship between the provider and the courts, including expectations related to testifying in court
 - 3.2.4.2.3 Secondary and Vicarious Trauma
 - 3.2.4.2.4 Anger management
 - 3.2.4.2.5 Healthy sexuality and sex education
 - 3.2.4.2.6 Learning Theory
 - 3.2.4.2.7 Multicultural sensitivity
 - 3.2.4.2.8 Understanding transference and counter-transference
 - 3.2.4.2.9 Family dynamics and dysfunction including domestic violence
 - 3.2.4.2.10 Co-morbid conditions, differential diagnosis
 - 3.2.4.2.11 Investigations
 - 3.2.4.2.12 Addictions and substance abuse
- 3.2.5 To receive credit for training not identified on this list, it is incumbent on the trainee to write a justification demonstrating relevance to sex offender assessment/ treatment/ management as described in these Standards.
- 3.2.6 In concert with the generally accepted standards of practice of the individual's mental health profession, the individual shall adhere to the Professional Code of Ethics published by the Association for the Treatment of Sexual Abusers (ATSA). It is the responsibility of each provider/evaluator to comply with this Professional Code of Ethics. The provider/evaluator shall demonstrate competency according to the individual's respective professional standards and conduct all treatment in a manner that is consistent with the reasonably accepted standard of practice in the sex offense specific treatment community.
- 3.2.7 Provide satisfactory references as requested by the ~~Sex Offender Management Board~~ SOMB. The ~~Sex Offender Management Board~~ SOMB may also solicit such additional references as necessary to determine compliance with the Standards. ~~The references shall include other members of the community supervision team.~~

- 3.2.8 The individual shall never have been convicted of, or plead no contest to, or received a deferred judgment for any offense involving criminal sexual or violent behavior, or a felony that would bring into question the competence or integrity of the individual to provide sex offense specific treatment or evaluations.
- 3.2.9 At their own expense, the individual will complete an entire criminal history check including Federal information pursuant to the Federal Bureau of Investigation appropriation of Title 11 of Public Law 92-544 (28 U.S.C. 534). The individual will submit to fingerprinting as part of this process.
- 3.2.10 Report any practice that is in significant conflict with the standards.
- ~~3.2.11 Providers who are approved at the Full Operating Level and wish to supervise Associate Level Treatment Providers or individuals who have not applied, but are earning their clinical hours, shall submit to the Board supervision agreements with all individuals that they supervise within 30 days from the time the supervision began.~~
- ~~3.2.12 The supervision agreement should specify the frequency and length of supervision, type of supervision, and shall specify accumulated supervision hours. At least one hour of supervision specific to sex offender treatment/evaluation will be provided for every 30 hours of clinical contact with sex offenders.~~
- ~~3.2.13 Full Operating Level Treatment Providers who are supervising individuals who have not made application to the SOMB for listing shall conduct co-therapy group treatment, in the same room with that individual, or shall ensure that a Full Operating Level Treatment Provider is conducting co-therapy groups, in the same room, as well as review and sign off on all treatment plans and reports.~~
- ~~3.2.14~~3.2.11 Continued Placement on the Provider List. Treatment providers Renewal of credential for Sex Offense Service Providers. Providers must apply for continued placement on the list every two (2) years by the date provided by the Board. Requirements are as follows:
- ~~3.2.14.13.2.11.1~~3.2.11.1The ~~Full Operating Level Treatment Provider~~ Credentialed providers must demonstrate continued compliance with the standards.
- ~~3.2.14.23.2.11.2~~3.2.11.2The individual shall accumulate a minimum of ~~six three hundred (600) (300)~~ three hundred (300) one hundred fifty (150) hours of clinical experience every two years, ~~three hundred (300) one hundred fifty (150)~~ one hundred fifty (150) hours of which shall be face-to-face ~~therapy clinical services~~ clinical services with ~~adult convicted sex offenders or adjudicated juvenile offenders depending on the population you service~~ adults or juveniles who have engaged in sexually inappropriate/illegal behavior.
- ~~3.2.14.3~~ If the provider has ~~ten (10) or more years of clinical experience, they may be eligible for an exception to the 300 hours of face to face clinical experience, as long as they meet the 600 hours requirement, as determined by the Application Review Committee.~~
- ~~3.2.14.43.2.11.3~~3.2.11.3~~Treatment Providers~~ Sex Offense Service Providers shall complete a minimum of ~~forty (45) twenty (20)~~ twenty (20) hours of continuing education every ~~three two (2) years~~ two (2) years in order to maintain proficiency in the field of sex offender treatment and to remain current on any developments in the assessment, treatment, and monitoring of sex offenders. ~~Thirty-five (35) hours shall come from the subject areas listed as sex offense specific training, six (6) of the thirty-five (35) hours shall be specific to developmental disabilities, ten (10) hours coming from the general topic areas, as described in Section 4.1 of the Adult Standards. Four (4) of the 10 hours of training in the general topic areas shall be in the area of victimology. Training shall be specific to the population you serve.~~
- ~~3.2.14.4.13.2.11.3.1~~3.2.11.3.1 To receive credit for training not identified on this list, it is incumbent on the trainee to write a justification demonstrating relevance to sex offender assessment/treatment/management as described in these standards.
- ~~3.2.14.53.2.11.4~~3.2.11.4 Provide satisfactory references as requested by the ~~Sex Offender Management Board~~ SOMB. The ~~Sex Offender Management Board~~ SOMB may also solicit such additional references as necessary to determine compliance with the Standards. The references shall may include other members of the community supervision team.
- ~~3.2.14.63.2.11.5~~3.2.11.5The individual shall never have been convicted of, plead no contest to, or received a deferred judgment for any offense involving criminal sexual or violent behavior, or a felony that would bring into question the competence or integrity of ~~he~~ the individual to provide sex offense specific treatment or evaluation.
- ~~3.2.14.73.2.11.6~~3.2.11.6At their own expense, the individual will complete an entire criminal history check including Federal information pursuant to the Federal Bureau of Investigation appropriation of Title 11 of Public Law 92-544 (28 U.S.C. 534). The individual will submit to fingerprinting as part of this process. The criminal history check will occur within 90 days of submitting the application to the SOMB.
- ~~3.2.14.83.2.11.7~~3.2.11.7Report any practice that is in significant conflict with the Standards.

- 3.3 ~~Treatment Provider – Associate Level. An Associate Level Treatment Provider may treat sex offenders under the supervision of a Full Operating Level Treatment Provider under these standards. To qualify to provide sex offender treatment at the Associate Level an individual must meet all the following criteria: Exceptions to qualifications of Sex Offense Service Providers~~
- 3.3.1 ~~The individual shall have a baccalaureate degree or above in a behavioral science. A Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior may apply to the SOMB and be credentialed as an entity as Sex Offender Service Providers.~~
- 3.3.1.1 A Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior can qualify for their agency to be credentialed as Sex Offender Service Providers provided that each individual in their agency who works with the sex offender population meets all of the requirements listed in Section 3.0 of this code with the exception of the following:
- 3.3.1.1.1 Instead of each individual employee being required to have the requisite total number of hours of clinical experience both for the initial application and each renewal application as noted in subsections 3.2.3 and 3.2.11.2 respectively, the Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior applying for the credential must meet the total number of required clinical hours as an entity for the same time period as individual applicants.
- 3.3.1.1.2 A Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior is applying to be a credentialed Sex Offender Service Provider does not have to demonstrate to the SOMB that their individual staff do not have a criminal history as specified in subsections 3.2.8 and 3.2.11.5 of the initial and renewal applications. The Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior instead assumes the responsibility for monitoring their own staff for any potential criminal involvement per their own agency's and state's standards.
- 3.3.1.1.3 Similar to subsection 3.3.1.1.2, the Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior that is or is applying to be a credentialed Sex Offender Service Provider does not have to require their staff to participate in a criminal history check as stated in subsections 3.2.9 and 3.2.11.6 of the initial and renewal applications. The Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior instead assumes the responsibility for criminal background checks in accordance with their agency's and the state's policy.
- 3.3.1.1.4 The Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior that is or is applying to be a credentialed Sex Offender Service Provider does not have to require their staff to have personal professional liability insurance.
- 3.3.1.2 The Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior that is or is applying to be a credentialed Sex Offender Service Provider assumes the responsibility for maintaining a database indicating that their staff who work with sexual offenders meet the remainder of the criteria not listed in the exceptions above. Information in this database is subject to audit and review by the SOMB.
- 3.3.1.3 The Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior application's to be a credentialed Sex Offender Service Provider is their attestation that their staff has met and will maintain all of the necessary requirements.
- 3.3.1.4 Upon review of an application by a Delaware state agency that is court-ordered to evaluate youth who have engaged in sexually problematic behavior or a review of their database of information such as licensure or continuing education for their staff who work with sexual offenders, if a deviation from a standard is found, the agency is subject to the disciplinary process and sanctions in the same manner as is conducted for individual credentialed Sex Offender Service Providers.
- 3.3.1.5 No individual who is employed by or contracts with an agency who is a credentialed Sex Offender Service Provider may call themselves a credentialed Sex Offender Service Provider unless they independently meet criteria and have applied as a sole Sex Offender Service Provider. Furthermore, no individual who is employed by an agency who is a credentialed Sex Offender Service Provider may indicate in any fashion that they are a credentialed Sex Offender Service Provider outside of their work with the state agency for which they are employed unless they are independently credentialed.
- 3.3.2 ~~The individual shall have completed within the past five (5) years a minimum of six hundred (600) hours of supervised clinical experience. Five hundred (500) hundred hours of supervised clinical experience specifically in the area of treatment of sex offenders. At least half (250) of these hours must be in face-to-face therapy with convicted or adjudicated sex offenders depending on the population you serve. In~~

- addition at least one hundred sixty (160) of these face to face hours must have been in co-therapy, in the same room, with a Full Operating Level Treatment Provider.
- 3.3.3 ~~The individual must have received at least one hundred (100) hours of face-to-face clinical supervision by a Full Operating Level Treatment Provider. The supervision must be reasonably distributed over the time in which the above clinical experience was being obtained (approximately one (1) hour of supervision for each 10 hours of clinical experience).~~
 - 3.3.4 ~~Treatment providers shall complete a minimum of fifty (50) hours of continuing education every five (5) years to maintain proficiency in the field of sex offender treatment and to remain current on any developments in the assessment, treatment, and monitoring of sexual offenders. Forty (40) hours shall come from the subject areas listed as sex offense specific training, twelve (12) of the forty hours shall be specific to developmental disabilities, ten (10) hours coming from the general topic areas, as described in section 4.1. Four (4) of the ten (10) hours of training in the general topic areas shall be in the area of victimology. Training shall be specific to the population you serve.~~
 - 3.3.5 ~~To receive credit for training not identified on this list, it is incumbent on the trainee to write a justification demonstrating relevance to sex offender assessment/treatment/management as described in these standards.~~
 - 3.3.6 ~~In concert with the generally accepted standards of practice of the individual's mental health profession, the individual shall adhere to the Professional Code of Ethics published by the Association of Treatment of Sexual Abusers (ATSA). It is the responsibility of each provider/evaluator to comply with this Professional Code of Ethics. The provider/evaluator shall demonstrate competency according to the individual's respective professional standards and conduct all treatment in a manner that is consistent with the reasonably accepted standard of practice in the sex offense specific treatment community.~~
 - 3.3.7 ~~Provide satisfactory references as requested by the Sex Offender Management Board. The Sex Offender Management Board may also solicit such additional references as necessary to determine compliance with the Standards. The references shall include other members of the community supervision team.~~
 - 3.3.8 ~~The individual shall never have been convicted, plead no contest, or received a deferred judgment for an offense involving criminal sexual or violent behavior, or a felony that would bring into question the competence or integrity of the individual to provide sex offense specific treatment.~~
 - 3.3.9 ~~At their own expense, the individual will complete an entire criminal history check including Federal information pursuant to the Federal Bureau of Investigation appropriation of Title 11 of Public Law 92-544 (28 U.S.C. 534). The individual will submit to fingerprinting as part of this process.~~
 - 3.3.10 ~~Individuals who are approved as Full Operating Level Juvenile Treatment Providers may be approved at the Associate Operating Level to treat adults under these standards if they meet the following requirements:~~
 - 3.3.10.1 ~~The individual must be supervised by an adult Full Operating Level Treatment Provider under these standards.~~
 - 3.3.10.2 ~~Must have one hundred (100) hours of clinical face-to-face contact with convicted adult sex offender.~~
 - 3.3.10.3 ~~Must meet standards in section 4.1 training requirements.~~
 - 3.3.10.4 ~~Must meet the requirements identified in Standard 4.11 for continued placement on the list.~~
 - 3.3.11 ~~Movement to Full Operating Level. Associate Level Treatment Providers wanting to move to Full Operating Level status must complete and submit documentation of all of the requirements listed in Section 4.0-4.7 of the Adult Standards as well as a letter from the applicant's supervisor indicating the applicant's readiness to move to Full Operating Level status.~~
 - 3.3.12 ~~Continue Placement. Associate Level Treatment Providers must apply for continued placement on the list every two (2) years by the date provided by the Board. Requirements are as follows:~~
 - 3.3.12.1 ~~The Associate Level Treatment Provider must demonstrate continued compliance with Standards.~~
 - 3.3.12.2 ~~The individual shall accumulate a minimum of four hundred (400) hours of clinical experience every two years, 200 hours of which shall be face-to-face clinical experience with convicted/ adjudicated sex offenders.~~
 - 3.3.12.3 ~~The individual shall obtain a minimum of one hour of face-to-face supervision, from an individual listed at the Full Operating Level under these standards. For every thirty (30) hours of clinical contact with sex offenders. This standard pertains both to those seeking licensure who have not yet met the licensing requirement of the state and to those who intend to provide treatment at the Associate Level for an indefinite period of time.~~
 - 3.3.12.4 ~~Associate Level Treatment Providers shall complete a minimum of forty five (45) hours of continuing education every two years in order to maintain proficiency in the field of sex offender~~

~~treatment and to remain current on any developments in the assessment, treatment, and monitoring of sex offenders. Thirty-five (35) hours shall come from the subject areas listed as sex offense specific training, six (6) of the thirty-five (35) hours shall be specific to developmental disabilities, ten (10) hours coming from the general topic areas, as described in Section 4.1 of the Adult Standards, four (4) of the ten (10) hours of training in the general topic areas shall be in the area of victimology. Training shall be specific to the population you serve.~~

~~3.3.12.5 To receive credit for training not identified on this list, it is incumbent of the trainee to write a justification demonstrating relevance to sex offender assessment/treatment/management as described in these standards.~~

~~3.3.12.6 Provide satisfactory references as requested by the Sex Offender Management Board. The Sex Offender Management Board may also solicit such additional references as necessary to determine compliance with the standards. The references shall include other members of the community supervision team.~~

~~3.3.12.7 The individuals shall never be convicted of, plead no contest to, or received a deferred judgment for any offense involving criminal sexual or violent behavior, or a felony that would bring into question the competence or integrity of the individual to provide sex offense specific treatment.~~

~~3.3.12.8 At their own expense, the individual will complete an entire criminal history check including Federal information pursuant to the Federal Bureau of Investigation appropriation of Title 11 of Public Law 92-544 (28 U.S.C. 534). The individual will submit to fingerprinting as part of this process.~~

~~3.3.12.9 Report any practice that is in significant conflict with the standards.~~

~~3.4 Evaluator Full Operating Level. An evaluator at the Full Operating Level may evaluate sex offenders without supervision and may supervise an evaluator operating at the Associate Level. To qualify to provide sex offender evaluations at the Full Operating Level an individual must meet all the following criteria.~~

~~3.4.1 The individual must be listed as a Full Operating Treatment Provider and complete all requirements as listed in Sections 4.0-4.11 of the Adult Standards.~~

~~3.4.2 An evaluator shall have completed a minimum of forty (40) sex offense specific evaluations as defined in section 2.000 of these standards within the last five years.~~

~~3.4.3 The individual shall have had at least eighty (80) hours of documented training specifically related to evaluation and treatment methods described in sections 2.000 and 3.000, and including training in the area of victimology, within the last five years. The individual must demonstrate a balanced training, with twenty (20) of the hours coming from the subject areas listed as sex offense specific training and forty (40) hours specifically regarding the evaluation of adult or juvenile sex offenders and twenty (20) hours coming from the general topic areas as described in Section 4.1 of the Adult Standards. Training shall be specific to the population you serve.~~

~~3.4.4 To receive credit for training not identified on this list, it is incumbent on the trainee to write a justification demonstrating relevance to sex offender assessment/ treatment/ management as described in these Standards.~~

~~3.4.5 In concert with the generally accepted standards of practice of the individual's mental health profession, the individual shall adhere to the Professional Code of Ethics published by the Association for the Treatment of Sexual Abusers (ATSA). It is the responsibility of each provider/evaluator to comply with this Professional Code of Ethics. The provider/evaluator shall demonstrate competency according to the individual's respective professional standards and conduct all treatment in a manner that is consistent with the reasonably accepted standard of practice in the sex offense specific treatment community.~~

~~3.4.6 Provide satisfactory references as requested by the Sex Offender Management Board. The Sex Offender Management Board may also solicit such additional references as necessary to determine compliance with the Standards. The references shall include other members of the community supervision team.~~

~~3.4.7 The individual shall never have been convicted of, or plead no contest to, or received a deferred judgment for any offense involving criminal sexual or violent behavior, or a felony that would bring into question the competence or integrity of the individual to provide sex offense specific treatment.~~

~~3.4.8 At their own expense, the individual will complete an entire criminal history check including Federal information pursuant to the Federal Bureau of Investigation appropriation of Title 11 of Public Law 92-544 (28 U.S.C. 534). The individual will submit to fingerprinting as part of this process.~~

~~3.4.9 Report any practice that is in significant conflict with the standards.~~

~~3.4.10 Evaluators shall comply with section 2.000 Standards for sex offense specific evaluations.~~

- 3.4.11 ~~Providers who are approved at the Full Operating Level and wish to supervise Associate Level Evaluators or individuals who have not applied, but are earning their clinical hours, shall submit supervision agreements with all individuals that they are supervising within 30 days from the time supervision began.~~
- 3.4.12 ~~The supervision agreement should specify the frequency and length of supervision, type of supervision, and shall specify accumulated supervision hours and that at least one hour (1) of supervision specific to sex offender treatment/evaluation will be provided for every thirty (30) hours of clinical contact with sex offenders.~~
- 3.4.13 ~~Full Operating Level Evaluators who are supervising individuals who have not made application to the SOMB for listing shall review and sign off on all evaluations.~~
- 3.4.14 ~~Continued Placement on the Provider List. Evaluators must apply for continued placement on the list every 2 years by the date provided by the Board. Requirements are as follows:~~
 - 3.4.14.1 ~~The evaluator must demonstrate continued compliance with the Standards.~~
 - 3.4.14.2 ~~The individual may maintain as a Full Operating Level Treatment Provider and Evaluator. In this case, the individual shall accumulate a minimum of 400 hours of clinical experience every two years, 200 hours of which shall be face-to-face consultation or therapy with sex offenders. This evaluator shall complete a minimum of ten (10) sex offense specific evaluations in a two year period.~~
 - 3.4.14.3 ~~The individual shall have had at least forty (45) hours of documented training specifically related to evaluation and treatment methods described in sections 2.000 and 3.000, and including training in the area of victimology, within the last five years. The individual must demonstrate a balanced training, with fifteen (15) of the hours coming from the subject areas listed as sex offense specific training six (6) of the fifteen (15) shall be specific to developmental disabilities, twenty (20) hours specifically regarding the evaluation of adult or juvenile sex offenders, and ten (10) hours coming from the general topic areas as described in Section 4.1 of the Adult Standards. Training shall be specific to the population you serve.~~
 - 3.4.14.3.1 ~~To receive credit for training not identified on this list, it is incumbent of the trainee to write a justification demonstrating relevance to sex offender assessment/treatment/management as described in these standards.~~
- 3.4.15 ~~Provide satisfactory references as requested by the Sex Offender Management Board. The Sex Offender Management Board may also solicit such additional references as necessary to determine compliance with the standards. The references shall include other members of the community supervision team.~~
- 3.4.16 ~~The individuals shall never be convicted of, plead no contest to, or received a deferred judgment for any offense involving criminal sexual or violent behavior, or a felony that would bring into question the competence or integrity of the individual to provide sex offense specific treatment.~~
- 3.4.17 ~~At their own expense, the individual will complete an entire criminal history check including Federal information pursuant to the Federal Bureau of Investigation appropriation of Title 11 of Public Law 92-544 (28 U.S.C. 534). The individual will submit to fingerprinting as part of this process.~~
- 3.4.18 ~~Report any practice that is in significant conflict with the standards.~~
- 3.5 ~~Evaluator Associate Level. An evaluator at the Associate Level may evaluate sex offenders under the supervision of an evaluator approved at the Full Operating Level. An evaluator at the Associate Level is an individual who has completed fewer than 40 sex offense specific evaluations in the last five years. To qualify to provide sex offender evaluation at the Associate Level an individual must meet all the following criteria:~~
 - 3.5.1 ~~The applicant must be listed as an Associate Level or Full Operating Level Treatment Provider.~~
 - 3.5.2 ~~The individual must have received at least fifty (50) hours of face-to-face clinical supervision by a Full Operating Level Treatment Provider. The supervision must be reasonably distributed over the time in which the above clinical experience was being obtained (approximately one (1) hour of supervision for every 10 hours of clinical experience).~~
 - 3.5.3 ~~The individual shall have had at least forty (40) hours of documented training specifically related to evaluation and treatment methods described in sections 2.000 and 3.000, and including training in the area of victimology, within the last five years. The individual must demonstrate a balanced training, with ten (10) of the hours coming from the subject areas listed as a sex offense specific training and twenty (20) hours specifically regarding the evaluation of adult or juvenile sex offenders and ten (10) hours coming from the general topic areas as described in Section 4.1 of the Adult Standards. Training shall be specific to the population you serve.~~
 - 3.5.3.1 ~~To receive credit for training not identified on this list, it is incumbent of the trainee to write a justification demonstrating relevance to sex offender assessment/treatment/management as described in these standards.~~

- 3.5.4 ~~Provide satisfactory references as requested by the Sex Offender Management Board. The Sex Offender Management Board may also solicit such additional references as necessary to determine compliance with the standards. The references shall include other members of the community supervision team.~~
- 3.5.5 ~~The individuals shall never be convicted of, plead no contest to, or received a deferred judgment for any offense involving criminal sexual or violent behavior, or a felony that would bring into question the competence or integrity of the individual to provide sex offense specific treatment.~~
- 3.5.6 ~~At their own expense, the individual will complete an entire criminal history check including Federal information pursuant to the Federal Bureau of Investigation appropriation of Title 11 of Public Law 92-544 (28 U.S.C. 534). The individual will submit to fingerprinting as part of this process.~~
- 3.5.7 ~~Report any practice that is in significant conflict with the standards.~~
- 3.5.8 ~~Movement to Full Operating Level Evaluator. Associate Level Treatment Providers wanting to move to Full Operating Level status must complete and submit documentation of all of the requirements listed in section 4.25, as well as a letter from the applicant's supervisor indicating the applicant's readiness to move to Full Operating Level Status.~~
- 3.5.9 ~~Continued Placement. Associate Level evaluators must apply for continued placement on the list every two years by the date provided by the board. Requirements are as follows:~~
 - 3.5.9.1 ~~The evaluator must demonstrate continued compliance with the standards.~~
 - 3.5.9.2 ~~The evaluator at the Associate Level shall maintain listing as an Associate Level or Full Operating Level Treatment Provider and shall complete a minimum of ten (10) sex offense specific evaluations in the two year period.~~
 - 3.5.9.3 ~~The individual shall have had at least forty (40) hours of documented training specifically related to evaluation and treatment methods described in sections 2.000 and 3.000, and including training in the area of victimology, within the last five years. The individual must demonstrate a balanced training, with ten (10) of the hours coming from the subject areas listed as sex offense specific training, six (6) of the ten (10) hours shall be specific to developmental disabilities, twenty (20) hours specifically regarding the evaluation of adult or juvenile sex offenders, and ten (10) hours coming from the general topic areas as described in Section 4.1 of the Adult Standards. Training shall be specific to the population you serve.~~
 - 3.5.9.3.1 ~~To receive credit for training not identified on this list, it is incumbent of the trainee to write a justification demonstrating relevance to sex offender assessment/treatment/management as described in these standards.~~
 - 3.5.9.4 ~~Provide satisfactory references as requested by the Sex Offender Management Board. The Sex Offender Management Board may also solicit such additional references as necessary to determine compliance with the standards. The references shall include other members of the community supervision team.~~
 - 3.5.9.5 ~~The individuals shall never be convicted of, plead no contest to, or received a deferred judgment for any offense involving criminal sexual or violent behavior, or a felony that would bring into question the competence or integrity of the individual to provide sex offense specific treatment.~~
 - 3.5.9.6 ~~At their own expense, the individual will complete an entire criminal history check including Federal information pursuant to the Federal Bureau of Investigation appropriation of Title 11 of Public Law 92-544 (28 U.S.C. 534). The individual will submit to fingerprinting as part of this process.~~
 - 3.5.9.7 ~~Report any practice that is in significant conflict with the standards.~~

3.6 Grandfathering

- 3.6.1 ~~Individuals who currently work with sex offenders in a counseling capacity but whom do not meet the criteria set forth in these standards on the date that they are adopted have two (2) years from the date of adoption to gain the knowledge, experience and/or degree necessary to provide services to sex offenders either as a full operating level provider or an associate level provider.~~
- 3.6.2 ~~To be considered for Grandfathering, the individual must complete an application with the SOMB providing information on work experience, education hours, current position and required letters of recommendation.~~
- 3.6.3 ~~To be eligible for the grandfathering process, the candidate must have the following credentials and experience:~~
 - 3.6.3.1 ~~A minimum of a Bachelor's degree in a behavioral science field of study (e.g. psychology, counseling, psychiatric nursing etc.)~~
 - 3.6.3.2 ~~Documentation of at least two (2) years of individual or group counseling experience with a minimum of 500 hours within the past three years specific to working with sex offenders.~~

~~3.6.3.3 Documentation of clinical supervision from a clinician in the behavioral health field. Supervision from a Fully Operating Treatment Provider should begin at the time application is made for Grandfathering and continue until the candidate receives their approval to provide treatment to sex offenders.~~

~~3.6.3.4 Three (3) references are required; two of which must be familiar with your professional qualifications and at least two (2) of the individuals must be members of a Community Supervision Team and/or Multidisciplinary Teams in which you participate. If you are applying as an adult and juvenile provider, please provide references that can speak about your ability to work with both populations.~~

17 DE Reg. 989 (04/01/14)

4.0 Application Process

4.1 By submitting an application to be credentialed as a Sex Offense Service Provider by the SOMB, the applicant agrees that they have done so voluntarily and that they have reviewed and understood all qualifications as stated in Section 3.0.

4.2 Upon submitting an application, the application attests that:

4.2.1 They meet the minimum necessary requirements and qualifications to be credentialed as a Sex Offense Service Provider.

4.2.2 The information that they provided through the application process is accurate and truthful.

4.2.3 They understand that the Sex Offender Management Board and the Credentialing Subcommittee has statutory responsibility and final authority for making all initial and renewal credentialing decisions, including approval, disapproval, suspension, revocation, or other monitoring of the credentialing.

4.2.4 The address for where the applications should be sent can be found on the SOMB website or the State of Delaware Department of Safety and Homeland Security website.

5.0 Credentialing Subcommittee of the SOMB

5.1 The Credentialing Subcommittee of the SOMB shall be authorized as an extension of the SOMB to credential Sex Offense Service Providers as well as oversee and make determinations on disciplinary matters with credentialed Sex Offense Service Providers.

5.2 The Credentialing Subcommittee of the SOMB shall be comprised of a total of seven voting (7) members.

5.2.1 At least two (2) members of the Credentialing Subcommittee must be members of the SOMB who are currently licensed mental health professionals.

5.2.2 Two (2) members of the Credentialing Subcommittee must be licensed mental health professionals in Delaware who are unaffiliated with SOMB. These members shall not be credentialed Sex Offense Service Providers, but may have specialized knowledge in working with sexual offenses.

5.2.2.1 These members may self-nominate or be suggested by members of the SOMB.

5.2.3 The three (3) remaining Credentialing Subcommittee members must be SOMB members. A mental health background is not required, but an understanding of adherence to professional standards is preferred.

5.3 The Credentialing Subcommittee members shall be selected by majority vote through the SOMB.

5.4 The Credentialing Subcommittee members who are members of the SOMB may serve for the duration of their appointment to the SOMB.

5.5 The Credentialing Subcommittee members who are not SOMB members will serve for a two (2) year term and can reapply after two (2) years.

5.6 The Credentialing Subcommittee members shall meet monthly unless no pending matters exist.

6.0 SOMB Process for Credentialing Sex Offense Service Providers

The applications will be reviewed and processed by the Credentialing Subcommittee of the SOMB.

7.0 Reciprocity

7.1 The Credentialing Subcommittee of the SOMB may waive any initial credentialing requirements of the applicant after receiving the applicant's credentials and determining that the applicant holds a current license/certification/credential from another state that has requirements that are substantially equivalent to those set forth by the Delaware SOMB.

7.1.1 The applicant must meet the minimum standards as set forth by the SOMB in Delaware.

7.1.2 An applicant who has initially been credentialed by the Delaware SOMB through reciprocity must meet all requirements/qualifications and follow the same procedure as other Delaware renewal applicants as set forth by Delaware for all subsequent renewals of their credentialing.

8.0 Inactive Status

8.1 A credentialed provider may voluntarily request to have their credentialing through the SOMB be placed on inactive status by submitting a written request to the Board. The request must specify the reason for the request to be placed on inactive status and the date of which they would like their inactivity to begin.

8.1.1 The Credentialing Subcommittee of the SOMB shall respond in writing within 15 business days of receipt of the request to provide confirmation of the request.

8.1.2 A person placed on voluntary inactive status shall be removed from the central roster of credentialed Sex Offense Service Providers.

8.1.3 It is the responsibility of the credentialed Sex Offense Service Provider who has chosen to be placed on voluntary inactive status to notify their present and prospective clients that they are on inactive status as a credentialed Sex Offense Service Provider.

8.1.4 A person who has been placed voluntarily on inactive status for less than 365 days may reapply for credentialing in accordance with the certification renewal process and any processing fees shall be waived.

8.1.5 A person who has been placed voluntarily on inactive status for more than 365 days may reapply for credentialing in accordance with the initial certification process and submit the applicable processing fees.

9.0 Complaint Process

9.1 The complaint process may be initiated by the Credentialing Subcommittee of the SOMB's receipt of a written complaint from any person regarding a credentialed Sex Offense Service Provider.

9.2 All complaints must be in writing and contain the following information:

9.2.1 The full name and address of the complainant.

9.2.1.1 Anonymous complaints will be accepted; however, if the Credentialing Subcommittee of the SOMB is unable to obtain sufficient information to substantiate the allegations, the complaint will be dismissed.

9.2.2 The name and address of the credentialed Sex Offense Service Provider.

9.2.3 A clear and accurate statement of the facts describing the allegations against the credentialed Sex Offense Service Provider.

9.3 Complaints against individuals who are not credentialed Sex Offense Service Providers will not be reviewed by the Credentialing Subcommittee of the SOMB.

9.4 The Credentialing Subcommittee of the SOMB will provide written notice to the complainant that the complaint has been received and is under review. Notice shall be written within 5 business days of receiving the complaint.

9.5 The identity of the complainant will remain confidential until it is determined that disciplinary action will be taken.

9.6 In the event that the complaint against the credentialed Sex Offense Service Provider was first brought to the attention of the SOMB, but also appears to encompass issues related to the credentialed Sex Offense Service Provider's professional license, the SOMB will forward the complaint to the Division of Professional Regulation in Delaware for their simultaneous review.

9.6.1 Complaints that are forwarded to the Division of Professional Regulation that appear to be significant and warrant immediate action by the Credentialing Subcommittee of the SOMB will be handled under the guidelines of the Emergency Suspension as listed in subsection 10.3.

10.0 Disciplinary Process

10.1 The Credentialing Subcommittee of the SOMB may deny, revoke, suspend, or otherwise monitor credentialing of an applicant or person who is currently credentialed as a Sex Offense Service Provider for any of the following reasons as they relate specifically to the credentialed Sex Offense Service Provider's treatment and evaluation of individuals who have engaged in sexually problematic behavior:

10.1.1 Failure to meet or maintain the minimum eligibility requirements for credentialing as established by the SOMB.

- 10.1.2 Falsification of any information or documentation, or concealing a material fact in the application for (re) certification, or during any investigation or quality assurance review.
- 10.1.3 Failure to comply with 1 **DE Admin. Code** 1100 or the standards adopted by the SOMB.
- 10.1.4 Failure to cooperate during any investigation concerning credentialing.
- 10.1.5 Failure to comply with any final order issued by the Credentialing Subcommittee of the SOMB, informal disciplinary measures, or remedial steps or corrective action ordered by the Credentialing Subcommittee of the SOMB as a condition of continued certification, including continuing to claim having credentials that have been suspended or restricted.
- 10.1.6 Engaging in conduct that departs from the SOMB standards.
- 10.1.7 Revocation, suspension, limitation, reprimand, voluntary surrender or any other disciplinary action, or proceeding, including investigation against a license, certificate or privilege to practice by a professional licensing board.
- 10.1.8 Complaints involving primarily issues related to the general provision of treatment and evaluation services and only secondarily involve sex offense treatment and evaluations will first be reviewed by their professional licensure board before the Credentialing Subcommittee of the SOMB makes a determination as to how to proceed unless an Emergency Suspension as a credentialed Sex Offense Service Provider is warranted.
- 10.2 Mirroring orders and emergency suspensions
 - 10.2.1 In the event that a state licensing board with authority over a credentialed Sex Offense Service Provider's professional license takes action against their professional license in any fashion which suspends, restricts, limits or affects the Sex Offense Service Provider's ability to provide services pursuant to their credential from the SOMB, the credential holder will promptly notify the Credentialing Subcommittee of the SOMB of the action. Failure to do so could result in additional disciplinary action from the Credentialing Subcommittee of the SOMB.
 - 10.2.2 Upon notification of such action and receipt of an official order from the respective professional licensing board, the Credentialing Subcommittee of the SOMB shall be authorized to issue its order suspending, restricting limiting or otherwise affecting the Sex Offense Service Provider's credential in the same fashion as the professional licensing board action.
 - 10.2.3 The Credentialing Subcommittee of the SOMB's decision may be issued without further hearing or proceeding but shall be subject to the effect of any reversal or modification of the professional licensing board action by reason of rehearing or appeal.
- 10.3 Emergency Suspension
 - 10.3.1 If the Credentialing Subcommittee of the SOMB finds that public health, safety or welfare requires immediate emergency action, the Credentialing Subcommittee of the SOMB may take such action necessary to prevent or avoid the immediate danger.
 - 10.3.2 The Credentialing Subcommittee of the SOMB may issue an order suspending a Sex Offense Service Provider's credential pending formal proceedings for revocation or other action. Such order shall include a brief, reasoned statement justifying the existence of an emergency and the decision to take a specific action. The order will be effective when issued.
 - 10.3.3 After issuance of an emergency order, the Credentialing Subcommittee of the SOMB will immediately initiate the disciplinary process procedures that would have occurred had the emergency not existed.
 - 10.3.4 The emergency suspension shall not exceed a period of one year from the date it was enacted.

11.0 Sanctions

- 11.1 If the Credentialing Subcommittee of the SOMB determines that there has been a violation of 1 **DE Admin. Code** 1100 or the standards adopted by the SOMB, then it may impose any of the following sanction(s), singularly or in combination:
 - 11.1.1 Formal Discipline which restricts or impedes the credentialed Sex Offense Service Provider's ability to perform services under that credential. Formal disciplinary action decisions will be posted on the SOMB website and central database of credentialed Sex Offense Service Providers.
 - 11.1.1.1 Suspension. A credential may be suspended by the Credentialing Subcommittee of the SOMB for a period not to exceed one (1) year. Upon a second or subsequent suspension, the credential may be suspended for a period not to exceed five (5) years. During the period of suspension, the Sex Offense Service Provider may not perform any credentialed sex offense services in the state of Delaware.

- 11.1.1.2 Revocation. A credential may be revoked permanently by the Credentialing Subcommittee of the SOMB.
- 11.1.1.3 Restrictions. A credential may be restricted by requiring the Sex Offense Service Provider to comply with the Credentialing Subcommittee of the SOMB's directives. The duration of the restriction placed on the credential will be established by a specified date, by the performance of certain remedial or corrective action, or a combination thereof. The duration of a restriction of a credential shall not exceed one (1) year.
- 11.1.2 Informal Discipline. Informal disciplinary actions do not restrict or impede a credentialed Sex Offense Service Provider's ability to perform sex offense services. Informal disciplinary actions are not public and will not be posted on the SOMB website or central database of credentialed Sex Offense Service Providers.
 - 11.1.2.1 Monitoring. This consists of routinely reviewing a credentialed Sex Offense Service Provider's performance to assist them with understanding the dynamics of the population served and compliance with the SOMB's standards. Monitoring may include the recommendation of specialized training or the use of a mentor approved by the SOMB.
 - 11.1.2.2 Letters of Informal Reprimand or Counseling. This is used to provide guidance or recommendations to the credentialed Sex Offense Service Provider regarding areas for improvement.
 - 11.1.2.3 Probation. The Credentialing Subcommittee of the SOMB may withhold using formal discipline and place the credentialed Sex Offense Service Provider on probation not to exceed two (2) years. The Credentialing Subcommittee of the SOMB may impose any conditions of probation deemed necessary to ensure compliance with the SOMB's standards of practice. Failure to comply with a probationary term may result in the imposition of any suspended discipline following a hearing.
 - 11.1.2.4 Credential holders facing informal disciplinary action will not have the right to a hearing and do not have the right to appeal the Credentialing Subcommittee of the SOMB's decision for informal disciplinary action. Informal discipline occurs at the sole discretion of the Credentialing Subcommittee of the SOMB. Credentialed Sex Offense Service Providers may face formal disciplinary action for not complying with any informal disciplinary action as agreed to by both parties. Should the credentialed Sex Offense Service Provider not agree to the informal disciplinary action recommended by the Credentialing Subcommittee of the SOMB, the Credentialing Subcommittee of the SOMB reserves the right to initiate formal disciplinary proceedings.
- 11.2 Credentialed Sex Offense Service Providers who are facing formal disciplinary action will have the right to a hearing as provided below.
- 11.3 The Credentialing Subcommittee of the SOMB is not authorized to impose civil remedies, such as monetary damages or restitution, to compensate complainants or to resolve fee disputes, which are civil matters.
- 11.4 The Credentialing Subcommittee of the SOMB is not authorized to impose criminal penalties.

12.0 Notice of Intent to take Formal Disciplinary Action

- 12.1 If the Credentialing Subcommittee of the SOMB decides to pursue formal disciplinary action against the credentialed Sex Offense Service Provider, a Notice of Intent to take formal disciplinary action will be mailed to the credentialed Sex Offense Service Provider.
- 12.2 The Notice of Intent will include the following information:
 - 12.2.1 The allegations against the credential holder.
 - 12.2.2 The identified violations of law, rule, and/or standards.
 - 12.2.3 The formal disciplinary action sought by the Credentialing Subcommittee of the SOMB.
 - 12.2.4 A notice of the credentialed Sex Offense Service Provider's right to a pre-decision hearing and the right to be represented.
 - 12.2.5 A notice of default if the credentialed Sex Offense Service Provider fails to request a pre-decision hearing or otherwise fails to respond. This will result in issuance of a final order imposing the proposed discipline.
 - 12.2.6 A proposed stipulation to resolve the matter without a hearing.
 - 12.2.6.1 Resolution by stipulation is a process to impose formal discipline upon a credentialed Sex Offense Service Provider whereby the credentialed Sex Offense Service Provider and Credentialing Subcommittee of the SOMB agree to the violations and formal discipline.
 - 12.2.6.2 Upon the credentialed Sex Offense Service Provider signing the stipulation to resolve the disciplinary matter, the signed stipulation will be presented to the Credentialing Subcommittee of

the SOMB for approval and the issuance of a final order imposing the agreed upon formal discipline.

13.0 Process for Requesting a Hearing

- 13.1 The credentialed Sex Offense Service Provider has 30 days from the date that the written notice of complaint was mailed to the credentialed Sex Offense Service Provider to request a pre-decision hearing. The request is filed when it is received by the Credentialing Subcommittee of the SOMB or postmarked within the time limits set forth in these standards.
- 13.2 All requests for a hearing must be submitted in writing and provide the following:
 - 13.2.1 A copy of the decision that is the subject of the hearing.
 - 13.2.2 A statement setting forth the reason for disagreement with the Credentialing Subcommittee of the SOMB's decision.
 - 13.2.3 A statement of the remedy requested.
- 13.3 The credentialed Sex Offense Service Provider is entitled to have legal representation present at the pre-decision hearing; however, this will be at the expense of the credentialed Sex Offense Service Provider.
- 13.4 Once the Credentialing Subcommittee of the SOMB has received a request for a pre-decision hearing, the pre-decision meeting shall be held within a reasonable time not to exceed 60 calendar days, unless agreed upon by both parties.

14.0 Hearing Process

- 14.1 The credentialed Sex Offense Service Provider will present their reason for a pre-decision hearing before the Credentialing Subcommittee of the SOMB to respond to the proposed action, and offer reasons why the proposed discipline may not be justified or is too severe.
- 14.2 Any documents that the credentialed Sex Offense Service Provider wishes to be considered at the hearing must be provided to the Credentialing Subcommittee of the SOMB at least 7 calendar days prior to the scheduled hearing date.
- 14.3 Names of additional parties that the credentialed Sex Offense Service Provider wishes to call as witnesses at the hearing must be provided to the Credentialing Subcommittee of the SOMB at least 7 calendar days prior to the scheduled hearing date.
- 14.4 The Credentialing Subcommittee of the SOMB will hear the case presented by the credentialed Sex Offense Service Provider and decide if the evidence before them alters their original decision to impose formal discipline to the credentialed Sex Offense Service Provider.
- 14.5 The Credentialing Subcommittee of the SOMB will make their determination at the conclusion of the hearing and a formal letter documenting the findings will be issued to the credentialed Sex Offense Service Provider within 15 calendar days following the hearing.

15.0 Appealing the Decision from a Pre-Decision Hearing

- 15.1 The credentialed Sex Offense Service Provider has 30 days from the date that the decision of the pre-decision hearing was made to appeal the decision. The request for appeal is filed when it is received by the Credentialing Subcommittee of the SOMB or postmarked within the time limits set forth in these standards.
- 15.2 The grounds for the appeal as well as the original decision by the Credentialing Subcommittee will be reviewed by the Chair or Acting Chair of the SOMB. They will decide if the decision by the Credentialing Subcommittee will be upheld. The decision of the Chair or Acting Chair of the SOMB is final and cannot be appealed.

16.0 Reinstatement of Credential for Sex Offense Service Provider

- 16.1 If the credentialed Sex Offense Service Provider's credential has been formally suspended, revoked or restricted or the credentialed Sex Offense Service Provider was placed on monitoring or probation, the Sex Offense Service Provider may apply by written letter for reinstatement of their credential after the duration of the imposed discipline has passed.
- 16.2 The Sex Offense Service Provider must provide evidence that they have complied with any corrective action ordered by the Credentialing Subcommittee of the SOMB.
- 16.3 If the Sex Offense Service Provider's credential had been revoked, they must follow the initial application process in order to become credentialed again.
 - 16.3.1 The Credentialing Subcommittee of the SOMB shall have the discretion to impose any monitoring conditions upon a Sex Offense Service Provider whose credential had been reinstated.

17 DE Reg. 989 (04/01/14)
22 DE Reg. 617 (01/01/19) (Final)