

---

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND  
OCCUPATIONAL REGULATION



# Regulations Governing Polygraph Examiners

Last Updated January 1, 2014

STATUTES  
Title 54.1, Chapter 18



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400  
Richmond, VA 23233  
(804) 367-2719  
[www.dpor.virginia.gov](http://www.dpor.virginia.gov)

---

# Department of Professional and Occupational Regulation Polygraph Examiners Licensing Program

## DIRECTORY

Information and forms are available over the internet at: [www.dpor.virginia.gov](http://www.dpor.virginia.gov)

Please use these telephone numbers for the following actions:

|  |                       |
|--|-----------------------|
| To request an application form                             | <b>(804) 367-2719</b> |
| To make an inquiry on a pending application                | <b>(804) 367-2719</b> |
| To make an inquiry regarding the regulations               | <b>(804) 367-7226</b> |
| To file a complaint against licensee or education provider | <b>(804) 367-8504</b> |
| To make an inquiry on the status of a filed complaint      | <b>(804) 367-8504</b> |

Please write to the Polygraph Examiners Advisory Board at the below address to request interpretations of the regulations, information regarding the eligibility criteria for licensure or to report any changes in your name or address.

**Polygraph Examiners Advisory Board  
Department of Professional and Occupational Regulation  
The Perimeter Center, Suite 400  
9960 Mayland Drive  
Richmond, Virginia 23233**

You may email the Board at: [polygraph@dpor.virginia.gov](mailto:polygraph@dpor.virginia.gov)

You may send a fax to the Board at: **(866) 430-1033**

## Summary of Significant Changes

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Department of Professional and Occupational Regulation (DPOR) is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) with the guidance of the Polygraph Examiners Advisory Board. The Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of the state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)).

This document is a complete, edited (unofficial) copy of the DPOR, Polygraph Examiners Advisory Board Regulations (18 VAC 120-30). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://lis.virginia.gov/lis.htm>.

The following list summarizes significant revisions to the regulations effective January 1, 2014, but does not include all changes that were made to these regulations.

An applicant will have one year to pass all parts of the examination instead of being required to pass all parts in one sitting.

If an intern's supervisor is unable to continue, the intern's experience shall be reviewed by the board.

Fees for duplicate wall certificates and certificates of licensure have been removed.

Language was added to state that the board may deny a renewal for the same reasons it may refuse to issue an initial license. Failure to pay any fees associated with consent orders or final orders will delay issuing, renewing or reinstating a license. Any decision that the board makes can be appealed under the Virginia Administrative Process Act.

The maximum fee was raised from \$25 to \$35 for an examinee to receive a copy of an examination.

Section 18 VAC 120-30-240, grounds for fines, denial, suspension or revocation of licenses or denial or withdrawal of school approval, received many changes including being renamed, Prohibited Acts, wording changes and the addition of four new prohibited acts.

1. Failure to maintain all polygraph examination documents for one year.
2. Failure to inform the board within 30 days of a felony or misdemeanor.
3. Refusal or failure to produce any documentation requested for which the regulations state must be maintained.
4. Failure to respond or provide inaccurate information to an investigator or agent of the board in reference to a complaint filed with the board.

Additional requirements were added for the approval of polygraphy schools.

## Statement of Purpose

This booklet contains information you will need to obtain your polygraph examiners license. The law that governs your profession is found in the Code of Virginia, as amended, in Title 54.1, Chapter 18. That law permits the Department of Professional and Occupational Regulation, to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey both to obtain and to keep your license.

IT IS YOUR RESPONSIBILITY TO READ THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO FOLLOW THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.

The Department of Professional and Occupational Regulation wishes to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please contact us.

Our address is:

**Polygraph Examiners Advisory Board**  
**Department of Professional and Occupational Regulation**  
**The Perimeter Center, Suite 400**  
**9960 Mayland Drive**  
**Richmond, Virginia 23233**

Our phone number is:

(804) 367-2719

Our email address is:

[polygraph@dpor.virginia.gov](mailto:polygraph@dpor.virginia.gov)

# TABLE OF CONTENTS

|  |       |
|--|-------|
| <b><u>Directory</u></b>                            | i     |
| <b><u>Notice of Regulatory Changes</u></b>         | ii    |
| <b><u>Statement of Purpose</u></b>                 | iv    |
| <b><u>Regulations</u></b>                          |       |
| Part I <b>Definitions</b>                          | 1-2   |
| Part II <b>Entry Requirements</b>                  | 3-7   |
| Part III <b>Renewal</b>                            | 8-9   |
| Part IV <b>Reinstatement</b>                       | 10-11 |
| Part V <b>Standards of Practice and Conduct</b>    | 12-17 |
| Part VI <b>Approval of Polygraph School</b>        | 18-21 |
| <b><u>Statutes</u></b>                             |       |
| § 54.1-1800 et seq. of the <b>Code of Virginia</b> | 22-23 |

## PART I

### DEFINITIONS

#### 18 VAC 120-30-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

**"Advisory board"** or **"board"** means the Polygraph Examiner's Advisory Board.

**"Polygraph examination"** means the entire period of contact between a licensee and an examiner.

**"Polygraph test"** means the part of the polygraph examination during which the examinee is connected to a polygraph instrument which is continuously recording the examinee's reactions to questions.

**"Reciprocity"** means any individual holding a current license in another jurisdiction may obtain a Virginia polygraph examiners license provided the requirements and standards under which the license was issued are substantially equivalent to those established in this chapter and the individual meets all other board requirements for licensure in Virginia.

**"Reinstatement"** means having a license restored to effectiveness after the expiration date on the license has passed. When a licensee fails to renew his license within one calendar month after its expiration date, the licensee is required to apply for reinstatement of the license. Six months after the expiration date on the license, reinstatement is no longer possible and the applicant must reapply and requalify for licensure.

**"Relevant question"** means a question asked of an examinee during a polygraph test which concerns an issue identified to the examinee during the pretest and which is to be reported by the licensee to any other person.

**"Renewal"** means continuing the effectiveness of a license for another period of time.

#### Historical Notes

Derived from VR190-03-1 § 1.1, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 23, Issue 21, eff. August 1, 2007.

**18 VAC 120-30-20. Explanation of terms.**

Each reference in this chapter to a person shall be deemed to refer, as appropriate, to the masculine and the feminine, to the singular and the plural, and to natural persons and organizations.

Historical Notes

Derived from VR190-03-1 § 1.2; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995.

**18 VAC 120-30-30. Advisory board.**

- A. The Polygraph Examiners Advisory Board, consisting of eight members appointed by the director, shall exercise the authority delegated by the director consistent with § [2.2-2100](#) A of the Code of Virginia and advise the department on any matters relating to the practice of polygraphy and the licensure of polygraph examiners in the Commonwealth of Virginia.
- B. The advisory board shall be composed of three Virginia licensed polygraph examiners employed by law enforcement agencies of the Commonwealth, or any of its political subdivisions; three Virginia licensed polygraph examiners employed in private industry; and two citizen members as defined in §§ [54.1-107](#) and [54.1-200](#) of the Code of Virginia. All members must be residents of the Commonwealth of Virginia.
- C. Each member shall serve a four-year term. No member shall serve more than two consecutive four-year terms.

Historical Notes

Derived from VR190-03-1 § 1.2, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 23, Issue 21, eff. August 1, 2007.



## PART II

### ENTRY REQUIREMENTS

#### 18 VAC 120-30-40. Basic qualifications for licensure and registration.

- A. Every applicant to the board for a license shall provide information on his application establishing that:
1. The applicant is at least 18 years old.
  2. The applicant is in good standing as a licensed polygraph examiner in every jurisdiction where licensed. The applicant must disclose if he has had a license as a polygraph examiner which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia. At the time of application for licensure, the applicant must also disclose any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a polygraph examiner and whether he has been previously licensed in Virginia as a polygraph examiner.
  3. The applicant is fit and suited to engage in the profession of polygraphy. The applicant must disclose if he has been convicted in any jurisdiction of a felony or misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in the evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.
  4. The applicant has disclosed his physical address. A post office box is not acceptable.
  5. The nonresident applicant for a license has filed and maintained with the department an irrevocable consent for the department to serve as a service agent for all actions filed in any court in this Commonwealth.
  6. The applicant has signed, as part of the application, a statement certifying that he has read and understands the Virginia polygraph examiner's license law and regulations.
  7. The applicant has submitted an application, provided by the department, which shall include criminal history record information from the Central Criminal Records Exchange, with a report date within 30 days of the date the application is received by the department.

- B. The department may (i) make further inquiries and investigations with respect to the qualifications of the applicant, (ii) require a personal interview with the applicant, or (iii) both.
- C. The applicant shall pass all parts of the polygraph examiners licensing examination approved by the department within one year from examination approval in order to be eligible for a polygraph examiners license.

Historical Notes

Derived from VR190-03-1 § 2.1; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

**18 VAC 120-30-50. Registration of polygraph examiner interns.**

- A. A polygraph examiner intern registration shall be issued to applicants who fulfill the requirements of [18VAC120-30-40](#) and the following:
  - 1. The applicant has met the experience requirements by having a high school diploma or its equivalent and a minimum of five years experience as an investigator or detective, or in a field acceptable to the department that demonstrates the ability to practice polygraphy.
    - a. The applicant will be credited two years of the five years of experience required in subdivision 1 of this subsection if he has an associate degree from an accredited college or university.
    - b. The applicant will be credited all five years of experience required in subdivision 1 of this subsection if he has a bachelor's degree from an accredited college or university.
  - 2. The applicant has met the education requirements by either completing the required training in detection of deception at a polygraph school approved by the department, or by submitting evidence of satisfactory completion of substantially equivalent training if the polygraph school at which the applicant received the training in the detection of deception is not approved by the department.
- B. An intern registration shall be valid for 12 months from the date of issue as indicated on the registration.
- C. Each intern shall be supervised by a licensed polygraph examiner who meets the qualifications in [18VAC120-30-60](#).

- D. A polygraph intern may apply for an extension of a polygraph intern registration after the expiration of the initial intern registration for no more than one year by submitting the fee referenced in [18VAC120-30-100](#). Additional extensions will be allowed if the individual repeats the education requirements set forth in subdivision A 2 of 18VAC120-30-50.

Historical Notes

Derived from VR190-03-1 § 2.2, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 23, Issue 21, eff. August 1, 2007.

**18 VAC 120-30-55. Qualifications for licensure by examination.**

- A. A polygraph examiner license shall be issued to applicants who fulfill the requirements of [18VAC120-30-40](#), [18VAC120-30-50](#), and subsections B and C of this section:
- B. The applicant shall have completed six months as a registered intern examiner under the personal and direct on-premise supervision of an examiner qualified under [18VAC120-30-60](#) who shall supervise each and every polygraph examination administered by the intern. The internship need not be accomplished in Virginia. However, any internship conducted outside of Virginia must comply fully with this regulation. An intern shall not be eligible to sit for the license examination until the intern's supervisor has submitted to the department a written statement that the internship has been satisfactorily completed. The department may waive the internship for any person who practiced polygraphy in a federal jurisdiction or the United States Military.
- C. Upon submission of the completed application and fee, the applicant will be considered for the examination required by 18VAC120-30-110. Upon passing such examination, the applicant shall be granted his polygraph examiners license provided the applicant is otherwise qualified.

Historical Notes

Derived from Virginia Register Volume 23, Issue 21, eff. August 1, 2007.

**18 VAC 120-30-60. Qualifications for licensed polygraph examiners to act as supervisors of polygraph interns.**

Each supervisor for a registered intern examiner shall be currently licensed and have held a valid Virginia examiner's license for three years or submit evidence satisfactory to the department that he has qualifications that are substantially equivalent to those required herein.

Historical Notes

Derived from VR190-03-1 § 2.3, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995.

**18 VAC 120-30-70. Procedures for licensed polygraph examiners to certify the procedures to be used to supervise an intern during an internship.**

- A. Each licensee supervising an intern shall file with the application of the intern a description of the following:
  - 1. The frequency and duration of contact between the licensee and the intern;
  - 2. The procedures to be employed by the licensee in reviewing and evaluating the intern's performance; and
  - 3. The polygraph technique(s) to be used.
- B. The licensee supervising the intern shall review the intern's charts prior to the intern rendering an opinion or conclusion on any polygraph examination administered by the intern.
- C. In the event the licensed supervisor is unable to continued, any review of experience shall be at the discretion of the board.

Historical Notes

Derived from VR190-03-1 § 2.4, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 30, Issue 6, eff. January 1, 2014.

**18 VAC 120-30-80. Qualifications for licensure by reciprocity.**

An individual who is currently licensed as a polygraph examiner in another jurisdiction may obtain a Virginia license provided the requirements and standards under which the license was issued are substantially equivalent to those in Virginia.

An individual applying for licensure by reciprocity shall have been a licensed examiner engaged in the practice of polygraphy for at least 12 consecutive months prior to application.

Historical Notes

Derived from VR190-03-1 § 2.6; Virginia Register Volume 11, Issue 19, eff. July 12, 1995.

**18 VAC 120-30-100. Fees.**

- A. All application fees for licenses and registrations are nonrefundable and shall not be prorated. The date of receipt by the department is the date that will be used to determine whether or not the fee is on time.
- B. Application and examination fees must be submitted with the application for licensure. All other fees are discussed in greater detail in later sections of this chapter.

- C. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge set by the department.
- D. The following fees listed in the table apply:

| FEE TYPE  | AMOUNT DUE | WHEN DUE  |
|---|------------|---|
| Application for Examiner's License                | \$45       | With application  |
| Application for Examiner's License by Reciprocity | \$95       | With application  |
| Application for Intern Registration               | \$75       | With application  |
| Application for Examiner's License by Examination | \$200      | With application  |
| Reexamination                                     | \$200      | With approval letter  |
| Renewal   | \$55       | Up to one calendar month after the expiration date on license   |
| Reinstatement                                     | \$75       | One to six calendar months after the expiration date on license |

Historical Notes

Derived from VR190-03-1 § 2.7; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 14, Issue 11, eff. April 1, 1998; Volume 15, Issue 26, eff. November 1, 1999; Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

**18 VAC 120-30-110. Examinations.**

All examinations required for licensure shall be approved by the advisory board and provided by the department, a testing service acting on behalf of the advisory board, or another governmental agency or organization.

Applicants for licensure shall pass a two-part licensing examination approved by the board, of which Part I is a written examination and Part II is an Advisory Board Evaluation. Applicants must pass the written examination in order to sit for the advisory board evaluation.

The applicant shall follow all the rules established by the department with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the department with regard to conduct at the examination shall be grounds for denial of application.

Historical Notes

Derived from VR190-03-1 § 2.8; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 30, Issue 6, eff. January 1, 2014.

**PART III**  
**RENEWAL**

**18 VAC 120-30-120. Renewal required.**

Licenses issued under this chapter shall expire 12 months from the last day of the month in which the license was issued, as indicated on the license.

Historical Notes

Derived from VR190-03-1 § 3.1; Virginia Register Volume 11, Issue 19, eff. July 12, 1995.

**18 VAC 120-30-130. Procedures for renewal.**

The department will mail a renewal application form to the licensee at the last known address of department record. Failure to receive this notice shall not relieve the licensee of the obligation to renew. Prior to the expiration date shown on the license, each licensee desiring to renew his license must return to the department all required forms and the appropriate fee as referenced in [18VAC120-30-100](#).

Historical Notes

Derived from VR190-03-1 § 3.2; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007.

**18 VAC 120-30-140. Fees for renewal.**

Licenses shall be required to renew their license by submitting the proper fee made payable to the Treasurer of Virginia. Any licensee who fails to renew within one calendar month after the license expires, shall be required to apply for reinstatement.

Historical Notes

Derived from VR190-03-1 § 3.3; Virginia Register Volume 11, Issue 19, eff. July 12, 1995.

**18 VAC 120-30-150. Department discretion to deny renewal.**

The department may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline a licensee. The licensee is entitled to a review of such action. Appeals from such actions shall be in accordance with the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq. of the Code of Virginia).

Failure to timely pay a monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or examination administration.

Historical Notes

Derived from VR190-03-1 § 3.4; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007.

**18 VAC 120-30-160. Qualifications for renewal.**

- A. Applicants for renewal of a license shall continue to meet the standards for entry as set forth in subdivisions A 2 through A 5 of [18VAC120-30-40](#). The board may deny renewal of a license for the same reasons as it may refuse initial issuance or discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).
- B. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department, such as, but not limited to, renewal, reinstatement, or processing of a new application; or exam administration.

Historical Notes

Derived from VR190-03-1 § 3.5; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

## PART IV

### REINSTATEMENT

#### **18 VAC 120-30-170. Reinstatement required.**

- A. Any licensee who fails to renew his license within one calendar month after the expiration date on the license shall be required to apply for reinstatement and submit the proper fee referenced in [18VAC120-30-100](#).
- B. Six calendar months after the expiration date on the license, reinstatement is no longer possible. To resume practice as a polygraph examiner, the former licensee must apply as a new applicant for licensure, meeting all then current entry requirements at the time of reapplication, including retaking an examination.
- C. Any examiner activity conducted subsequent to the expiration of the license may constitute unlicensed activity and may be subject to prosecution under § [54.1-111](#) of the Code of Virginia.

#### Historical Notes

Derived from VR190-03-1 § 4.1; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 30, Issue 6, eff. January 1, 2014.

#### **18 VAC 120-30-180. Department discretion to deny reinstatement.**

The department may deny reinstatement of a license for the same reasons as it may refuse initial licensure or discipline a licensee.

Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding the services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or examination administration. The regulants has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

#### Historical Notes

Derived from VR190-03-1 § 4.2; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

#### **18 VAC 120-30-190. Status of a license during the period before reinstatement.**

- A. When a license is reinstated, the licensee shall continue to have the same license number and shall be assigned an expiration date one year from the previous expiration date of the license.



- B. A licensee who reinstates his license shall be regarded as having been continually licensed without interruption. Therefore, the licensee shall remain under the disciplinary authority of the department during this entire period. Nothing in this chapter shall divest the department of its authority to discipline a licensee for a violation of the law or regulations during the period of licensure.

Historical Notes

Derived from VR190-03-1 § 4.3; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007.

## PART V

### STANDARDS OF PRACTICE AND CONDUCT

#### **18 VAC 120-30-200. Polygraph examination procedures.**

- A. Each licensed polygraph examiner and registered polygraph examiner intern must post, in a conspicuous place for the examinee, his license or registration, or a legible copy of his license or registration to practice in Virginia.
- B. The examiner shall provide the examinee with a written explanation of the provisions of 18VAC120-30-200, [18VAC120-30-210](#) and [18VAC120-30-220](#) at the beginning of each polygraph examination.
- C. The examinee may request a recording of the polygraph examination being administered. Each examiner shall maintain recording equipment and recording media adequate for such recording. The examiner shall safeguard all examination recordings with the records he is required to keep pursuant to [18VAC120-30-230](#). All recordings shall be made available to the department, the examinee or the examinee's attorney upon request. The examiner may charge the examinee a fee not to exceed \$35 only if the examinee requests and receives a copy of an examination.
- D. The examinee shall be entitled to a copy of all portions of any written report pertaining to his examination which is prepared by the examiner and provided to any person or organization. The examinee shall make his request in writing to the examiner. The examiner shall comply within 10 business days of providing the written report to any person or organization or receiving the examinee's written request, whichever occurs later. The examiner may collect not more than \$1.00 per page from the examinee for any copy provided.
- E. The provisions of subsections B, C, and D of this section shall not be applicable to any examination conducted by or on behalf of the Commonwealth or any of its political subdivisions when the examination is for the purpose of preventing or detecting crime or the enforcement of penal laws. However, examiners administering examinations as described in this section shall comply with subsection B of this section through a verbal explanation of the provisions of [18VAC120-30-210](#) and [18VAC120-30-220](#).

#### Historical Notes

Derived from VR190-03-1 § 5.1; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

**18 VAC 120-30-210. Examination pretest procedure.**

- A. Prior to administering any polygraph test, the examiner shall inform the prospective examinee of all the issues to be covered during the polygraph examination and of all the items to be reported by the examiner to any other person.
- B. The examiner shall obtain written permission from the prospective examinee to administer the examination after fulfilling the requirements of [18VAC120-30-200](#), and before proceeding further with the administration of the examination.

Historical Notes

Derived from VR190-03-1 § 5.2, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995.

**18 VAC 120-30-220. Examination standards of practice.**

- A. The examiner shall comply with the following standards of practice and shall disclose to each examinee the provisions of this subsection and shall not proceed to examine or continue the examination if it is or becomes apparent to the examiner that the examinee does not understand any of these disclosures:
  - 1. All questions to be asked during the polygraph test(s) shall be reduced to writing and read to the examinee.
  - 2. The examinee or the examiner may terminate the examination at any time.
  - 3. If the examination is within the scope of § [40.1-51.4:3](#) of the Code of Virginia, the examiner shall explain the provisions of that statute to the examinee.
  - 4. No questions shall be asked concerning any examinee's lawful religious affiliations, lawful political affiliations, or lawful labor activities. This provision shall not apply to any such affiliation which is inconsistent with the oath of office for public law-enforcement officers.
  - 5. The examinee shall be provided the full name of the examiner and the name, address, and telephone number of the department.
  - 6. During no part of a preemployment polygraph examination shall the examiner ask questions concerning an examinee's sexual preferences or sexual activities except as in accordance with § [40.1-51.4:3](#) or [54.1-1806](#) of the Code of Virginia.
- B. An examiner shall not perform more than 12 polygraph examinations in any 24-hour period.

- C. An examiner shall not ask more than 16 questions per chart on a single polygraph test. Nothing in this subsection shall prohibit an examiner from conducting more than one polygraph test during a polygraph examination.
- D. An examiner shall allow on every polygraph test a minimum time interval of 10 seconds between the examinee's answer to a question and the start of the next question.
- E. An examiner shall record at a minimum the following information on each polygraph test chart produced:
  - 1. The name of the examinee;
  - 2. The date of the examination;
  - 3. The time that each test begins;
  - 4. The examiner's initials;
  - 5. Any adjustment made to component sensitivity;
  - 6. The point at which each question begins and each answer is given;
  - 7. Each question number; and
  - 8. Each answer given by the examinee.
- F. An examiner shall render only three evaluations of polygraph tests:
  - 1. Deception indicated;
  - 2. No deception indicated; or
  - 3. Inconclusive.

An examiner may include in his report any information revealed by the examinee during the polygraph examination.

Nothing in this section shall prohibit an examiner from explaining the meaning of the above evaluations.

- G. An examiner shall not render a verbal or written report based upon polygraph test chart analysis without having conducted at least two polygraph charts. Each relevant question shall have been asked at least once on each of at least two polygraph charts.
- H. An examiner may make a hiring or retention recommendation for the examiner's employer provided the hiring or retention decision is not based solely on the results of the polygraph examination.

Historical Notes

Derived from VR190-03-1 § 5.3, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

**18 VAC 120-30-230. Records.**

The licensed polygraph examiner or registered polygraph examiner intern shall maintain the following for at least one year from the date of each polygraph examination:

1. Polygraphic charts;
2. Questions asked during the examination;
3. A copy of the results and the conclusions drawn;
4. A copy of every written report provided in connection with the examination; and
5. Electronic recordings of examinations made in compliance with subsection C of [18VAC120-30-200](#).

Historical Notes

Derived from VR190-03-1 § 5.4, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

**18 VAC 120-30-240. Prohibited acts.**

The department may fine, deny, suspend, or revoke any license or registration, or deny or withdraw school approval upon a finding that the applicant, licensee, registrant, or school:

1. Has presented false or fraudulent information when applying for any license or registration, renewal of license or registration, or approval;
2. Has violated, aided, or abetted others to violate Chapters 1 (§54.1-100 et seq.) through 3 (§54.1-300 et seq.) of Title 54.1 or §§ [54.1-1800](#) through [54.1-1806](#) of the Code of Virginia, or of any other statute applicable to the practice of the profession herein regulated, or of any provisions of this chapter;
3. Has been convicted or found guilty, regardless of the manner of adjudication, in any jurisdiction of the United States of any misdemeanor or felony. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any pleas of nolo contendere shall be considered a conviction for the purposes of this subsection. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where the

conviction occurred shall be forwarded to the board within 30 days of entry and shall be admissible as prima facie evidence of such conviction;

4. Has made, in the course of soliciting for or advertising a business or service licensed under § 54.1-1802 of the Code of Virginia, a false, deceptive, or misleading statement orally, in writing, or in printed form;
5. Has allowed one's license or registration to be used by anyone else;
6. Has failed, within a reasonable period of time 21 days, to provide any records or other information requested or demanded by the department;
7. Has displayed professional incompetence or negligence in the performance of polygraphy;
8. Has violated any provision of [18VAC120-30-220](#);
9. Has failed to maintain for a period of one year from the date of each administered polygraph examination a complete and legible copy of all documents relating to the polygraph examination including, but not limited to, examination questions, results, conclusions drawn, and written or electronic reports;
10. Has failed to inform the board in writing within 30 days that the regulant, school's owner, or instructor has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a Class 1 misdemeanor or any misdemeanor conviction for activities carried out while engaged in the practice of polygraphy;
11. Has refused or failed, upon request, to produce to the board, or any of its agents, any document, book, or record, or copy of it in the regulant's or school's owner's possession concerning all records for which the regulant, school's owner, or instructor is required to maintain; or
12. Has failed to respond to an investigator or provides false, misleading, or incomplete information to an investigator seeking information in the investigation of a complaint filed with the board against the regulant, school's owner, or instructor.

#### Historical Notes

Derived from VR190-03-1 § 5.5, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

**18 VAC 120-30-250. Maintenance of license.**

- A. Notice in writing shall be given to the department in the event of any change of name or address. Such notice shall be mailed to the department within 30 days of the change of the name or location. The department shall not be responsible for the licensee's or registrant's failure to receive notices, communications and correspondence caused by the licensee's or registrant's failure to promptly notify the department in writing of any change of name or address.
- B. All licensees or registrants shall operate under the name in which the license or registration was issued.

Historical Notes

Derived from VR190-03-1 § 5.6, eff. March 27, 1991; amended, Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 23, Issue 21, eff. August 1, 2007.

## PART VI

### APPROVAL OF POLYGRAPH SCHOOL

#### **18 VAC 120-30-260. Approval of polygraph school curriculum.**

Schools seeking approval of their polygraph curriculum shall submit the application for approval of a polygraph school to the department for consideration. The application shall include:

1. The name and address of the school;
2. The name and address of the proprietor, partnership, corporation or association if different from the school name;
3. The owners of the school;
4. The names and qualifications of the instructors which shall be indicated on instructor qualifications form; and in a format approved by the advisory board;
5. The subject courses and the number of instruction hours assigned to each.

#### Historical Notes

Derived from VR190-03-1 § 6.1; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; Volume 30, Issue 6, eff. January 1, 2014.

#### **18VAC120-30-270. Minimum requirements for school curriculum.**

- A. There must be one type of polygraph instrument per three students in the course.
- B. To receive approval, the institution must offer a minimum of 240 hours of instruction, unless the school has obtained approval from the department for less than the minimum hours of course instruction. The following subject areas must be included in the school's curriculum:
  1. Polygraph theory;
  2. Examination techniques and question formulation;
  3. Polygraph interrogation;
  4. Case observation;



5. Polygraph case practice;
  6. Chart interpretation;
  7. Legal aspects of polygraph examination;
  8. Physiological aspects of polygraphy;
  9. Psychological aspects of polygraphy;
  10. Instrumentation;
  11. History of polygraph;
  12. Reviews and examinations;
  13. Ethics as it relates to polygraphy.
- C. Out-of-state schools seeking approval of their curriculum which has been approved by their state must have the appropriate regulatory agency of their state certify such approval to the department.

Historical Notes

Derived from VR190-03-1 § 6.2; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007; Volume 30, Issue 6, eff. January 1, 2014.

**18VAC120-30-280. Instructor minimum requirements.**

- A. Any person teaching the subjects required by this regulation shall meet the following minimum requirements for the subjects to be taught:
1. Legal Aspects of Polygraph Examination. The instructor must be licensed as an attorney in a state or jurisdiction of the United States.
  2. Polygraph Interrogation. The instructor must have five years experience in the field of interrogation.
  3. Physiological Aspects of Polygraphy. The instructor must have a degree in a health related science with coursework in physiology from an accredited institution of higher learning.
  4. Psychological Aspects of Polygraphy. The instructor must have a degree in psychology from an accredited institution of higher learning.

5. All other courses shall be taught by individuals having at least five years of experience as a polygraph examiner.
- B. The department may make exception to the above qualifications when an instructor is otherwise qualified by education or experience and provides such evidence in writing to the department.

Historical Notes

Derived from VR190-03-1 § 6.3; Virginia Register Volume 11, Issue 19, eff. July 12, 1995; amended, Virginia Register Volume 23, Issue 21, eff. August 1, 2007.

**18VAC120-30-290. Amendments and changes.**

Any change in the information provided by the school to the department as required by [18VAC120-30-260](#), [18VAC120-30-270](#) or [18VAC120-30-280](#) shall be reported to the department in writing within 30 days of such an occurrence.

Historical Notes

Derived from Virginia Register Volume 23, Issue 21, eff. August 1, 2007.

**18VAC120-30-300. Periodic requalification for continued course approval.**

At times established by the department, or during the random audit of any course, the department may require that schools that have previously obtained course approval, provide the department with evidence, in a form set forth by the department, that they continue to comply with the requirements of [18VAC120-30-260](#), [18VAC120-30-270](#) and [18VAC120-30-280](#). Failure to continue to comply with the department's requirements or respond to such a request may result in the department withdrawing its approval.

Historical Notes

Derived from Virginia Register Volume 23, Issue 21, eff. August 1, 2007; amended, Virginia Register Volume 30, Issue 6, eff. January 1, 2014.

**18VAC120-30-310. Grounds for withdrawing approval from a school.**

The department may withdraw approval from a school upon a finding that:

1. An instructor of the approved school fails to teach the curriculum as provided for in [18VAC120-30-270](#).
2. The owner, employee, or instructor of the approved school permits or allows a person to teach in the school who does not meet the requirements of [18VAC120-30-280](#).
3. The owner, employee, or teacher is guilty of any dishonest conduct, including but not limited to fraud or deceit, in the teaching of polygraphy or violates any of the provisions of [18VAC120-30-240](#).

Historical Notes

Derived from Virginia Register Volume 23, Issue 21, eff. August 1, 2007.

---

## Code of Virginia.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Department of Professional and Occupational Regulation, is responsible for creating and amending the statutes contained in the Code of Virginia. The version contained herein was approved during the 2009 session of the General Assembly and took effect on July 1, 2009. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

---

### § 54.1-1800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Course of instruction" means a formal course of instruction in the detection of deception in an institution approved by the Director.

"Department" means the Department of Professional and Occupational Regulation.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Person" means any natural person, partnership, association, corporation or trust.

"Polygraph" means any mechanical or electronic instrument or device used to test or question individuals for the purpose of determining truthfulness.

"Polygraph examiner" or "examiner" means any person who uses any device or instrument to test or question individuals for the purpose of determining truthfulness.

"Polygraph examiner intern" means any person engaged in the study of polygraphy and the administration of polygraph examinations under the personal supervision and control of a polygraph examiner.

(1975, c. 522, § 54-916; 1988, c. 765; 1993, c. 499.)

### § 54.1-1801. Licenses.

All polygraph examiners shall be licensed pursuant to this chapter.

(1975, c. 522, § 54-918; 1988, c. 765.)

**§ 54.1-1802. Regulations.**

The Director shall promulgate regulations not inconsistent with the laws of Virginia necessary to carry out the provisions of this chapter and Chapter 1 (§ [54.1-100](#) et seq.).

(1975, c. 522, § 54-917; 1988, c. 765.)

**§ 54.1-1803. Approval of schools to teach courses of instruction.**

The Director shall promulgate regulations for the approval of schools in which courses of instruction are taught.

(1975, c. 522, § 54-920; 1988, c. 765.)

**§ 54.1-1804. Submission of fingerprints.**

Each applicant for licensure as a polygraph examiner and each polygraph examiner intern shall submit his fingerprints to the Department on a form provided by the Department.

(1975, c. 522, § 54-921; 1988, c. 765.)

**§ 54.1-1805. Instrument to be used.**

Each examiner shall use an instrument which records permanently and simultaneously the subject's cardiovascular and respiratory patterns as minimum standards, but such an instrument may record additional physiological changes pertinent to the determination of truthfulness.

(1975, c. 522, § 54-922; 1988, c. 765.)

**§ 54.1-1806. Prohibition of use of certain questions on polygraph tests for employment.**

No licensed polygraph operator shall, during a polygraph examination required as a condition of employment, ask any question concerning the sexual activities of the person being examined if the question violates state or federal law. A violation of this section shall constitute grounds for disciplinary action pursuant to § [54.1-1802](#).

(1989, c. 693.)





Department of Professional and Occupational Regulation

**9960 Mayland Drive, Suite 400  
Richmond, VA 23233**

PRE-SORT  
STANDARD  
U.S. POSTAGE  
PAID

## NOTICE

PLEASE REFER TO FIRST PAGE OF BOOKLET FOR NOTES ON IMPORTANT CHANGES.