

## Section 2: Psychosexual Evaluations and Evaluators

The provisions of this section govern the procedures relating to (a) the certification of professionals approved by the Idaho SOMB to conduct or assist with the conduct of psychosexual evaluations of adults convicted of sex offenses or sex offense-related crimes (as referenced in Section 18-8314, Idaho Code) and (b) evaluators' required practices with respect to conducting such evaluations, for use in criminal proceedings as ordered by the court pursuant to Section 18-8316, Idaho Code, and other purposes defined in this section.

### I. GENERAL CONSIDERATIONS

- A. A person certified by the SOMB to conduct or assist with the conduct of psychosexual evaluations in accordance with the minimum requirements outlined in this section is expected to:
  - a. Adhere to the ethical principles and codes, and any and all practice standards and guidelines, for the person's respective discipline/area of professional licensure as promulgated by the licensing body;
  - b. Conduct testing in accordance with the person's licensing body, qualifications and experience. Outside sources should be utilized to interpret required testing that is beyond the person's training and expertise (see appendix for psychological testing qualification standards);
    - i. The SOMB may require verification of qualifications to conduct applicable testing.
  - c. Be knowledgeable of statutes and scientific data relevant to specialized sex offender evaluation;
  - d. Be committed to community protection and safety; and
  - e. Conduct evaluation procedures in a manner that ensures the integrity of testing data and the humane and ethical treatment of the individual, and communicates information using professional and non-biased language.

- B. When decision making for an individual requires a current psychosexual evaluation, an evaluator shall not represent an evaluation that was conducted on the individual more than 1 year prior as being current, without taking reasonable and appropriate steps to ensure its currency with respect to the:
  - a. Individual's legal status;
  - b. Required content of the written report as set forth in this section;
  - c. Required assessment methods and tools utilized for the evaluation as set forth in this section;
  - d. Accompanying results, findings, and recommendations contained in the evaluation, which may involve, but are not limited to, the individual's level of recidivism risk, specialized treatment needs, and other management interventions.
  - e. Such updated or current psychosexual evaluation shall follow the format and standards established in this section.

## **II. PROPER SCOPE, PURPOSES FOR CONDUCTING PSYCHOSEXUAL EVALUATIONS**

- A. Pursuant to Sections 18-8314 and 18-8316 of the Idaho Code, a psychosexual evaluation conducted in accordance with this section is to be completed after a finding of guilt to inform sentencing and other disposition decisions
- B. A psychosexual evaluation conducted in accordance with this section shall be written utilizing the frame/format as outlined by the SOMB. The evaluation should be written in a manner that allows all readers to understand its content regardless of the reader's background and experience. The SOMB values and respects professional discretion, judgment, and style regarding the conduct of psychosexual evaluations, provided that the evaluator addresses the minimum requirements and operates within the parameters set forth in this section. A report that does not comply with the prescribed format shall not be represented as meeting the psychosexual evaluation criteria for the purposes described in this section.

- C. A psychosexual evaluation conducted in accordance with this section – and generally, for all other circumstances in which a psychosexual evaluation is being requested or conducted – is designed for the primary purposes of identifying the level of recidivism risk, victim typology, treatment needs, responsivity, and amenability of the individual being evaluated.
- D. A psychosexual evaluation conducted in accordance with the standards and requirements set forth in this section may be further appropriate for informing other post-conviction decisions, provided that the use of such an evaluation is not prohibited, overriding, or incompatible with any statutory or other legal provisions of the Idaho Code, administrative rules, or other statutory expectations, requirements, or regulations in Idaho. These additional appropriate uses may include:
  - a. Treatment planning;
  - b. Probation, post-release supervision, or other case management planning;
  - c. Significant custody status change, such as from incarceration to community;
  - d. Release decision making; and
  - e. Registration and community notification.
- E. The SOMB does not regulate psychosexual evaluations completed for purposes other than those defined herein. However, under no circumstances shall an evaluator conduct a psychosexual evaluation in accordance with this section – or generally in all other circumstances under which a psychosexual evaluation is requested or conducted – for the explicit purposes of:
  - a. Attempting to substantiate or refute criminal allegations of sexual abuse made during the course of, or subsequent to, the following:
    - i. Law enforcement investigations;
    - ii. Social services/child protective services investigations;
    - iii. Domestic/family law proceedings such as child custody or parental fitness;

- iv. Pending, previously resolved, or unresolved civil or criminal or juvenile/family court matters;
- b. Establishing the factual basis of any civil, criminal, or other court proceedings, or ascertaining an evaluator's opinions or assertions regarding the guilt or innocence of the individual being evaluated during the course of any proceedings; or
- c. Attempting to generate or offer the evaluator's opinions or assertions regarding the individual's absolute risk/potential for engaging in sexually abusive or offending behavior or refraining from engaging in such behavior.

### III. ASSESSMENT METHODS AND PROCEDURES

- A. Informed Consent. An evaluator conducting psychosexual evaluations in accordance with this section shall afford the individual being evaluated (and/or their legal guardian) to provide informed consent/assent and document accordingly in writing. The evaluator shall utilize the SOMB "Notice and Consent for Psychosexual Evaluation" form (see appendix). The SOMB form may be supplemented with additional evaluation consent/assent form(s) as desired by the evaluator.
- B. Multiple Methods and Information Sources. An evaluator conducting psychosexual evaluations in accordance with this section shall utilize multiple assessment methods and information sources to support the comprehensiveness, reliability, and validity of the findings and recommendations of the evaluation. Minimally required data sources and assessment methods and processes shall include the following:
  - a. Structured clinical interviews;
  - b. Official law enforcement documents must be reviewed if available;
  - c. Other official records (e.g., victim statements, prior evaluations, treatment, social services, juvenile and/or adult criminal justice agencies);

- d. Psychometrically sound measures for assessing intellectual, personality, functional, substance abuse, and other psychological factors;
  - e. Research-based instruments specifically designed to assess normative and deviant sexual interests, attitudes, arousal, and/or preferences; and
  - f. Research-supported risk assessment tools and protocols with currency in the field and which are designed to promote systematic and objective assessment of risk factors and recidivism risk among sexually abusive individuals.
  - g. The methods and assessments used by the evaluator should comport with the same requirements for the admissibility of expert testimony as outlined in Idaho Rules of Evidence, Rule 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S. Ct. 2786 L. Ed. 2d 469 (1993).
- C. When conducting a psychosexual evaluation in accordance with this section, an evaluator shall employ assessment methods, procedures, and instruments appropriate for responding to these and other factors. Consider factors such as age, cultural/spiritual, language, development, level of functioning, physical and other limitations/disabilities. Address possible implications of these factors on the methods and processes used.
- D. An evaluator shall disclose and document all sources of information and methods used to conduct the psychosexual evaluation.
- E. Offender Participation. The individual being evaluated (and/or their legal guardian) may refuse or decline to participate in any testing, assessment measure, or protocol used for a psychosexual evaluation conducted pursuant to this section. Under this circumstance, the evaluator shall:
- a. Notify the individual being evaluated (and/or their legal guardian), when an evaluation is being mandated or ordered by the courts or other authorities, there may be consequences of such decision;
  - b. Make reasonable efforts to obtain the signature of the individual (and/or their legal guardian) on a written statement/form indicating the individual's

refusal or declination and include this form as an appendix to the psychosexual evaluation report;

- c. Document the individual's refusal or declination in the body of the written evaluation report; and
  - d. Document in the written evaluation report any implications of the refusal or declination on the reliability and validity of the findings and accompanying recommendations.
- F. An evaluator shall provide recommendations commensurate with the assessed level of risk, research-supported risk factors, protective factors, and intervention needs as supported in the body of the report.
- G. An evaluator shall provide findings, conclusions, recommendations, and responses to referral questions that are congruent with the scope of the purposes of psychosexual evaluations as set forth in this section.
- H. Departures from Established Criteria. Any departures from the minimum expectations and requirements for psychosexual evaluations as specified in this section shall be specifically noted in the written evaluation report and any implications for the findings and recommendations for the evaluation.

#### **IV. FORMAT, FRAMEWORK FOR WRITTEN PSYCHOSEXUAL EVALUATION REPORTS**

- A. Required Format for Written Reports. Evaluators shall frame/format the written reports using the following headers in order to promote consistency in the organization and presentation of material, comprehensiveness of the reports, and familiarity/ease of use for consumers of these reports:
- a. Preliminary Statement.
  - b. Identifying Information.
  - c. Synopsis.
  - d. Referral Information and Nature of Evaluation.
  - e. Confidentiality.
  - f. Sources of Information.

- g. Mental Status Examination and Psychological Symptoms.
  - h. Background, Criminal and Social History.
  - i. Description of Current Offense(s).
  - j. Sexual History Behavior.
  - k. Psychological Test Results.
  - l. Current DSM Diagnosis.
  - m. Specialized Risk Assessment Measures and Measures of Sexual Behavior.
  - n. Risk Factors (*Attach Sex Offender Risk and Protective factors Checklist*)
    - i. Static factors
    - ii. Dynamic factors
  - o. Protective Factors. (*Attach Sex Offender Risk and Protective Factors Checklist*)
  - p. Risk Level.
  - q. Potential for Future Harm. (Optional but encouraged)
  - r. Resources for Community Protection, Amenability for Treatment, and Recommended Treatment Focus.
  - s. Additional Suggestions for Management. (Optional)
- B. An evaluator shall incorporate, under the above organizing headers/format, the specific areas of focus detailed in this section.
- C. The printed name, highest attained degree, license, and certification designation must appear at the end of the report, and the report must be signed and dated by the evaluator.
- a. An evaluation conducted by an Associate/Supervised Psychosexual Evaluator, must be reviewed, verified and co-signed by the Senior/Approved Psychosexual Evaluator who supervised the development of the evaluation that the findings are accurate.

**V. AREAS OF FOCUS FOR PSYCHOSEXUAL EVALUATIONS**

- A. An evaluator conducting psychosexual evaluations in accordance with this section shall assess and explore each the following elements during the course of the

psychosexual evaluation: Inquiries into these elements must be thorough and documented in the evaluation to identify or rule-out all of the risk and protective factors listed in the check list. The elements listed below are not exhaustive and evaluators are encouraged to make additional inquiries as needed to fully evaluate a person's risk and protective factors.

a. Preliminary Statement to be Included in Evaluations:

“Risk classification is the examinee's assessed risk to re-offend when compared to other sex offenders, not compared to the general population. Furthermore, the risk to re-offend is not reflective of the level of harm experienced by the victim. For consideration of victim harm, the reader is encouraged to consider information from other sources such as victim impact statements, hospital records, or other relevant sources.”

b. Identifying Information.

Examinee name, birth date, age, date of evaluation, criminal case, etc.

c. Synopsis.

- i. Risk level conclusion, identified as being in Low, Moderate or High risk category;
- ii. Conclusion regarding examinee's amenability for treatment; and
- iii. Identification of most pertinent information to be considered by the court as supported in body of report, including what lead to conclusions regarding risk and amenability for treatment (could include static, dynamic, and protective factors).

d. Referral Information and Nature of Evaluation.

- i. Identification of how the examinee was referred for evaluation;
- ii. Statement regarding structure of the evaluation; and
- iii. Idaho Codes that are followed.

e. Confidentiality.

- i. Statement regarding evaluation confidentiality and how this was explained to examinee; and

- ii. Informed consent form. (see appendix)
- f. Sources of Information.
  - i. List of tests, measures; and
  - ii. Collateral information, interviews, other relevant sources.
- g. Mental Status Examination and Psychological Symptoms.
  - i. Standard mental status information and relevant psychological symptoms identified during interview; and
  - ii. Appearance and behavior observation.  
Description of examinee's appearance and behavior during interview.
- h. Background, Criminal and Social History.
  - i. Developmental history (e.g., family dynamics, exposure to violence, maltreatment);
  - ii. Interpersonal relationships (e.g., nature and quality of past and current relationships such as family, peers, intimate partners);
  - iii. Medical history;
  - iv. Mental health history (i.e., client and family), including previous diagnosis and treatment efforts;
  - v. History of harm to self or others;
  - vi. Education, employment, and/or military history;
  - vii. Prior and current criminality or delinquency (e.g., including antisocial attitudes and values, psychopathy, juvenile delinquency, adult criminal history, violence or aggression) (*access criminal history, Idaho court repository or other official records*);
  - viii. Substance use and/or abuse;
  - ix. Prior responses to juvenile or adult justice system or other interventions (e.g., institutional/custodial conduct or adjustment, compliance with conditions of supervision, compliance/completion of other court orders, social services plans);
  - x. Family of origin history;

- xi. Recreation/leisure;
  - xii. Cultural/spiritual; and
  - xiii. Capacity to identify problems and appropriate solutions.
- i. Description of Current Offense(s).
- Description of current offense(s) of conviction (including official version as documented in police reports or other official records, victim statements, and the version of the individual being evaluated).
- j. Sexual History Behavior.
- i. Sexual development, early sexual experiences;
    - 1. Ages 0 through 5
    - 2. Ages 6 through 12
    - 3. Ages 13 through 17
    - 4. Adulthood (age 18 +)
  - ii. History of age-appropriate, consensual, non-coercive sexual relationships;
  - iii. History of experiences involving being subjected to non-consensual or coercive sexual behaviors (e.g., sexual victimization);
  - iv. Historical and current sexual interests, fantasies, practices/behaviors;
  - v. Sexual functioning, sexual dysfunction;
  - vi. Use of sexually-oriented materials or services (e.g., magazines, sexually explicit video games, videos and other programming, Internet sites, telephone sex lines, adult establishments);
  - vii. Prior sexual offender treatment;
  - viii. Intent of individual related to treatment;
  - ix. Offense-related sexual arousal, interests, and preferences;
  - x. Evidence or characteristics of paraphilias;
  - xi. History of sexually abusive behaviors, both officially documented and unreported (if identified through credible records or sources);
  - xii. Number of victims as identified through credible records or sources;

- xiii. Current and previous victim-related factors (e.g., age, gender, nature of relationship);
  - xiv. Contextual elements of sexually abusive behaviors (e.g., frequency and duration; apparent motivators; patterns; circumstances; access to victims; degree of planning; use of threats, coercion, or force);
  - xv. Attitudes supportive of sexually abusive behavior; and
  - xvi. Demonstrated level of insight, self-disclosure, denial, and minimization relative to the sexually abusive behavior.
- k. Psychological Test Results. Testing for personality and mood, and intellectual functioning are required; remaining categories are recommended for assessment as indicated but are at the discretion of the evaluator. The evaluator must provide an independent interpretation of the test results and not simply copy test results into the evaluation.
- i. Personality and mood – must use at least one of:
    - 1. MMPI-2
    - 2. MCMI-III
    - 3. PAI
  - ii. Intellectual functioning testing – must use one of:
    - 1. Shipley-2 (preferred)
    - 2. WAIS-IV (preferred)
    - 3. Other validated assessment tool
  - iii. Psychopathic tendencies – such as:
    - 1. PPI-R
    - 2. PCL-R (Hare)
    - 3. Other validated assessment tool
  - iv. Substance abuse – such as:
    - 1. SASSI-3
    - 2. GAIN-I

3. Other validated assessment tool
- v. Additional optional testing, but not exclusive to:
  1. STAXI-2 (anger)
  2. HCR-20
  3. SVR-20
  4. LSI-R
- i. DSM Diagnosis.

Presenting diagnosis from the current version of the Diagnostic and Statistical Manual of Mental Disorders.
- m. Specialized Risk Assessment Measures and Measures of Sexual Behavior.

All risk assessments must be used in accordance with the assessment's standards. The evaluator will determine whether use of a specific assessment is appropriate based on the individual case. If a required assessment is not used, the provider must explain why.

  - i. Risk assessment must include the following measures:
    1. STATIC-99 or STATIC-99R
    2. STABLE 2007
  - ii. Measure of sexual behavior must include:
    1. MSI-II
  - iii. Additional optional measures, but not exclusive to:
    1. ACUTE 2007
    2. SORAG
    3. VASOR
    4. Viewing time measure (e.g. Abel screen)
    5. Phallometric testing
    6. Polygraph
- n. Risk Factors.

The evaluation must support the identification of or rule out any research supported static and dynamic-risk factors identified on the *Risk and*

*Protective Factors Checklist* (see appendix). The *Risk and Protective Factors Checklist* will be attached to the evaluation.

o. Protective Factors

The evaluation must support the identification or rule-out of any research supported protective factors identified on the *Risk and Protective Factors Checklist* (see appendix). The Risk and Protective Factors Checklist will be attached to the evaluation.

p. Risk Level

Provide an estimated risk level as low, moderate, or high. The estimated risk level shall be commensurate with assessment findings, identified research-supported risk and protective factors, and intervention needs as supported in the body of the report. An estimated risk level of low-moderate or moderate-high is not acceptable.

q. Potential for Future Harm. (Optional but encouraged)

- i. Demonstrated level of awareness or insight into potential harm/impact on the victim(s) and others (e.g., perspective-taking and empathic abilities and actions); and
- ii. Most likely type of victim and potential harm they could experience based on literature.

r. Amenability for Intervention and Treatment

s. Additional Suggestions for Management. (Optional)

Any additional suggestions may include identification of additional concerns with an explanation of why special management may be needed.

## **VI. CATEGORIES OF ADULT PSYCHOSEXUAL EVALUATOR CERTIFICATION**

- A. Pursuant to the statutory mandate and authority afforded to the SOMB, to be eligible to conduct adult psychosexual evaluations in accordance with this section, an individual must be formally certified by the SOMB. The 3 established categories of certification are:

- a. **Senior/Approved Psychosexual Evaluator.** A Senior/Approved Psychosexual Evaluator is a clinical professional who is currently authorized by the SOMB to:
  - i. Independently conduct adult psychosexual evaluations in accordance with the requirements and standards for such evaluations as outlined in this section; and
  - ii. Is authorized to provide direct clinical supervision to individuals certified as an Associate/Supervised Psychosexual Evaluator, a Provisional/Supervised Psychosexual Evaluator, or who are otherwise seeking certification to conduct or assist with adult psychosexual evaluations.
- b. **Associate/Supervised Psychosexual Evaluator.** An Associate/Supervised Psychosexual Evaluator is a professional who is currently authorized by the SOMB to conduct adult psychosexual evaluations only under the clinical supervision of a Senior/Approved Psychosexual Evaluator in good standing. A person certified as an Associate/Supervised Psychosexual Evaluator may independently conduct testing and assessments in accordance with their training and education as well as interviews and report preparation. Final adult psychosexual evaluation reports that have been conducted by an Associate/Supervised Psychosexual Evaluator must be reviewed and signed as approved by a Senior/Approved Psychosexual Evaluator.
- c. **Provisional/Supervised Psychosexual Evaluator.** A Provisional/Supervised Psychosexual Evaluator is a professional with limited clinical experience and specialized training who is currently authorized by the SOMB to assist with the conduct of adult psychosexual evaluations only under the clinical supervision of a Senior/Approved Psychosexual Evaluator with additional mentoring by an Associate/Supervised Psychosexual Evaluator in good standing as directed by a Senior/Approved Psychosexual Evaluator, and whose work products must be reviewed and signed by a Senior/Approved

Psychosexual Evaluator in good standing. A person with a Provisional/Supervised Psychosexual Evaluator certificate is not a certified evaluator for the purposes of Section 18-8303, Idaho Code. This level of certification does not allow for independent submission of final adult psychosexual evaluation reports.

- B. The SOMB shall certify the evaluator to conduct or assist with conducting psychosexual evaluations of adult sex offenders based on the minimum educational, experience, specialized training, and other criteria set forth in this section.

## **VII. CENTRAL ROSTER OF PSYCHOSEXUAL EVALUATORS**

- A. The SOMB shall maintain a complete and current official roster of all Senior/Approved Psychosexual Evaluators, Associate/Supervised Psychosexual Evaluators and Provisional/Supervised Psychosexual Evaluators to minimally include the:
  - a. Name of the evaluator;
  - b. Business name, address, telephone number, and other contact information;
  - c. Level of certification as designated by the SOMB;
  - d. Expiration date of the certification period as designated by the SOMB; and
  - e. Population for which the evaluator is authorized by the SOMB to conduct evaluations (adult).
- B. The SOMB shall ensure the accuracy and currency of the official roster by updating the roster at a minimum of quarterly or as otherwise necessary and indicating on the official roster the date on which it was updated.
- C. The SOMB shall publish the central roster on the SOMB's website and make the written roster otherwise available upon request.
- D. A psychosexual evaluator certified by the SOMB has a continuing duty and obligation to maintain eligibility under this section if desiring to remain on the central roster.

- E. The SOMB may remove an individual from the official roster of psychosexual evaluators for reasons as outlined in these standards.

### **VIII. PSYCHOSEXUAL EVALUATOR CERTIFICATION REPRESENTATION**

- A. A person conducting or assisting with the conduct of adult psychosexual evaluations in accordance with this section shall clearly and accurately indicate their level and scope of certification as either a Senior/Approved Psychosexual Evaluator, an Associate/Supervised Psychosexual Evaluator or a Provisional/Supervised Psychosexual Evaluator when:
  - a. Making oneself available to accept referrals for adult psychosexual evaluations;
  - b. Advertising oneself as a psychosexual evaluator;
  - c. Communicating with the courts, other professionals, or the public regarding their certification to conduct or assist with the conduct of adult psychosexual evaluations;
  - d. Providing informed consent to clients and/or their legal guardians at the time of the evaluation; and
  - e. Signing the written adult psychosexual evaluation report.
- B. In accordance with Section 18-8314, Idaho Code, no person shall claim or imply oneself to be a certified psychosexual evaluator pursuant to this section, or use a title or any abbreviation that implies that the person is a certified psychosexual evaluator pursuant to this section, unless so certified by the SOMB and currently in good standing on the official roster of psychosexual evaluators.

### **IX. MINIMUM REQUIREMENTS FOR PSYCHOSEXUAL EVALUATOR CERTIFICATION FOR ADULT SEX OFFENDERS**

- A. A person who conducts or assists with the conduct of an adult psychosexual evaluation in accordance with this section must meet the eligibility criteria and minimum requirements as set forth in this section and be certified by the SOMB as

a Senior/Approved Psychosexual Evaluator, an Associate/Supervised Psychosexual Evaluator or a Provisional/Supervised Psychosexual Evaluator.

- B. A person certified by the SOMB to conduct or assist with the conduct of adult psychosexual evaluations has a continuing duty to notify the SOMB in writing should circumstances result in the ineligibility of the evaluator to meet the minimum requirements for the level of certification designated by the SOMB.
- C. The minimum requirements for certification by the SOMB as a psychosexual evaluator include criteria, requirements, and expectations in the following categories:
  - a. Formal educational requirements;
  - b. Professional licensure requirements;
  - c. Clinical experience requirements;
  - d. Specialized training requirements; and
  - e. Continuing education/ongoing professional development requirements.
- D. A person certified by the SOMB to conduct or assist with the conduct of adult psychosexual evaluations shall secure and maintain professional liability insurance coverage.
- E. For purposes of clinical practice supervision for Associate/Supervised Psychosexual Evaluator certification, “supervision” is generally considered as face-to-face direct contact, documented teleconferencing, and/or interactive video conferencing using a ratio of 1 hour of clinical supervision for every 20 hours of direct service provided. If no approved supervisor is available within a 50 mile radius, applicants may submit a request to the SOMB to utilize an alternate supervisor.
- F. For purposes of clinical practice supervision for Provisional/Supervised Psychosexual Evaluator certification, “supervision” is considered as face-to-face direct contact for the first 250 hours of direct services provided. “Supervision” during the remaining period a person is certified as a Provisional/Supervised Psychosexual Evaluator shall be at a face-to-face direct contact ratio of 1 hour of clinical supervision for every 15 hours of direct service provided.

- a. Clinical supervision for purposes of Provisional/Supervised Psychosexual Evaluator certification may not meet standard requirements for professional licensure. An educational program or licensure supervision may exceed the supervision requirements for SOMB certification.

**X. REQUIREMENTS FOR CERTIFICATION AS A SENIOR/APPROVED PSYCHOSEXUAL EVALUATOR**

To be eligible for SOMB certification as a Senior/Approved Psychosexual Evaluator, a person must:

- A. Formal Education Requirements. Possess an advanced/graduate degree (e.g., master's, doctoral) in an applied clinical practice field such as psychiatry, psychology, counseling, or social work from an accredited university or college and program of study, preferably with an emphasis on the application of forensic clinical practice and for which a bachelor's degree was a pre-requisite.
- B. Professional Licensure Requirements.
  - a. Possess a valid Idaho license to practice as a psychiatrist, psychologist, social worker, professional counselor, or marriage and family therapist, with such license issued by the appropriate/respective regulatory body for the discipline or profession;
  - b. Maintain such licensure for the duration of the certification period authorized by the SOMB; and
  - c. Remain in good standing with the licensing body for the regulated profession, and not currently be under formal sanction or suspension of practice for ethical or other disciplinary matters.
- C. Clinical Experience and Specialized Training Requirements.
  - a. Engaged in a combination of direct, face-to-face clinical practice with adult sex offenders and received specialized training for a minimum of 1500 hours.

- i. Clinical practice is defined as face-to-face when possible, sex offender evaluation, assessment, individual and/or group treatment, case staffing/planning, and crisis management;
  - ii. Of the 1500 hours requirement, a minimum of 500 combined clinical practice and specialized training hours shall have been accumulated within the 3 years immediately preceding the initial application for SOMB certification as a Senior/Approved Psychosexual Evaluator;
  - iii. Of the 1500 hours requirement, a minimum of 500 hours shall be specific to conducting adult psychosexual evaluations;
  - iv. Of the 1500 hours requirement, no more than 300 hours shall be attributed to supervised case staffing/planning or crisis management; and
  - v. Of the 1500 hours requirement, a minimum of 60 hours or a maximum of 375 hours may be attributed to specialized training.
  - vi. A minimum of 30 hours of specialized training shall be specific to the assessment and evaluation of adult sex offenders.
  - vii. No more than 16 hours of training specific to the treatment of victims of sexual abuse can be used to count toward the minimum number of specialized training hours.
- b. Specialized training may be in a combination of areas such as:
- i. Contemporary research regarding the etiology of sexually abusive behavior;
  - ii. Research-identified risk factors for the development and continuation of sexually abusive/offending behavior for adults;
  - iii. Contemporary research and practice in the areas of assessment, treatment, and management of adult sex offenders;
  - iv. Research-supported, sex offender-specific risk assessment tools for adults; and
  - v. Physiological assessment of deviant sexual arousal and/or interests.

- vi. A person seeking dual certifications applicable to adult and juvenile populations may have a combination of adult and juvenile-centered training. However, at least 20 training hours applicable to adult sex offenders is required within the 60 specialized training hours minimum.
- c. Conducted a minimum of 9 adult psychosexual evaluations within the past 3 years, at least 3 of which have been conducted within the year preceding the initial application for certification as a Senior/Approved Psychosexual Evaluator.
- d. A person seeking certification as a Senior/Approved Psychosexual Evaluator who is unable to meet the required clinical experience and/or psychosexual evaluation requirements and/or specialized training requirements within the designated 3-year time-frame may apply for conditional waiver consideration, as outlined in this section
- e. The clinical experience requirements should be met by working with adult clients in order to be eligible for SOMB-certification to conduct evaluations of adults. The SOMB may consider experience with combined populations (adults and juveniles) on a case by case basis.

**XI. REQUIREMENTS FOR CERTIFICATION AS AN ASSOCIATE/SUPERVISED PSYCHOSEXUAL EVALUATOR**

To be eligible for SOMB certification as an Associate/Supervised Psychosexual Evaluator, a person must:

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

- a. Possess a valid Idaho license to practice as a psychiatrist, psychologist, social worker, professional counselor, or marriage and family therapist, with such license issued by the appropriate/respective regulatory body for the discipline or profession;
  - b. Maintain such licensure for the duration of the certification period authorized by the SOMB; and
  - c. Remain in good standing with the licensing body for the regulated profession, and not currently be under formal sanction or suspension of practice for ethical or other disciplinary matters.
- C. Practice under a current and formal clinical supervision agreement approved by the SOMB as specified in the Formal Clinical Supervision Agreement section.
- D. Clinical Experience and Specialized Training Requirements. To be eligible for SOMB certification as an Associate/Supervised Psychosexual Evaluator, a person must have:
- a. Practiced only under the supervision of a Senior/Approved Evaluator and in accordance with a formal clinical supervision agreement as outlined in this section;
  - b. Engaged in a combination of direct, face-to-face clinical practice with adult sex offenders and received specialized training for a minimum of 500 hours.
    - i. Clinical practice is defined as face-to-face when possible, sex offender evaluation, assessment, individual and/or group treatment, case staffing/planning, and crisis management;
    - ii. Of the 500 hours requirement, a minimum of 300 combined clinical practice and specialized training hours shall have been accumulated within the 3 years immediately preceding the initial application for SOMB certification as an Associate/Supervised Psychosexual Evaluator;
    - iii. Of the 500 hours requirement, a minimum of 100 hours shall be specific to conducting adult psychosexual evaluations; and

- iv. Of the 500 hours requirement, a minimum of 60 hours or a maximum of 175 hours may be attributed to specialized training.
  - v. A minimum of 30 hours of specialized training shall be specific to the assessment and evaluation of adult sex offenders.
  - vi. No more than 16 hours of training specific to the treatment of victims of sexual abuse can be used to count toward the minimum number of specialized training hours.
- c. Specialized Training may be in a combination of areas such as:
- i. Contemporary research regarding the etiology of sexually abusive behavior;
  - ii. Research-identified risk factors for the development and continuation of sexually abusive/offending behavior for adults;
  - iii. Contemporary research and practice in the areas of assessment, treatment, and management of adult sex offenders;
  - iv. Research-supported, sex offender-specific risk assessment tools for adults; and
  - v. Physiological assessment of deviant sexual arousal and/or interests.
  - vi. A person seeking dual certifications applicable to adult and juvenile populations may have a combination of adult and juvenile-centered training. However, 20 training hours applicable to adult sex offenders is required within the 60 specialized training hours minimum.
- d. Conducted a minimum of 6 adult psychosexual evaluations within the past 3 years, at least 2 of which have been conducted within the year immediately preceding the initial application for SOMB certification as an Associate/Supervised Psychosexual Evaluator.
- e. The clinical experience requirements should be met by working with adult clients in order to be eligible for SOMB certification to conduct evaluations of adults. The SOMB may consider experience with combined populations (adults and juveniles) on a case by case basis.

- f. Supervisees are required to maintain a cumulative log that includes at minimum:
  - i. The dates of face-to-face, telephone/teleconferencing, and/or other “live” and interactive web-based verbal conversation;
  - ii. Number of hours of clinical supervision received;
  - iii. Number of hours and nature of clinical services provided and dates of service;
  - iv. Number of hours of evaluation practice and dates of service; and
  - v. Number, nature and completion dates of supervised evaluations conducted, all of which can be verified and signed by the supervisor.
- g. The cumulative log may be required by the SOMB as a condition of approval of a formal supervision plan or application for certification; such a log is subject to audit or upon request by the SOMB in support of decision making regarding certification or quality assurances processes.
- h. A person seeking certification as an Associate/Supervised Psychosexual Evaluator who is unable to meet the required clinical experience and/or specialized training requirements and/or psychosexual evaluation requirements within the designated time-frame may apply for conditional waiver consideration, as outlined in this section.

E. Formal Clinical Supervision Agreement.

- a. A person seeking certification or currently certified by the SOMB as an Associate/Supervised Psychosexual Evaluator shall only conduct adult psychosexual evaluations under the clinical practice supervision of a Senior/Approved Psychosexual Evaluator and in accordance with the terms of a formal clinical supervision agreement to be approved in advance by the SOMB.
- b. The formal clinical supervision agreement shall minimally address the following criteria:
  - i. The name and contact information of the supervisee and supervisor(s);

- ii. Population to be served/evaluated (adults);
  - iii. Location, setting, nature of practice in which clinical services will be conducted;
  - iv. Effective period of clinical supervision;
  - v. The ratio of face-to-face or other “live” supervision hours to hours of direct service delivery; and
  - vi. Any other methods of clinical supervision that are anticipated to be employed.
- c. The formal clinical supervision agreement must accompany any initial or renewal application for Associate/Supervised Psychosexual Evaluator.
  - d. Any change from a previously approved supervisor will require a new supervision agreement, which must be forwarded to the SOMB for approval.

**XII. REQUIREMENTS FOR CERTIFICATION AS A PROVISIONAL/SUPERVISED PSYCHOSEXUAL EVALUATOR**

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

To be eligible for SOMB certification as a Provisional/Supervised Psychosexual Evaluator, a person must:

- A. Formal Education and Licensure Requirements.
  - a. Possess or be currently enrolled in a graduate program of study toward the attainment of an advanced/graduate degree (e.g., master’s, doctoral) from an accredited university or college and program of study, preferably with an emphasis on the application of forensic clinical practice; and
  - b. Possess or be pursuing licensure in an applied clinical practice field such as psychiatry, psychology, counseling, or social work.
  
- B. Clinical Experience Requirements.

- a. Practice only under the supervision of a Senior/Approved Psychosexual Evaluator and in accordance with a formal clinical supervision agreement as outlined in this section.
  - b. For *renewal* certification as a Provisional/Supervised Psychosexual Evaluator, a person must accumulate a minimum of 147 face-to-face clinical practice hours under the supervision of a Senior/Approved Psychosexual Evaluator during the period of certification preceding the annual renewal application.
  - c. Clinical supervision is required during any period of time in which a Provisional/Supervised Psychosexual Evaluator is providing direct clinical services to sex offenders as outlined in subsection IX.F. of this section.
  - d. Supervisees are required to maintain a cumulative log that includes at minimum:
    - i. The dates of face-to-face clinical supervision;
    - ii. Number of hours and nature of supervised clinical services provided, and the dates of service;
    - iii. Number of hours of evaluation practice and dates of service; and
    - iv. Number, nature and completion dates of supervised evaluations conducted, all of which can be verified by the supervisor.
  - e. The cumulative log may be required by the SOMB as a condition of approval of a formal supervision plan or application for certification; such a log is subject to audit or upon request by the SOMB in support of decision making regarding certification or quality assurances processes.
- C. Formal Clinical Supervision Agreement.
- a. A person seeking certification or currently certified as a Provisional/Supervised Psychosexual Evaluator shall only assist with the conduct of adult psychosexual evaluations and provide clinical services under the clinical practice supervision of a Senior/Approved Psychosexual Evaluator and in accordance with the terms of a formal clinical supervision agreement to be approved in advance by the SOMB.

- b. The formal clinical supervision agreement shall minimally address the following criteria:
  - i. The name and contact information of the supervisee and supervisor(s);
  - ii. Population to be served/evaluated (adults);
  - iii. Location, setting, nature of practice in which clinical services will be conducted;
  - iv. Effective period of clinical supervision;
  - v. Number of hours of anticipated direct clinical supervision; and
  - vi. Any other methods of clinical supervision that are anticipated to be employed.
- c. The formal clinical supervision agreement must accompany any initial or renewal application for a Provisional/Supervised Psychosexual Evaluator or application for change of certification category to the level of Associate/Supervised Psychosexual Evaluator.
- d. Any change from the previously approved supervision will require a new supervision agreement, which must be forwarded to the SOMB for approval.

### **XIII. CONTINUING EDUCATION/ONGOING PROFESSIONAL DEVELOPMENT REQUIREMENTS**

- A. To maintain certification as a Senior/Approved Psychosexual Evaluator or an Associate/Supervised Psychosexual Evaluator, a person must obtain a minimum of 40 verifiable hours of continuing education in the form of workshops, conferences, symposia, or on-line training over the course of the 2-year period prior to each renewal period.
  - a. Twenty (20) hours of continuing education shall be consistent with maintaining licensure in their individual discipline of practice;
  - b. Twenty (20) hours of continuing education shall address a combination of specialized areas such as:
    - i. Contemporary research regarding the etiology of sexually abusive behaviors;

- ii. Research-identified risk factors for the development and continuation of sexually abusive/offending behavior for adults;
    - iii. Contemporary research and practice in the areas of assessment, treatment, and management of adult sex offenders;
    - iv. Research-supported, sex offender-specific risk assessment tools for adults; and
    - v. Physiological assessment of deviant sexual arousal and/or interests.
    - vi. Persons who are dually certified to provide services to adult and juvenile clients may have a combination of adult and juvenile-centered specialized continuing education.
  - c. No more than 16 hours of continuing education specific to the treatment of victims of sexual abuse can be used to count toward the minimum number of continuing education hours.
  - d. Any on-line education must be from a recognized accredited educational institution, and no more than 10 hours of continuing education credits obtained from such on-line educational resources shall count toward the biennial 40 hour continuing education requirement.
  - e. Teaching relevant coursework at an accredited university or college, or providing training at a conference or workshop training (to be reviewed and approved by the SOMB) can substitute for up to one-half of the continuing education hours for an applicant.
- B. To maintain certification as a Provisional/Supervised Psychosexual Evaluator, a person must receive a minimum of 20 verifiable hours of specialized continuing education in the form of workshops, conferences, symposia, or on-line training annually. This specialized continuing education must meet the standards outlined in this section.
- C. A person not meeting the continuing education requirements set forth in this section when submitting a renewal application for certification may submit a written request for a 60-day extension to submit proof of meeting continuing

education requirements. Failure to fully meet the minimum requirements may result in the psychosexual evaluator being placed in a less independent level of certification or denial of the renewal application.

#### **XIV. CONDITIONAL WAIVER**

- A. A conditional waiver request shall only be considered one time during initial application for applicants at the Senior/Approved or Associate/Supervised levels. Any application for advancement in certification level shall be considered as an initial application for conditional waiver purposes.
- B. Conditional waivers are not permitted and requests shall not be considered by the SOMB with respect to the formal educational and professional licensure requirements for psychosexual evaluators as specified in this section.
- C. A person submitting a petition for conditional waiver shall clearly articulate in writing the reasons that the one-time, time-limited exception for this requirement should be considered by the SOMB.
- D. The SOMB has sole discretion and final authority for granting or denying any conditional waiver requests, and determining any terms of the waiver if so granted.
- E. Initial Application for Certification. A person not meeting the minimum *clinical experience and/or psychosexual evaluation minimum and/or specialized training requirements* set forth in this section at the time of *initial* application for certification may formally petition the SOMB in writing for a time-limited conditional waiver.
  - a. A conditional waiver granted at the time of initial certification shall remain in effect for 2 years, excepts as provided below.
  - b. To be eligible for renewal certification as a psychosexual evaluator, a person granted a conditional waiver at the time of the initial application process shall be required to fully meet the minimum requirements and qualifications outlined in this section for the application level of certification at the time of the application for renewal. Failure to fully meet

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

- c. The ongoing practice of the applicant, if granted a conditional waiver and certified during the initial application process, will be subject to the terms and any remedial action as established by the SOMB. The terms and remedial actions may, at the SOMB's discretion, include a period of clinical supervision.

## **XV. RECIPROCITY**

- A. The SOMB may waive any initial certification pre-requisites for an applicant after receiving the applicant's credentials and determining that the applicant holds a current license/certification/credential from another state or jurisdiction to conduct post-conviction psychosexual evaluations that has requirements that are substantially equivalent to those set forth by the SOMB. The applicant must have obtained or be in the process of obtaining a valid Idaho license to practice as a psychiatrist, psychologist, social worker, professional counselor, or marriage and family therapist, with such license issued by the appropriate/respective regulatory body for the discipline or profession.
  - a. The level of Idaho certification shall be determined by the SOMB upon reviewing the applicant's credentials.
  - b. The SOMB reserves the right to require the applicant to meet minimum standards for Idaho certification.
  - c. A person who has been certified by the SOMB by reciprocity consideration on initial application shall be required to meet all qualifications, requirements and quality assurance standards set forth by the SOMB for continued Idaho certification.
- B. Providers of applicable sex offender management services residing in other states or jurisdictions must be certified by the Idaho SOMB to be eligible to receive referrals to provide pre-sentence services to Idaho sex offenders.

## **XVI. SOMB DECISIONMAKING PROCESSES FOR CERTIFYING PSYCHOSEXUAL EVALUATORS**

- A. Certification Committee. The SOMB shall establish/appoint a Certification Committee composed of no fewer than 4 members to oversee the certification of psychosexual evaluators pursuant to this section. The Certification Committee will review all applications for initial certification, requests for changes in level of certification, reinstatement requests, or applicants on monitoring status. Renewal applications will be reviewed by the Certification Committee when requested by the SOMB coordinator.

The Certification Committee shall minimally include:

- a. Two current SOMB members who are eligible for certification as a Senior/Approved Evaluator or Treatment Provider;
- b. A non-clinical SOMB member; and
- c. A SOMB member of the board's choosing.

The Certification Committee will provide a recommendation to the SOMB for final approval or denial of the application. No Certification Committee member holding a personal or financial interest in an application before the committee shall participate in the deliberation or voting on approval of the application.

- B. Verification of Completeness of Applications. The SOMB coordinator shall:
- a. Determine, using an established checklist, the completeness of any application submitted for certification;
  - b. Provide written notification to the applicant within 5 business days of the receipt of the application and indicate whether:
    - i. All required items (the application, supporting documentation, and fees) have been received and the application is complete and ready for review by the Certification Committee; or
    - ii. Any required items are absent and needed to complete the application in order to be forwarded to the Certification Committee for review, and a deadline for submitting these items.

- c. Provide to the Certification Committee the completed packet of applications for initial certification, requests for changes in level of certification, reinstatement requests, or applicants on monitoring status for review prior to the regularly scheduled meeting.
  - d. Provide to the Certification Committee a completed renewal application packet if the SOMB coordinator has questions regarding the application.
- C. To be considered for review by the Certification Committee in a given month, the completed application and all supporting documentation must be received no less than 30 days prior to the next scheduled meeting date, with such meeting dates published on the SOMB calendar/website. Late submission of an application will be reviewed by the SOMB as time allows and under no circumstances will the SOMB consider an application submitted within 14 days of the next scheduled meeting.
- D. A Certification Review Form shall be completed for each applicant reviewed on the date of the meeting, noting the decision of the committee.
- E. The Certification Committee shall, make a recommendation to the SOMB to approve, deny or otherwise monitor certification with. The SOMB making the final certification decision.
- F. The SOMB shall provide each applicant a written notification, within 15 business days, of the final approval/denial status as decided by the SOMB.
- G. Denial of Certification.
  - a. The SOMB shall provide written notification to the applicant within 15 business days of the denial decision, the reason(s) for the denial and notice of the right to a hearing; and
  - b. The SOMB may provide the applicant any recommended remedial steps or actions that can be taken to support further consideration for certification and any deadlines or timeframes in which such remedial action should occur.

- c. A person who submits, less than 365 days from the submission of the previously denied application for certification, a revised application shall not be required to provide another application processing fee.
- H. The SOMB shall retain a complete file for each applicant seeking initial or renewal certification, including all written correspondence, applications and supporting documentation, and approval/denial decisions.

## **XVII. CERTIFICATION PERIOD**

- A. Certification as a Senior/Approved Psychosexual Evaluator or an Associate/Supervised Psychosexual Evaluator shall remain in effect for 2 years provided that the evaluator continues to meet the criteria for such certification and such certification has not been suspended, revoked, otherwise restricted or on voluntary inactive status. Renewal application shall typically occur during a person's month of birth 2 years following initial certification, and every 2 years thereafter.
- B. Certification as a Provisional/Supervised Psychosexual Evaluator shall remain in effect for 1 year provided that the evaluator continues to meet the criteria for such certification and such certification has not been suspended or revoked. Renewal application shall typically occur during a person's month of birth one year following initial certification and every year thereafter, not to exceed 3 years. Certification as a Provisional/Supervised Psychosexual Evaluator is limited to a 3 year period.
- C. The SOMB shall issue to each applicant approved for certification a certificate that:
  - a. Designates the person as a certified evaluator for the appropriate level of certification and population the person is authorized to evaluate (adults);
  - b. Indicates the effective period of the person's certification status, including the expiration date; and
  - c. Is signed by the Chair and Vice Chair of the SOMB.

- D. The SOMB shall notify in writing each certified evaluator of the expiration of their approved status within 90 days of the expiration of their effective term of certification, outline the steps necessary to apply for renewal, and the deadline for providing a completed application for renewal. However, the certificate holder is ultimately responsible for timely renewal of certification.
- E. A person whose certification has not been renewed by the expiration date on the certificate issued by the SOMB shall no longer be certified as such and shall be removed from the central roster.
- F. Expiration. A person whose certification has expired may reapply at any time for certification as follows:
  - a. A person whose certification has been expired for less than 365 days may reapply for certification following the certification *renewal* process as b
  - b. A person whose certification has been expired for 365 days or more may reapply for certification by following the *initial* certification process as outlined in this section.