

**2965.0090 STAFF QUALIFICATIONS AND DOCUMENTATION.**

Subpart 1. **Qualifications for all employees working directly with clients.** All persons working directly with clients must meet the following requirements:

- A. meet the rule requirements of the applicable residential or correctional facility license or accreditation, if any;
- B. be at least 21 years of age; and
- C. have a criminal records check before employment at the program.

Subp. 2. **Criminal convictions.** An applicant or certificate holder may choose to hire or retain an employee or prospective employee to work directly with a client who has a criminal conviction. The applicant or certificate holder must notify the commissioner of this fact and provide relevant information about the decision. The commissioner will review the conviction under the criteria in Minnesota Statutes, section 364.03, to determine if certification should be denied or a variance required. For purposes of this part, a conviction shall be deemed to be directly related to the work if it was for any of the offenses defined as criminal sexual behavior under part 2965.0010, subpart 12, or for a crime of violence under Minnesota Statutes, section 624.712, subdivision 5.

Subp. 3. **Qualifications for administrative director.** In addition to the requirements in subpart 1, an administrative director must meet the criteria in items A to C.

A. An administrative director must hold a postgraduate degree in the behavioral sciences or a field relevant to administering a sex offender program from an accredited college or university, with at least two years of work experience providing services in a correctional or human services program. Alternately, an administrative director must hold a bachelor's degree in the behavioral sciences or field relevant to administering a sex offender program from an accredited college or university, with a minimum of four years of work experience in providing services in a correctional or human services program.

B. An administrative director must have 2,000 hours of experience in the administration or supervision of a correctional or human services program.

C. An administrative director must have 40 hours of training in topics relating to sex offender treatment and management and human sexuality.

Subp. 4. **Qualifications for clinical supervisor.** In addition to the requirements in subpart 1, a clinical supervisor must meet the criteria in items A to C.

A. A clinical supervisor must be licensed as a psychologist under Minnesota Statutes, section 148.907; an independent clinical social worker under Minnesota Statutes, section 148B.21; a marriage and family therapist under Minnesota Statutes, sections 148B.29 to 148B.39; a physician under Minnesota Statutes, section 147.02, and certified by the American Board of Psychiatry and Neurology or eligible for board certification in

psychiatry; or a registered nurse under Minnesota Statutes, sections 148.171 to 148.285, and certified as a clinical specialist in adult psychiatric and mental health nursing by the American Nurses Association.

B. A clinical supervisor must have experience and proficiency in the following areas:

(1) at least 4,000 hours of full-time supervised experience in the provision of individual and group psychotherapy to individuals in at least one of the following settings: corrections, chemical dependency, mental health, developmental disabilities, social work, or victim services;

(2) 2,000 hours of supervised experience in the provision of direct therapy services to sex offenders;

(3) sex offender assessment; and

(4) case management, including treatment planning, general knowledge of social services and appropriate referrals, and record keeping, mandatory reporting requirements, and confidentiality rules and regulations that apply to adult sex offender clients.

C. A clinical supervisor must have training in the following areas or subjects:

(1) 30 hours in child, adolescent, or adult development;

(2) 12 hours in clinical supervision;

(3) 16 hours in the treatment of cognitive distortions, thinking errors, and criminal thinking;

(4) 16 hours in behavioral therapies for sex offenders;

(5) 16 hours in relapse prevention;

(6) 16 hours in human sexuality;

(7) 16 hours in family systems;

(8) 12 hours in crisis intervention;

(9) 12 hours in the policies and procedures of the Minnesota criminal justice system; and

(10) 12 hours in substance abuse treatment.

Persons who do not have the training required in this part shall have one year from their date of hire to complete the training.

Subp. 5. **Qualifications for sex offender therapist.** In addition to the requirements in subpart 1, a sex offender therapist must meet the criteria in items A to C.

A. A sex offender therapist must be licensed as a psychologist under Minnesota Statutes, section 148.907; a psychological practitioner under Minnesota Statutes, section 148.908; an independent clinical social worker under Minnesota Statutes, section 148B.21; a marriage and family therapist under Minnesota Statutes, sections 148B.29 to 148B.39; a physician under Minnesota Statutes, section 147.02, and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry; or a registered nurse under Minnesota Statutes, sections 148.171 to 148.285, and certified as a clinical specialist in adult psychiatric and mental health nursing by the American Nurses Association.

B. A sex offender therapist must have experience and proficiency in the following areas:

(1) 2,000 hours of supervised experience in the provision of individual and group psychotherapy to individuals in one of the following settings: corrections, chemical dependency, mental health, developmental disabilities, social work, or victim services;

(2) 2,000 hours of supervised experience in the provision of direct therapy services to sex offenders;

(3) sex offender assessment; and

(4) case management, including treatment planning, general knowledge of social services and appropriate referrals, and record keeping, mandatory reporting requirements, and confidentiality rules and regulations that apply to adult sex offender clients.

C. A sex offender therapist must have training in the following areas or subjects:

(1) 30 hours in child, adolescent, or adult development;

(2) 16 hours in the treatment of cognitive distortions, thinking errors, and criminal thinking;

(3) 16 hours in behavioral therapies for sex offenders;

(4) 16 hours in relapse prevention;

(5) 16 hours in human sexuality;

(6) 16 hours in family systems;

(7) 12 hours in crisis intervention;

(8) 12 hours in the policies and procedures of the Minnesota criminal justice system; and

- (9) 12 hours in substance abuse treatment.

Persons who do not have the training required in this part shall have one year from their date of hire to complete the training.

Subp. 6. **Qualifications for sex offender counselor.** In addition to the requirements in subpart 1, a sex offender counselor must meet the criteria in items A to C.

A. A sex offender counselor must hold a postgraduate degree or bachelor's degree in one of the behavioral sciences or related fields from an accredited college or university.

B. A sex offender counselor holding a bachelor's degree must have experience and proficiency in one of the following areas:

- (1) 1,000 hours of experience in the provision of direct counseling and case management services to clients in one of the following settings: corrections, chemical dependency, mental health, developmental disabilities, social work, or victim services;

- (2) 500 hours of experience in the provision of direct counseling or case management services to sex offenders or other involuntary clients; or

- (3) 2,000 hours of experience in a secured correctional or community corrections environment.

C. A sex offender counselor holding either degree must have training in the following areas or subjects:

- (1) 30 hours in child, adolescent, or adult development;

- (2) 12 hours in the treatment of cognitive distortions, thinking errors, and criminal thinking;

- (3) eight hours in behavioral therapies for sex offenders;

- (4) eight hours in relapse prevention;

- (5) eight hours in human sexuality;

- (6) eight hours in family systems;

- (7) four hours in crisis intervention;

- (8) four hours in the policies and procedures of the Minnesota criminal justice system; and

- (9) four hours in substance abuse.

Persons who do not have the training required in this part shall have one year from their date of hire to complete the training.

Subp. **7. Qualifications for examiners conducting psychophysiological assessments of deception.** The examiner conducting psychophysiological assessments of deception must:

- A. be a full or associate member in good standing of the American Polygraph Association; and
- B. have 40 hours of training in the clinical use of this procedure in the assessment, treatment, and supervision of sex offenders.

Subp. **8. Qualifications for examiners conducting psychophysiological assessments of sexual response.**

A. The clinical level examiner conducting psychophysiological assessments of sexual response must:

(1) be a doctor of medicine licensed under Minnesota Statutes, section 147.02, a psychologist licensed under Minnesota Statutes, section 148.907, or a social worker licensed under Minnesota Statutes, section 148B.21;

(2) have 40 hours of training in the clinical use of this procedure in the assessment and treatment of sex offenders; and

(3) have conducted five assessments under the direct supervision of a clinical level examiner who was present through the entire procedure.

Persons who meet the qualifications in subitem (1) and have been conducting psychophysiological assessments of sexual response for three years or more on April 26, 1999, are exempt from the qualifications specified in subitems (2) and (3).

B. The technical level examiner conducting psychophysiological assessments of sexual response must:

(1) be under the direct supervision of a clinical level examiner;

(2) have eight hours of training in the clinical use of this procedure in the assessment, treatment, and supervision of sex offenders; and

(3) have conducted five assessments under the direct supervision of a clinical level examiner who was present through the entire procedure.

Subp. **9. Documentation of qualifications.**

A. The department shall accept the following as adequate documentation that the staff described in subparts 3 to 8 have the required qualifications:

(1) copies of required professional licenses and other relevant certificates and memberships; and

(2) copies of official transcripts, attendance certificates, syllabi, or other credible evidence documenting successful completion of required training.

B. All qualification documentation must be maintained by the facility in the employee's personnel file or other appropriate personnel record.

Subp. 10. **Existing staff exempt from qualifications for current position.** Administrative directors and sex offender treatment staff who have been in their positions for six months or more on April 26, 1999, are exempt from the qualifications specified for their position in this part, but must meet the qualifications required under subpart 1 or for other positions defined in this part.

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