

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #4

Do Not Mark In this Box

JUN 20 3 22 PM '99

OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Family Protection Services Board TITLE NUMBER: 191

CITE AUTHORITY 48-2C-13b

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO x


IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Licensure of Domestic Violence Perpetrator  
Intervention Programs

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
\_\_\_\_\_

Authorized Signature

\$5.40

QUESTIONNAIRE

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: July 31 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No ) Family Protection Services Board  
1204 Kanawha Boulevard, East  
Charleston, WV 25301

LEGISLATIVE RULE TITLE: Licensing Standards for Domestic Violence Perpetrator  
Intervention Standards

1. Authorizing statute(s) citation § 48-2C-13b

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 30, 1998

b. What other notice, including advertising, did you give of the hearing?  
Memos with copies of the proposed rules were mailed to all perpetrator  
intervention programs in the state.

c. Date of Public Hearing(s) or Public Comment Period ended:  
July 31, 1998 at 5:00 p.m.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached   x   No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 3, 1998

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- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Tonia Thomas, Chair

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1204 Kanawha Boulevard, East

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Charleston, WV 25301

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Telephone: 558-8814, Ex. 216

Fax: 558-0391

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- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

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b. Date of hearing or comment period:

June 30, 1998 through July 31, 1998

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

August 3, 1998

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d. Attach findings and determinations and reasons:

Attached

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**Summary of Proposed Revisions  
To  
Legislative Rule Title 191, Series 2  
For Licensure of Domestic Violence Perpetrator Intervention  
Programs**

This rule will establish standards regarding the minimum level of responsibility, service and accountability required for providers of programs of intervention for perpetrators of domestic or family violence. The rule will also set forth the process for attaining and retaining licensure.

### **Circumstances Which Require This Rule**

As described in § 48-2C-13b of the West Virginia Code, it is one of the duties of the Family Protection Services Board to develop standards and licensing procedures for domestic violence perpetrator intervention programs. In the past year, many domestic violence perpetrator intervention programs have been established throughout the state. Currently, these programs have no uniform standards regarding operation or licensing opportunities.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Licensing Standards for Perpetrator Intervention Programs  
 Type of Rule:  Legislative  Interpretive  Procedural  
 Agency: Family Protection Services Board  
 Address: Contact Person: Tonia Thomas  
1204 Kanawha Boulevard, East  
Charleston, WV 25301  
Telephone: 558-8814, ex. 216  
Fax: 558-0391

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

Fiscal note not required.

3. Objectives of these rules:

To provide licensure to domestic violence perpetrator intervention programs.

Rule Title: Licensure of Domestic Violence Perpetrator Intervention Programs

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

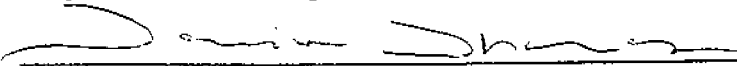
N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: August 3, 1998

Signature of Agency Head or Authorized Representative



TITLE 191  
LEGISLATIVE RULE  
FAMILY PROTECTION SERVICES BOARD

FILED

JAN 20 3 22 PM '99

SERIES 2  
LICENSURE OF DOMESTIC VIOLENCE PERPETRATOR INTERVENTION  
PROGRAMS

OFFICE OF THE CLERK OF THE WEST VIRGINIA  
SECRETARY OF STATE

**1. General.**

- 1.1. Scope. – This rule implements the provisions of West Virginia Code §§ 48-2C-13b and 13c relating to the licensure of programs of intervention for perpetrators of domestic or family violence.
- 1.2. Authority. – W.Va. Code § 48-2C-13b
- 1.3. Filing Date. –
- 1.4. Effective Date. –
- 1.5. Purpose. – This rule establishes standards regarding the minimum level of responsibility, service and accountability required for providers of programs of intervention for perpetrators of domestic or family violence and to set forth the process for attaining and retaining licensure.

**2. Definitions.**

As used in this article, unless the context clearly requires otherwise:

(a) "Board" means the family protection services board created pursuant to section three [§48-2C-3];

(b) "Shelter" or "Licensed Domestic Violence Program" means a program offered by a locally controlled organization primarily for the purpose of providing services to victims of domestic violence or abuse and their children;

(c) "Domestic Violence Perpetrator Intervention Program" means a licensed domestic violence program that accepts perpetrators of domestic violence or family violence into educational intervention groups.

(d) "Educator/Facilitator" means an individual who meets the minimum requirements outlined in Section 3.3.b. of these standards and who directly facilitates regularly scheduled classes for perpetrators of domestic violence.

(e) "Power and Control" as referred to in these standards means the primary cause that gives rise to the occurrence of domestic violence and family violence. Factors such as alcohol, poverty, unemployment, stress, substance abuse, etc. Are conditions that contribute to the incidents of domestic violence and family violence but that are not in and of themselves the cause of domestic violence and family violence.

### **3. Standards for Operation of Programs of Intervention for Perpetrators of Domestic or Family Violence.**

3.1. Licensing Standards for Perpetrator Intervention Programs: The term program is used to describe the overall agency providing services to perpetrators of domestic or family violence.

3.1.a. A program shall have a written statement specifying its purposes, program orientation and describing both short and long term goals. The statement should identify the types of services provided and the persons to be served by the program. The statement of purpose shall be available to the public on request.

3.1.b. Professional Staff Qualifications.

3.1.b.1. Educators/facilitators shall have a minimum of 40 hours of training approved by the Family Protection Services Board. The 40 hours of training shall include, but not be limited to the following:

3.1.b.1.A. The dynamics of domestic violence within the context of power and control;

3.1.b.1.B. The effects of domestic violence on victims and their children and the critical nature of victim contacts and safety planning;

3.1.b.1.C. The understanding that domestic violence is deeply rooted in historical attitudes toward women and is intergenerational;

3.1.b.1.D. Lethality assessment for risks of homicide, suicide, further domestic violence, or other violent aggressive behaviors, and the access to or use of weapons;

3.1.b.1.E. Information on state and federal laws pertaining to domestic violence, including the policies affecting treatment of court-ordered program participants, child abuse, divorce and custody matters;

3.1.b.1.F. The role of the facilitator within the group and in the context of a coordinated community response to domestic violence;

3.1.b.1.G. Teaching non-controlling alternatives to violent and controlling behaviors, and understanding and preventing collusion.

3.1.b.2. Educators/facilitators shall receive on an annual basis a minimum of 4 continuing hours of education or training approved by the Family Protection Services Board. The training shall include but not be limited to the following:

3.1.b.2.A. Domestic violence and substance abuse;

3.1.b.2.B. Domestic violence and the law;

3.1.b.2.C. Other issues which pertain to domestic violence;

3.1.b.2.D. Cultural competency;

3.1.b.2.E. Group process and facilitation skills training.

3.1.b.3. Educators/facilitators shall have at a minimum a high school diploma or G.E.D.

3.2. Staff Evaluation. – A program's personnel policies shall require that all staff, including administrative and supervisory staff, will receive performance evaluations on an annual basis. The evaluation shall be conducted by the perpetrator program. The evaluations must be discussed with the staff person and become a part of the staff person's permanent personnel record. Program policy shall provide that the staff person receives a written copy of the evaluation and signs the evaluation to demonstrate agreement or disagreement with the results of the evaluation. Policies shall assure that any written response from the staff person is included in the permanent personnel file.

3.3. Intake –

3.3.a. Criteria concerning a perpetrator's appropriateness for the program – A perpetrator shall be admitted to a perpetrator program if court-ordered to the program, voluntarily enrolled in the program and/or is assessed by the program to be eligible for participation in perpetrator intervention programs. An assessment shall be performed to:

3.3.a.1. Identify persons who would benefit from concurrent mental health or substance abuse treatment programs;

3.3.a.2. Screen out those persons from the perpetrators intervention program who have substance abuse problems or other impairments which make them unable to participate in the group intervention even with concurrent or preliminary treatment of those problems;

3.3.a.3. Screen out those persons from the perpetrators intervention program who may be dangerous or have severe mental illness and would not benefit from the program.

3.3.b. Upon admittance to a perpetrator intervention program, the program educator/facilitator shall complete a perpetrator intake form. The information shall be collected from the perpetrator and independent sources such as, but not limited to, police reports and court records.

3.3.c. A perpetrator intervention program shall have a contract outlining the responsibilities of the perpetrator and the educator/facilitator in the program. The terms of the contract will be agreed to and signed by the perpetrator and the authorized person of the perpetrator intervention program.

#### 3.4. Contact with Victims –

3.4.a. Unless approved by a licensed domestic violence program, contact with victims should come from a licensed domestic violence program and all information for contacting the victim remain with a licensed domestic violence program.

3.4.b. Educator/facilitators will consult with local licensed domestic violence programs to determine the appropriateness and logistics of contacting the victim and/or partner of the perpetrator. Victims and/or partners will be contacted by either the educator/facilitator, a designated staff member of the perpetrator intervention program, or staff from a local licensed domestic violence program. Victims and/or partners should be contacted at a time and a fashion that gives primary emphasis to their safety.

3.4.c. In the event that the contact of the victim and/or partner is done by the perpetrator intervention program staff, they shall provide written information from the local licensed domestic violence program, including the date and contact information.

3.4.d. Victim and/or partner contact will also include informing the perpetrator's victim and/or partner of class commencement and termination dates, as well as a duty to warn the victim and/or partner of any imminent danger from the perpetrator. Victims and /or partners will also receive written materials about the perpetrator's class, detailing the limitations of the class's effectiveness, the fact that the class is not intended to salvage relationships, and the necessity for victims to maintain a safety plan.

#### 3.5. Records. –

3.5.a. Individual client case records maintained by a perpetrator intervention program shall include at a minimum, administrative, service, and educational data from the time of enrollment until the time services are terminated.

3.5.b. A perpetrator intervention program shall maintain, if applicable, a copy of issued protective orders against a perpetrator enrolled in the program.

3.5.c. A perpetrator intervention program shall maintain a written record for each person who receives services from the program. The record shall contain an application form, which includes identifying data, eligibility factors pursuant to Section 3.3., rights and responsibilities, participant/client signature and authorized staff signature.

### 3.6 Confidentiality –

3.6.a. Perpetrator intervention programs shall have written policy regarding disclosure of information to the person or persons named in the protective order which ordered the perpetrator to the program. There shall be a written agreement providing for disclosure of information to the victim and a waiver of confidentiality. The disclosure agreement shall be signed by the perpetrator.

3.7. Reports – The perpetrator intervention program shall provide a monthly report to a licensed domestic violence program. This report shall contain the perpetrator attendance record and perpetrator compliance with program rules. If the participant is court ordered, this report shall also be forwarded to the perpetrator's probation officer, parole officer, and/or state and local law enforcement agencies.

### 3.8. Perpetrator Intervention Classes –

3.8.a. A perpetrator intervention class shall last for a period of at least thirty-two weeks and will include but not be limited to the following topics:

3.8.a.1. A model that depicts an overall system of physical and sexual abuse where the perpetrator uses methods and tactics of power and control over a victim;

3.8.a.2. The nature and effects of domestic violence;

3.8.a.3. The work that is necessary to bring about changes in the attitudes and beliefs that promote domestic and family violence;

3.8.a.4. The necessity for the maintenance of non-abusive behavior which includes learning non-violent conflict resolution, non-aggressive communication, and maintaining positive, healthy partnerships;

3.8.a.5. The importance of community services which allows perpetrators to give something of themselves back to the community and contribute to changing the climate that condones domestic and family violence;

3.8.a.6. Information about state and federal law and practice regarding domestic violence and legal/social consequences for perpetrators of domestic violence.

3.8.b. After the completion of a perpetrator intervention class, a recommendation shall be made to the referent source as to whether or not to release the perpetrator from the intervention program. This process may be repeated as necessary.

3.8.c. Perpetrators shall pay a fee for the perpetrator intervention classes. Provisions shall be made for those who are indigent. The fee scale shall be determined by the perpetrator intervention program.

3.8.d. Educator/facilitators of perpetrator intervention programs shall utilize a group education format with a staff ratio at a minimum of one educator/facilitator per 12 perpetrators.

3.9. Interagency Cooperation. –

3.9.a. A perpetrator intervention program shall initiate a written memorandum of understanding with a local licensed domestic violence program on an annual basis. The memorandum of understanding shall be agreed upon and signed by both parties and a copy shall be sent to the Family Protection Services Board. The memorandum of understanding shall include but not be limited to the following:

3.9.a.1. Identification of liaison persons involved in the meeting to develop the memorandum of understanding;

3.9.a.2. Description of formal process of exchanging information between agencies including safeguards for protecting victim safety;

3.9.a.3. Description of formal process of perpetrator intervention program sending monthly reports to the licensed domestic program;

3.9.a.4. Description of coordination, if any, of service plans;

3.9.a.5. Description of process and timetables for annual perpetrator intervention program evaluation to include: who will be involved, where will it held, who will coordinate the evaluation, who will write the evaluation report and who will sign the evaluation report.

3.9.a.5. Procedures for amending or evaluating the memorandum of understanding.

3.9.b. Interagency cooperation is only needed if the program is not operated by the local licensed domestic violence program.

3.10. Program Evaluation and Assessment. – By October 31, a program shall complete and submit to the Family Protection Services Board an annual evaluation. The evaluation will include but not be limited to the following:

3.10.a. Frequency of and reasons for low attendance of perpetrator(s).

3.10.b. Staff turnover rate.

3.10.c. General staff effectiveness in relation to stated goals and community needs.

3.10.d. Number of individuals served.

3.10.e. Number of classes provided.

#### **4. Licensure.**

4.1. Application. –

4.1.a. The board shall supply a standard application form which shall be completed by any organization planning to establish a program to provide perpetrator intervention services meeting the definition in section 2 of this rule. An organization must complete an application for licensure when it initially requests licensure or when it wishes to reopen after closure. After initial licensure of a program it will be evaluated as a part of the board's evaluation process on an annual basis.

4.1.b. The board shall receive and consider all applications submitted for the development and licensure of a program. The board shall consider all applications in light of the need for services, the ability of the applicant to successfully operate a program, the applicant's ability to obtain adequate funding for the delivery of services, and the applicant's interest and ability to provide quality services.

4.1.c. The board shall renew the licenses of all programs in compliance with the licensing standards on an annual basis. Renewal application forms for licensure shall be distributed by the Board to licensed perpetrator intervention programs in a timely

manner no later than the first day of March each year. Programs shall submit renewal applications to the Board no later than the fifteenth day of April. All licenses will have a term of one year commencing on the first day of July and terminating on the thirtieth day of June of the next year. The board shall grant or deny any license within forty-five days of the receipt of an application. The board shall require all licensed programs to conspicuously display the license.

4.1.d. The board shall exercise its authority to enforce a system of standards for all programs in the state as defined in section 3 of this rule. Any organization operating without a license as a program, shall be notified by the board, by certified letter, of its right to apply for licensure.

#### 4.2. Evaluation for Licensure –

4.2.a. The board shall evaluate all licensed perpetrator intervention programs in the state. The evaluation will include a peer review by another licensed perpetrator intervention program and may involve a review by a licensed domestic violence program. This review will use the licensing standards found in section 3 of this rule. The evaluation system requires that all programs complete a self-review utilizing the compliance checklist to be developed by the Family Protection Services Board in accordance with this rule.

4.2.b. The board or its designee shall annually conduct a review of perpetrator intervention program for compliance with requirements set forth in this rule.

4.2.c. Any areas of non-compliance on the part of the program being evaluated for licensure shall be reported on the licensing checklist by the reviewer. The board shall review each area of non-compliance and consider the relative risk to the safety of victims of domestic violence.

#### 4.3. Award of License –

4.3.a. Upon compliance with established standards, the board shall award a license annually to any organization which has completed an application for a license and has been approved by the board. Compliance will be evaluated by use of the standards by the reviewers, by board members, board staff or a combination of these parties as specified by the board.

4.3.b. Improvement Period. The board may also allow a program a period of improvement not to exceed six months after the notice of the board's intent to revoke or suspend the license and if the board finds re-licensure is a viable option. A majority of board members must vote in the affirmative in order to re-license a program or to allow for a period of improvement.

4.3.c. Waiver of Licensure. The board may grant a provisional license or grant a waiver of licensure if the board deems such waiver or provisional license is necessary for the health, safety and welfare of domestic violence victims in the community.

4.4.d. Revocation or Suspension of License. The board may close any program which violates the standards established by this rule, subject to the requirements in this rule regarding public hearings. A board majority must vote in the affirmative before a license is revoked or suspended. The board shall notify the program of a revocation or suspension of a license through a written notice. The notice will be hand-delivered either by a member of the board to the program or it will be mailed by certified mail. This notice shall include the announcement of a public hearing to be held within the confines of the municipality or county in which the program is located.

4.4.e. Grievance Procedures. Within ten days following the occurrence of the event upon which the grievance is based, the grievant or the designated representative, or both, may file a written grievance with the Family Protection Services Board Chair. At the request of the grievant or the chair, an informal meeting shall be held to discuss the grievance within 30 days of the receipt of the written grievance. The board chair shall conduct the meeting and ensure that all parties are accorded procedural and substantive due process. The board chair shall issue a written decision within ten days of the receipt.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

01170

JAN 8 9 53 AM '99

**Staff Counsel:** Rita A. Pauley  
**Date:** December 28, 1998  
**Agency:** Family Protection Services Board  
**Subject:** Licensure of Domestic Violence Perpetrator  
Intervention Programs, 191CSR2

OFFICE OF THE CLERK OF THE SENATE  
SECRETARY OF STATE

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PERTINENT DATES

Filed for public comment: June 30, 1998  
Public comment period ended: July 31, 1998  
Filed following public comment period: August 3, 1998  
Filed LRMRC: August 3, 1998  
Filed as emergency: N/A

Fiscal Impact: None

ABSTRACT

This new legislative rule establishes licensure requirements for providers of intervention programs for perpetrators of domestic or family violence. It establishes standards for the minimum level of responsibility, service and accountability required for perpetrator intervention programs. The rule effectuates the provisions of WVC §48-2C-13b which became law after the 1998 session.

The proposed rule is a new rule. The following is a section by section synopsis of the rule.

Section\_1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section\_2 is the definition section, however it does not have definitions. Counsel has suggested definitions for terms used in the rule be added.

Section 3 sets forth the standards for operation of programs on intervention for perpetrators of domestic or family violence. It covers such things as professional staff qualifications and evaluations, intake procedures, record keeping and curriculum for perpetrator intervention classes.

Educators/facilitators will provide classes for perpetrators. The educators must have high school diplomas or G.E.D.'s and be trained. The training requirements for educators/facilitators have not been specified beyond 40 hours of training approved by the Board. Thereafter, they are to have 4 hours of training per year from the West Virginia Coalition Against Domestic Violence. The rule does not specify what subject matter this training must cover.

All staff is to have performance evaluations at least annually. It is proposed that the evaluations be conducted by the employer in consultation with a local licensed domestic violence program. Counsel has suggested that this requirement be deleted as it is improper to bring in a third party to discuss confidential personnel matters.

The intake criteria is a bit vague. A perpetrator will be admitted to a program if he or she is ordered to the program by a court, deemed appropriate for the program and or voluntarily enrolled in the program. The statute requires the board to establish criteria by rule, therefore specific requirements must be in the rule.

Sub-part 3.3.d states that once a perpetrator is admitted to the program the educator/facilitator is not to make contact with the victim. Paragraphs 1 through 3 go on to explain that the educator/facilitator will consult with the local licensed domestic violence program to determine the appropriateness and logistics of contacting the victim. This includes contact by the educator/facilitator. This subsection needs to be clarified. In addition, it should not be part of the intake section.

Subsection 3.4 deals with records. It requires programs to keep records for each person in the program including an application which provides identifying data, eligibility factors, rights and responsibilities. However, the rule does not establish any eligibility factors for the program.

Subsection 3.5 requires the perpetrator intervention program to provide monthly reports to local domestic violence programs. This report must contain the intake form, attendance record and compliance with program rules. This requirement goes beyond the scope of the Board's statutory authority, such information should be provided to referring courts but not to domestic violence programs. This subsection needs to be revised to comply with the statutory requirements for disclosure of information.

Subsection 3.6 discusses the curriculum for perpetrator intervention classes. The classes are for a 32 week period. Upon completion of the class a recommendation is made to the referral source as to whether or not the perpetrator should be released from the program. This information is also provided to the local domestic violence program which is beyond the Board's scope of authority. The rule states that the class may be repeated as necessary, however, it does not provide for any change in the program if the first class was not successful.

The perpetrators will be charged a fee for taking the class. The fee scale is to be set by each program and provision is to be made for indigent persons.

The rule requires a ratio of 1 educator/facilitator per 12 perpetrators in a class. A group education format using confrontation as an education tool and teaching models based upon the power and control wheel are to be used.

Subsection 3.7 requires perpetrator intervention programs to have memorandums of understanding with domestic violence programs if the intervention program is not operated by a domestic violence program. The rule does not set out any requirements for the memorandum of understanding, this is not a statutory requirement and appears unnecessary.

Subsection 3.8 (misnumbered 3.9) provides for annual program evaluation and assessment.

Section 4 deals with licensure. It provides for an application for licensure and that all applications will be considered in light of the need for services, ability of the applicant to successfully operate, ability to obtain adequate funding and the applicant's interest and ability to provide quality

services. There is no objective criteria by which the Board judges an application for licensure. Once the Board establishes eligibility criteria for persons and programs under this rule they may be able to develop objective standards or criteria for licensure.

The section also provides that any program operating without a license will be notified by the board that they can apply for a license. There is no enforcement power or penalty for operating an unlicensed program.

Subsection 4.2 provides for an annual evaluation of licensed programs. It requires each program to conduct a self-evaluation, peer review by another intervention program and review by a domestic violence program. It appears to be unnecessary to have a review by both programs since they are reviewing the intervention program for compliance with the standards in this rule. Programs which do not meet the standards are reported to the Board. The Board then considers the relative risk to the safety of victims of domestic violence. There is no requirement, in this subsection, that the Board take any action nor that the program come into compliance. That information is found under the heading "Award of License" It should be moved up to this part.

Subsection 4.3 is entitled award of license but it primarily deals with enforcement powers of the Board and should be renamed. The portion of this subsection dealing with revocation or suspension of licenses should be revised to clarify the due process requirements.

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#### AUTHORITY

Statutory authority: W.Va. Code, §48-2C-13b, which provides, in part, as follows:

(a) The family protection services board shall propose legislative rules governing the minimum level of responsibility, service and accountability expected from providers of programs of intervention for perpetrators of domestic and family violence. These rules shall be proposed for promulgation in

accordance with the provisions of article three [§ 29A-3-1 et seq.], chapter twenty-nine-a of this code.

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ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

No.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

Yes.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has suggested technical modifications.



FILED  
JAN 15 9 37 AM '99

**WEST VIRGINIA LEGISLATURE**  
**Legislative Rule-Making Review Committee**

OFFICE OF THE SECRETARY OF STATE

*State Capitol - Room MB-49  
Charleston, West Virginia 25305  
Phone: (304) 347-4840  
Fax: (304) 347-4919*

*email: tanders@mail.wvnet.edu*

*Senator Mike Ross, Co-Chairman  
Delegate Mark Hunt, Co-Chairman  
Debra A. Graham, Counsel*

*Joseph A. Altizer, Associate Counsel  
Rita Pauley, Associate Counsel  
Teri Anderson, Administrative Assistant*

January 12, 1999

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Tonia Thomas  
Family Protection Services Board  
1204 Kanawha Blvd, East  
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Licensure of Domestic Violence Perpetrator Intervention Programs, 191CSR2**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed
  - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.