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ARTICLE 2. MISDEMEANOR DOMESTIC VIOLENCE OFFENDER TREATMENT

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ARTICLE 2. MISDEMEANOR DOMESTIC VIOLENCE OFFENDER TREATMENT

R9-20-201. Definitions

The following definitions apply in this Article unless otherwise specified:

1. "Administrator" means an individual who has authority and responsibility for managing the provision of treatment.
2. "Applicant" means an individual or business organization that has submitted an application packet to the Department.
3. "Application packet" means the forms, documents, and additional information the Department requires an applicant to submit to become a provider.
4. "Behavioral health professional" means an individual licensed under A.R.S. Title 32 whose scope of practice allows the individual to:
    a. Independently engage in the practice of behavioral health as defined in A.R.S. § 32-3251; or
    b. Except for a licensed substance abuse technician, engage in the practice of behavioral health as defined in A.R.S. § 32-3251 under direct supervision as defined in A.A.C. R4-6-101.
5. "Business organization" has the same meaning as "entity" in A.R.S. § 10-140.
6. "Client" means an individual who is ordered by a referring court to complete a domestic violence offender treatment program as a result of a conviction for a misdemeanor domestic violence offense according to A.R.S. § 13-3601.01.
7. "Client record" means documentation relating to the treatment received by a client.
8. "Controlling person" means a person who, with respect to a business organization:
    a. Through ownership, has the power to vote at least 10% of the outstanding voting securities of the business organization;
    b. If the business organization is a partnership, is a general partner or is a limited partner who holds at least 10% of the voting rights of the partnership;
    c. If the business organization is a corporation, association, or limited liability company, is the president, the chief executive officer, the incorporator, an agent, or any person who owns or controls at least 10% of the voting securities; or
    d. Holds a beneficial interest in 10% or more of the liabilities of the business organization.
9. "Day" means a calendar day, not including the day of the act, event, or default, from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or state holiday, in which case the period runs until the

end of the next day that is not a Saturday, Sunday, or state holiday.

10. "Department" means the Arizona Department of Health Services.
11. "Documentation" means information in written, photographic, electronic, or other permanent form.
12. "Domestic violence offense" has the same meaning as in A.R.S. § 13-3601.01.
13. "Employee" means an individual compensated by a provider for work on behalf of the provider.
14. "Facility" means the building or buildings used to provide treatment.
15. "Monitoring" means the Department's inspection of a facility to determine compliance with this Article.
16. "Provider" means an individual or business organization that meets the standards in this Article, as determined by the Department, and is approved by the Department to provide treatment.
17. "Treatment" means a program of activities for misdemeanor domestic violence offenders according to A.R.S. § 13-3601.01.

R9-20-202. Individuals to Act for Applicant

When an applicant or provider is required by this Article to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or provider:

1. If the applicant or provider is an individual, the individual; or
2. If the applicant or provider is a business organization, the individual who the business organization has designated to act on the business organization's behalf and who:
   a. Is a controlling person of the business organization;
   b. Is a U.S. citizen or legal resident; and
   c. Has an Arizona address.

R9-20-203. Application and Renewal

A. An applicant applying to become a provider shall submit to the Department an application packet that contains:

1. An application in a format provided by the Department that includes:
   a. The applicant's name;
   b. The applicant's mailing address and telephone number;
   c. The applicant's e-mail address;
   d. The name, telephone number, and e-mail address of the individual acting on

behalf of the applicant according to R9-20-202, if applicable;

e. The name under which the applicant plans to do business, if different from the applicant's name;

f. The name of each referring court;

g. The address and telephone number of the for each facility where treatment is provided; and

h. The applicant's signature and the date signed;

2. A copy of the:

a. Program description required in R9-20-208(A)(1),

b. Policies and procedures required in R9-20-208(B), and

c. Policies and procedures required in R9-20-208(D);

3. The name and qualifications of the administrator; and

4. A copy of the applicant's:

a. U.S. Passport, current or expired;

b. Birth certificate;

c. Naturalization documents; or

d. Documentation of legal resident alien status.

B. For renewal, at least 60 days before the expiration of approval, a provider shall submit to the Department in a Department-provided format:

1. The provider's approval number,

2. The information in subsection (A)(1), and

3. The documentation in subsection (A)(2).

R9-20-204. Application or Renewal Approval Process

A. The Department shall:

1. Review the documents submitted by the applicant or provider as required in R9-20-203,

2. Issue an approval or non-approval based on the applicant's or provider's compliance with the requirements in this Article, and

3. Notify the applicant or provider of the Department's decision within 30 days after receiving the documents specified in R9-20-203.

B. The Department shall send an applicant or provider a written notice of non-approval, with reasons for the non-approval, if:

1. The applicant fails to provide the documentation required in R9-20-203, or

2. The Department determines the documentation submitted under R9-20-203 does not

comply with this Article or contains false information.

R9-20-205. Notification of Change

A. A provider shall notify the Department in writing at least 30 days before the effective date of:
   1. A termination of treatment provision; or
   2. A change in the:
      a. Name under which the provider does business,
      b. Address or telephone number of a facility where treatment is provided, or
      c. Administrator.

B. The Department shall update the provider's approval to reflect the changes in subsection (A), but retain the existing expiration date of the application approval.

R9-20-206. Rescinding Approval

A. The Department may rescind the approval of a provider if the Department determines that noncompliance with this Article by the provider negatively impacts the treatment a client is receiving from the provider.

B. If the Department rescinds the approval of a provider, the Department shall:
   1. Provide written notice of the rescindment to the provider that includes a list of the requirements with which the provider is not in compliance,
   2. Remove the provider from the Department's list of approved treatment providers, and
   3. Provide written notice of the rescindment to any referring courts identified by the provider.

C. To obtain approval after a rescindment, a provider shall submit:
   1. The application required in R9-20-203, and
   2. A written recommendation for approval of the provider from a referring court notified in subsection (B)(3).

D. The Department shall review the application and recommendation in subsection (C) and issue an approval or notice of non-approval no sooner than 60 days, but not later than 90 days, after the Department receives the application and recommendation.

R9-20-207. Administration, Monitoring

A. A provider shall designate an administrator who meets qualifications established by the provider.

B. A provider shall allow the Department immediate access to all areas of a facility, a client, or records, according to A.R.S. § 41-1009.

R9-20-208. Misdemeanor Domestic Violence Offender Treatment Standards

A. An administrator shall ensure that:

1. A program description is developed that includes a method for providing treatment;
2. Treatment:
    a. Is based on methodologies developed by behavioral health professionals and supported by published research results;
    b. Does not disproportionately or exclusively include one or more of the following:
        i. Anger or stress management,
        ii. Conflict resolution,
        iii. Family or couples counseling, or
        iv. Education or information about domestic violence;
    c. Emphasizes personal responsibility;
    d. Identifies domestic violence as a means of asserting power and control over another individual;
    e. Does not require the participation of a victim of domestic violence;
    f. Is not provided at a location where a victim of domestic violence is sheltered;
    g. Includes individual counseling, group counseling, or a combination of individual counseling and group counseling that:
        i. Is conducted by a behavioral health professional; and
        ii. Requires each counseling session to be documented in the client record;
    h. Does not include more than 15 clients in group counseling; and
3. Treatment is provided to a client according to subsection (C).

B. An administrator shall ensure that policies and procedures are developed, documented, and implemented that:

1. Unless the period of time for a client to complete treatment is extended, require a client to complete treatment in not less than three months and no more than 12 months after the date the client begins treatment; and
2. Establish criteria for determining whether to extend the time for a client's completion of treatment, such as:
    a. Receiving a recommendation from a behavioral health professional, or
    b. An occurrence of one of the following during the 12 months after the date the client is admitted for treatment:
        i. The client serving jail time,

ii. Illness of the client or a client's family member, or

iii. Death of a client's family member, or

c. The court requiring the client to complete more than 52 sessions of treatment.

C. An administrator shall ensure that:

1. Except as provided in a court order, treatment includes, at a minimum, the following number of sessions, to be completed after the applicable offense for which the client was required to complete treatment:

a. For a first offense, 26 sessions;

b. For a second offense, 36 sessions; and

c. For a third offense or any subsequent offense, 52 sessions;

2. The duration of a session in subsection (C)(1) is:

a. For an individual session, not less than 50 minutes; and

b. For a group session, not less than 90 minutes and not longer than 180 minutes; and

3. Except if extended according to subsection (B)(2), treatment for a client is scheduled to be completed in not less than three months and no more than 12 months after the client is admitted into treatment.

D. An administrator shall ensure that policies and procedures are developed, documented, and implemented for providing treatment that:

1. Establish:

a. The process for a client to begin and complete treatment;

b. The timeline for a client to begin treatment;

c. The timeline for a client to complete treatment, which shall not exceed 12 months, except as provided in subsection (B)(2); and

d. Criteria for a client's successful completion treatment, including attendance, conduct, and participation requirements;

2. Require notification to a client at the time of admission of the consequences to the client if the client fails to successfully complete treatment;

3. Require notification, in writing, to the entity that referred the client to the provider on behalf of the court, within a timeline established by the referring court or the entity that referred the client to the provider on behalf of the court, when any of the following occurs:

a. A client referred by the court has not reported for admission to treatment,

b. A client referred by the court is ineligible or inappropriate for treatment,

c. A client is admitted for treatment,

d. A client is voluntarily or involuntarily discharged from treatment,

e. A client fails to comply with treatment, or

f. A client completes treatment;

4. Are reviewed and revised as necessary by the provider at least once every 12 months; and

5. Are maintained at the facility.

E. An administrator shall ensure that:

1. Treatment is provided by a behavioral health professional who:

a. Has at least six months of full-time work experience with domestic violence offenders or other criminal offenders, or

b. Is visually observed and directed by a behavioral health professional with at least six months of full-time work experience with domestic violence offenders or other criminal offenders; and

2. Policies and procedures are developed, documented, and implement that establish education and training requirements for a behavioral health professional providing treatment that demonstrate that the behavioral health professional is qualified to provide treatment.

F. An administrator shall ensure that:

1. All employees are provided orientation specific to the duties of the employee,

2. An employee completes orientation before the employee provides treatment,

3. Annual training requirements are established for an employee, and

4. Orientation and training required in this subsection are documented.

G. An administrator shall ensure that:

1. A behavioral health professional completes an assessment of each client;

2. The assessment includes a client's:

a. Substance abuse history,

b. Legal history,

c. Family history,

d. History of trauma or abuse,

e. Behavioral health treatment history, and

f. Potential for self-harm or to harm another individual;

3. The following information is requested:

a. The case number or identification number assigned to the client by the referring court;

b. Whether the client has any past or current orders for protection or no-contact orders issued by a court;

c. The client's history of domestic violence or family disturbances, including incidents that did not result in arrest; and

d. The details of the misdemeanor domestic violence offense that led to the client's referral for treatment; and

4. The assessment and information in subsection (G)(3) are documented in the client record.

H. For a client who has completed treatment, an administrator shall:

1. Issue a certificate of completion that includes:

a. The case number or identification number assigned to the client by the referring court or, if the provider has made three documented attempts to obtain the case number or identification number without success, the client's date of birth;

b. The client's name;

c. The date of completion of treatment;

d. The name, address, and telephone number of the provider; and

e. The signature of an individual authorized to sign on behalf of the provider;

2. Provide the original of the client's certificate of completion to the client;

3. Provide a copy of the client's certificate of completion to the referring court according to the timeline established in the provider's policies and procedures; and

4. Maintain a copy of the client's certificate of completion in the client record.