



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

**NOTICE OF ADOPTION OF POLICY STATEMENT**

**Title of Policy Statement:** Face-to-Face Treatment for Sex Offenders | Policy Number: SOTP-22-01

**Issuing Entity:** Department of Health

**Subject Matter:** Pending permanent rule amendments to chapter 246-930 WAC by the Department of Health, the requirement for “face-to-face” treatment under WAC 246-930-010 may be met by providing treatment in person or by telehealth through HIPAA-compliant, interactive, real-time audio and video technology.

**Effective Date:** July 8, 2022

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*Department of Health*  
*Health Systems Quality Assurance*  
**Policy Statement**

Revised – 10/18/11

<i>Title:</i>	Face-to-Face Treatment for Sex Offenders	<i>Number:</i> SOTP-22-01
<i>References:</i>	RCW <a href="#">18.155.040</a> , RCW <a href="#">34.05.350</a> . Chapter <a href="#">246-930 WAC</a> , WAC <a href="#">246-930-010</a> . <a href="#">Governor's Stay Home - Stay Healthy Proclamations, 20-25 through 20-25.7.</a>	
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<i>Supersedes:</i>	N/A	
<i>Approved By:</i>	Sasha De Leon, Assistant Secretary	

It is the Department of Health's (department) position that, pending permanent rule amendments to chapter 246-930 WAC regarding telehealth for sex offender treatment, the requirement for "face-to-face" treatment under WAC [246-930-010](#) may be met by providing treatment in person or by telehealth through HIPAA-compliant, interactive, real-time audio and video technology. It is the responsibility of the SOTP to determine a clinically appropriate way to deliver services, based on the unique needs and demands of each client they treat.

Near the start of the coronavirus disease 2019 (COVID-19) pandemic, the Department of Corrections (DOC) requested the department's assistance in enabling sex offenders to access treatment while complying with social distancing requirements under Governor's Proclamation [20-25 Stay Home – Stay Healthy](#). Within its authority under RCW [18.155.040](#) and RCW [34.05.350](#) and to preserve public health, safety and welfare, the department engaged in emergency rulemaking to strike the term "face-to-face" from the definition of "treatment" in WAC [246-930-010](#), as a pathway to enable sex offender treatment providers (SOTP) to provide telehealth treatment for sex offenders. The initial emergency rulemaking was promulgated under WSR [20-15-057](#) on July 9, 2020. Based on continual assessment of the changing circumstances of the pandemic, subsequent proclamations and amendments, and the need to minimize transmission of COVID-19 and its variants, the department extended the emergency rulemaking five times before it expired on June 25, 2022.

Following these decisions, the department received requests from interested parties to address the issue of telehealth treatment in rule. Based on these requests, the department hosted a discussion at the July 8, 2022 SOTP Advisory Committee (committee) meeting and requested public input on this topic. The committee members, SOTPs, and other attendees who spoke reported positive or neutral experiences with

telehealth treatment during the pandemic. They reported that use of telehealth has resulted in outcomes equivalent to pre-pandemic in-person care, increased patient attendance at appointments, and expanded access to treatment for individuals who otherwise would not be able to access care. Additionally, the department has not found any evidence of substandard care while the emergency rulemaking was in effect, increased disciplinary actions, or negative impacts caused by telehealth treatment. All interested parties who attended were in favor of further exploring this issue and amending chapter 246-930 WAC to allow telehealth treatment for sex offenders.

In response to requests, the department is considering telehealth treatment during ongoing permanent rulemaking under WSR [22-04-057](#), filed on January 27, 2022. The department is collaborating with the committee, professional associations, SOTP providers, DOC representatives, and other interested parties to determine how to implement telehealth treatment in rule.

While rulemaking is ongoing, the department will consider “treatment” as defined under WAC 246-930-010 to include both:

- In-person treatment, and
- Telehealth treatment using HIPAA-compliant, interactive, real-time audio and video technology.

It is the responsibility of the SOTP to determine a clinically appropriate way to deliver services, based on the unique needs and demands of each client they treat.