

## IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD

### 57.01.01 – RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD

DOCKET NO. 57-0101-2501

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 18-8314](#), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule reduces the number of continuing education hours required of SOMB certified senior and associate level psychosexual evaluators and sexual offender treatment providers from forty (40) hours of specialized continuing education to thirty (30) hours of specialized continuing education. This rule also reduces the number of continuing education hours required of SOMB certified provisional level psychosexual evaluators and sexual offender treatment providers from twenty (20) hours of specialized continuing education to fifteen (15) hours of specialized continuing education. This rule change mirrors the continuing education requirement of related licensing boards in recent years. This rule incorporates by reference the Board's updated standards and guidelines related to continuing education for adult and juvenile certified providers based upon the reduction of continuing education hours provided above.

The SOMB is also removing SOMB IDAPA Rule 101, Continuing Education for Psychosexual Evaluators and Sexual Offender Treatment Provider, and SOMB IDAPA Rule 231, Continuing Education for POST Conviction Sexual Offender Polygraph Examiners. These Rules are redundant as continuing education requirements are detailed in the SOMB Standards and Guidelines for Adult Sexual Offender Management Practices and the Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders, which are incorporated by reference in Rule 003.

The SOMB is also eliminating redundant, non-substantive information from the rules.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There will not be any impact on the General Fund as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted regarding continuing education hours. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 2, 2025, Idaho Administrative Bulletin, [Vol. 25-4, pages 47-48](#).

Negotiated rulemaking was not conducted regarding the removal of Sections 101 and 231, as well as eliminating redundant, non-substantive information from the rules, as these changes are simple, non-substantive and considered maintenance or clean-up to streamline the rule chapter. However, the Board was apprised of the changes.

**INCORPORATION BY REFERENCE:** Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

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The practice standards and certification qualifications established by the agency pursuant to Section 18-8314, Idaho Code, are compiled into documents entitled “Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices;” “Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders;” which are all incorporated by reference into this rulemaking to give them the force and effect of law. These documents, as well as The American Association of Police Polygraphists “Standards and Principles;” and The American Polygraph Association “Standards of Practice” are not being reprinted in this chapter of rules due to their length and format as well as the cost for republication. They can be found on the agency’s website: <http://somb.idaho.gov>.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Nancy Volle at (208) 605-4782.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 29th day of September, 2025.

Nancy Volle, SOMB Program Manager  
 Sexual Offender Management Board  
 1299 N Orchard St Ste#110  
 Boise, ID 83706  
 Phone: (208) 605-4782  
[somb@idoc.idaho.gov](mailto:somb@idoc.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 57-0101-2501**  
**(Only Those Sections With Amendments Are Shown.)**

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**000. LEGAL AUTHORITY.**

~~This chapter is adopted under the legal authority of~~ Section 18-8314(3), Idaho Code, ~~to implement the provisions of Sections 18-8312 through 18-8316, Idaho Code.~~ (3-23-22)(    )

**001. SCOPE.**

**01. Scope.** These rules implement Sections 18-8312 through 18-8316, Idaho Code, and provide procedures for the Sexual Offender Management Board (SOMB) to: (3-23-22)(    )

**a.** Establish certified evaluator, sexual offender treatment provider and post conviction sexual offender polygraph examiner qualifications; (3-23-22)

**b.** Establish standards for psychosexual evaluations and sexual offender treatment programs based on current and evolving best practices; (3-23-22)

**c.** Approve, issue, renew, deny, suspend, revoke, restrict or otherwise monitor a certification; (3-23-22)

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- d. Establish fees for initial and renewal certification; (3-23-22)
- e. Establish procedures for standards and qualification quality assurance; and (3-23-22)
- f. Establish standard protocols for sexual offender management, assessment and classification. (3-23-22)

**002. (RESERVED)**

**003. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into these rules: (3-23-22)

**01. The American Association of Police Polygraphists “Standards and Principles,” © AAPP 2018 v.14.110,** is herein incorporated by reference and is available from the American Association of Police Polygraphists, PO Box 657, Waynesville, Ohio 45068, website <https://www.americanassociationofpolicepolygraphists.org/web/public/standards>. (3-23-22)

**02. The American Polygraph Association “Standards of Practice,” effective August 23, 2019, and “Code of Ethics,” effective September 1, 2015,** are herein incorporated by reference and are available from the American Polygraph Association, PO Box 8037, Chattanooga, Tennessee 37414, website <https://www.polygraph.org>. (3-23-22)

**03. “Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices,”** ~~October 2020~~ **February 2025** revision, is herein incorporated by reference and is available from the Board’s office and on the Board website, <https://somb.idaho.gov/>. (3-23-22)( )

**04. “Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders,”** ~~October 2020~~ **February 2025** revision, is herein incorporated by reference and is available from the Board's office and on the Board's website, <https://somb.idaho.gov/>. (3-23-22)( )

**004. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Board.** The Sexual Offender Management Board described in Section 18-8312, Idaho Code. (3-23-22)

**02. Central Roster.** A roster of evaluators, treatment providers and polygraph examiners, who meet the qualifications and are certified by the Board to conduct psychosexual evaluations, provide sexual offender treatment or conduct post-conviction sexual offender polygraphs. (3-23-22)

**03. Certificate Holder.** A person who has been approved by the Board and certified as meeting qualifications to conduct or assist in the conduct of psychosexual evaluations, provide sexual offender treatment or conduct post conviction sexual offender polygraphs. (3-23-22)

**04. Certified Evaluator.** Either a psychiatrist licensed by this state pursuant to Title 54, Chapter 18, Idaho Code, or a master’s or doctoral level mental health professional licensed by this state pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. The evaluator shall have by education, experience, and training, expertise in the assessment and treatment of sexual offenders, meet the qualifications, and be approved by the Board to perform psychosexual evaluations in this state, as described in Section 18-8314, Idaho Code. A person meeting this definition may be certified by the Board as either a senior/approved certified evaluator or an associate/supervised certified evaluator. (3-23-22)

**05. Certified Post Conviction Sex Offender Polygraph Examiner.** A polygraph examiner who has received specialized post conviction sexual offender testing training, and who is certified by the Board to conduct post conviction sexual offender polygraph examinations as ordered or required by the court, Idaho Department of

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Correction, or Idaho Commission for Pardons and Parole. A person meeting this definition may be certified by the Board as either a senior/approved post conviction sexual offender polygraph examiner or an associate/supervised post conviction sexual offender polygraph examiner. (3-23-22)

**06. Certified Treatment Provider.** A person who has been certified by the Board as meeting qualifications to provide sexual offender treatment as ordered by the court, Idaho Department of Correction, Idaho Commission for Pardons and Parole, or Idaho Department of Juvenile Corrections. Such person shall be licensed by this state or another state or jurisdiction as a psychiatrist, or a master's or doctoral level mental health professional, and who has by education, experience and training, expertise in the treatment of sexual offenders. A person meeting this definition may be certified by the Board as either a senior/approved sex offender treatment provider or an associate/supervised sex offender treatment provider. (3-23-22)

**07. Client.** An adult or juvenile receiving services from a person certified by the Board pursuant to Section 18-8314, Idaho Code. (3-23-22)

**08. Established Standards.** The "Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices" and the "Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders" as referenced in Section 004 of these rules and established pursuant to Section 18-8314, Idaho Code. (3-23-22)

**09. Post Conviction Sexual Offender Testing (PCSOT).** PCSOT is specialized instruction beyond the basic polygraph training for the purpose of specific polygraph testing of post convicted sexual offenders. ( )

**0910. Provisional/Supervised Psychosexual Evaluator.** A person with limited clinical experience and specialized training, who may be licensed or is working toward licensure as a psychiatrist or master's or doctoral level mental health professional, who is authorized by the Board to assist with the conduct of psychosexual evaluations under the clinical supervision of a senior/approved psychosexual evaluator. A person with a provisional/supervised psychosexual evaluator certificate is not considered to be a certified evaluator as defined in Section 18-8303, Idaho Code or for the purposes of conducting a psychosexual evaluation in accordance with Section 18-8316, Idaho Code. Certification approval is specific to adult or juvenile clients. (3-23-22)

**101. Provisional/Supervised Sex Offender Treatment Provider.** A person with limited clinical experience and specialized training, who may be licensed or is working toward licensure as a psychiatrist or master's or doctoral level mental health professional, who is authorized by the Board to provide sexual offender treatment under the clinical supervision of a senior/approved sex offender treatment provider. Certification approval is specific to adult or juvenile clients. (3-23-22)

**142. Psychosexual Evaluation.** A comprehensive evaluation and assessment specifically addressing a person's sexual development, sexual deviancy, sexual history and risk of re-offense. A psychosexual evaluation for the purpose of these rules is conducted post conviction, as ordered by the court pursuant to Section 18-8316, Idaho Code, or Title 20, Chapter 5, Idaho Code, by a person who has been certified by the Board. (3-23-22)

**123. Quality Assurance.** Processes established by the Board to review psychosexual evaluations and sexual offender treatment procedures to assure minimum standards and certificate holder qualifications are met. All quality assurance reviews will be conducted under the direction of the Board. (3-23-22)

**134. Sexual Offender.** A person adjudicated or convicted of an offense as listed in Section 18-8304, Idaho Code, or a substantially equivalent offense under the laws of another state, territory, commonwealth, or other jurisdiction of the United States including tribal courts and military courts; or who has been adjudicated or convicted of a sexual offense-related crime. (3-23-22)

**145. Sexual Offender Classification Board (SOCB).** A board in effect from 1998 to 2011 that determined whether a sexual offender should be designated as a violent sexual predator; set certified evaluator qualifications and standards; and administered an evaluator certification process. (3-23-22)( )

**156. Supervision.** (3-23-22)

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a. For purposes of clinical practice supervision for associate/supervised psychosexual evaluator or associate/supervised sex offender treatment provider certification, supervision is generally considered as face-to-face direct contact, documented teleconferencing, or interactive video conferencing with a Board-approved supervisor using a ratio of one (1) hour of clinical supervision for every twenty (20) hours of direct service provided; or (3-23-22)

b. For purposes of clinical practice supervision for provisional/supervised psychosexual evaluator or provisional/supervised treatment provider certification, supervision is considered as continual face-to-face direct contact with a Board-approved supervisor for the first two hundred fifty (250) hours of direct service provided followed by face-to-face direct contact with a Board-approved supervisor using a ratio of one (1) hour of clinical supervision for every fifteen (15) hours of direct service provided; or (3-23-22)

c. For purposes of supervision for associate/supervised post conviction sexual offender polygraph examiners, supervision is generally considered as face-to-face direct contact with a Board-approved supervisor during conduct of the supervisee's first five (5) PCSOT polygraphs followed by review by a Board-approved supervisor of one (1) PCSOT polygraph for every five (5) PCSOT polygraphs conducted by the supervisee. Such review shall include chart and report review. (3-23-22)

**167. Treatment.** For purposes of certification eligibility the provision of face-to-face individual, group, or family therapy with a person who has been investigated by law enforcement or child protective services for commission of a sexual offense, or who has been adjudicated or convicted of a sexual offense or sexual offense-related crime. Treatment must be directly relevant to the client's sexually offending behavior. (3-23-22)

**178. Violent Sexual Predator.** A person who was designated as a violent sexual predator by the ~~Sexual Offender Classification Board~~ **SOCB** where such designation has not been removed by judicial action or otherwise. (3-23-22)( )

**~~011. ABBREVIATIONS.~~**

**~~01. APA.~~** The American Polygraph Association. (3-23-22)

**~~02. PCSOT.~~** "Post-conviction sexual offender testing" is specialized instruction beyond the basic polygraph training for the purpose of specific polygraph testing of post-convicted sexual offenders. (3-23-22)

**~~03. SOCB.~~** The Sexual Offender Classification Board. (3-23-22)

**~~04. SOMB.~~** The Sexual Offender Management Board. (3-23-22)

**~~0121. -- 019.~~** (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~101. CONTINUING EDUCATION FOR PSYCHOSEXUAL EVALUATORS AND SEXUAL OFFENDER TREATMENT PROVIDERS.~~**

To maintain certification as a psychosexual evaluator or sexual offender treatment provider, a certificate holder must receive continuing education in the field of sexual abuse. (3-23-22)

**~~01. Senior/Approved and Associate/Supervised Certification Levels.~~** A psychosexual evaluator or sexual offender treatment provider who is certified at a senior/approved or an associate/supervised level must receive a minimum of forty (40) hours of specialized continuing education in the form of formal conferences, symposia, seminars, workshops or on-line training over the course of the two-year period prior to each renewal period as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty-day extension to submit proof of meeting continuing education requirements. (3-23-22)

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~~02. **Provisional/Supervised Certification Level.** A provisional/supervised psychosexual evaluator or sexual offender treatment provider must receive a minimum of twenty (20) hours of specialized continuing education in the form of formal conferences, symposia, seminars, workshops or on-line training annually as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty-day extension to submit proof of meeting continuing education requirements.~~ (3-23-22)

~~1021.~~ -- 149. (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**201. LEVELS OF POST CONVICTION SEXUAL OFFENDER POLYGRAPH EXAMINER CERTIFICATION.**

The Board issues certificates within two (2) levels reflective of a person's experience in conducting post conviction sexual offender polygraphs. (3-23-22)

**01. Senior/Approved Post Conviction Sexual Offender Polygraph Examiner.** (3-23-22)

- a. Has graduated from an American Polygraph Association (APA)-accredited polygraph school; (3-23-22)( )
- b. Has successfully completed a minimum of forty (40) hours of formal post conviction sexual offender polygraph testing beyond the basic polygraph training course requirements from an APA-accredited program or school; and (3-23-22)

c. Has successfully completed a minimum of one hundred (100) polygraph examinations. Of this requirement, a minimum of ten (10) sexual history polygraph examinations and a minimum of ten (10) PCSOT maintenance polygraph examinations shall have been conducted within the three (3) years immediately preceding an initial application for certification at this level, as set forth in the established standards issued by the Board; (3-23-22)

**02. Associate/Supervised Post Conviction Sexual Offender Polygraph Examiner.** (3-23-22)

- a. Has graduated from an APA-accredited polygraph school; (3-23-22)
- b. Has successfully completed a minimum of forty (40) hours of formal post conviction sexual offender polygraph testing beyond the basic polygraph training course requirements from an APA-accredited program or school; and (3-23-22)
- c. Shall only conduct polygraphs under the supervision of a Board-approved supervisor as defined in Paragraph 010.15.c. of these rules, and under the terms of a formal supervision agreement. (3-23-22)

~~202.~~ -- ~~230.~~ (RESERVED)

~~**231. CONTINUING EDUCATION FOR POST CONVICTION SEXUAL OFFENDER POLYGRAPH EXAMINERS.**~~

~~To maintain certification as a post conviction sexual offender polygraph examiner, a certificate holder must receive a minimum of thirty (30) hours of continuing education related to the field of polygraphy in the form of formal conferences, symposia, seminars, or workshops over the course of the two-year period prior to each renewal period as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty-day extension to submit proof of meeting continuing education requirements.~~ (3-23-22)

~~232.~~ -- 299. (RESERVED)