

Section 5: SOMB Application Process and Disciplinary and Complaint Procedures

I. APPLICATION PROCESS

- A. Any person seeking certification by the SOMB to provide sexual offender services pursuant to these standards does so voluntarily and shall apply for certification only upon reviewing and understanding the certification requirements of the certification type.
- B. By submitting an application for SOMB certification to conduct sexual offender services in accordance with these standard, the applicant:
 - a. Attests that they meet the minimum requirements and qualifications for the category of certification for which they are applying;
 - b. Agrees that the information provided through the application process is truthful and accurate;
 - c. Agrees to participate in any quality assurance or auditing processes as established by the SOMB in support of upholding the goals, objectives, and guiding principles as set forth in these standards; and
 - d. Understands that the SOMB has statutory responsibility and final authority for making all initial and renewal certification decisions – including approval, denial, suspension, revocation or other monitoring of certification.
- C. Application for Initial Certification. A person seeking certification shall submit the following:
 - a. A completed application using any forms developed by the SOMB for the purposes of certification;
 - b. Any and all accompanying supporting documentation as indicated on such application form(s) and in accordance with the criteria and requirements set forth in this section including, but not limited to:
 - i. Proof of licensure, if applicable for the level of certification;
 - ii. Verification of educational requirements;
 - iii. Proof of professional liability insurance;

- iv. The assurances and release form;
- v. The applicable non-refundable initial application fee payable to the Idaho Sexual Offender Management Board; and
- vi. Any additional information or documentation as deemed necessary by the SOMB to make an appropriate certification decision.

c. Psychosexual evaluator required documentation

- i. Attestation of clinical experience and specialized training requirements, if applicable for the level of certification
- ii. For a Senior/Approved Psychosexual Evaluator or an Associate/Supervised Psychosexual Evaluator applicant, copies of 2 adult psychosexual evaluation reports that:
 - 1. Were conducted by the applicant on separate clients;
 - 2. Were completed within the year preceding the application;
 - 3. Have the identifying information and characteristics redacted; and
 - 4. Have not been previously submitted to the SOMB as part of any review and certification process as set forth in this section.
- iii. Supervision agreement for an Associate/Supervised Psychosexual Evaluator or a Provisional/Supervised Psychosexual Evaluator applicant;

d. Treatment provider required documentation

- i. Attestation of clinical experience and specialized training requirements, if applicable for level of certification;
- ii. For a Senior/Approved Sex Offender Treatment Provider or an Associate/Supervised Sex Offender Treatment Provider, copies of 2 treatment plans, 2 progress reports and 2 treatment summary reports that:
 - 1. Were developed by the applicant on separate clients;
 - 2. Were developed within the year preceding the application;
 - 3. Have the identifying information and characteristics redacted; and

4. Have not been previously submitted to the SOMB as part of any review and certification process as set forth in this section.
- iii. For a Senior/Approved Sex Offender Treatment Provider or an Associate/Supervised Sex Offender Treatment Provider, documentation related to the person's treatment program curriculum to include:
1. A program narrative describing the sex offender treatment program theory/model;
 2. Modality (e.g. individual, group, family, etc.) of treatment used for the sex offender treatment program;
 3. Acceptance criteria for the sex offender treatment program;
 4. Descriptions about how treatment plans are developed and modified;
 5. Templates of treatment plans, contracts and agreements;
 6. Treatment program rules and expectations;
 7. Assessment tools to be used to inform treatment planning and gauge treatment progress;
 8. An outline of modules, exercises and activities;
 9. Data to be collected to assess program impact and effectiveness;
and
 10. The supervision agreement for an Associate/Supervised Sex Offender Treatment Provider or a Provisional/Supervised Sex Offender Treatment Provider.

e. Polygraph examiner required documentation

- i. Three (3) professional references attesting to the quality and integrity of the applicant's polygraph examination practices, of which:
 1. One (1) must be from a peer outside of the person's place of business and who is PCSOT certified;

2. One (1) must be from professional certified by the SOMB as a Post-Conviction Sex Offender Treatment Provider pursuant to this section and who is familiar with the polygraph practices of the applicant; and
 3. One (1) must be from a supervision officer/manager from the Idaho Department of Correction or Idaho Department of Juvenile Corrections, who is familiar with the practices of the applicant and who is so authorized to provide such a reference letter.
- ii. The supervision agreement for an Associate/Supervised Post-Conviction Sex Offender Polygraph Examiner applicant;
 - iii. **Application for Renewal of Certification.** A person seeking renewal of certification to provide sexual offender services shall submit, within 30 days of the expiration of the effective dates of the initial certification period indicated on the certificate issued by the SOMB:
 - a. A completed application using any forms developed by the SOMB for the purposes of certification;
 - b. Any and all accompanying supporting documentation as indicated on such application form(s) and in accordance with the criteria and requirements set forth in this chapter, including, but not limited to:
 - i. Proof of licensure if applicable for level of certification;
 - ii. Proof of professional liability insurance;
 - iii. Verification of continuing educational requirements if applicable for level of certification or a request for an extension of time to complete continuing education;
 - iv. The assurances and release form;
 - v. Supervision agreement if applicable for level of certification;

- vi. The applicable non-refundable renewal application fee payable to the Idaho Sexual Offender Management Board; and
 - vii. Any additional information or documentation as deemed necessary by the SOMB to make an appropriate certification decision.
- c. Treatment providers must submit documentation related to any changes to the person's initial certification application treatment program curriculum.
- d. At the time of renewal providers are required to submit the following documentation for quality assurance review:
- i. Senior/Approved **Psychosexual Evaluator** or Associate/Supervised Psychosexual Evaluator will submit copies of 2 psychosexual evaluation reports that:
 - 1. Were conducted or assisted with by the applicant on separate clients;
 - 2. Were completed within the two years preceding the application;
 - 3. Have the identifying information and characteristics redacted; and
 - 4. Have not been previously submitted to the SOMB as part of any certification or quality assurance process as set forth in these standards.
 - ii. Senior/Approved **Treatment Provider** or Associate/Supervised Treatment Provider will submit copies of 2 treatment plans, 2 progress reports, and 2 treatment summary reports that:
 - 1. Were developed by the applicant on separate clients;

2. Were developed with the two years preceding the application;
 3. Have the identifying information and characteristics redacted; and
 4. Have not been previously submitted to the SOMB as part of any review and certification process as set forth in this section.
- iii. Senior/Approved **Post-Conviction Sex Offender Polygraph Examiner** will submit copies of 2 redacted PCSOT polygraph examination reports that were conducted by the applicant within the previous 2 years.

iv. Request for Change in Level of Certification

a. Psychosexual Evaluators

- i. *Request to Advance to a Senior/Approved Level of Certification.* A person currently certified as an Associate/Supervised Psychosexual Evaluator may apply, at any time during an effective period of certification as an Associate/Supervised Psychosexual Evaluator, for a change of certification status to a Senior/Approved Psychosexual Evaluator level, provided that:
 1. The person meets the established requirements and qualifications for initial certification as a Senior/Approved Psychosexual Evaluator;
 2. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any

accompanying supporting documentation as indicated on such application form;

3. A letter of attestation and support is received from the Senior/Approved Psychosexual Evaluator responsible for the supervision of the applicant while certified as an Associate/Supervised Psychosexual Evaluator; and
4. Payment of a non-refundable renewal application processing fee, if applicable.

ii. *Request to Advance to an Associate/Supervised Level of Certification.* A person currently certified as a Provisional/Supervised Psychosexual Evaluator may apply, at any time during an effective period of certification as a Provisional/Supervised Psychosexual Evaluator, for a change of certification status to an Associate/Supervised Psychosexual Evaluator level provided that:

1. The person meets the established requirements and qualifications for initial certification as an Associate/Supervised Psychosexual Evaluator;
2. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any accompanying supporting documentation as indicated on such application form;
3. A letter of attestation and support is received from the Senior/Approved Psychosexual Evaluator responsible for the supervision of the applicant while certified as a Provisional/Supervised Psychosexual Evaluator; and
4. Payment of a non-refundable renewal application processing fee, if applicable.

iii. *Request to Change to Less Independent Level of Certification.*

An evaluator may apply, at any time during an effective period of certification for a change in certification status to a less independent level of certification in the event that:

1. The person no longer meets the established requirements and qualifications for their current level of certification;
2. The person meets the established requirements and qualifications for the less independent level of certification;
3. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any accompanying supporting documentation as indicated on such application form, and specifying in writing the reason(s) for the request for a lower level of certification; and
4. Payment of a non-refundable renewal application processing fee, if applicable.

iv. *Voluntary Request for Placement on Inactive Status*

1. A person certified in accordance with this section may, at any time, voluntarily request placement on inactive status by submitting a written request to the SOMB, specifying the reason(s) for the request and indicating the date at which their inactivity or removal is to be effective;
2. The SOMB shall respond in writing within 15 business days of receipt of the request to provide confirmation of the request;

3. A person voluntarily placed on inactive status shall be removed from the central roster of certified evaluators;
4. To reinstate their certification, a person who has been placed voluntarily on inactive status for less than 365 days must reapply for certification in accordance with the certification renewal process as outlined in this section, and any processing fees shall be waived; or
5. To reinstate their certification, a person who has been placed voluntarily on inactive status for 365 days or more must reapply for certification in accordance with the initial certification process as outlined in this section and submit the applicable processing fees.

b. Treatment Providers

- i. *Request to Advance to a Senior/Approved Level of Certification.* A person currently certified as an Associate/Supervised Sex Offender Treatment Provider may apply, at any time during an effective period of certification as an Associate/Supervised Sex Offender Treatment Provider, for a change of certification status to a Senior/Approved Sex Offender Treatment Provider level provided that:
 1. The person meets the established requirements and qualifications for initial certification as a Senior/Approved Sex Offender Treatment Provider;
 2. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any accompanying supporting documentation as indicated on such application form;

3. A letter of attestation and support is received from the Senior/Approved Sex Offender Treatment Provider responsible for the supervision of the applicant while certified as an Associate/Supervised Sexual Offender Treatment Provider; and
 4. Payment of a non-refundable renewal application processing fee, if applicable.
- ii. *Request to Advance to an Associate/Supervised Level of Certification.* A person currently certified as a Provisional/Supervised Sex Offender Treatment Provider may apply, at any time during an effective period of certification as a Provisional/Supervised Sex Offender Treatment Provider, for a change of certification status to an Associate/Supervised Sex Offender Treatment Provider level provided that:
1. The person meets the established requirements and qualifications for initial certification as an Associate/Supervised Sex Offender Treatment Provider;
 2. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any accompanying supporting documentation as indicated on such application form;
 3. A letter of attestation and support is received from the Senior/Approved Sex Offender Treatment Provider responsible for the supervision of the applicant; and
 4. Payment of a non-refundable renewal application processing fee, if applicable.

iii. *Request to Change to Less Independent Level of Certification.*

Treatment provider may apply, at any time during an effective period of certification for a change in certification status to a less independent level of certification in the event that:

1. The person no longer meets the established requirements and qualifications for their current level of certification;
2. The person meets the established requirements and qualifications for the less independent level of certification;
3. A completed change in certification level application is received, using proper forms developed by the SOMB for the purposes of certification, along with any accompanying supporting documentation as indicated on such application form, and specifying in writing the reason(s) for the request for a lower level of certification; and
4. Payment of a non-refundable renewal application processing fee, if applicable.

iv. *Voluntary Request for Placement on Inactive Status.*

1. A person certified in accordance with this section may, at any time, voluntarily request placement on inactive status by submitting a written request to the SOMB, specifying the reason(s) for the request and indicating the date at which their inactivity or removal is requested to be effective;
2. The SOMB shall respond in writing within 15 business days of receipt of the request to provide confirmation of the request;

3. A person voluntarily placed on inactive status shall be removed from the central roster of certified treatment providers;
4. To reinstate their certification, a person who has been placed voluntarily on inactive status for less than 365 days must reapply for certification in accordance with the certification renewal process as outlined in this section, and any processing fees shall be waived; or
5. To reinstate their certification, a person who has been placed voluntarily on inactive status for 365 days or more must reapply for certification in accordance with the initial certification process as outlined in this section and submit the applicable processing fees.

c. Polygraph Examiners

- i. *Request to advance to a Senior/Approved level of certification.*
A person currently certified as an Associate/Supervised Post-Conviction Sex Offender Polygraph Examiner may apply for a change of certification status to a Senior/Approved Post-Conviction Sex Offender Polygraph Examiner within 2 years from the person's month of birth following initial certification, provided that:
 1. The person meets the established requirements and qualifications for a Senior/Approved Post-Conviction Sex Offender Polygraph Examiner;
 2. A completed change in certification level application is received, using proper forms developed by the SOMB for purposes of certification, along with any supporting documentation as indicated on such application form;

3. A letter of attestation and support is received from the SOMB-certified Senior/Approved level Post-Conviction Sex Offender Polygraph Examiner responsible for supervision of the applicant and as outlined in the formal supervision agreement previously approved by the SOMB; and
 4. Payment of a non-refundable renewal application processing fee, if applicable.
 - ii. A person who fails to request advancement to Senior/Approved Post-Conviction Sex Offender Polygraph Examiner status upon completion of the 2-year time limitation shall no longer be certified and shall be removed from the central roster.
 - iii. Voluntary Request for Placement on Inactive Status.
 1. A person certified to conduct post-conviction sex offender polygraph examinations in accordance with this section may, at any time, voluntarily request placement on inactive status by submitting a written request to the SOMB, specifying the reason(s) for the request and indicating the date(s) at which their inactivity is requested to be effective.
 2. The SOMB shall respond in writing within 15 business days of receipt of the request to provide confirmation of the request and the person shall be removed from the roster of certified Sex Offender Polygraph Examiners.
 3. An examiner who has been placed voluntarily on inactive status for less than 365 days may reapply for certification in accordance with the certification

renewal process as outlined in this section, and any processing fees shall be waived.

4. An examiner who has been placed voluntarily on inactive status for 365 days or more may reapply for certification in accordance with the initial certification process as outlined in this section and submit the applicable processing fees.

II. APPLICABLE FEES

A. Psychosexual Evaluator

- a. \$75 for each person submitting an application for initial certification as a Senior/Approved Psychosexual Evaluator or as an Associate/Supervised Psychosexual Evaluator;
- b. \$50 for each person applying for a 2-year renewal of certification as a Senior/Approved Psychosexual Evaluator or as an Associate/Supervised Psychosexual Evaluator;
- c. \$50 for each person submitting an application for initial certification as a Provisional/Supervised Psychosexual Evaluator;
- d. \$30 for each person applying for annual renewal of certification as a Provisional/Supervised Psychosexual Evaluator;
- e. \$50 renewal processing fee for each person submitting an application for change in certification level from Senior/Approved Psychosexual Evaluator or Associate/Supervised Psychosexual Evaluator 365 days or more subsequent to the most recent effective certification date issued by the SOMB; and
- f. \$30 renewal processing fee for each person submitting an application for change in certification level from Provisional/Supervised Psychosexual Evaluator 365 days or more subsequent to the most recent effective certification date issued by the SOMB.

B. Treatment Provider

- a. \$75 for each person submitting an application for initial certification as a Senior/Approved Sex Offender Treatment Provider or as an Associate/Supervised Sex Offender Treatment Provider;
- b. \$50 for each person applying for a 2-year renewal of certification as a Senior/Approved Sex Offender Treatment Provider or as an Associate/Supervised Sex Offender Treatment Provider;
- c. \$50 for each person submitting an application for initial certification as a Provisional/Supervised Sex Offender Treatment Provider;
- d. \$30 for each person applying for annual renewal of certification as a Provisional/Supervised Sex Offender Treatment Provider;
- e. \$50 renewal processing fee for each person submitting an application for change in certification level status from Senior/Approved Sex Offender Treatment Provider or Associate/Supervised Sex Offender Treatment Provider 365 days or more subsequent to the most recent effective certification date issued by the SOMB; and
- f. \$30 renewal processing fee for each person submitting an application for change in certification level status from Provisional/Supervised Sex Offender Treatment Provider 365 days or more subsequent to the most recent effective certification date issued by the SOMB.

B. Polygraph Examiner

- a. \$75 for each person submitting an application for initial certification as a Senior/Approved Post-Conviction Sex Offender Polygraph Examiner and an Associate/Supervised Post-Conviction Sex Offender Polygraph Examiner;
- b. \$50 for each person applying for a 2-year renewal of certification as a Senior/Approved Post-Conviction Sex Offender Polygraph Examiner; and
- c. \$50 for each person submitting an application for change in certification level from Associate/Supervised Post-Conviction Sex Offender Polygraph Examiner 365 days or more subsequent to the most recent effective certification date issued by the SOMB.

- d. \$25 processing fee for each person submitting a request for an extension of time to complete continuing education requirements.

XIII. CERTIFICATION DENIAL, SUSPENSION, REVOCATION, RESTRICTION, OR MONITORING

The SOMB may deny, suspend, revoke, restrict or otherwise monitor certification of an applicant or a person who is currently certified by the SOMB for any of the following reasons.

A. Grounds for Denial, Suspension, Revocation, Restriction or Other Monitoring of Certificate.

- a. Failure to meet or maintain the minimum eligibility criteria and qualifications for certification established by law or rule adopted by the SOMB;
- b. 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;
- c. Misrepresentation of current level/designation of certification, or practicing outside the scope of current level/designation of certification;
- d. Failure to comply with Section 18-8316, Idaho Code, the Rules of the Sex Offender Management Board (IDAPA 57.01.01), or the standards adopted by the SOMB;
- e. Failure to demonstrate an understanding of counter-transference issues and a broad knowledge of sexuality in the general populations, and basic theories and typologies of sex offenders and sexual assault victims;
- f. Failure or refusal to comply with the quality assurance review process or to cooperate during any investigation concerning certification, or otherwise interfering with the quality assurance review or investigative processes, which includes the failure or refusal to provide data, information or records as requested by the SOMB or designee;
- g. Failure to comply with any Final order issued by the SOMB, informal disciplinary measures, or remedial steps or corrective action ordered by the

SOMB as a condition of continued certification, including practicing on a suspended or restricted certification;

- h. Engaging in conduct that departs from the SOMB Standards;
- i. 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;
- j. Conviction of, or entry of a withheld judgment or plea of *nolo contendere* to, conduct constituting a felony;
- k. Conviction of a crime of moral turpitude; or
- l. Failure to notify the SOMB in writing of any circumstances that affect their eligibility for certification, including any disciplinary action taken against the certification holder by a respective professional licensing board, or conviction of any felony or crime of moral turpitude.

B. Mirroring Orders and Emergency Suspensions.

- a. Mirroring Orders.
 - i. In the event a state licensing board with authority over a certificate holder's professional license takes action against the certificate holder's professional license in any fashion which suspends, restricts, limits or affects the certificate holder's ability to provide services pursuant to their SOMB certification, the certificate holder shall promptly notify the SOMB of the action.
 - ii. Upon notification of such action and receipt of an official order from the professional licensing board, the SOMB shall be authorized to issue its order suspending, restricting, limiting or otherwise affecting the certificate holder's SOMB certification in the same fashion as the professional licensing board action.
 - iii. The SOMB order 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 appeal or rehearing.

b. Emergency Suspension.

- i. Pursuant to Section 67-5247, Idaho Code, if the SOMB finds that public health, safety or welfare requires immediate emergency action the SOMB may take such action necessary to prevent or avoid the immediate danger.
- ii. The SOMB may issue an order suspending a certificate 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 the specific action. The order will be effective when issued.
- iii. After issuance of an emergency order, the SOMB will immediately initiate the disciplinary process procedures that would have occurred had an emergency not existed.

C. Levels of Discipline.

- a. Formal Discipline. Formal disciplinary action consists of suspension, revocation, or other restrictions. Formal disciplinary actions restrict or otherwise impede a certificate holder's ability to perform sex offender services consistent with their certification level. Formal disciplinary action decisions will be posted on the SOMB website and the central roster, and notification will be made to the courts.
 - i. Suspension. A certificate may be suspended by the SOMB for a period not to exceed one (1) year. During a period of suspension, the certificate holder may not perform post-conviction evaluations, provide specialized sex-offender treatment or conduct post-conviction sex offender polygraphs as provided in Section 18-8314, Idaho Code.
 - ii. Revocation. A certificate may be revoked by the SOMB for a period not to exceed one (1) year. Upon a second or subsequent revocation, a certificate may be revoked for a period not to exceed five (5) years. During a period of revocation, the certificate holder may not perform

post-conviction evaluations, provide specialized sex-offender treatment or conduct post-conviction sex offender polygraphs as provided in Section 18-8314, Idaho Code.

- iii. Restrictions. A certificate may be restricted by requiring that the certificate holder comply with the SOMB's directives. The duration of any restriction placed on a certificate will be established by a specified date, by the performance of a certain remedial or corrective action, or a combination thereof; however, the duration of a certificate under restriction should not exceed one (1) year.
- b. Informal Discipline. Informal disciplinary action consists of monitoring a certificate holder or issuing letters of informal reprimand or counseling. Informal disciplinary actions do not restrict or otherwise impede a certificate holder's ability to perform sex offender services consistent with their certification level. Informal disciplinary actions are not public, will not be posted on the SOMB website or central roster, and notification will not be made to the courts.
 - i. Monitoring consists of routinely reviewing a certificate holder's performance to assist the certificate holder with understanding the dynamics of the population served and compliance with the SOMB standards. Monitoring may also include recommendations for specialized training or use of a mentor approved by the SOMB.
 - ii. Letters of Informal Reprimand or Counseling are used to provide guidance or recommendations to the certificate holder concerning areas for improvement.
- c. Withholding Formal Discipline and Probation. The SOMB may withhold the imposition of any formal discipline and place the certificate holder on a period of probation not to exceed two (2) years. The SOMB may impose any conditions of probation as deemed necessary to ensure compliance with the SOMB standards of practice, including but not limited to attendance at

specialized training, review of work product by the SOMB or designee, or supervision by a senior level certificate holder. Failure to comply with a probationary term may result in the imposition of any suspended discipline after a hearing.

- d. Certificate holders facing formal disciplinary action will have a right to a hearing as provided below. Certificate holders facing informal disciplinary action will not have a right to a hearing, but may face formal disciplinary action for not complying with any informal disciplinary action as agreed to by both parties. Should a certificate holder not agree to the informal disciplinary action recommended by the SOMB, the SOMB reserves the right to initiate formal disciplinary proceedings.
- e. 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.
- f. The SOMB is not authorized to impose criminal penalties, such as criminal probation or incarceration.

XIV. DISCIPLINARY PROCESS

The disciplinary process begins upon receipt of information by the SOMB that a certificate holder has violated any of the provisions of Idaho Code, SOMB Rules or SOMB standards.

- A. The disciplinary process may be initiated by the receipt of a written complaint from any person, including any member of the public, a client of the certificate holder, court personnel, and legal representatives. The disciplinary process may also be initiated as a result of a quality assurance review or based upon a review of information submitted to the SOMB during the certification process, monitoring process or while under formal probation.
- B. Process for Submitting Complaints.
 - a. All complaints must be in writing and contain the following information:
 - i. The full name and address of the complainant;

- ii. The name, address and telephone number (if known) of the certificate holder; and
 - iii. A clear and accurate statement of the facts describing the allegations against the certificate holder.
 - b. Complaints filed against a person who is not certified by the SOMB at the time of the events contained in the allegation will not be reviewed by the SOMB.
 - c. The SOMB will provide written notice to the complainant that the complaint has been received and under review. Notice shall occur within fifteen (15) business days of receiving the complaint.
 - d. The identity of the complainant will remain confidential until such time as it is determined that disciplinary action will be taken.
 - e. Anonymous complaints will be accepted and reviewed; however, the inability of the SOMB to obtain information to support the allegations will result in the complaint being dismissed.
- C. Initial Review.
 - a. An initial or preliminary review of any complaint or information received will be conducted by the SOMB coordinator to determine if the SOMB has jurisdiction.
 - b. If the SOMB has jurisdiction, the complaint and any supporting information will be routed to the Certification Committee for review to determine if there is a possible violation of the SOMB's rules or standards.
 - c. If there is no jurisdiction or if the review does not reveal any possible violations, the case will be closed with a letter sent to the certificate holder and the individual, if any, who filed the complaint.
 - d. Any complaints received alleging criminal activity will be referred to the appropriate law enforcement agency.

- e. Any complaints received alleging activity in violation of any professional licensing standards will be referred to the appropriate professional licensing board.
- D. Investigation. If it is determined that the SOMB has jurisdiction and the Certification Committee identifies possible violations exist, an investigation will be conducted by a Certification Committee member(s) or designee.
- a. The certificate holder will be notified in writing that a complaint against them has been received by the SOMB or that the SOMB is in receipt of other information causing concern with the certificate holder's compliance with Idaho Code, SOMB Rules, or the SOMB standards and is under investigation. This notice shall occur within fifteen (15) business days.
 - b. At a minimum, the investigation will consist of gathering relevant documents, meeting with the complainant (if any) and any witnesses, and meeting with the certificate holder.
 - c. A certificate holder is required to participate in the investigative process as a condition of certification.
 - d. The investigative findings will be presented to the SOMB, without revealing the identity of the certificate holder, with recommendations for formal discipline, informal discipline, or closure with no further action. The SOMB will either:
 - i. Approve the recommendations of the investigation;
 - ii. Modify the recommendations of the investigation; or
 - iii. Close the case without further action.
- E. Informal Discipline.
- a. The imposition of informal discipline must be approved by the SOMB.
 - b. Letters of Informal Reprimand or Counseling.
 - i. Letters will be mailed to the certificate holder without consultation with the certificate holder.

- ii. These letters do not constitute a final order and are not subject to review by the district court.
- c. Monitoring.
 - i. Upon approval by the SOMB, Certification Committee member(s) or designee will contact the certificate holder to discuss the informal discipline and monitoring being recommended.
 - ii. Any agreement to informal discipline involving monitoring will be reduced to writing and signed by both parties.
 - iii. The written informal discipline agreement will be presented to the SOMB for final approval. The final approval by the SOMB does not constitute a final order and is not subject to review by the district court.

F. Formal Disciplinary Action When the SOMB has determined there is cause for formal discipline against the certificate holder, disciplinary proceedings will be initiated pursuant to the Idaho Rules of Administrative Procedure of the Attorney General (IDAPA 04.11.01).

G. Reinstatement of Certification after Denial or Formal Disciplinary Action.

- a. Denial. An applicant whose certification has been denied may reapply subsequent to completing any remedial steps or corrective action as recommended by the SOMB, or when evidence is available confirming that the person meets the required qualifications.
- b. Suspension. A person whose certification has been suspended may apply for reinstatement of their certification after the duration of the suspension has expired by providing the following:
 - i. Submitting a completed application for reinstatement. Reinstatement shall follow the certification *renewal* process as outlined in these standards;
 - ii. Payment of any reinstatement fees;
 - iii. Providing evidence to the satisfaction of the SOMB of compliance with any remedial steps or corrective action ordered by the SOMB; and

- iv. Any other information requested by the SOMB to demonstrate compliance with minimum criteria and qualifications for certification.
- c. Restriction. A person whose certification has been restricted shall request the SOMB remove the restrictions after the duration of the restriction as established by the SOMB has expired. If a time frame for restriction was not established, the request may be made after the certificate holder has completed any remedial steps or corrective action required by the SOMB. The certificate holder must provide the following:
 - i. Evidence to the satisfaction of the SOMB of compliance with any remedial steps or corrective action ordered by the SOMB; and
 - ii. Any other information requested by the SOMB to demonstrate compliance with minimum criteria and qualifications for certification.
- d. Revocation. A person whose certification has been revoked may request reinstatement after the one (1) year revocation period has expired. Reinstatement shall follow the *initial* certification process as outlined in these standards.
 - i. A person must meet all minimum criteria and qualifications for certification to be eligible for reinstatement.
 - ii. The SOMB shall have discretion to impose any monitoring conditions upon a certificate holder whose certificate has been reinstated following revocation.
- e. Withheld Discipline and Probation. A certificate holder whose formal discipline was withheld and placed on probationary status, may seek reinstatement after the period of probation has expired and any conditions imposed have been met providing the following:
 - i. Submitting a completed application for reinstatement. Reinstatement shall follow the certification *renewal* process as outlined in these standards;
 - ii. Payment of any reinstatement fees;

- iii. Providing evidence to the satisfaction of the SOMB of compliance with any remedial steps or corrective action ordered by the SOMB; and
- iv. Other any other information requested by the SOMB to demonstrate compliance with minimum criteria and qualifications for certification.