

WSR 24-18-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 3, 2024, 10:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-18-016.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to amend WAC 388-60B-0015 What definitions apply to this chapter?, 388-60B-0025 What is the purpose of this chapter?, 388-60B-0105 Application process—How must a program apply for certification or recertification to provide domestic violence assessments or intervention treatment services?, 388-60B-0110 Required documentation for certification and recertification—What must be included in an application to provide domestic violence assessments or treatment?, 388-60B-0120 Facility requirements—What facility requirements must a program meet for the space where domestic violence intervention assessments or treatment services are provided?, 388-60B-0125 Quality management—What are the minimum treatment outcomes for participants and how must a program measure staff and treatment effectiveness?, 388-60B-0130 Adding to existing certification—How must a program add assessments or a level of treatment to an existing certification?, 388-60B-0140 Change of address—What must be sent to the department when a program changes the physical location of where they provide assessments or groups?, 388-60B-0210 Minimum staff qualifications—What staff qualifications must a program document for direct service staff?, 388-60B-0260 Supervisor responsibilities—What responsibilities must the supervisor document for the program?, 388-60B-0280 Adding direct treatment staff—What documentation must a program submit to the department to add a new direct service staff person, or request designation as a staff or supervisor for existing direct service staff during a certification period?, 388-60B-0315 Group treatment—What standards must programs follow regarding the provision of group treatment?, 388-60B-0320 Treatment practices—How must a program approach treatment and what must happen if it is determined that a participant should move into a different level of treatment?, 388-60B-0325 Victim safety—What steps must programs take in order to help increase victim safety?, 388-60B-0345 Participant requirements—What must the program require of participants accepted into a domestic violence intervention treatment program?, 388-60B-0400 Behavioral assessment and interview criteria—Who may conduct the interview and assessment and what must it include?, 388-60B-0500 On-site reviews and plans of correction—How does the department review certified programs for compliance with the regulations of this chapter?, and 388-60B-0510 Complaint investigations—How must an investigation get initiated and what is the process of the investigation?

Hearing Location(s): On October 22, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the DSHS website <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than October 23, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax

360-664-6185, beginning noon on September 4, 2024, by 5:00 p.m. on October 22, 2024.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email Tencza@dshs.wa.gov, by 5:00 p.m. on October 8, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These amendments will allow domestic violence intervention treatment (DVIT) programs to provide services via Health Insurance Portability and Accountability Act (HIPAA) compliant live video sessions when certain standards are met. This filing is in response to a rule-making petition received from a consortium of DVIT providers seeking to preserve the ability to provide treatment through virtual platforms, which began during pandemic-related shut-downs. As applicable, these amendments make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 43.20A.735.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Amie Roberts, P.O. Box 45470, Olympia, WA 98504-5470, 360-790-1483.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Amie Roberts, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-790-1483, email amie.roberts@dshs.wa.gov.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. DSHS' domestic violence perpetrator treatment program analyzed the probable costs and probable benefits of the proposed amendments, taking into account both the qualitative and quantitative benefits and costs:

- The consideration of starting or continuing to use HIPPA compliant web-based software to conduct assessments and DVIT treatment online.
- The consideration of allowing DVIT programs to serve participants of treatment in all counties of the state.
- The consideration of DVIT programs needing to be informed of the DV coalitions and procedures in each of the areas where they serve participants.
- The consideration of the costs and savings of providing these services online.

DSHS solicited input from DVIT programs through an email inquiry and a survey. Out of 60 currently certified DVIT programs, 27 responded to the survey.

Costs: Domestic violence perpetrator treatment program analysis revealed that any new costs imposed by the proposed amendments would only be minor.

The cost of maintaining software to provide HIPAA compliant DVIT services online, and the cost to attend one to three meetings online, per month, of domestic violence coalitions in the areas where programs provide services, are considered to be minor costs when taken collectively.

Benefits: Many DVIT programs express a financial benefit to providing DVIT services online, and a savings in their brick and mortar costs of doing business. Additionally, online services allow DVIT programs to reach more participants throughout the state, and could increase their participant numbers substantially.

Conclusion: DSHS' domestic violence perpetrator treatment program concludes that the benefits of these regulations exceed any possible costs.

DSHS has complied with the appropriate sections of the Administrative Procedure Act and is prepared to proceed with the rule filing.

A copy of the detailed cost calculations may be obtained by contacting Amie Roberts, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-790-1483, email amie.roberts@dshs.wa.gov.

August 29, 2024
Katherine I. Vasquez
Rules Coordinator

SHS-5017.4

Chapter 388-60B WAC

DOMESTIC VIOLENCE INTERVENTION TREATMENT PROGRAM STANDARDS (~~Domestic violence perpetrator treatment program standards~~)

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0015 What definitions apply to this chapter? The following definitions apply to this chapter:

"Administrative hearing" means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 388-02 WAC.

"Assessment" means the process of obtaining pertinent bio-psychosocial information, as identified by the participant, family, and collateral sources to determine a level of care and to plan individualized domestic violence intervention services and possible referrals for ancillary treatment, assessments, and services.

"Certified" means the status given to domestic violence intervention treatment programs by the department under its authority to certify domestic violence perpetrator programs under RCW ((26.50.150)) 43.20A.735.

"Corrective action" means the steps required of the domestic violence intervention treatment program by the department in order to maintain or regain certification.

"Critical incident" means any one of the following events:

(1) Any death, serious injury, or sexual assault that occurs at a program that is certified by the department;

(2) Alleged abuse or a gross violation of rights of an individual receiving services, that is of a serious or emergency nature caused by an employee, volunteer, contractor, or another individual receiving services;

(3) Alleged abuse, harassment, or a gross violation of rights of a direct treatment service staff member by an employee, volunteer, contractor, or another individual receiving services;

(4) A natural disaster, such as an earthquake, volcanic eruption, tsunami, urban fire, flood, or outbreak of communicable disease that presents substantial threat to program operation or client safety;

(5) A bomb threat or death threat;

(6) Theft or loss of data in any form regarding an individual receiving services, including but not limited to, a missing or stolen computer, or a missing or stolen computer disc or flash drive, or any other type of memory device;

(7) Any physical violence that occurs at the program;

(8) Any violence that is perpetrated by a participant of a certified program that results in death, serious injury, or sexual assault;

(9) Any negative media event regarding a participant receiving services, or regarding a direct treatment staff member or owner(s) of the program; or

(10) Any response to the premises of a program by law enforcement or emergency personnel.

"Department" or **"DSHS"** means the Washington state department of social and health services.

"Direct service staff" means a person who works or volunteers at a certified domestic violence intervention treatment program and has been designated by the department as a trainee, staff, or supervisor.

"Domestic violence intervention treatment program" or **"program"** means a program that provides domestic violence assessments or intervention treatment to perpetrators of intimate partner violence and is certified by DSHS under ~~((this))~~ chapter ~~((388-60A))~~ 388-60B WAC.

"Evidence-based" means strategies, activities, or approaches which have been shown through scientific research and evaluation to be effective in preventing or delaying a negative outcome.

"Face-to-face" means either physically in person or by way of live HIPAA compliant video conferencing.

"Forensic counseling" means the provision of group or individual counseling sessions with a participant who has also been engaged with the criminal justice system. Forensic counseling involves skills in assessment, interviewing, report writing, strong verbal communication skills, and case presentation when needed. The practice of forensic counseling involves investigations, research, assessments, consultations, and the design and implementation of treatment programs. In this chapter it specifically relates to assessing, making recommendations, and providing treatment to those who have committed acts of domestic violence regardless of whether the abuse was illegal or resulted in a criminal conviction or not.

"Intimate partner" means a person who is or was married, in a state registered partnership, or in an intimate or dating relationship with another person presently or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, in a domestic partnership with each other, or lived together at any time, shall be considered an intimate partner.

"Intimate partner abuse" or **"intimate partner violence"** means a pattern of abusive behavior that is used by one intimate partner against the other and may include, but is not limited to, assaultive and coercive behaviors, physical, sexual, emotional, verbal, psychological, and economic abuse or coercion, or the improper use of children to control the victim. It may also include the infliction or threat of harm against an intimate partner and is directed at achieving compliance from or control over that intimate partner. It may include, but is not limited to, a categorization of domestic violence offenses as defined in RCW 10.99.020 committed by one intimate partner against another.

"Level of treatment" or **"level of care"** means the level of treatment a participant is required, recommended, or currently receiving as determined by a certified program through a behavioral assessment, standardized testing, the "risk, needs, and responsivity" form, and a current treatment plan.

"Off-site" means the provision of services by a provider from a certified domestic violence intervention treatment program at a location where the domestic violence assessment or treatment is not the primary purpose of the site, such as in correctional facilities.

"Participant" means an individual being assessed, enrolled, discharged, or treated in a certified domestic violence intervention treatment program. This individual may be court-ordered to participate in treatment or someone who chooses to voluntarily participate in treatment. The terms "client," "perpetrator," and "participant" are used interchangeably in this chapter.

"Promising practices" means programs and strategies that have some scientific research or data showing positive outcomes in delaying a negative outcome, but do not have enough evidence to support generalized conclusions.

"Service area" means each geographic location, by county, where a program has more than one active participant attending group or individual sessions.

"Victim services program" means a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy must include crisis intervention, individual and group support, information, referrals, safety assessments, and planning. Domestic violence victim assistance and advocacy may also include, but is not limited to: provision of shelter; emergency transportation; self-help services; culturally specific services; legal advocacy; economic advocacy; and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems. Domestic violence programs that are under the auspices of, or the direct supervision of a court, law enforcement, a prosecution agency, or the child protective services section of the department as defined in RCW 26.44.020 are not considered victim services programs.

"Victim" or **"survivor"** means a person who has been subjected to domestic violence. The terms "victim" and "survivor" are used interchangeably in this chapter.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0025 What is the purpose of this chapter? (1) The overall purpose of this chapter is to increase accountability and competency for programs that provide domestic violence intervention treatment as well as provide minimum standards and a pathway to achieve the following:

(a) To responsibly and as accurately as possible with the information relied upon, assess the risks, needs, and responsibility for perpetrators of intimate partner violence who are seeking assessment and treatment;

(b) To increase the safety of the victim, current partner, children, and other children in the care or residence of perpetrators of intimate partner violence who are enrolled in intervention treatment; and

(c) To hold perpetrators of intimate partner violence accountable in meeting their program requirements and achieving core competencies, including documentation of their cognitive and behavioral changes and personal accountability as outlined in WAC ((~~388-60A-0430~~)) 388-60B-0430, through intervention treatment using evidence-based and promising practices.

(2) The rules in chapter ((~~388-60A~~)) 388-60B WAC establish the following standards for programs that provide domestic violence assessments or any level of intervention treatment to perpetrators of intimate partner violence and include:

(a) Minimum certification requirements for programs that provide services to participants of domestic violence intervention treatment;

(b) Program administrative requirements;

(c) Program staff requirements;

(d) Quality management requirements;

(e) Facility requirements;

(f) Program policies and procedures;

(g) Program treatment record requirements;

(h) Program assessment and treatment requirements; and

(i) A grievance system that includes a grievance process, an appeal process, and access to administrative hearings.

(3) Unless otherwise provided by law, these standards apply to any program that:

(a) Provides or advertises that it provides domestic violence perpetrator assessments or evaluations for intimate partners;

(b) Provides or advertises that it provides domestic violence intervention or perpetrator treatment for intimate partners; or

(c) Defines its services as meeting court orders that require assessment, evaluation, or enrollment in, or completion of, domestic violence perpetrator treatment or domestic violence intervention treatment for intimate partners.

(4) These programs provide assessments, recommendations, or treatment to perpetrators of intimate partner violence, including participants who are self-referred or those who are court-ordered to be assessed or attend treatment.

(5) A program may administer other service programs in addition to domestic violence intervention treatment services; however, the domestic violence intervention treatment program for intimate partners must be considered a separate and distinct program from all other services the agency provides.

(6) Participants of the domestic violence intervention treatment program for intimate partners must not attend the same groups or sessions as participants of other programs or services as part of their domestic violence intervention treatment.

(7) The department requires new applicants who are in the process of applying to DSHS to provide domestic violence intervention assessments or any level of treatment to comply with the requirements in this chapter as of the day it is adopted.

~~((8) All programs affected by this rule that were certified under the chapter 388-60 WAC and have a current certification are to fully comply and provide written verification to the department with the requirements in this chapter no later than six months following the adoption of this chapter.)~~

~~(9) All programs that have a current certification under the chapter 388-60 WAC and are in compliance with the requirements of chapter 388-60A WAC will be issued a new certification under chapter 388-60A WAC and will be certified to provide assessments and levels one, two, and three treatments.~~

~~(10) If a program certified under the previous chapter 388-60 WAC would like to add level four treatment or remove any service, they must make a written request to the department and await a determination by the department before providing any level four treatment or removing any service.~~

~~(11) Written requests can be emailed to CADVProgram@dshs.wa.gov or mailed to:~~

~~Department of social
— and health services
Domestic violence intervention
— treatment program manager
P.O. Box 47510
Olympia, WA 98504~~

~~(12) All programs that were certified under the chapter 388-60 WAC and have a current certification may complete treatment for current participants under the rules of chapter 388-60 WAC until their discharge from treatment.~~

~~(13) New participants assessed by or participating in the program as of the adoption of this chapter 388-60A WAC must comply with the standards in this chapter.)~~

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0105 Application process—How must a program apply for certification or recertification to provide domestic violence assessments or intervention treatment services? (1) Initial and recertification applications can be downloaded at ~~((<https://www.dshs.wa.gov/ea/domestic-violence/certification-process>))~~ <https://www.dshs.wa.gov/esa/community-services-offices/certification-process>. Completed applications, the required fee, and documentation must be mailed together to:

Department of social
and health services
Domestic violence intervention

treatment program manager
P.O. Box ((47510)) 45470
Olympia, WA 98504-5470

(2) A program cannot provide assessments or any level of direct treatment services to domestic violence participants without being certified by the department.

(3) Certification and recertification applications must include the application fee, be filled out completely, and contain all documentation required as indicated on the application in order to be processed by the department.

(4) The department will review the application within ((~~thirty~~)) 30 days after an application is received to determine if the program meets the standards and certification requirements in this chapter.

(a) Programs may supplement their application as needed during the ((~~thirty~~)) 30 days after the application is received and the department is reviewing it; and

(b) If a program does not meet the application requirements within the ((~~thirty~~)) 30 days following submission, the program must reapply for certification.

(5) After initial certification programs certified under this chapter must reapply for certification every two years.

(6) The department must notify the applicant whether the program meets the standards set forth in this chapter.

(a) If a program meets the standards set forth in this chapter, the department will issue the program an approval letter and a certificate; or

(b) If a program does not meet the standards set forth in this chapter, the department will provide the program with:

(i) A written notice containing the reasons the department determined the program did not meet these standards; and

(ii) A list of the specific provisions of this chapter that the program failed to meet.

(7) Treatment programs have the right to an administrative hearing to contest the department's denial of their certification applications. Such hearings shall be governed by this chapter and chapter 388-02 WAC. Where provisions of this chapter and chapter 388-02 WAC conflict, the provisions of this chapter will control.

(8) Certified programs must report to the department any and all changes that occur following the initial or renewal certification process.

(9) The department may request a copy of additional disclosure statements or background inquiries if there is reason to believe that offenses specified under RCW 43.43.830 have occurred since the original application was submitted.

(10) The department may grant an exception or waiver from compliance with specific program certification requirements if the exception or waiver does not violate existing local, state, federal, or tribal law.

(a) To request an exception or waiver to a rule in this chapter, the program must:

(i) Submit the request in writing to the department;

(ii) Assure that any exception or waiver would not jeopardize the safety, health, or treatment of an individual; and

(iii) Assure that any exception or waiver would not impede fair competition of another service program;

(b) The department approves or denies an exception or waiver request in writing and requires the program to keep a copy of the decision; and

(c) The department's decision to deny an exception or waiver request is not subject to administrative review under chapter 388-02 WAC.

(11) The department considers each geographical location of a program an individual program and must certify each location separately.

(a) A program certified to provide assessments or any level of treatment may do so at an off-site location as defined in this chapter, without an additional certification for the off-site location;

(b) If the program provides assessments only, then the program is only required to have one certification and does not need a separate certification for each geographical location it serves; and

(c) If a program that has provided only assessments wants to add certification to provide any level of care, the program must certify each geographical location where any level of care will be offered unless it meets the 'off-site' definition in this chapter.

(12) The application fee for initial certification and recertification of a domestic violence intervention treatment program is (~~one hundred twenty-five dollars~~) \$125.00.

(a) The department publishes the application fee for certification of domestic violence intervention treatment programs in the application packet; and

(b) If there is any change in the fee, the update will be done and made effective in July of each year.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0110 Required documentation for certification and recertification—What must be included in an application to provide domestic violence assessments or treatment? (1) For programs applying for initial certification or recertification the program's director must submit the following documentation with the program's application:

(a) A written statement signed by the program's director that the program complies with the standards contained in this chapter;

(b) A copy of the current business license that authorizes the program, or its governing agency, to do business in Washington state at the physical address indicated on the application;

(c) A list of any off-site locations where the program will be providing services;

(d) A list of all direct treatment staff at the program;

(e) Results of current criminal history background checks conducted by the Washington state patrol for all current direct treatment program staff;

(i) If the program staff has lived outside of the state of Washington in the last (~~ten~~) 10 years, then a background check that covers each state they lived in prior to Washington for the last (~~ten~~) 10 years must be included with the application; and

(ii) The results of an FBI or other national criminal background check can be used in place of the Washington state patrol check if it

documents the state of Washington, and any other state they lived in for the past (~~ten~~) 10 years was part of the background check search;

(f) An attestation for each current paid or volunteer staff person, documented in the application, whether the staff person has ever been a party to any civil proceedings involving domestic violence or crimes of moral turpitude;

(g) If the staff person has been party to any civil proceedings involving domestic violence or crimes of moral turpitude, the application must also include the legal findings of each incident along with the staff person's written explanation (see WAC (~~388-60A-0210~~) 388-60B-0210 (2) (b));

(h) Proof that each direct treatment staff is currently registered or licensed as a counselor with the Washington state department of health; and

(i) Written documentation that the program maintains cooperative and collaborative relationships with agencies providing services related to domestic violence which must include, at a minimum, all of the following:

(i) One item of documentation showing that the program has established and continues to maintain a cooperative relationship with another local program or agency involved in the provision of direct or ancillary services related to domestic violence including, but not limited to, probation services, legal services, a domestic violence intervention treatment program, or a victim services program;

(ii) One item of documentation showing that the program regularly attends and participates in a local domestic violence task force, intervention committee, coordinated community response group, or workgroup if one exists, and attendance is possible in person, or remotely, in (~~their community~~) each service area where they have more than one active participant;

(iii) One item of documentation showing that the program has a collaborative relationship, either electronic or in person, with another Washington state certified domestic violence intervention treatment program which includes:

(A) Written documentation of regularly scheduled opportunities for confidential case staffing; and

(B) Written documentation of regularly scheduled opportunities for collaboration in the delivery of domestic violence intervention treatment services and procedures for victim safety (the program can find a current list of certified domestic violence intervention treatment programs in the state of Washington online at (~~https://www.dshs.wa.gov/ea/domestic-violence/domestic-violence-perpetrator-treatment~~) https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment); and

(iv) (~~(A)~~) With the initial certification application only, a current list of all the local domestic violence victim services programs in the program's area as reasonably available.

(2) If applying to provide any level of domestic violence intervention treatment services the program must include the following on their application, which must be approved by the department prior to certification:

(a) An explanation of the program's evidence-based or promising practice treatment modalities (see WAC (~~388-60A-0310~~) 388-60B-0310 (3)); and

(b) The program's methods of treatment.

(3) In order to apply for level four domestic violence intervention treatment, the program must also submit documentation of the su-

pervisor level direct treatment staff who will be responsible for facilitating group and individual sessions for participants in level four treatment.

(a) The supervisor must document an initial six hours of training, approved by DSHS in providing level four treatment; and

(b) For recertification, the supervisor must document four hours every (~~twenty-four~~) 24 months of continuing education, approved by DSHS in providing level four treatment, focused on criminogenic factors, risk issues, psychopathy, and related topics.

(4) All programs must submit the applicable required policies and procedures as outlined in WAC (~~(388-60A-0115)~~) 388-60B-0115, which must be approved by the department prior to initial certification.

(5) If the program was certified prior to the adoption of chapter (~~(388-60A)~~) 388-60B WAC, the program must submit the applicable policies and procedures with their first recertification application after the adoption of these rules.

(6) For programs applying for recertification, the program must also submit:

(a) A statement of qualifications for any staff added since the last certification period (form #10-210) which can be found online at (~~(<https://www.dshs.wa.gov/ca/domestic-violence/certification-processor>)~~) <https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment> or requested by mail from the address listed in WAC (~~(388-60A-0105)~~) 388-60B-0105(1);

(b) An update of continuing education hours for each direct treatment staff (form #14-544) which can be found online at (~~(<https://www.dshs.wa.gov/ca/domestic-violence/certification-processor>)~~) <https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment> or requested by mail from the address listed in WAC (~~(388-60A-0105)~~) 388-60B-0105(1); and

(c) If the program is applying to provide a new domestic violence intervention service on their recertification application, then the program must also submit the following with their application:

(i) The applicable policies and procedures which have not already been approved, but are necessary to provide the new service(s) (see WAC (~~(388-60A-0115)~~) 388-60B-0115); and

(ii) If the program is applying to provide a new level of treatment the following must be submitted and approved by the department prior to providing the service:

(A) A description of the program's evidence-based or promising practice treatment modalities; and

(B) The program's methods of treatment.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0120 Facility requirements—What facility requirements must a program meet for the space where domestic violence intervention assessments or treatment services are provided? Each program certified to provide assessments or any level of care must ensure that its physical and virtual treatment space is suitable for the purposes intended.

(1) For programs that offer behavioral assessments or any level of treatment at a physical location:

(a) The group room must easily accommodate ((fourteen)) 14 people, not counting space taken by staff desks, file cabinets, or similar items; or

(b) If the program regularly and consistently holds groups smaller than ((twelve)) 12 participants, the group room must be able to comfortably accommodate the size of the group and facilitator based on attendance records.

(2) The program must ensure that the facility space:

(a) Is not a personal residence;

(b) Is accessible to an individual with a disability, and if a program operates in a historic building or a building that was constructed before current ADA standards, the program must inform potential participants of barriers to accessibility and offer the participant a referral to programs that are ADA accessible when applicable;

(c) Has a reception area separate from treatment areas;

(d) Ensures confidentiality and anonymity for participants including:

(i) Having window coverings for reception, group, and assessment spaces; and

(ii) Having signage outside the building that does not indicate domestic violence treatment;

(e) Has adequate private space for personal consultation with an individual, staff charting, and therapeutic activities, as appropriate;

(f) Has secure and locked storage of active and closed confidential participant and victim records which are not accessible to participants or the public;

(g) Has separate, secure storage of poisonous external chemicals and caustic materials;

(h) Has evacuation routes with highlighted emergency exits posted in each room used by participants or staff;

(i) Has a restroom available to participants and staff during business hours; and

(j) Has sufficient ventilation and temperature control to facilitate assessments or groups comfortably.

(3) If the program operates in the same building or in very close proximity to a victim services program, the domestic violence intervention treatment program must conduct assessments and groups sessions at least three hours apart from any victim services.

(4) A different agreement in ((regards)) regard to proximity and day or time allowances or restrictions may supersede the requirements of the standard in WAC ((388-60A-0120)) 388-60B-0120(3) when it is outlined by a signed memorandum of understanding between the treatment program and the victim services program.

Exception: Domestic violence intervention treatment services being delivered off-site, such as in jails or prisons are not subject to the facility standards in this section.

(5) For programs that offer behavioral assessments or any level of treatment through live HIPAA compliant video conferencing:

(a) The assessor or group facilitator must ensure they are in a confidential setting, unable to be heard by others who are not part of the session.

(b) Permanent walls must separate the assessor or group facilitator from others. A temporary screen or cubicle or other barrier of the like is not permitted to create a confidential space.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0125 Quality management—What are the minimum treatment outcomes for participants and how must a program measure staff and treatment effectiveness? Each treatment program certified to provide assessments or any level of domestic violence intervention treatment must document program specific quality management procedures to increase staff and program treatment effectiveness.

(1) Programs providing assessments or any level of domestic violence intervention treatment must document their quality management in writing and at a minimum include:

(a) How the program monitors compliance with the rules in this chapter, at a minimum every six months, including the supervisor's direct observance of groups when applicable and a review of assessments and participants' records for compliance with this chapter and the program's policies and procedures;

(b) How the program reviews and improves its cultural competency, at a minimum on an annual basis;

(c) How the program will provide services to participants who require sign language or interpretation; and

(d) How the program regularly attends and participates in a local domestic violence task force, intervention committee, or workgroup in each of their service areas, as defined in WAC 388-60B-0015, when they have more than one active participant in that area.

(2) Programs providing any level of domestic violence intervention treatment must also document in writing:

(a) The use of evidence-based or promising practices;

(b) A copy of the program's treatment outline along with any handouts, exercises, or instructions, as a guide for the facilitators of groups;

(c) How the program coordinates with local victim services;

(d) How the program collaborates with at least one other certified domestic violence intervention treatment program, either electronically or in person, including written documentation of regularly scheduled opportunities for:

(i) Confidential case staffing;

(ii) Collaboration in the delivery of domestic violence intervention treatment services; and

(iii) Procedures for victim safety;

(e) The policies and procedures the program has in place regarding complaints and grievances; and

(f) How the program collects a confidential evaluation of treatment outcomes for treatment participants which must outline how:

(i) Each participant is given a treatment outcomes evaluation at discharge and asked to complete it at that time. The treatment outcomes form is found online at ~~<https://www.dshs.wa.gov/ca/domestic-violence/certification-processor>~~) <https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment> or may be requested by mail from:

Domestic violence intervention
treatment program manager
Department of social and
health services (DSHS)
P.O. Box ((45710)) 45470
Olympia, Washington 98504-((5710)) 5470

(ii) If completed physically, in person the confidential results of the treatment outcomes evaluation is sealed by the participant after it is completed and submitted by the program to DSHS by United States mail ((by the 15th day of the month, for the previous quarter)) within 30 days of completion;

(iii) If completed electronically, the confidential results are submitted by the participant to DSHS via electronic mail at DVPrograms@dshs.wa.gov, as soon as it is completed.

~~((A) The first quarter is January 1 to March 31, with the results due to DSHS by April 15;~~

~~(B) The second quarter is April 1 to June 30, with the results due to DSHS by July 15;~~

~~(C) The third quarter is July 1 to September 30, with the results due to DSHS by October 15;~~

~~(D) The fourth quarter is October 1 to December 31, with the results due to DSHS by January 15;~~

~~(g) If the program fails to submit quarterly treatment outcome evaluation data to the department by the designated deadlines, the department may require corrective actions, initiate an investigation, or take action on the program's certification status; and)~~

~~((h))~~ (g) If the survivor chooses to provide feedback, the program will provide them with a treatment outcomes evaluation for survivors regarding their experience of the participant's behaviors before, during treatment, and at discharge;

(i) The treatment outcomes form for survivors is found at ~~https://www.dshs.wa.gov/ca/domestic-violence/certification-processor))~~ https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment or may be requested by mail from the address listed in this subsection; and

(ii) The survivor may give the outcomes evaluation to the program to be kept confidential and sent to DSHS ~~((quarterly))~~, or they may send it directly to DSHS if they choose by United States mail to the address listed in this subsection, or electronically to ~~((CADVProgram@dshs.wa.gov))~~ DVProgram@dshs.wa.gov.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

PROGRAM CHANGES

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0130 Adding to existing certification—How must a program add assessments or a level of treatment to an existing certification? (1) To add certification to provide any service(s) to an existing certified domestic violence intervention program, the program must submit an abbreviated application that is signed by the program's director.

(2) The abbreviated application to add services can be downloaded at (~~(<https://www.dshs.wa.gov/ca/domestic-violence/certification-processor>)~~) <https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment-or-requested-by-mail-from> or requested by mail from:

Domestic violence intervention
treatment program manager
Department of social and
health services (DSHS)
P.O. Box (~~(45710)~~) 45470
Olympia, Washington 98504-~~((5710))~~ 5470

(3) Completed applications and required documentation can be emailed to (~~(CADVProgram@dshs.wa.gov)~~) DVProgram@dshs.wa.gov or mailed to the address in this section.

(4) The application must be signed, dated, completed entirely, and must include the following:

- (a) The name of the supervisor providing management and supervision of services;
- (b) The physical address of the program where the new requested service(s) will be provided;
- (c) A copy of the program's policies and procedures applicable to the new service(s);
- (d) A copy of the program's treatment topics and evidence-based or promising practice treatment modality related to the new service(s), if applicable; and
- (e) Updated quality management procedures to include the new service(s).

(5) The department must approve the application for the provision of the new requested service(s) before the program can provide the service(s).

(6) The department may conduct an on-site review prior to approving the new requested service(s) or issuing a new certificate that includes the added service(s).

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0140 Change of address—What must be sent to the department when a program changes the physical location of where they provide assessments or groups? (1) When a certified domestic violence intervention treatment program relocates to another address, the department requires the program to submit a completed change of address form found online at (~~(<https://www.dshs.wa.gov/ca/domestic-violence/certification-processor>)~~) <https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment-or-requested-by-mail-from> or requested by mail from:

Domestic violence intervention
treatment program manager
Department of social and
health services (DSHS)
P.O. Box (~~(45710)~~) 45470
Olympia, Washington 98504-~~((5710))~~ 5470

(2) The program must provide the department with:

(a) The effective date and physical address of the program's new location;

(b) Notification of any changes to direct service staff members or supervisor(s), who must receive department approval before providing any direct client services;

(c) A statement regarding the management of all participant and victim records in accordance with applicable state and federal laws; and

(d) An attestation that the new location complies with facility requirements under WAC ((~~388-60A-0125~~)) 388-60B-0125.

(3) The program must receive a certification for the new location's address before providing any assessments or any level of domestic violence intervention treatment service at that address.

(a) An exception may be granted at the discretion of the department if the program had to move suddenly due to an emergency or danger in the previous facility; and

(b) The department may conduct an on-site review prior to approving or issuing a new certificate for the new location.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0210 Minimum staff qualifications—What staff qualifications must a program document for direct service staff? (1) (~~Direct treatment staff who are currently recognized by the department as a trainee, staff, or supervisor at a certified program under chapter 388-60 WAC will be granted the same designation by the department with the adoption of chapter 388-60A WAC.~~

~~(2))~~ Each treatment program certified for assessments or any level of domestic violence intervention treatment must ensure that all staff with direct treatment contact with participants be:

(a) Currently licensed or registered as counselors as required under chapter 18.19 RCW;

(b) Free of criminal convictions involving domestic violence or moral turpitude;

(i) Direct service staff who have convictions involving crimes of domestic violence or moral turpitude may submit a written explanation of their convictions and a request for an exception to this requirement;

(ii) The department will review the explanation and request for an exception on a case-by-case basis, and the decision to grant or deny such a request will be at the department's discretion; (~~and~~)

(iii) This discretionary decision is not subject to an administrative hearing appeal as outlined under chapter 388-02 WAC; and

(c) In good standing with DSHS:

(i) A direct treatment staff person whose actions have been the subject of a DSHS investigation and have resulted in the denial, suspension, or revocation of a program's certification status is subject to a review by DSHS to determine if the direct treatment staff person is considered to be in good standing;

(ii) The department will review the status of a direct service staff on a case-by-case basis and decisions for designation and recognition of the direct service staff person as a trainee, staff, or supervisor will be at the discretion of the department; and

(iii) This discretionary decision is not subject to an administrative hearing appeal as outlined under chapter 388-02 WAC.

~~((3))~~ (2) Each direct treatment staff person must have a bachelor's degree from an accredited university in counseling, psychology, social work, or similar social services field.

(a) The department may grant an exception or waiver from compliance with this requirement if the exception would not violate an existing local, state, federal, or tribal law;

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a related bachelor's degree in counseling, psychology, social work, or similar social service field and the department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence intervention treatment programs;

(c) To request an exception to a rule in this chapter, the program must:

(i) Submit the request in writing to the department;

(ii) Assure that the exception would not jeopardize the safety, health, or treatment of an individual; and

(iii) Assure that the exception would not impede fair competition of another service agency;

(d) The department approves or denies an exception request in writing and requires the program to keep a copy of the decision; and

(e) The department's decision to deny an exception request is not subject to administrative review under chapter 388-02 WAC.

~~((4))~~ (3) Prior to providing any direct treatment services to program participants, each direct treatment staff person must have completed:

(a) A minimum of ~~((thirty))~~ 30 hours of domestic violence training from an established domestic violence victim or survivor services program, as defined in this chapter;

(b) A portion, but not all of the victim training hours may be accrued through training from the Washington State Coalition Against Domestic Violence and those trainings may be attended in person or online;

(c) A minimum of ~~((thirty))~~ 30 hours of training on the provision of domestic violence intervention assessment and services, provided by an established and certified domestic violence intervention treatment services program or other organization that has been approved by the department to provide the training and must include:

(i) An orientation to the treatment program if the training is through a certified program;

(ii) An overview of all applicable policies and procedures;

(iii) Instructions on how to conduct behavioral assessments;

(iv) Instructions on how to facilitate groups; and

(v) Instructions regarding the implementation, administration, interpretation, and utilization of domestic violence offender risk assessment tools;

(A) If located within Washington state, the domestic violence intervention treatment program must be certified and meet the standards as outlined in this chapter; and

(B) If located out-of-state, the domestic violence intervention treatment program must meet the standards outlined in this chapter and in chapter ~~((26.50))~~ 43.20A RCW; and

(d) Direct service staff must complete all ~~((sixty))~~ 60 hours of required training before the employee may apply for trainee status and begin to provide any direct services to participants and any work ex-

perience accrued prior to completion of the ((sixty)) 60 hours of training will not count toward any requirement for work experience.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0260 Supervisor responsibilities—What responsibilities must the supervisor document for the program? (1) Each program certified for assessments or any level of domestic violence intervention treatment must have at least one person providing supervision to direct treatment staff.

(2) Supervision must be documented in the direct service staff's personnel file and follow the program's policies and procedures regarding supervision. At a minimum this must include:

(a) At least once every six months, the supervisor must (~~directly~~) observe all treatment staff who are at the trainee or staff level and who provide direct treatment services such as assessments or any level of treatment;

(b) At least once every six months, the supervisor must review a sample of each direct treatment staff's assessments and participant's records as applicable for compliance with program policies and the WAC standards found in this chapter;

(c) A program's supervisor must document their observations and feedback for the program trainee or staff member and include it in the employee or volunteer's personnel file; and

(d) Programs that consist of one employee, who is the supervisor, are not required to document group observations or file reviews.

(3) A supervisor may be located either on or off-site.

(4) (~~If no other direct treatment staff besides the supervisor possesses at least two hundred fifty hours of experience providing direct treatment services to participants, then the supervisor must be present on site at all times that direct treatment services are being provided.~~

~~(5))~~ The supervisor is responsible for reporting critical incidents, as defined in this chapter to the department within one business day.

~~((6))~~ (5) The supervisor must provide the department with documentation of the incident and the actions the program has taken as a result of the incident.

~~((7))~~ (6) If a program has more than one supervisor, the program must either:

(a) Designate a lead supervisor to fulfill the responsibilities of this section; or

(b) Document in writing how the responsibilities in this section will be shared among the supervisors.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0280 Adding direct treatment staff—What documentation must a program submit to the department to add a new direct service staff person, or request designation as a staff or supervisor for

existing direct service staff, during a certification period? (1) A new direct service staff person or an existing person requesting a change in staff level must be approved by the department as a trainee, staff, or supervisor before providing any direct services such as assessments or any level of treatment.

(2) The certified program must submit an application to add or change direct service staff which can be obtained online at (~~https://www.dshs.wa.gov/ea/domestic-violence/certification-processor~~) <https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment> or requested by mail from:

Domestic violence intervention
treatment program manager
Department of social and
health services (DSHS)
P.O. Box (~~(45710)~~) 45470
Olympia, Washington 98504-~~((5710))~~ 5470

(3) With the application, the program must submit documentation to the department which proves that the staff meets the minimum qualifications for all treatment staff stated in WAC (~~(388-60A-0210)~~) 388-60B-0210 in addition to the staff level being requested as stated in WAC (~~(388-60A-0230)~~) 388-60B-0230 through (~~(WAC 388-60A-0250)~~) 388-60B-0250.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0315 Group treatment—What standards must programs follow regarding the provision of group treatment? (1) Each treatment program certified for any level of treatment must meet face-to-face with the participant and adhere to the following standards regarding group treatment:

- (a) Participants must attend group sessions on a weekly basis;
- (b) The group sessions must be single gender;
- (c) Participants must be given the choice to attend the group they feel most comfortable in when gender identity is a factor;
- (d) The group size is limited to a maximum of (~~(twelve)~~) 12 participants, and a minimum of two participants;
- (e) On a short-term basis the program may accept a participant into their domestic violence intervention treatment program even if the program lacks sufficient participants to constitute a group;
- (f) Group sessions with four to (~~(twelve)~~) 12 participants in attendance must be at least (~~(ninety)~~) 90 minutes in length;
- (g) Group sessions with three or fewer participants in attendance must be at least (~~(sixty)~~) 60 minutes in length;
- (h) Group sessions must be closed to all persons other than participants, group facilitators, and others specifically invited by the group facilitators including, but are not limited to:
 - (i) Professionals in related fields;
 - (ii) A research scholar or state of Washington evaluator;
 - (iii) Advocates from victim service agencies;
 - (iv) Persons offering interpretation services for the deaf (~~(and/)~~) or hearing impaired or language translation or interpretation; (~~(and)~~)

(v) Interns, trainees, or others who bring specific information applicable to the group; and

(i) Any person attending the group as specified under this section must sign a confidentiality agreement of which the program must keep a record.

(2) Groups facilitated by way of live HIPAA compliant video conferencing must comply with the following standards:

(a) The group facilitator must remind all participants of confidentiality standards before each group begins and when any new group member joins thereafter.

(i) Confidentiality standards must include the group participant's physical location, which must not allow for any other person to hear or see the group, and the prohibition of the use of any recording devices.

(ii) The participant must be visible from the torso up while attending group.

(iii) The participant must not use a virtual background or screen, which distorts their background, and makes it more difficult for the facilitator to check for confidentiality requirements.

(b) The group facilitator must disconnect any group participant who violates the confidentiality standards immediately upon discovery and meet one-on-one with that group participant regarding confidentiality standards before they are permitted to attend group again.

(i) The domestic violence intervention treatment program must have a policy regarding online confidentiality, and the consequences for violating that confidentiality, when the program uses live video conferencing for group or individual sessions.

(ii) If a group participant violates confidentiality standards then it is up to the policy and discretion of the domestic violence intervention treatment program whether the group member can resume treatment via video conferencing or not.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0320 Treatment practices—How must a program approach treatment and what must happen if it is determined that a participant should move into a different level of treatment? Each treatment program certified for any level of domestic violence intervention treatment must:

(1) Provide forensic counseling, using evidence-based or promising practices in all levels of treatment;

(2) Require participants to attend face-to-face weekly group or individual sessions, depending on their level of treatment and individual treatment plan;

(3) Use a trauma-informed approach in treatment;

(4) Provide treatment that meets the individual needs of participants based on their ongoing assessment information, motivations for abuse, and motivations for creating healthy relationships;

(5) Document the required cognitive and behavioral changes required by participants in treatment as cited in WAC (~~388-60A-0415~~) 388-60B-0415;

- (6) Submit compliance reports and relevant information to the courts or appropriate probation office when requested by the referral source or court when applicable;
- (7) When increasing or decreasing the level of treatment of a participant the program must document:
- (a) Updated assessment information;
 - (b) A change in treatment needs;
 - (c) Justification for the treatment level change;
 - (d) Written approval from the program's supervisor; (~~and~~)
 - (e) An updated treatment plan; and
- (8) When a program changes the level of treatment for a participant the program must notify the participant and the referring agency, when applicable.
- (a) The program must document if the referring agency has opted out of receiving treatment change notifications and if so, it must be documented in the participant's file; and
 - (b) If the program cannot reach the recipient the program must document their reasonable efforts to reach them.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0325 Victim safety—What steps must programs take in order to help increase victim safety? (1) Each treatment program certified for assessments or any level of treatment must adequately consider the safety of the victims, current partners, and children of the participants receiving assessments or who are enrolled in the treatment program.

(2) All victim contact initiated by the program must be done by a staff or supervisor level employee as defined in WAC (~~(388-60A-0240)~~) 388-60B-0240 and (~~(WAC 388-60A-0250)~~) 388-60B-0250, unless the program contracts with a victim services agency to contact victims.

(3) Programs that are certified for assessments or any level of treatment must take the following steps, as applicable to help increase victim safety:

(a) Notify the victim of each program participant before completing the assessment that the participant is being seen by the certified program for an assessment to determine:

(i) If domestic violence intervention treatment is appropriate for the participant, and if so, what level of treatment the participant will start in at the program; and

(ii) If applicable, what other treatments may be required or recommended as part of the participant's treatment plan;

(b) Inform victims if the program offers live HIPAA compliant video conferencing for assessments or treatment, and the safety concerns this poses for victims, their children, and anyone else who may be in close proximity to the participant during and immediately after assessment or treatment;

(c) Inform victims about emergency and safety planning, outreach, advocacy, and other applicable services offered by a domestic violence victim services program in their community;

(~~(e)~~) (d) Notify the victim of each program participant within (~~fourteen~~) 14 days of the participant being accepted or denied en-

trance to the program that the participant has enrolled in or has been rejected for treatment services; and

~~((d))~~ (e) When the participant has been accepted into treatment, give victims a brief description of the domestic violence intervention treatment program including all of the following:

(i) The primary objective of the domestic violence intervention treatment program to help increase the safety of the victim and children as well as holding the participant accountable;

(ii) The core competencies and minimum completion criteria for the participant in treatment;

(iii) The fact that the victim is not expected to do anything to help the participant complete any treatment program requirements;

(iv) The limitations of domestic violence intervention treatment; and

(v) The program's direct treatment staff's responsibility regarding mandated reporting and duty to warn.

(4) The program must document in writing the program's efforts to notify the victim by phone of the requirements in this section.

(a) The program may mail the required information in this section if they cannot reach the victim by phone after three documented attempts;

(b) The program must document in writing the program's efforts to obtain the victim's contact information;

(c) When communicating with the victim at the time of assessment, enrollment, or denial into treatment the program must not assess the victim in any way, but the program may ask if the victim has any information they would like to share; and

(d) If on their own accord the victim provides the program with information regarding the participant or aspects of their relationship, then the program must keep the victim's information in a separate file from the participant's file.

(5) The program must not invite or require the victim to attend domestic violence intervention treatment sessions or education groups which the program requires participants to attend as a condition of their contracts.

(6) Programs may meet the requirements of this section through an agreement or contract with a victim services program, but it is the responsibility of the certified program to ensure and document in writing that all requirements are met.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0345 Participant requirements—What must the program require of participants accepted into a domestic violence intervention treatment program? (1) All participants enrolled in domestic violence intervention treatment must attend consecutive, same gendered, weekly group treatment sessions that are face-to-face (~~and in person~~).

(2) Another type of intervention may be approved for participants in any level of treatment for certain documented clinical reasons, such as psychosis, disability, or other conditions that make the individual not amenable to treatment in a group setting.

(3) A program may develop policies which allow level three and four participants to attend individual sessions as part of the partic-

ipant's treatment plan in order to address their risk factors and meet their unique needs.

(4) Participants who experience hardship attending a certified program, which provides assessments or treatments in person, may ask the program to ~~((request an exception for the requirement of attending treatment group meetings in person in order to attend via live video feed))~~ accommodate them in attending face-to-face by way of live HIPAA compliant video conferencing.

~~(a) ((An exception to the requirement to attend group in person must be requested by the program on behalf of a participant and is subject to approval by the department))~~ The domestic violence intervention treatment program is not required to accommodate any participant with the option of live HIPAA compliant video conferencing;

~~(b) ((The department will review exception requests on a case by case basis and approve or deny the request within seven calendar days after receiving it, unless circumstances warrant a longer period of time))~~ If the program does not choose to accommodate the participant with live HIPAA compliant video conferencing for assessment or treatment, the program must refer the participant to another certified domestic violence intervention treatment program who can accommodate the participant with video conferencing. ((

~~(c) The department's decision to deny an exception request is not subject to administrative review under chapter 388-02 WAC; and~~

~~(d) The program submitting the exception request must be certified under this chapter and send written documentation by electronic or US mail to the department that outlines all of the following:~~

~~(i) Documentation that the participant does not have access to reliable transportation and their residence and place of employment are more than forty-five miles from a certified program, or the participant has a physical disability that creates a hardship for attending in person, or other good cause;~~

~~(ii) The program's applicable policies and procedures related to connecting participants to their home group through live video; and~~

~~(iii) How the program will ensure all participants' confidentiality including the use of a HIPAA compliant live video attendance program.))~~

(5) The program must assign participants to a home group and the participant must be required to attend the same scheduled group each week.

(6) The program's supervisor must authorize any exceptions to this requirement and document the reason for the exception in the participant's file.

(7) A program may develop policies which allow a brief lapse in treatment of no more than ~~((thirty))~~ 30 days when a participant transfers from another program or experiences extraordinary circumstances that impede their attendance.

(8) Any lapse in treatment must be approved by the program's supervisor and must not exceed ~~((thirty))~~ 30 days unless approved in writing by the program's supervisor.

(9) Before the participant begins any level of domestic violence intervention treatment, the program must document in the participant's record:

(a) The participant has signed all applicable releases of information required by the treatment program, including those specified in WAC ~~((388-60A-0365))~~ 388-60B-0365;

(b) The participant has signed a contract for services with the treatment program; and

(c) The participant has an assessment and treatment plan completed by a Washington state certified domestic violence intervention treatment program.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

**WAC 388-60B-0400 Behavioral assessment and interview criteria—
Who may conduct the interview and assessment and what must it include?**

(1) A participant must complete an individual interview and behavioral assessment with a certified program prior to starting any level of treatment.

(2) The purpose of the assessment is to determine:

(a) The level of risk, needs, and responsivity for the participant;

(b) The level of treatment the program will require for the participant; and

(c) Behaviorally focused individualized treatment goals or objectives for an initial treatment plan.

(3) Only treatment staff who meet the minimum qualifications for direct treatment staff as defined in this chapter may complete the interview and assessment process and all related paperwork.

(a) An assessment must be completed by a staff person who has been designated by the department at the staff or supervisor level as outlined in WAC (~~(388-60A-0240)~~) 388-60B-0240 and (~~(388-60A-0250)~~) 388-60B-0250;

(b) A trainee must not have sole responsibility for conducting an interview or assessment;

(c) A trainee may sit in on an interview and assessment process, but the staff or supervisor level person must conduct the interview and write the assessment.

(4) The assessment process must include:

(a) Verification of the participant's identity by photo identification, shared in person or electronically, unless photo identification is a barrier to treatment and the provider documents this in the participant's record;

(b) A behavioral assessment and screening interview with the participant;

~~((b))~~ (c) Collateral information and input from third party sources;

~~((c))~~ (d) The participant's legal history; and

~~((d))~~ (e) A summary of the results from all applicable evidence-based, empirical, and objective standardized tests.

(5) The assessment process is ongoing throughout treatment and changes to the participant's program based on updated assessment information must be documented in the participant's record.

(6) Each program certified for assessments must comply with the following:

(a) The program staff must meet (~~(in person and)~~) face-to-face with the participant to conduct the assessment, and the assessment must be kept in the participant's file;

(b) Information gathered by or provided to the program from the current victim, past victims, significant others, children, or other family members must not be included in the assessment unless:

(i) The program has written consent from that person to include such information in the written assessment; or

(ii) The program is quoting public information gathered from a public record such as a police report, protective order, no contact order, or a similar document;

(c) The assessment must be written, completed, signed, and dated by the staff or supervisor who completed the interview and assessment; and

(d) The program must document their reasonable efforts to share a completed assessment in a timely manner when it is requested by another certified program and an applicable release of information has been signed by the participant.

(7) **General assessment information:** During the assessment interview a program staff or supervisor must write the assessment and document information that includes the following:

(a) The participant's referral source and contact information for the source when applicable;

(b) Basic demographic and contact information;

(c) The participant's current relationship status and their plans for the relationship;

(d) The participant's access to the victim and their children, family, and coworkers;

(e) An assessment of the participant's individual culture which includes:

(i) Gender identity;

(ii) Preferred pronouns;

(iii) Sexual orientation;

(iv) Religion or spiritual beliefs;

(v) Race;

(vi) Ethnicity; and

(vii) Groups with which the participant identifies;

(f) The possible cultural context for the participant's views about using violence in family relationships;

(g) An assessment of the participant's history of victimization that includes:

(i) Domestic violence victimization;

(ii) Sexual assault victimization; and

(iii) Other trauma history including complex trauma;

(h) Current or past protective orders, no contact orders, parenting assessments, parenting plans, and orders for supervised visitation with children;

(i) A summary of information from police or incident reports for current and past incidents involving coercive or abusive behaviors;

(i) The program must document the participant's specific abusive behaviors; and

(ii) The program must document whether there were children present during any incidents or in the immediate aftermath of an incident and what the children's exposure was to the abuse, the victim's injuries, and damage to property;

(j) The participant's comments or views about specific abusive behaviors in current and past incidents;

(k) Additional collateral information that is necessary to assess the participant's risks and needs, including, but not limited to information from:

(i) Probation or parole officers;

(ii) The victim, previous partners, or a current partner if they choose to provide information;

- (iii) Victim advocates;
- (iv) 911 tapes;
- (v) Guardians ad litem, CASAs, or parenting evaluators; (~~and~~)
- (vi) Child protective service workers; and

(1) An assessment of whether children have been effected in any way by the participant's domestic violence and if a parenting class specific to perpetrators of domestic violence will be required by the program.

(8) **Domain 1:** An assessment of the participant's current and past high risk factors that include, but are not limited to:

- (a) Victim initiated separation from the participant in the last six months or other indication the victim may initiate separation;
- (b) The infliction or threat of physical harm against an intimate partner including strangulation, physical, sexual, and psychological abuse, or a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that partner;
- (c) Access to a firearm, previous use or threats to use a weapon as it is defined in chapter 9.41 RCW, or prior training with weapons;
- (d) Signs of jealousy, possessiveness, isolation, monitoring, stalking, or holding a victim captive;
- (e) Abuse of children, pets, or an elderly person;
- (f) Instability in the participant's life including, but not limited to employment, new or increased substance use, friendships, or intimate relationships;
- (g) Children of the victim that are not the participant's biological children;
- (h) History of violence in or outside of the home and any police contacts for the violence;
- (i) Previous domestic violence or anger management assessments or treatments;
- (j) Ideation, attempts, or threats of homicide and suicide; and
- (k) Repeated violations of probation, no contact orders, protection orders, or similar orders.

(9) **Domain 2:** A screening for traumatic brain injury, making appropriate referrals for further assessment or treatment when needed. Screening information gathered must include:

- (a) Traumatic brain injury or report of injury to the frontal lobe from an accident, sports, military, or similar activities;
- (b) Any history of concussions or brain disease or injuries from strokes or dementia; and
- (c) A history of experiencing repeated blows to the head regardless of whether the participant ever lost consciousness.

(10) **Domain 3:** A screening for indicators associated with the participant's mental health, making appropriate referrals for further assessment or treatment when needed. The screening must include:

- (a) A complete diagnostic evaluation when it is completed by an appropriately credentialed mental health professional practicing within their scope of practice; and
- (b) Whether the participant reveals any of the following:
 - (i) Indicators associated with post-traumatic stress disorder;
 - (ii) Indicators associated with bipolar disorder;
 - (iii) Indicators associated with anxiety and depression;
 - (iv) Indicators associated with personality anomalies;
 - (v) Anti-social traits;
 - (vi) Sociopathic traits;
 - (vii) Psychopathic traits;
 - (viii) Previous or current mental health treatment; and

(ix) Other mental health or emotional indicators the participant or staff consider relevant to planning successful participation in domestic violence intervention treatment, such as psychosis.

(11) **Domain 4:** An assessment of the participant's belief system as it relates to:

- (a) Hierarchical relationships;
- (b) Spiritual, cultural, or religious beliefs about gender and family roles that condone partner violence;
- (c) Readiness to change; and
- (d) Level of accountability.

(12) **Domain 5:** A screening for substance use, making appropriate referrals for further assessment or treatment by a chemical dependency professional when needed. The screening must include:

- (a) Past and current substance use;
- (b) Information about charges, assessments, or treatments related to substance use; and
- (c) Other substance use information the participant or staff consider relevant to successful participation in domestic violence intervention treatment.

(13) **Domain 6:** An assessment of the participant's environmental factors which must include:

- (a) Criminal history from the participant's:
 - (i) Self-report;
 - (ii) A background check that covers each state they have lived in over the last (~~ten~~) 10 years; and
 - (iii) Collateral sources;
- (b) Friends and family with criminogenic behaviors;
- (c) The absence or presence of pro-social supports;
- (d) A brief employment history and current status including:
 - (i) Length of employment; and
 - (ii) Level of job satisfaction;
- (e) Highest level of education completed and any barriers to education or learning, including literacy, learning disabilities, or language needs;
- (f) The people who make up the participant's support system and how their beliefs do or do not support the participant's abusive behaviors;
- (g) The participant's motivations for healthy family relationships;
- (h) The participant's strengths, social activities, hobbies, and recreational activities; and
- (i) Whether or not the participant is socially isolated.

(14) **Domain 7:** Documentation of the results from an evidence-based, empirical, and objective standardized test that assesses risk, lethality, or needs for domestic violence perpetrators and documentation of the participant's level of psychopathy when needed.

(a) Examples of acceptable assessments for risk, lethality, or needs for domestic violence perpetrators include, but are not limited to:

- (i) The Domestic Violence Inventory;
- (ii) The Domestic Violence Screening Instrument - Revised;
- (iii) The Ontario Domestic Assault Risk Assessment; and
- (iv) The Spousal Assault Risk Assessment;
- (b) If a program staff or supervisor has reason to believe it is needed or the participant has indicated any combination of three or more anti-social, sociopathic, or psychopathic traits, then the staff

or supervisor must gather information related to the participant's level of psychopathy; and

(c) Examples of acceptable assessments for psychopathy include, but are not limited to:

- (i) Self-Report Psychopathy Scale (SRP4);
- (ii) Hare P-scan; or
- (iii) Psychopathy checklist (PCL-R or PCL-SV);

(A) The administration of the PCL requires appropriate credentials and training; and

(B) The Interpersonal measure of psychopathy (IM-P) may be used with the PCL-R.

(15) **Acute or critical factors:** The following assessment factors are considered critical or acute and indicate the participant is at a higher risk for lethality or recidivism and must be required to attend level three or four treatment unless the program's supervisor documents extraordinary reasons for an exception in the participant's record.

(16) Other assessment factors may indicate a participant is at a high risk even if they do not meet any of these factors. The critical or acute factors include, but are not limited to:

(a) Previous incidents of physical assaults causing injury, sexual assaults, strangulation, or previous reported incidents toward more than one partner;

(b) Previous use or threats with weapons against an intimate partner or family member;

(c) Stalking behaviors;

(d) Physical, sexual, or assaultive violence against children, pets, or an elderly person;

(e) Attempts or threats of homicide or suicide in the last ((twelve)) 12 months;

(f) Repeated violations of probation, no contact orders, protective orders, or similar orders; or

(g) A medium or high level of psychopathy.

(17) If the program cannot obtain one or more of the items required in the assessment, then the program must document within the assessment their reasonable efforts to obtain the information.

(18) During an assessment process, the program staff or supervisor who conducted the interview must document a completed DSHS domestic violence 'risks, needs and responsibility form,' which can be downloaded from (~~(<https://www.dshs.wa.gov/ea/domestic-violence/certification-process>)~~) <https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment>.

(19) **Summary:** The assessment must contain a written summary which at a minimum includes findings from the behavioral assessment and interview with the participant, collateral information, and input from third party sources, and includes:

(a) A summary of the participant's social and legal history;

(b) An assessment of the degree of abusive cognitive and behavioral patterns;

(c) An assessment of the behaviors that need to be targeted in domestic violence intervention treatment;

(d) An assessment of the participant's level of accountability and their motivations and readiness to change;

(e) A summary and assessment of the results of all evidence-based, empirical, and objective standardized tests given through the assessment process; and

(f) The program's recommendation and rationale for no domestic violence intervention treatment or a condition for treatment that indicates level one, two, three, or four treatment that corresponds to the participant's risks and needs as determined through the interview and assessment process;

(i) The recommended level of treatment must not be diminished by factors such as the absence of legal charges, the type of legal charge the participant may have received, plea deals, or any other influences from outside entities; and

(ii) The program must recommend a level of domestic violence intervention treatment when intimate partner violence has occurred, unless the program has documented a reasonable and valid rationale for a recommendation of an alternative service or no treatment at all in the assessment; and

(g) All required and recommended referrals to other types of treatment such as substance use, parenting, or mental health treatment in order for the participant to be successful in domestic violence intervention treatment.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0500 On-site reviews and plans of correction—How does the department review certified programs for compliance with the regulations of this chapter? To obtain and maintain certification to provide domestic violence intervention treatment services, including certification to provide assessments or any level of care, each program is subject to an on-site or remote review to determine if the program is in compliance with the minimum certification standards of this chapter.

(1) The determination of whether the review will be conducted on-site or remotely will be made by the department and is not subject to administrative review under chapter 388-02 WAC.

(2) The determination to conduct an on-site or remote review will take into consideration the program's location, self-reported health conditions or complications of the program's personnel, and any other factors which the department considers valid in its determination process.

(3) For a standard review, a department representative(s) conducts an entrance meeting with the program ((and an on-site review)) that may include a review of:

(a) Program policies and procedures;

(b) Direct service staff personnel records;

(c) Participant and victim records;

(d) Written documentation of the program's treatment program;

(e) Attendance sheets and other forms related to the provision of domestic violence intervention treatment services;

(f) The facility where services are delivered and where physical or electronic records are kept;

(g) The program's quality management plan; and

(h) Any other information that the department determines to be necessary to confirm compliance with the minimum standards of this chapter, including, but not limited to interviews with:

(i) Individuals served by the program; and

(ii) The program's direct treatment staff members.

~~((2))~~ (4) The department representative(s) concludes ~~((an on-site))~~ a review ~~((, which may or may not happen in the same visit,))~~ with an exit meeting that includes, if available and applicable:

(a) A discussion of findings;

(b) A statement of deficiencies requiring corrective action; and

(c) A compliance report signed by the program's designated official and the department representative.

~~((3))~~ (5) The department requires the program to correct the deficiencies listed on the plan of correction:

(a) By the negotiated time frame agreed upon by the program and the department representative; or

(b) Immediately if the department determines participant or victim health and safety concerns require immediate corrective action.

~~((4))~~ (6) If the program fails to make satisfactory corrective actions by the negotiated deadline in the compliance report, the department may:

(a) Begin to take progressive action against the program's certification; or

(b) Initiate an investigation of the program.

~~((5))~~ (7) The department may schedule a follow-up review after a standard review or investigation to ensure all corrective actions have been successfully implemented.

AMENDATORY SECTION (Amending WSR 19-15-044, filed 7/11/19, effective 7/28/19)

WAC 388-60B-0510 Complaint investigations—How must an investigation get initiated and what is the process of the investigation?

DSHS investigates complaints regarding domestic violence intervention treatment programs that provide assessments or any level of intervention services.

(1) Any person may submit a written complaint to DSHS if the person has the following concerns about a certified program:

(a) The program has acted in a way that places the identified victim, current partner, or children at risk; or

(b) The program has failed to follow standards in this chapter.

(2) Once it receives a complaint about a certified program, the department will:

(a) Determine that the complaint includes sufficient information to be deemed valid;

(b) Notify the program within ~~((fourteen))~~ 14 days of the complaint being determined valid that the department has received a complaint about the program; and

(c) Notify the program by US Mail or electronic mail that an investigation has been initiated.

(3) The department may begin an investigation of a domestic violence intervention treatment program without a written complaint if the department believes that the program:

(a) Has placed the identified victim, current partner, or children at risk; or

(b) Failed to follow the standards of this chapter.

(4) The investigation of a complaint against a domestic violence intervention treatment program may include:

(a) Contact with:

- (i) The person making the complaint;
- (ii) Other persons involved in the complaint; and
- (iii) The treatment program;

(b) A request for written documentation of evidence; and

(c) An on-site or online visit to the program to review files or interview program staff.

(5) The department must complete its investigation within (~~six-~~~~ty~~) 60 days of beginning the investigation, unless circumstances warrant a longer period of time.

(6) The department will prepare written results of the complaint investigation.

(7) If the department decides that the treatment program behaved in a way that placed victims at risk or failed to meet the standards outlined in this chapter, the written results must include a decision regarding the status of the program's certification.

(8) If the department determines that a complaint against a domestic violence intervention treatment program is founded, the department may:

(a) Send a written warning to the treatment program;

(b) Suspend the treatment program's certification;

(c) Revoke the treatment program's certification; or

(d) Temporarily or indefinitely remove a program staff's designation as a trainee, staff, or supervisor.

(9) The department must send the written results of its investigation to the program.

(a) If any allegations were founded, the written results must be sent by certified mail, return receipt requested, or electronic mail, with read receipt, within (~~twenty~~) 20 days after completing the investigation; and

(b) If all allegations were unfounded, the written results may be sent to the program by electronic mail.

(10) The department will send a copy of the written results of the investigation to the person who made the complaint against the domestic violence intervention treatment program either by United States mail or electronic mail when feasible.