

5139-69-01 Creation of a juvenile sex offender treatment program certification advisory board.

(A) The purpose of this rule is to create a juvenile sex offender treatment program certification advisory board, outline its duties, and identify its membership.

(B) As used in this rule, the following definitions shall apply:

- (1) "Advisory board " means the juvenile sex offender treatment program certification advisory board.
- (2) "Certification" means the review, approval and recommendation for certification by the advisory board to the department for the operation of a juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment program that complies with the standards established by the department.
- (3) "Child-victim offender" means a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing any child-victim oriented offense, pursuant to section 2950.01 of the Revised Code.
- (4) "Department" means the Ohio department of youth services.
- (5) "Juvenile sex offender" means a child who is adjudicated a delinquent for committing, or has been adjudicated a delinquent child for committing any sexual offense as defined in section 2950.01 of the Revised Code.
- (6) "Program" means an entity that provides assessment, treatment, and/or transition services to juvenile sex offenders child-victim offenders and/or youth with sexually abusive behaviors in accordance with rule 5139-69-03 of the Administrative Code.
- (7) "Recertification" means the review, approval and recommendation for recertification by the advisory board to the department for the continued operation of a juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment program that complies with the standards established by the department.
- (8) "Treatment " means a comprehensive set of therapeutic experiences and interventions planned and organized to improve the prognosis and functioning of a juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors and to reduce the risk of sexual reoffense or other sexually abusive and aggressive behavior.
- (9) "Youth with sexually abusive behaviors" means a child who has been identified as engaging in behavior that could be defined as any sexual offense defined in section 2950.01 of the Revised Code regardless if the youth was formally adjudicated of the behavior.

(C) For the purposes of complying with section 2950.16 of the Revised Code, there is hereby created within the Ohio department of youth services a juvenile sex offender treatment program certification advisory board.

(1) Duties of the advisory board:

(a) The advisory board will review and recommend for certification to the director of the department or designee, the operation of juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment programs that comply with standards established by the department.

(b) The advisory board will review and recommend for recertification to the director of the department or designee, the operation of juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment programs that comply with standards established by the department.

(c) The advisory board shall direct the inspection and monitoring of juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment programs.

(d) The advisory board shall maintain a list of certified juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment programs that is open to public inspection.

(e) The advisory board shall evaluate and monitor the effectiveness of certified juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment programs.

(f) The advisory board shall require certified juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors assessment, treatment and transition programs to establish performance or outcome measures that evaluate effectiveness of the program.

(2) Advisory board membership

(a) The board shall, at a minimum, consist of the following members:

(i) One member appointed by the director of the Ohio department of youth services who can represent sex abuse victims and victim's rights organizations;

(ii) One member representing the Ohio department of youth services appointed by the director of the department;

(iii) One member representing the Ohio department of rehabilitation and corrections appointed by the director of that department;

(iv) One member who is recommended by the buckeye state sheriff's association representing local county sheriff offices and appointed by the director of of that association;

(v) One member representing juvenile community corrections appointed by the director of the department of youth services;

(vi) One member representing the governor's office of the state of Ohio appointed by the governor;

(vii) One representative of a juvenile or family court appointed by the president of the Ohio association of juvenile court judges.

(viii) One member with demonstrated expertise in working with juvenile sex offenders, child-victim offender and/or youth with sexually abusive behaviors representing public children services agencies or county department of job and family services, appointed by the director of the Ohio department of youth services; and,

(ix) One member representing each of the following areas, appointed by the director of the Ohio department of youth services:

- (a) Assessment of juvenile sex offenders/child-victim offenders;
 - (b) Treatment of juvenile sex offenders/child-victim offenders;
 - (c) Supervision, transition and re-entry of juvenile sex offenders/child-victim offenders; and,
 - (d) Quality assurance or quality improvement for treatment services.
- (b) The membership of the advisory board shall reflect to the extent possible, the geographic, rural and urban areas, and cultural diversity of the state.
- (c) The director of the department of youth services shall appoint a chair from among the advisory board members.
- (d) Members appointed by the director of the Ohio department of youth services shall serve on the advisory board for a period of two years. All other members shall serve for a period of one year. Regardless of appointing authority, all members may be reappointed to no more than two terms consecutively.
- (e) The advisory board shall operate strictly as an advisory board in the capacity of reviewing applications and making recommendations to the director of the department or designee regarding the certification and/or recertification of juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment programs that comply with standards established by the department.
- (f) No member holding a financial or personal interest in a program applying for certification before the advisory board shall participate in the deliberations or approval of that program for certification and/or recertification.

Effective: 11/29/2012

R.C. 119.032 review dates: 07/01/2013

Promulgated Under: 119.03

Statutory Authority: 5139.04(D), 5139.04 (H)

Rule Amplifies: 2950.16, 5139.34, 5139.41, 5139.43

Prior Effective Dates: 7/1/08, 12/11/08, 8/13/10

5139-69-02 Initial certification and recertification of juvenile sex offender and child-victim offender treatment programs.

(A) The purpose of this rule is to outline the initial certification process for juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment programs.

(B) Changes to the rules regarding certification and recertification of juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors shall be applied prospectively.

(C) As used in this rule, the following definitions shall apply:

(1) "Advisory Board" means the juvenile sex offender treatment program certification advisory board, as created in rule 5139-69-01 of the Administrative Code.

(2) "Certification" means the review, approval and recommendation for certification by the advisory board to the department for the operation of a juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment program that complies with the standards established by the department.

(3) "Child-victim offender" means a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing any child-victim oriented offense pursuant to section 2950.01 of the Revised Code.

(4) "Department" means the Ohio department of youth services.

(5) "For cause survey" means an on-site review and examination of agency policies for assessments, treatment plans, progress notes and other relevant information in accordance with rule 5139-69-03 of the Administrative Code at the location of the agency seeking initial or recertification for those programs that do not hold a license or certificate issued by the Ohio departments of alcohol and drug addiction services, job and family services, mental health and/or developmental disabilities or a national accrediting body or at the discretion of the advisory board.

(6) "Juvenile sex offender" means a child who is adjudicated delinquent for committing or has been adjudicated a delinquent child for committing any sexually oriented offense, pursuant to section 2950.01 of the Revised Code.

(7) "OCAP" means the Ohio comprehensive assessment protocol self-assessment instrument.

(8) "Policy" means a set of written basic principles and associated guidelines, formulated and enforced by the governing body of a program, to direct and limit its actions.

(9) "Procedure" means a description of operational implementation or activities necessary for achieving a specific policy, principle or guideline.

(10) "Program" means an entity that provides assessment, treatment and/or transition services to juvenile sex offenders, child-victim offenders and or youth with sexually abusive behaviors in accordance with rule 5139-69-03 of the Administrative Code.

(11) "Recertification" means the review, approval and recommendation for recertification by the advisory board to the department for the continued operation of a juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment program that complies with the standards established by the department.

(12) "Treatment" means a comprehensive set of therapeutic experiences, and interventions planned and organized to improve the prognosis and functioning of a juvenile sex offender/ child-victim offender and/or youth with sexually abusive behaviors to reduce the risk of sexual reoffense or other sexually abusive and aggressive behavior.

(13) "Variance" means time limited, written permission granted by the board department to a program to meet a modified requirement of a rule of the Administrative Code.

(14)) "Waiver" means time limited, written permission granted by the board department to a program to be exempted from a rule or specific provision of a rule of the Administrative Code.

(15) "Youth with sexually abusive behaviors" means a child who has been identified as engaging in behavior that could be defined as any sexual offense as defined in section 2950.01 of the Revised Code, regardless if the youth was formally adjudicated of the behavior.

(D) Application for initial program certification

A program seeking initial certification must complete and submit to the advisory board an application form provided by the advisory board that contains the following elements:

- (1) Program name, business address, telephone number, fax number, and email address;
- (2) Type of certification a program is applying for: assessment, treatment and/or transition or any combination thereof.
- (3) A description of the assessment, treatment and/or transition services provided;
- (4) A list of counties the program serves and where treatment services are provided;
- (5) A copy of currently held licenses or certificates issued by the Ohio departments of alcohol and drug addiction services, jobs and family services, mental health and/or developmental disabilities' and/or any national accrediting body;
- (6) A description of the types of youth served;
- (7) A copy of the continuing education plan and policies regarding the qualifications and credentials required for staff responsible for supervising and delivering juvenile sex offender/child-victim offender treatment and/or youth with sexually abusive behaviors;
- (8) A signed attestation avowing that no staff responsible for supervising and delivering juvenile sex offender/child-victim offender treatment has been disciplined or placed on probationary status by any professional licensing or certifying body, or has a currently revoked, canceled, or suspended license or certificate;
- (9) A complete copy of treatment contracts, one treatment plan with personally identifiable information deleted, and practice methodology statement on how treatment and safety plans are developed;

(10) A copy of the program's policy addressing preventing sexual contact between youth and a copy of the program's policy addressing preventing sexual contact between all staff and youth as required in paragraph (C)(4) of rule 5139-69-03 of the Administrative Code.

(11) A completed OCAP; and,

(12) Any requests for variances or waivers from provisions of this rule or from provisions of rule 5139-69-03 of the Administrative Code.

(E) Application for recertification

A program seeking recertification must submit to the advisory board a recertification application form provided by the advisory board that contains the following elements:

(1) Any changes in the counties the program serves and where treatment services are provided;

(2) A copy of currently held licenses or certificates issued by the Ohio departments of alcohol and drug addiction services, job and family services, mental health and/or developmental disabilities or a national accrediting body;

(3) A copy of the currently held initial program certification for juvenile sex offender and/or child-victim offender treatment programs;

(4) A description of the assessment, treatment and/or transition services provided;

(5) A copy of the continuing education plan and policies focusing on assessment, treatment, transition and/or management of juvenile sex offenders, child-victim offenders and/or youth with sexually abusive behaviors; and, provide documentation of implementation of the plan.

(6) A copy of the table of organization that identifies the qualifications or credentials of staff responsible for supervising and delivering services to youth;

(7) Documentation reflecting that the policy for preventing sexual contact between youth and between all staff and youth has been reviewed from the date of the initial certification and revised as appropriate and/or needed. If either policy has been revised, a copy of that policy shall be submitted.

(8) A completed OCAP, signed by the chief executive officer and the individual completing the application; and,

(9) Any requests for variances or waivers from provisions of this rule or from provisions of rule 5139-69-03 of the Administrative Code.

(F) Application review and approval

Applications for initial program certification and recertification shall be reviewed by the advisory board within ninety days of receipt of the application by the advisory board.

(1) If the advisory board determines the application is complete and is compliant, it shall recommend to the director of the department or designee that the program shall be notified of approval in writing and a certificate issued.

(2) If the advisory board determines the application to be incomplete or non-compliant, it a designee of the department shall notify the program in writing and identify the timeframe within which the program must correct cited deficiencies.

(a) A revised application may be resubmitted within the specified timeframe demonstrating upon correction of the cited deficiencies.

(b) If deficiencies have not been corrected within the timeframe specified, the advisory board shall withhold any further consideration of the application for a period of one year from the date specified and the advisory board shall require that a new application be submitted after one year. The certification shall be invalid during that year.

(c) The advisory board's return of incomplete or non-complaint materials to the program or failure to take further action to issue a certificate shall not constitute denial of an application for program certification.

(G) Variances and waivers

A program may submit a variance or waiver request to the advisory board of any requirements imposed in paragraph (C) or (D) of this rule, or to the standards as defined in rule 5139-69-03 of the Administrative Code. The granting of a variance or waiver is a discretionary act of the board department based upon documentation as to why the program is not in compliance. The refusal to grant a variance or waiver, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

(1) A request for variance or waiver shall contain the following:

(a) Identification of the required application element and/or standard for which the variance or waiver is being applied for;

(b) The reason for requesting the variance or waiver. Specific barriers to compliance must be identified;

(c) If applicable, submission of evidence supporting the proposed variance's or waiver's effectiveness with treatment of juvenile sex offenders; and,

(d) A description of the efforts that have already been tried to address the issue requiring the variance or waiver.

(2) The advisory board shall review the variance/waiver request within thirty ninety days of having received the request. The advisory board shall make a recommendation to the department to grant or deny a variance or waiver. If it is recommended that a variance or waiver is granted, the advisory board shall have the authority to set forth shall recommend specific program conditions that must be met during the timeframe of the proposed variance/waiver. The department shall make the determination to grant or deny a variance or waiver and set forth specific program conditions to be met if granted. The board department may require the program to submit periodic documentation regarding how the variance/waiver is working and the identification of any benefits or challenges.

(3) If the specific program conditions identified in the variance or waiver are not met, the board department shall have the authority to refuse to issue or may revoke a certificate.

(H) Program recertification

(1) Applications must for recertification must be received by the department at least ninety days prior to the expiration of the initial certification.

(2) Upon review and approval of an application for recertification, a certificate shall be issued to the program for a period up to two years.

(3) The certified program's name shall remain on the list of certified juvenile sex offender and child-victim offender programs maintained by the board and which is open for public inspection.

(4) If no application for recertification is received by the department, the initial certification shall expire and the program's name shall be removed from the list of certified juvenile sex offender and child-victim offender and/or youth with sexually abusive behaviors programs.

(I) Non-compliant, revocation or termination

(1) The board department may revoke or terminate certification of a program for one or more of the following reasons:

(a) Subsequent to review of a program's application for initial certification or recertification, it was determined not to qualify;

(b) It was determined that false or erroneous information was provided on the application ;

(c) A complaint of abuse, neglect, fraud, or unethical behavior by program staff is substantiated by the appropriate investigative body;

(d) The program fails to remain in compliance with the rules and/or standards of an appropriate licensing, certifying, accrediting or other regulatory body;

(e) The program or principal in the program has been convicted of Medicaid fraud; or,

(f) Any other circumstances or facts which the department in its discretion determines to require revocation or termination of certification.

(2) The department shall give the program written notice by certified mail, return receipt requested, if it has determined a program to be non-compliant and has denied certification or has revoked or terminated certification. The notice shall include:

(a) The standard(s) with which the program was found to be in non-compliance and/or other reason(s) for the action.

(b) The section(s) of the law or rule(s) involved.

(c) A statement informing the program of the reasons for denial of certification, revocation or termination and that the program is entitled to a hearing if the department receives a written request for a hearing within thirty days of the program having received the notice.

(d) A statement that at the hearing, the program's representative may appear in person and/or be represented by its attorney or may present its position, arguments or comments in writing in lieu of personally appearing at a hearing.

(e) A statement that if the program is personally appearing or being represented at the hearing it may present evidence and examine witnesses appearing for and against it.

(f) A copy of the notice shall be mailed via regular mail to the attorney or other representative of record representing the program.

(g) No hearing will be held if a written request by the program is not timely received.

(h) If a notice is returned undeliverable, the department shall utilize a personal service to deliver the notice or shall cause publication of the notice in a newspaper of general circulation in the city of last known residence or business, once a week for three weeks. A copy of the newspaper posting will be mailed to the last know address and the notice shall be considered received as of the date of the last publication.

(3) If a program requests a hearing, the department shall set the date, time and place for the hearing within fifteen days, but not earlier than seven days, after the program has requested a hearing unless otherwise agreed upon by both the department and the program. A copy of the hearing notice shall be mailed to the program's representative or its attorney. The date of the hearing may be continued for good cause.

(a) The department shall conduct the adjudication hearing following the procedures in section 119.09 of the Revised Code and among other things may appoint a referee or hearing examiner who is licensed to practice law in the state of Ohio to conduct the proceedings and issue a written report and recommendations to the department including findings of fact and conclusions of law.

(b) The department shall provide a copy of the report and recommendations to the program via certified mail return receipt requested, within five days of the issuance of the report and recommendations by the hearing officer or referee.

(c) The program or program's representative may file an objection within ten days of receipt of the report and recommendations. The department shall consider the objections that are timely filed when making a final decision.

(d) The department, upon consideration of the report and recommendations and any objections shall approve, modify or disapprove the report and recommendations and issue its final decision via certified mailed return receipt requested. The decision of the department shall be considered final.

(4) Sanction

(a) Any program which has had its certification revoked or terminated pursuant to this rule shall not be eligible to apply to the department for sex offender treatment program certification for at least two years from the date of revocation without the written consent of the department.

(b) Any program which has been determined non-compliant pursuant to this rule shall not be eligible to apply to the department for sex offender treatment program certification for at least two years from the date of non-compliance without the written consent of the department.

(5) If a certificate is revoked or terminated, the program's name shall be removed from the list of certified and recertified juvenile sex offender and child-victim offender and/or youth with sexually abusive behaviors treatment programs that is open to public inspection.

(6) If a certificate is revoked or terminated, the board department will inform any other regulatory body(ies) having jurisdiction over the program's licenses and/or certificates

(7) Certificates shall be returned to the board department upon termination or revocation of certification, or of the program voluntarily relinquishes the certificate or goes out of business.

(8) A certificate shall be considered terminated and invalid if the program fails to reapply, correct identified deficiencies, voluntarily relinquishes the certificate or goes out of business.

(9) The denial, revocation or termination of certification is subject to appeal under Chapter 119. of the Revised Code.

(J) For cause survey

(1) A for cause survey shall be conducted for those programs who currently do not hold a license or certificate issued by the Ohio departments of alcohol and drug addiction services, job and family services, mental health and/or developmental disabilities or a national accrediting body; or, at the discretion of the board for cause.

(2) A for cause survey will review and examine agency policies, assessments, treatment plans, progress notes and other relevant information in accordance with rule 3139-69-03 or 5139-69-03 of the Administrative Code at the location of the agency seeking initial or recertification or at the site where services are delivered if different.

(3) If the advisory board determines the results of the for cause survey are complete and compliant, it shall recommend to the department that the program shall be notified in writing and an initial certificate issued.

(4) If the advisory board determines the for cause survey to be incomplete or non-compliant, it shall notify the program of deficiencies in writing and identify a timeframe within which the program must correct the cited deficiencies.

(5) The board department shall not certify or recertify the program until the deficiencies have been corrected within the timeframe.

(K) Complaints against certified programs

(1) Should any person have a reason to believe that the certification of a program should be revoked, that individual may submit the concern to the advisory board in writing together with any applicable supporting documentation.

(2) Complaints will be reviewed by the board and responded to in writing by the board.

Replaces: 5139-69-02

Effective: 11/29/2012

R.C. 119.032 review dates: 07/01/2013

Promulgated Under: 119.03

Statutory Authority: 5139.04(D), 5139.04 (H)

Rule Amplifies: 2950.16, 5139.34, 5139.41, 5139.43

Prior Effective Dates: 7/1/08, 8/13/10

5139-69-03 Juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment standards.

(A) The purpose of this rule is to set forth requirements for the assessment, treatment and transition of juvenile sex offenders, child-victim offenders and/or youth with sexually abusive behaviors. This rule applies to all programs seeking certification and recertification.

(B) Definitions

(1) "Assessment" means the process of collecting, documenting and analyzing information in measurable terms, so that appropriate decisions can be made regarding the need for the supervision and treatment of juvenile sex offenders and child-victim offenders.

(2) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly or delinquent child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for the purposes of that jurisdiction related to the adjudication, a person is so adjudicated as unruly or delinquent child shall be deemed a "child" until the person attains twenty-one years of age. For the purposes of this rule, the term youth is synonymous with "child."

(3) "Child-victim offender" means a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing any child-victim oriented offense, pursuant to section 2950.01 of the Revised Code.

(4) "Confidentiality waiver" means a document that is part of each informed consent document that delineates the limitations of confidentiality of treatment services provided to juvenile sex offenders, child-victim offenders and/or youth with sexually abusive behaviors.

(5) "Continuing education" is the process through which staff become current concerning juvenile sex offender, child-victim offender and/or youth with sexually abusive behaviors treatment concepts and techniques, acquire new knowledge and skills relevant to their work, gain new competencies, or improve current competencies and skills by completion of approved and documented educational experiences.

(6) "Diagnosis" means the diagnosis of mental and emotional disorders by an independent licensed professional within their scope of practice. The diagnosis and subsequent treatment plans shall be completed by these licensees.

(7) "Family" means a group of people related by blood or circumstances who may rely upon one another for sustenance, support security and/or socialization.

(8) "Juvenile sex offender" means a child who is adjudicated a delinquent for committing, or has been adjudicated a delinquent child for committing any sexual offense as defined in section 2950.01 of the Revised Code.

(9) "ODYS" means the Ohio department of youth services.

(10) "PCSA" means a public children services agency.

(11) "Policy" means a set of basic principles and associated guidelines, formulated and enforced by the governing body of an organization, to direct and limit its action.

(12) "Procedure" means a description of the operational implementation or activities necessary for achieving a specific policy, principle or guideline.

(13) "Program" means an entity that provides assessment, treatment, and/or transition services to juvenile sex offenders, child-victim offenders and/or youth with sexually abusive behaviors.

(14) "Qualified individual" means an individual licensed by the Ohio medical board; psychology board or counselor, social worker and marriage and family therapist board operating within his or her scope of practice or with specialized training through a college, university or nationally accredited organization.

(15) "Safety plan" means a plan that addresses specific risk factors of an individual youth, intervention strategies as well as interagency collaboration and information sharing.

(16) "Scope of practice" means formalized training, supervision and/or experience in juvenile sex offender and/or child-victim treatment.

(17) "SORN" classification/hearing" means a hearing held by a judge or magistrate to determine if an adjudicated child is to be classified as a juvenile sex offender registrant and to determine the child's duties to register and if community notification was needed.

(18) "Transition services" means service provided when a youth moves from one level of care to another or from one treatment location to another.

(19) "Treatment" means a comprehensive set of therapeutic experiences, and interventions planned and organized to improve the prognosis and functioning of a juvenile sex offender, child victim-offender and/or youth with sexually abusive behaviors and to reduce the risk of sexual reoffense or other sexually abusive and aggressive behavior.

(20) "Treatment contract" means a document explained to and signed by a youth, his family, custodian, guardian and other treatment team members that identifies the responsibilities of the family, guardian and youth; special requirements imposed by treatment team members; conditions that provide for protection of past and potential victims; and, consequences for failure to comply with the treatment plan.

(21) "Treatment plan" means a written statement(s) of treatment objectives and goals for an individual established by a treatment team, which includes the youth, his or her family, custodian or guardian when available, treatment provider and that includes specific criteria that indicates progress. Treatment plans shall identify problem areas to be addressed in treatment and treatment goals and objectives signed off by an independently licensed professional within the scope of their practice.

(22) "Youth with sexually abusive behaviors" means a child who has been identified as engaging in behavior that could be defined as any sexual offense as defined in section 2950.01 of the Revised Code regardless if the youth was formally adjudicated of the behavior.

(C) Program and administrative requirements

- (1) Programs shall meet the certification application requirements identified in rule 5139-69-02 of the Administrative Code.
- (2) Programs shall seek recertification after the initial two years and shall meet the recertification application requirements identified in rule 5139-69-02 of the Administrative Code.
- (3) Programs shall have a written description of the theoretical basis for their services for juvenile sex offender, child-victim offender and youth with sexually abusive behavior treatment that encompasses the philosophy and methods of assessment, treatment and transition including the identification of specific intervention services and the qualified individuals to deliver and supervise those services.
- (4) Programs shall have policies for preventing sexual contact between youth and between all staff and youth. The efficacy of these policies shall be reviewed at least annually and revised as appropriate. Any revision to the policies shall be filed with the advisory board within thirty days of revision.
- (5) Programs shall provide documentation of agency licensure, certification and/or accreditation and the advisory board shall be notified immediately of any change in licensure or certification status.
- (6) All programs seeking initial certification or recertification shall have policies and procedures, available on demand, regarding:
 - (a) Admission and discharge criteria;
 - (b) Confidentiality;
 - (c) Client/resident safety supervision;
 - (d) Prohibited activities, including sexual contact/activity and consequences;
 - (e) Staff ratios;
 - (f) Reporting of suspected abuse and/or neglect and physical intervention by staff;
 - (g) Physical intervention by staff;
 - (h) Critical incident reporting and tracking;
 - (i) Program evaluation or performance improvement planning;
 - (j) Program's expectations of youth's participation;
 - (k) A handbook/information provided to each youth with information about the program, the rules that apply to youth receiving services, a copy of the rules, and the program's grievance process;
 - (l) Processes by which the youth is referred to other services;
 - (m) Collaboration when necessary with other professionals, families and community supports;
 - (n) Development and implementation of treatment contracts;
 - (o) Transitioning and continuity of care from one setting to another;
 - (p) Treatment goals and group size; and,
 - (q) Youth compliance with SORN duties.

(D) Assessment

(1) Assessment tools shall be clinically indicated for assessing the needs of juveniles who are suspected of having a history of inappropriate sexual behaviors and be administered by qualified individuals acting within the scope of their practice.

(2) Assessments are conducted by an independently licensed professional or a licensed professional operating within the scope of their practice and under supervision.

(3) The initial comprehensive assessment of a child shall address the following information:

(a) Family history and dynamics;

(b) Youth's own abuse/victimization history;

(c) History of living arrangements/living environments;

(d) Social supports system;

(e) Criminal history/criminogenic factors;

(f) Educational history/vocational history;

(g) History that places youth at risk (substance abuse, gambling, eating disorder);

(h) Behavioral health history and any treatment received;

(i) Medical history;

(j) Mental health status assessment;

(k) Aggression history;

(l) Sexual behavior/history;

(m) Cognitive assessment;

(n) Alleged offense/sexually inappropriate behavior/self-report including:

(i) Prior juvenile court history;

(ii) Details of the current charges and any other alleged incidents, or charges;

(o) Documents describing victim impact, when available;

(p) When available information from other sources regarding the child's inappropriate sexual behavior; and,

(q) Documentation of any child welfare/protection investigations and case records when available.

(4) Assessment shall be updated after one year, prior to any changes in level of care, within thirty days of discharge or when clinically indicated, whichever is more frequent.

(5) Diagnosis

- (a) Only independently licensed professionals within their scope of practice shall provide a diagnosis prior to a child appearing in court.
- (b) Only independently licensed professionals within their scope of practice shall provide a diagnosis following a court order for treatment.
- (c) Only independently licensed professionals within their scope of practice shall provide a diagnosis at minimum yearly and at discharge or completion of the treatment plan.

(E) Treatment

- (1) Treatment shall be provided by qualified individuals acting within their scope of practice.
- (2) Programs shall document that each of the following issues were considered when developing appropriate individualized treatment plans and are considered when determining discharge and transitions from the program:
 - (a) Youth commitment to eliminating pathological sexual behaviors;
 - (b) Family involvement and/or reintegration;
 - (c) Cognitive distortions regarding sexuality;
 - (d) Appropriate expression of feelings;
 - (e) Developing positive relationships;
 - (f) Reducing and controlling deviant sexual arousal;
 - (g) Victim empathy;
 - (h) Developing insight into the factors that trigger sexually abusive behavior;
 - (i) Developing effective strategies to reduce the risk of future criminal sexual behavior;
 - (j) Identifying positive support networks, including parents and families to develop a plan for accessing support;
 - (k) Developing healthy expression of sexuality; and,
 - (l) Trauma.
- (3) Individualized treatment plans
 - (a) Individualized treatment plans shall be based on a comprehensive assessment and with participation from the youth, the family and victim where appropriate.
 - (b) Treatment plans shall include:
 - (i) Specific measurable treatment goals;
 - (ii) Specific action steps that identify party responsible;
 - (iii) Target dates for goal attainment; and,
 - (iv) Criteria for discharge and change in level of care.

(c) Treatment plans shall be reviewed every ninety days and at each assessment.

(4) Treatment contracts

(a) The treatment contract shall be explained in language understood by the youth and/or parent, custodian or guardian.

(b) The treatment contract shall identify:

(i) Responsibilities of the youth;

(ii) Responsibilities of the family, custodian, guardian;

(iii) Special requirements imposed by the juvenile court, probation, parole, public children's services agency and/or ODYS;

(iv) Duties to register as a juvenile sex offender or child-victim offender and consequences for failure to register if applicable; and,

(v) Consequences for failure to comply with the treatment plan.

(5) Safety plan

(a) Safety plans shall identify risk factors and intervention strategies for an individual youth.

(b) Safety plans shall include specific organizations with whom this information shall be shared.

(F) Transition

(1) Programs providing transition services shall have policies and procedures that require documentation of the following:

(a) All offense details, police reports, victim statement, initial and ongoing assessments, documentation that treatment services, clinical records and the safety plan have been reviewed.

(b) A primary case manager is assigned who is a qualified individual to coordinate services, manage transition/pre-release planning and monitor youth compliance with the transition plan.

(c) The need for ongoing physical, behavioral health or developmental disabilities services is assessed and referrals are made to community providers.

(d) Assessments shall be completed and findings shall be included in the transition plan;

(e) An educational plan is established, transfer of records is complete, testing is up to date, and resource assistance is identified.

(f) Job or school readiness has been assessed and referrals made for training, literacy, transportation, job coaching and other supports necessary to achieve self-sufficiency including independent living skills.

(g) Where appropriate, youth's duties to register as a juvenile sex offender or child-victim offender are included in the transition plan.

(h) If youth is enrolled in school, the school district has been requested to provide a designated representative for the school district to participate as a member of the treatment team.

(G) Clinical records/documentation

(1) Clinical records shall, at a minimum, be comprised of:

- (a) Assessment results;
- (b) Progress notes;
- (c) Signed statement of informed consent;
- (d) Signed confidentiality waiver document;
- (e) Signed treatment contracts;
- (f) Individual treatment plans;
- (g) Relevant medical records;
- (h) Offense history;
- (i) School records if applicable;
- (j) Recommendations for community referral(s); and,
- (k) Discharge or termination summary at discharge or termination from treatment program.

(2) If youth refuses to sign the treatment contract, the program shall notify the treatment team and they shall decide on the appropriate action.

(3) Release of information documents must:

- (a) Specify effective and ending dates;
- (b) Outline any specific limitations on youth and family confidentiality;
- (c) Include an explanation of how consent may be withdrawn without penalty; and,
- (d) Document consent of the parent, custodian or guardian and the youth.

(4) Termination of treatment

(a) As a condition of planned, successful discharge from a treatment program, the program must document and inform the youth, custodian, guardian and/or supervisory agency, that the youth has substantially complied with the treatment plan, satisfied the conditions of the treatment contract, and has been assessed as eligible for consideration for discharge.

(b) As a condition of an unplanned discharge from a treatment program, the program must document that a youth has failed or refused to comply with the treatment plan, has not met the conditions of the treatment contract, and/or has been assessed as ineligible for consideration for discharge.

(c) The youth has aged out of the treatment program, reached maximum medical benefit or has been discharged before program completion.

Effective: 11/29/2012

R.C. 119.032 review dates: 05/25/2015

Promulgated Under: 119.03

Statutory Authority: 5139.04(D), 5139.04 (H)

Rule Amplifies: 2950.16, 5139.34, 5139.41, 5139.43

Prior Effective Dates: 7/1/08, 8/13/10