

2955.0020 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the following terms have the meanings given them.

Subp. 2. **Administrative director.** "Administrative director" means the person designated to be responsible for administrative operations of a residential juvenile sex offender treatment program.

Subp. 3. **Applicant.** "Applicant" means an entity applying for a certificate or a renewal of a certificate.

Subp. 4. **Basic treatment protocol.** "Basic treatment protocol" means the statement of the philosophy, goals, and model of sex offender treatment employed by the certificate holder. The basic treatment protocol also describes the sex offender population served; the theoretical principles and operating methods employed to treat clients; the scope of the services offered; and how all program components, such as clinical services, therapeutic milieu, group living, security, medical and psychiatric care, social services, educational services, recreational services, and spirituality, as appropriate to the program, are coordinated and integrated to accomplish the goals and desired outcomes of the protocol.

Subp. 5. **Case management.** "Case management" means the use of a planned framework of action that coordinates services both within the program and with other agencies and providers involved with a client regarding the client's progress in treatment and plans for discharge and aftercare, as appropriate.

Subp. 6. **Certificate.** "Certificate" means the document issued by the commissioner certifying that a residential juvenile sex offender program has met the requirements of this chapter.

Subp. 7. **Client.** "Client" means a person who receives sex offender treatment in a program certified under this chapter.

Subp. 8. **Clinical supervision.** "Clinical supervision" means the documented oversight responsibility for the planning, development, implementation, and evaluation of clinical services such as admissions, intake assessment, individual treatment plans, delivery of sex offender treatment services, client progress in treatment, case management, discharge planning, and staff development and evaluation.

Subp. 9. **Clinical supervisor.** "Clinical supervisor" means the person designated to be responsible for the clinical supervision of a residential juvenile sex offender treatment program.

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Corrections or the commissioner's designee.

Subp. 11. **Correctional facility.** "Correctional facility" has the meaning given in Minnesota Statutes, section 241.021, subdivision 1, paragraph (f).

Subp. 12. **Criminal sexual behavior.** "Criminal sexual behavior" means any criminal sexual behavior as identified in Minnesota Statutes, sections 609.293 to 609.352, 609.36, 609.365, 609.79, 609.795, and 617.23 to 617.294.

Subp. 13. **Department.** "Department" means the Minnesota Department of Corrections.

Subp. 14. **Discharge summary.** "Discharge summary" means written documentation prepared at the end of treatment by the program summarizing a client's involvement in treatment.

Subp. 15. **Family.** "Family" has the meaning given in Minnesota Statutes, section 260C.007, subdivision 17.

Subp. 16. **Individual treatment plan.** "Individual treatment plan" means a written plan of intervention, treatment, and services for a client in a residential juvenile sex offender treatment program that is based on the results of the client's intake assessment and is reviewed at scheduled intervals.

Subp. 17. **Legal guardian.** "Legal guardian" means a guardian as defined in Minnesota Statutes, section 525.539, subdivision 2, or a conservator as defined in Minnesota Statutes, section 525.539, subdivision 3.

Subp. 18. **License.** "License" means a license issued by the commissioner or the commissioner of human services authorizing the license holder to provide specified correctional or residential services according to the terms of the license and the rules of the commissioner or the commissioner of human services.

Subp. 19. **Paraphilia.** "Paraphilia" means a psychosexual disorder as described in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association in 1994, which is incorporated by reference and is available through the Minitex interlibrary loan system. The manual is not subject to frequent change.

Subp. 20. **Progress report.** "Progress report" means a report that describes the status of a client in a sex offender treatment program.

Subp. 21. **Psychophysiological assessment of deception.** "Psychophysiological assessment of deception" means a procedure used in a controlled setting to develop an approximation of the veracity of a client's answers to specific questions developed in conjunction with the program staff and the client by measuring and recording particular physiological responses to those questions.

Subp. 22. **Psychophysiological assessment of sexual response.** "Psychophysiological assessment of sexual response" means a procedure used in a controlled setting to develop an approximation of a client's sexual response profile and insight into the client's sexual motivation by measuring and recording particular physiological and subjective responses to a variety of sexual stimuli.

Subp. 23. **Residential juvenile sex offender treatment program.** "Residential juvenile sex offender treatment program" means a program that provides sex offender treatment to juvenile sex offenders in which the offender resides, at least during the primary phases of treatment, in a facility or housing unit exclusive to the program and set apart from the general correctional population. A program's treatment and residential services may be provided in separate locations.

Subp. 24. **Serious violations of policies and procedures.** "Serious violations of policies and procedures" means a violation that threatens the quality and outcomes of the treatment services, or the health, safety, security, detention, or well-being of clients or program staff; and the repeated nonadherence to program policies and procedures.

Subp. 25. **Sex offender.** "Sex offender" means a person who has engaged in, or attempted to engage in, criminal sexual behavior as defined in subpart 12 or who is ordered to sex offender treatment incident to adjudication for any other crime.

Subp. 26. **Sex offender intake assessment.** "Sex offender intake assessment" means the assessment of a sex offender after admission to a residential sex offender treatment program to determine the client's current cognitive, emotional, behavioral, and sexual functioning; amenability to treatment; risk level; and treatment needs.

Subp. 27. **Sex offender treatment.** "Sex offender treatment" means a comprehensive set of planned and organized services and therapeutic experiences and interventions that are intended to improve the prognosis, function, or outcome of clients to reduce their risk of sexual reoffense, or other sexually abusive and other aggressive behavior, by assisting them to adjust to and deal more effectively with their life situations. The focus of sex offender treatment is on:

A. the occurrence and dynamics of sexual behavior and provision of information, psychotherapeutic interventions, and support to clients to assist them to develop the motivation, skills, and behaviors that promote change and internal self-control; and

B. the coordination of services with other agencies and providers involved with a client to promote external control of the client's behavior.

Sex offender treatment does not include treatment that addresses sexually abusive or criminal sexual behavior that is provided incidental to treatment for mental illness, developmental disability, or chemical dependency.

Subp. 28. **Sexually abusive behavior.** "Sexually abusive behavior" means any sexual behavior in which:

- A. the other person involved does not or cannot freely consent to participate;
- B. the relationship between the persons is unequal; or
- C. verbal or physical intimidation, manipulation, exploitation, coercion, or force is used to gain participation.

Subp. 29. **Special assessment and treatment procedures.** "Special assessment and treatment procedures" means procedures used in sex offender assessment and treatment that are intrusive, intensive, or restrictive and present a potential physical or psychological risk when used without adequate care. A special assessment and treatment procedure that is intrusive impinges upon or invades a client's normal physical or psychological boundaries. The procedures include the psychophysiological assessment of deception and sexual response and treatment strategies that involve the use of aversive or painful stimuli. A special assessment and treatment procedure that is intensive involves the application of a procedure in a strong or amplified form in order to increase the effect of the procedure for a client. The procedures include marathon therapy sessions, psychodrama and role play involving the reenactment of criminal sexual behaviors or victimization, and certain forms of behavioral management in the therapeutic milieu; for example, high-level confrontation. A special assessment and treatment procedure that is restrictive limits or controls a client's privileges, access to resources, or freedom of movement in the program. The procedures include certain forms of behavioral management in the therapeutic milieu such as the use of seclusion, timeout, and restraint.

Subp. 30. **Supervising agent.** "Supervising agent" means the parole or probation agent working with a client.

Subp. 31. **Therapeutic milieu.** "Therapeutic milieu" means the planned and controlled use of the program environment and components as part of the treatment regimen to foster and support desired behavioral and cognitive changes in clients. A therapeutic milieu functions to coordinate and integrate supervised group living and the delivery of treatment services with other program components such as security, medical and psychiatric care, social services, nutrition, education, recreation, and spirituality. The nature and degree of development of a therapeutic milieu in the program may vary, depending upon the certificate holder's basic treatment protocol and the environmental and other conditions in which the program operates.

Subp. 32. **Treatment team.** "Treatment team" means at least two persons employed by or under contract to a residential juvenile sex offender treatment program who provide assessment, treatment, or clinical oversight services to clients.

Subp. 33. **Variance.** "Variance" means written permission given by the commissioner allowing the applicant or certificate holder to depart from specific provisions of this chapter for a specific period of time.

Subp. 34. **Victim.** "Victim" has the meaning given in Minnesota Statutes, section 611A.01, paragraph (b).

Statutory Authority: *MS s 241.67*

History: *23 SR 2001; L 1999 c 139 art 4 s 2; L 2001 c 178 art 1 s 44; L 2005 c 56 s 2*

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