



**Virginia  
Regulatory  
Town Hall**

**Notice of Intended Regulatory Action  
Agency Background Document**

<b>Agency Name:</b>	120
<b>VAC Chapter Number:</b>	30
<b>Regulation Title:</b>	Regulations Governing Polygraph Examiners
<b>Action Title:</b>	Amending
<b>Date:</b>	March 20, 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

**Purpose**

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The purpose of the proposal is to make the following changes:

General clarifying changes to the regulation. Other changes which may be necessary pursuant to the Board's/Director's periodic review of the regulation, and any other changes which may be necessary, will be considered.

**Basis**

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

§§ 54.1-201 and 54.1-1802 of the Code of Virginia authorizes the Board/Director to promulgate regulations for a regulatory system. While the Board/Director is mandated to establish regulations, the content of the regulations is up to the discretion of the Board/Director.

§ 54.1-201. Powers and duties of regulatory boards.

The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.
2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure within its particular regulatory system, including when necessary the preparation, administration and grading of examinations.
3. To certify or license qualified applicants as practitioners of the particular profession or occupation regulated by such board.
4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.
5. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.
6. To ensure that inspections are conducted relating to the practice of each practitioner certified or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent manner and within the lawful regulations promulgated by the board.

7. To revoke, suspend or fail to renew a certificate or license for just causes as enumerated in regulations of the board.
8. To receive complaints concerning the conduct of any person whose activities are regulated by the regulatory board and to take appropriate disciplinary action if warranted.
9. To promulgate canons of ethics under which the professional activities of persons regulated shall be conducted.

§ 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.).

### Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

1. Move 18 VAC 120-30-40.A.2 and A.3 to 18 VAC 120-30-50.A. for clarity so that all the requirements for interns are located in one place in the regulations.
2. Move 18 VAC 120-30-40.A.4 to a new section 18 VAC 120-30-50.E. for clarity so that all the requirements for interns are located in one place in the regulations.
3. In 18 VAC 120-30-100.D, clarify that the \$45 fee is for reciprocity applicants.
4. In 18 VAC 120-30-190.A, clarify that the new expiration date shall be one year from the previous expiration date.
5. Insert two new sections into Part VI of the regulations regarding the reporting of any changes/amendments to approved programs as well periodic requalification for continued course approval.

6. Reword the second sentence of 18 VAC 120-30-270.B. for clarity.

7. Any other changes which may be necessary.

### Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

Failure to adopt these changes will permit the Board's/Director's regulations to not be as clear as possible. The Board/Director will consider any and all comments received during the comment periods as to any proposed alternatives. In addition, anyone may petition Board/Director to consider a regulatory change at any time in accordance with the Board's/Director's Public Participation Guidelines.

### Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The contemplated changes are expected to have no impact on families.