

BLUE BOLDED TEXT - Newly Added or Amended Language

Red Text with Strikethrough - Removed Language

Requirements for All New Applicants Seeking Associate Level Candidacy¹

Associate Level Provider Candidacy is for individuals who want to become a DVOMB Approved Provider. Associate Level Provider Candidates, regardless of their credentials, must receive approval from the Application Review Committee (ARC) prior to beginning to provide any services to domestic violence offenders.

Individuals who have never applied to become listed on the DVOMB Approved Provider List must first start the process by applying for Associate Level Provider Candidacy using the required application (Application 1 - Associate Level Provider Candidate Application). Initial listing as an Associate Level Provider Candidate is valid for one year from the date of approval in order to allow the applicant time to develop competency in the required areas. Associate Level Provider Candidates may begin accumulating the required hours once approved by the ARC. Associate Level Provider Candidates shall not provide any domestic violence offender services without co-facilitation until their DVCS has determined they are able to facilitate independently and on their own.

- I. Prior to beginning work with domestic violence offenders, applicants must apply and be approved by the ARC as **AN ASSOCIATE LEVEL CANDIDATE Trainee**. Approval is based on the applicant meeting all of the following criteria and the discretion of the ARC. The applicant shall:

~~A. Shall not have a conviction of, or a deferred judgement (other than a traffic violation of 7 points or less) for a municipal ordinance violation, misdemeanor, felony, or have accepted by a court a plea of guilty or nolo contendere to a municipal ordinance violation, misdemeanor, or felony if the municipal ordinance violation, misdemeanor, or felony is related to the ability to practice under these Standards and Guidelines as reviewed and determined by the ARC. A certified copy of the judgment from a court of competent jurisdiction of such conviction or plea shall be conclusive evidence of such conviction or plea.~~

- B. NOT HAVE ANY CONVICTION FOR ANY MUNICIPAL ORDINANCE VIOLATION, MISDEMEANOR, FELONY, OR **COURT-MARTIAL CONVICTION** IF THE MUNICIPAL ORDINANCE VIOLATION, MISDEMEANOR, OR FELONY OR **COURT-MARTIAL CONVICTION** IS RELATED TO THE ABILITY OF THE APPROVED APPLICANT TO PRACTICE UNDER THESE STANDARDS AS REVIEWED AND DETERMINED BY THE APPLICATION REVIEW COMMITTEE. THE TERM "CONVICTION," AS IT IS USED IN SECTION 9.0 OF THESE STANDARDS & GUIDELINES, IS DEFINED IN APPENDIX D

¹ Spence, C., Cantrell, J., Christie, I., & Samet, W. (2002). A collaborative approach to the implementation of clinical supervision. Journal of Nursing Management, 10, 65-74.; 16-11.8-104(2)(a) C.R.S. The board shall require any person who applies for placement, including any person who applies for continued placement, on the approved provider list developed pursuant to section 16-11.8-103 (4) to submit to a current background investigation that goes beyond the scope of the criminal history record check described in section 16-11.8-103 (4) (a) (III) (A). In conducting the current background investigation, the board shall obtain reference and criminal history information and recommendations that may be relevant to the applicant's fitness to provide domestic violence offender treatment evaluation or treatment services pursuant to this article.

("DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD ADMINISTRATIVE POLICIES"). A CERTIFIED COPY OF THE JUDGMENT FROM A COURT OF COMPETENT JURISDICTION OF SUCH CONVICTION, SHALL BE CONCLUSIVE EVIDENCE OF SUCH A RECORD.

- C. NOT BE PARTY to any civil dispute that is related to the ability OF THE APPLICANT OR PROVIDER to practice under these Standards and Guidelines as reviewed and determined by the ARC. THE CONSEQUENCE OF ANY CIRCUMSTANCE IMPACTING A PROVIDER'S ABILITY TO PRACTICE UNDER THESE STANDARDS AND GUIDELINES COULD RESULT THE REMOVAL FROM THE APPROVED PROVIDER LIST.
- D. NOT ABUSE DRUGS OR ALCOHOL, NOR SHALL AN APPLICANT OR PROVIDER USE DRUGS AND/OR ALCOHOL IN A WAY THAT COMPROMISES THEIR ABILITY TO PRACTICE UNDER THESE STANDARDS AND GUIDELINES, AS DETERMINED BY THE ARC. SUCH DRUG/ALCOHOL USE OR ABUSE MAY RESULT IN THE DENIAL OF AN APPLICANT'S APPLICATION, OR IN THE REMOVAL OF A PROVIDER FROM THE APPROVED PROVIDER LIST.

10.0 Administrative Standards

~~10.01 Violence Free:~~ Approved Providers shall be violence-free in their own lives.

~~10.02 Criminal Convictions:~~

- ~~a) Approved Providers shall not have a conviction of a municipal ordinance violation, misdemeanor, felony, or have accepted by a court a plea of guilty or nolo contendere to a municipal ordinance violation, misdemeanor, or felony if the municipal ordinance violation, misdemeanor, or felony is related to the ability of the approved provider to practice under these Standards. A certified copy of the judgment from a court of competent jurisdiction of such conviction or plea shall be conclusive evidence of such conviction or plea.~~

~~Discussion Point: An applicant may submit a letter requesting feedback from the Application Review Committee regarding his/her criminal history prior to submitting an application and receive feedback regarding whether that criminal history may prevent him/her from being approved as a treatment provider.~~

- ~~b) Approved Providers shall not engage in criminal activity.~~

~~10.03 Respect and Non-discrimination:~~ Approved Providers shall communicate and be respectful of the uniqueness of all people. An Approved Provider shall not practice, condone, facilitate, or collaborate with any form of discrimination.

~~10.04 Substance Abuse:~~ Approved Providers shall not abuse drugs or alcohol.

~~10.05 Offender Fees:~~ The offender paying for their own evaluation and treatment is an indicator of responsibility and shall be incorporated in the treatment plan. All Approved Providers shall offer domestic violence offender evaluation and treatment services based on a sliding scale fee. (See Glossary of Terms—Appendix C)

~~10.06 Offender Records:~~ All Approved Providers shall have written documentation of the offender's evaluation information, treatment plan, treatment plan reviews, offender contract, case notes, offender's observed progress, attendance, payment of fees, collateral contacts and records, record of referrals, violations of offender contract, monthly reports to Probation, and discharge summary. In addition, Approved Providers working with domestic violence offenders shall meet record keeping standards outlined by their professional groups. Questions regarding professional record retention shall be directed to the Department of Regulatory Agencies.

~~10.07 Confidentiality:~~ An Approved Provider shall not disclose confidential communications in accordance with Section 12-43-218, C.R.S.

~~10.08 Release of Information:~~ When enrolling a client in treatment, a provider shall obtain certain signed releases of confidentiality based on the informed consent of the client. The information shall be provided in a manner that is easily understood, verbally and in writing, in the native language of the person, or through other modes of communication as may be necessary to enhance understanding. A provider shall obtain the following releases, which should each be completed as a separate document with its own signature from the client:

a) ~~Required Treatment Release:~~ This release shall explain that written and verbal information will be shared between the following individuals: victim(s) of record, all members of the MTT and shall, if applicable, extend to the Department of Human Services, or other individuals or agencies responsible for the supervision of the client. Other releases of confidentiality may include the offender's former partner(s), current and/or past therapist or Approved Provider, and where warranted, any guardian ad litem, or other professionals working on behalf of the adult and child victims of the offender. The provider shall document any exceptions to this Standard.

b) ~~Required Adjunct Treatment or Intervention Release:~~ For clients recommended and planned to undergo a required adjunct treatment or intervention to address a co-occurring issue as a second contact in addition to domestic violence offender treatment, this release shall comply with all state and federal regulations.

c) ~~Required Substance Use Disorder Treatment Release:~~ For clients undergoing substance use disorder treatment co-occurring with domestic violence offender treatment, this release shall comply with the provisions of 42 C.F.R. § 2.31.

d) ~~Research Release:~~ A provider shall present this release for voluntary informed consent by the client. The client may agree to a release of confidentiality for information to be shared with the Board for the purpose of research related to the evaluation or implementation of the Standards and Guidelines for domestic violence offender management in Colorado, in compliance with 45 CFR § 164.508.

~~Discussion Point:~~ The research release is voluntary and should be presented for the client's review and determination for voluntary informed consent. All other releases are required for domestic violence offender treatment.

~~**10.09 Duty to Warn:** Approved Providers have the duty to warn as defined in Section 13-21-117, C.R.S. If the offender shows signs of imminent danger or escalated behaviors that may lead to violence, the Approved Provider shall:~~

- ~~a) Contact the victim or person to whom the threat is directed and victim services, if appropriate;~~
- ~~b) Notify law enforcement when appropriate;~~
- ~~c) Contact the responsible criminal justice agency to discuss appropriate responses. The response shall include, but is not limited to, an assessment by the MTT of the current treatment and a decision whether the changes to treatment are appropriate based on the increased containment needs of the offender.~~

~~**10.10 Duty to Warn:** Approved Providers are required by law to report child abuse and/or neglect according to statute Section 19-3-304, C.R.S.~~

10.11 Offenses Involving Unlawful Sexual Behavior: When there is a conviction for an offense for which the underlying factual basis has been found by the court on the record to include an act of domestic violence, and the conviction includes a sex offense as defined in Section 16-11.7- 102 (3), C.R.S. or an offense which the court finds on the record to include an underlying factual basis of a sex offense, then that offender shall be evaluated and treated according to the Colorado Sex Offender Management Board Standards and Guidelines For The Assessment, Evaluation, Treatment And Behavioral Monitoring Of Adult Sex Offenders.

~~**10.12 Treatment Data:** Approved Providers shall participate in, and cooperate with, Board research projects related to evaluation or implementation of the Standards or domestic violence offender management in Colorado in accordance with Section 16-11.8-103(4)(b)(IV), C.R.S.~~

~~**10.13 Approved Provider Contact Information:** Approved Providers are responsible for notifying the Board in writing of any changes in provider name, address, phone number, program name, Treatment Victim Advocate, Domestic Violence Clinical Supervisor or Peer Consultant and any additional Treatment locations, no later than 2 weeks after any change.~~

~~**10.14 Approved Provider Audit:** The Board may audit an Approved Provider for compliance with Standards and Guidelines when necessary. The audit may include: site reviews of implementation of administrative and program policies and procedures, staff interviews, case file reviews, program observation and community interviews, and/or requests for comments.~~

~~**10.15 Grievances:** Any victim, offender or community member that has concerns or questions regarding an Approved Provider or their treatment practices may contact the Board. Grievances and complaints must be submitted in writing to the Board or the Department of Regulatory Agencies (DORA). All grievances and complaints received by the Board will be forwarded to DORA and handled by the appropriate DORA board.~~

~~**10.16 Violations of Standards:** Violations of these Standards and Guidelines may be grounds for action by the Board pursuant to Section 16-11.8-103, C.R.S.~~

~~**10.17 Variances:** An Approved Provider may request a variance to the Standards and Guidelines that shall be subject to the approval by the Application Review Committee. Variances may~~

~~pertain to economic hardship or victim advocacy and most often are applicable to rural area.~~

Appendix D - Administrative Policies

This Appendix is designed for listed Domestic Violence Offender Management Board (DVOMB) Approved Providers (hereafter referred to as Providers) pursuant to Section 16-11.8-103, C.R.S., as well as those who have filed a Associate Level Candidate Application for listing status with the Domestic Violence Offender Management Board (DVOMB). The DVOMB does not have professional licensing authority, but rather statutory authority to develop an application and review process for Approved Providers and to add or remove Approved Providers from its Approved Provider List pursuant to section 16-11.8-101, et. seq. The provisions of this Appendix constitute the processes of the DVOMB related to applications, listing, denial of placement, Standards Compliance Reviews complaints, appeals and other administrative actions.

The Director of the Colorado Department of Public Safety (CDPS) may suspend or modify any of these procedures in the interest of justice to avoid irreparable harm to crime victims or to the citizens of Colorado. If the situation warrants, the DVOMB may exercise the option of seeking guidance from the Office of the Attorney General for possible legal action.

E. Maintenance of the DVOMB Approved Provider List

1. DVOMB staff shall maintain the Provider List on the DCJ website. Paper copies will be provided and distributed upon request.
2. The DVOMB will update and publish any changes to a Provider's status on the Provider List in accordance with Section 16-11.8-103(4)(c), C.R.S.
- ~~3. Individuals on the provider list shall notify the DVOMB in writing within 10 calendar days of any arrest, conviction, nolo contendere plea, or deferred judgment (other than a traffic violation of 7 points or less) for a municipal ordinance violation, misdemeanor, felony, and/or the commencement of any civil dispute involving an underlying factual basis of domestic violence. The Colorado Bureau of Investigation (CBI) will notify the DVOMB if a Provider is held or arrested and then fingerprinted. The DVOMB will consider such information, including the Provider's proper notification of the DVOMB, in deciding whether to take administrative action regarding a Provider's approval status.~~
4. Referral sources will be notified and the Approved Provider will be taken off the Provider List either 31 days from the date of issue of the Letter of Removal OR following the completion of the DVOMB's appeal process should either party appeal the decision. If the situation warrants, the DVOMB may exercise the option of seeking guidance from the Office of the Attorney General for possible legal action.

III. ADMINISTRATIVE REQUIREMENTS FOR APPROVED PROVIDERS

- A. Respect and Non-discrimination: An Approved Provider shall model behavior and conduct in a manner that is humane, non-discriminatory and consistent with their professional ethics and rules. Additionally, Approved Providers shall not allow personal feelings regarding a client's crime(s) or behavior to interfere with professional judgment and objectivity. When an Approved Provider cannot deliver the highest quality of service for any reason, the Approved Provider shall refer the client elsewhere.

- B. FOR THE PURPOSES OF THE ADMINISTRATIVE POLICIES AND SECTION 9.0 AND OF THESE STANDARDS AND GUIDELINES, "CONVICTION" MEANS A CONVICTION BY A JURY OR BY A COURT AND SHALL ALSO INCLUDE A DEFERRED JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, AND A PLEA OF GUILTY OR NOLO CONTENDERE (SOMETIMES REFERRED TO AS AN "ALFORD" PLEA). FOR THE PURPOSES OF THE ADMINISTRATIVE POLICIES AND SECTION 9.0 OF THESE STANDARDS AND GUIDELINES, "CONVICTION" ALSO INCLUDES ANY CRIMINAL RECORD WHICH HAS SINCE BEEN EXPUNGED AND/OR SEALED.
- C. FAILURE TO DISCLOSE A CRIMINAL CONVICTION, AS "CONVICTION" IS DEFINED IN THESE STANDARDS AND ADMINISTRATIVE POLICIES, MAY RESULT IN THE DENIAL OF AN INDIVIDUAL'S APPLICATION TO THE DVOMB APPROVED PROVIDER LIST. SHOULD SUCH A FAILURE TO DISCLOSE BE DISCOVERED AFTER AN APPLICANT'S APPROVAL TO THE APPROVED PROVIDER LIST, SUCH A FAILURE MAY BE USED BY THE DVOMB IN ITS DECISION MAKING RELATED TO WHETHER AN INDIVIDUAL SHOULD CONTINUE TO BE LISTED WITH THE SOMB.
- D. Approved Providers shall not engage in any abusive, violent, or criminal behavior in their own lives that would impede, interfere, or negatively impact their ability to practice under these Standards and Guidelines as reviewed and determined by the ARC. Approved Providers shall:
- ~~1. Have a conviction of, or a deferred judgement (other than a traffic violation of 7 points or less) for a municipal ordinance violation, misdemeanor, felony, or have accepted by a court a plea of guilty or nolo contendere to a municipal ordinance violation, misdemeanor, or felony if the municipal ordinance violation, misdemeanor, or felony is related to the ability to practice under these Standards and Guidelines as reviewed and determined by the ARC. A certified copy of the judgment from a court of competent jurisdiction of such conviction or plea shall be conclusive evidence of such conviction or plea. The consequence of any circumstance impacting a Provider's ability to practice under these Standards and Guidelines could result the removal from the Approved Provider List.~~ NOT HAVE ANY CONVICTION FOR ANY MUNICIPAL ORDINANCE VIOLATION, MISDEMEANOR, FELONY OR COURT-MARTIAL CONVICTION IF THE MUNICIPAL ORDINANCE VIOLATION, MISDEMEANOR, FELONY OR COURT-MARTIAL CONVICTION IS RELATED TO THE ABILITY OF THE APPLICANT TO PRACTICE UNDER THESE STANDARDS, AS REVIEWED AND DETERMINED BY THE APPLICATION REVIEW COMMITTEE. A CERTIFIED COPY OF THE JUDGMENT FROM A COURT OF COMPETENT JURISDICTION OF SUCH CONVICTION, AS "CONVICTION" IS DEFINED IN SECTION III(C) ABOVE BELOW, SHALL BE CONCLUSIVE EVIDENCE OF SUCH A RECORD.
 2. ~~Have~~ NOT BE PARTY to any civil dispute that is related to the ability OF THE APPLICANT OR PROVIDER to practice under these Standards and Guidelines as reviewed and determined by the ARC. The consequence of any circumstance impacting a Provider's ability to practice under these Standards and Guidelines could result the removal from the Approved Provider List.
 3. NOT ABUSE DRUGS OR ALCOHOL, NOR SHALL AN APPLICANT OR PROVIDER USE DRUGS AND/OR ALCOHOL IN A WAY THAT COMPROMISES THEIR ABILITY TO PRACTICE UNDER THESE STANDARDS AND GUIDELINES, AS DETERMINED BY THE ARC. SUCH DRUG/ALCOHOL USE OR ABUSE MAY RESULT IN THE DENIAL OF AN APPLICANT'S APPLICATION, OR IN THE REMOVAL OF A PROVIDER FROM THE APPROVED PROVIDER LIST.

~~Abuse drugs or alcohol. The consequence of any circumstance impacting a Provider's ability to practice under these Standards and Guidelines could result the removal from the Approved Provider List.~~

4. NOTIFY THE DVOMB IN WRITING WITHIN 10 DAYS UPON THE ISSUANCE of any SUMMONS AND WITHIN 10 DAYS OF any arrest. YOU MUST ALSO NOTIFY THE DVOMB IN WRITING WITHIN 10 DAYS UPON SUSTAINING ANY, conviction, ENTERING A nolo contendere plea, or ENTERING INTO any deferred judgement OR DEFERRED PROSECUTION AGREEMENT ~~(other than a traffic violation of 7 points or less)~~ for a municipal ordinance violation, misdemeanor, or felony; HOWEVER, NO SUCH NOTIFICATION NEEDS TO BE MADE IF THE UNDERLYING OFFENSE (OR ALLEGED OFFENSE) IS FOR A TRAFFIC VIOLATION INVOLVING 7 POINTS OR LESS, ~~and sentence plea.~~ FINALLY, THE DVOMB MUST BE NOTIFIED IN WRITING WITHIN 10 DAYS OF A PROVIDER BECOMING THE RESTRAINED PARTY IN EITHER A CRIMINAL OR A CIVIL ORDER OF PROTECTION. The DVOMB will be updated by the Colorado Bureau of Investigation of any of the above, and will consider such information, including proper AND TIMELY notification of the DVOMB, in its decision making related to whether an individual should continue to be listed with the DVOMB.
- E. Offender Fees: The offender paying for their evaluation and treatment is an indicator of responsibility and shall be incorporated in the treatment plan. All Approved Providers shall offer domestic violence offender evaluation and treatment services based on a sliding scale fee. (See Glossary of Terms - Appendix C)
- F. Offender Records: All Approved Providers shall have written documentation of the offender evaluation information, treatment plan, treatment plan reviews, offender contract, case notes, offender's observed progress, attendance, payment of fees, collateral contacts and records, record of referrals, violations of offender contract, monthly reports to the supervising agent, and discharge summary. In addition, Approved Providers working with domestic violence offenders shall meet record keeping standards outlined by their professional groups. Questions regarding professional record retention shall be directed to the Colorado Department of Regulatory Agencies.
- G. Confidentiality: An Approved Provider shall not disclose confidential communications as described in section 12-245-220, C.R.S.
- H. Data Collection: Providers shall submit data consistent with the DVOMB's data collection plan and participate in, and cooperate with, DVOMB research projects related to evaluation or implementation of the Standards or domestic violence offender management in Colorado in accordance with sections C.R.S. 16-11.8-103(4)(a)(IV).
- I. Duty to Warn:
 1. Approved Providers have the duty to warn as defined in Section 13-21-117, C.R.S. If the offender shows signs of imminent danger or escalated behaviors that may lead to violence, the Approved Provider shall:
 - a) Contact the victim or person to whom the threat is directed and victim services, if appropriate;
 - b) Notify law enforcement when appropriate;
 - c) Contact the responsible criminal justice agency to discuss appropriate responses. The response shall include, but is not limited to, an assessment by the MTT of the current treatment and a decision whether the changes to treatment are appropriate

based on the increased containment needs of the offender.

2. Approved Providers are required by law to report child abuse and/or neglect according to statute Section 19-3-304, C.R.S.

- J. Confidentiality of DVOMB Files: Information contained in the DVOMB files, including application materials for applicants, Providers, and those who have filed an application are considered confidential and are not available to the public. This includes background investigations, criminal history checks, unfounded complaints, certain types of Standards Compliance Reviews, school transcripts, letters of recommendation, trade secrets, confidential commercial data including applicant forms created for business use, curriculum developed for the business and clinical evaluations. Any information that, if disclosed, would interfere with the deliberation process of the Application Review Committee (ARC) of the DVOMB is also subject to this policy. The Colorado Open Records Act applies to other materials (Section 24-72-201, C.R.S.).
- K. Approved Provider Contact Information: Approved Providers are responsible for notifying the DVOMB in writing of any changes in provider name, address, phone number, program name, Treatment Victim Advocate, Domestic Violence Clinical Supervisor or Peer Consultant and any additional Treatment locations, no later than 2 weeks after any change.
- L. Complaints: Any victim, offender or community member that has concerns or questions regarding an Approved Provider or their treatment practices may contact the DVOMB. Complaints must be submitted in writing to the Board or the Department of Regulatory Agencies (DORA). All complaints received by the Board will be forwarded to DORA and handled by the appropriate DORA board.
- M. Violations of Standards: Violations of these Standards and Guidelines may be grounds for action by the DVOMB pursuant to Section 16-11.8-103, C.R.S. in accordance with these Administrative Policies.