

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or Section Number:****R156-64****Filing ID: 57161****Agency Information**

1. Title catchline:	Commerce, Professional Licensing	
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Street address:	160 E. 300 S.	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R156-64. Deception Detection Examiners Licensing Act Rule
3. Purpose of the new rule or reason for the change:
The purpose of this amendment is to (1) align the rule with current industry practice standards; (2) reduce unnecessary burdens; and (3) update the rule with current Division style and formatting guidelines.
4. Summary of the new rule or change:
The amendments are proposed to align the rule with the current industry practice standards by updating language that is outdated with current verbiage, processes, and standards practiced by the profession. An update to the continuing education

requirements will align the rule with national standards and reduce unnecessary burdens to the licensee. Lastly, the proposed amendment will update the rule for style and formatting consistent with OAR's current Rulewriting Manual and the Division's style and formatting guidelines.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The Division does not anticipate these amendments will have any fiscal impact to the state budget because these changes will not affect or modify any existing state government policies or procedures.

B) Local governments:

The Division does not anticipate these amendments will have any fiscal impact on local government revenues or expenditures because these changes will not apply to local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

The Division estimates that there are at any time approximately 38 licensed individuals in the profession of Deception Detection. While the price of continuing education varies, most continuing education for the profession is met with attendance at seminars and conferences hosted by industry professionals with attendance fees equating to an average of \$15 per continuing education hour. For purposes of this analysis, the Division assumes that one third of all continuing education providers qualify under the definition of small businesses. The Division, therefore, anticipates a potential loss to small businesses of approximately \$2,850 per year in registration fees.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The Division estimates that there are at any time approximately 38 licensed individuals in the profession of Deception Detection. While the price of continuing education varies, most continuing education for the profession is met with attendance at seminars and conferences hosted by industry professionals with attendance fees equating to an average of \$15 per continuing education hour. For purposes of this analysis, the Division assumes that two thirds of all continuing education providers qualify under the definition of non-small businesses. The Division, therefore, anticipates a potential loss to non-small businesses of approximately \$5,700 per year in registration fees.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The Division estimates that approximately 38 licensees would be affected by the reduction in continuing education requirements. This results in a net savings of approximately \$225 per year for each licensee or \$8,550 in total savings for all licensees.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The proposed amendments are not expected to impose any compliance costs on any affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$2850	\$2850	\$2850
Non-Small Businesses	\$5700	\$5700	\$5700
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$8,550	\$8,550	\$8,550

Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$8,550	\$8,550	\$8,550
Total Fiscal Benefits	\$8,550	\$8,550	\$8,550
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 58-64-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Incorporations by Reference Information**7. Incorporations by Reference :****A) This rule adds or updates the following title of materials incorporated by references :**

Official Title of Materials Incorporated (from title page)	APA Standards of Practice
Publisher	American Polygraph Association
Issue Date	August 25, 2023

B) This rule adds or updates the following title of materials incorporated by references :

Official Title of Materials Incorporated (from title page)	Code of Ethics
Publisher	American Polygraph Association
Issue Date	September 04, 2021

Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)**

A) Comments will be accepted until: 07/01/2025

B) A public hearing (optional) will be held:

Date:	Time:	Place (physical address or URL):
06/27/2025	2:00 p.m.	<p>Anchor Meeting Location: Heber M. Wells Building Room 402 160 E. 300 S. Salt Lake City, UT 84111</p> <p>Google Meet joining info Video call link: https://meet.google.com/pss-tkwz-rtf Or dial: (US) +1 708-831-2431 PIN: 964 126 169# More phone numbers: https://tel.meet/pss-tkwz-rtf?pin=8379068429047</p>

9. This rule change MAY become effective on:

07/08/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information**Agency head or designee and title:**

Mark B. Steinagel, Division Director

Date:

02/07/2025

R156. Commerce, ~~Occupational and~~ Professional Licensing.**R156-64. Deception Detection Examiners Licensing Act Rule.****R156-64-101. Title~~[-]~~ -- Authority -- Relationship to R156-1.**(1) This rule is known as the "Deception Detection Examiners Licensing Act Rule."~~[-]~~

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a), to enable the Division to administer Title 58, Chapter 64, Deception Detection Examiners Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-64-102. Definitions.~~[In addition to the definitions.]~~ Terms used in this rule are defined in Title 58, ~~[Chapters 1 and 64,]~~ Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 64, Deception Detection Examiners Licensing Act.~~[- as used in this rule.]~~ In addition:(1) "Activity sensor"~~[-]~~ as used in Subsection R156-64-502~~[(2)(i))](6)(d)~~, means a sensor attached to a deception detection instrument that is approved for use by the manufacturer of the instrument for placement under the buttocks of the examinee to detect movement and attempts at countermeasures by the examinee.

(2) "Accredited program" as used in Section R156-64-302a means a university or college degree program that is nationally or regionally accredited.

(2)~~3~~ "Clinical polygraph examination"~~[-]~~ as used in Subsection R156-64-502~~[(2)(g))](18)~~~~[-]~~ means a deception detection examination ~~[which]that~~ is not intended to supplement and assist in a criminal investigation.(3)~~4~~ "Comparison question"~~[- as used in Subsection R156-64-102(8).]~~ means a nonrelevant test question used for comparison against a relevant test question in a deception detection examination.(4)~~5~~ "Concealed information examination"~~[-]~~ as used in Subsection R156-64-502~~[(2)(g))](8)~~ means a ~~[psychophysiological technique for examining whether a person has knowledge of crime relevant information.]~~ recognition examination administered to determine whether the examinee recognizes elements of an incident that were not released to the public and known only to the individual who engaged in the behavior and an individual investigating the incident.(5)~~6~~ "Deception detection case file"~~[-]~~ as used in Subsection R156-64-502~~[(2)(o))](16)~~ means written records of ~~[a polygraph]a~~ deception detection examination that includes the following:~~[- including:]~~~~(a) case information;~~~~(b) the name and license number of the examiner;~~~~(c) a list of all questions used during the examination;~~~~(d) copies of all charts recorded during the examination; and~~~~(e) either the audio or video recording of the examination.]~~~~(a)(i) a chart on each subject that is properly identified by name and date; and~~~~(ii) if the examination was performed on an analog polygraph instrument, the chart is signed by the examinee;~~~~(b) an index in either chronological or alphabetical order that includes the following:~~~~(i) the name of each individual examined;~~~~(ii) the type of examination conducted;~~~~(iii) the date of the examination;~~~~(iv) the name and license number of the deception detection examiner or deception detection intern;~~~~(v) the file number where the records are maintained;~~~~(vi) the examiner's written opinion of the test results; and~~~~(vii) the time each examination began and ended;~~~~(c) each written report or memoranda of a verbal report;~~~~(d) a list of each question asked while the instrument was recording;~~~~(e) background information obtained during each pretest interview;~~~~(f) a copy of each chart recorded during the examination;~~~~(g) audio and video recording of the examination;~~~~(h) a form signed by the examinee where the examinee agrees to take the examination after being informed of the right to refuse;~~

and

~~(i) a form containing the following statement that is dated and signed by the examinee: "If I have any reason to believe that the examination was not completely impartial, fair, and conducted professionally, I am aware that I may report it to the Division of Professional Licensing."~~(6)~~7~~ "Directed lie screening examination"~~[- as used in Subsection R156-64-502(2)(d).]~~ means a screening examination in which the examinee is instructed to lie to one or more questions.

(17)(8) "Experienced deception detection examiner" as used in Section R156-64-302(f)(c) means a deception detection examiner who has completed over 250 deception detection examinations and has been licensed ~~or certified by the United States Government~~ for at least three years ~~or more~~.

~~(8) "Irrelevant and relevant testing", as used in Subsection R156-64-502(2)(e), means a deception detection examination which consists of relevant questions, interspersed with irrelevant questions, and does not include any type of comparison questions.]~~

(9) "Irrelevant question" ~~as used in Subsection R156-64-102(8);~~ means a question of neutral impact ~~which~~ that does not relate to a matter under inquiry in a deception detection examination.

(10) "Post[-]conviction sex offender testing" as used in Subsections R156-64-302(f)(2) and R156-64-502(2)(p)(18) means testing of a sex offender[s] as defined in Subsection 77-27-21.7(1)(d) and includes:

(a) sexual history testing to determine if the examinee is accurately reporting ~~all~~each sexual offense ~~s prior to~~ before a conviction;

(b) maintenance testing to determine if the examinee is complying with the conditions of probation or parole; ~~and~~

~~(c) specific issue/single issue examinations.]~~

~~(c) instant offense testing to determine if the examinee has denied accountability for behavioral allegations of the instant offense; and~~

~~(d) monitoring testing to determine if the examinee may have been involved in unlawful sexual behaviors, including sexual re-offense while under the supervision of probation or parole.~~

(11) "Pre-employment examination" as used in Subsection R156-64-502(2)(d) ~~and (g);~~ means a deception detection screening examination administered as part of a pre-employment background investigation.

(12) "Qualified professional continuing education" means professional continuing education that meets the standards set forth in Section R156-64-304.

~~(12)(13)~~ "Relevant question" as used in Subsection R156-64-~~102(8)~~502(4) means a question which relates directly to a matter under inquiry in a deception detection examination.

~~(13)(14)~~ "Screening examination" as used in Subsection[s] R156-64-502(2)(4) ~~(d) and (g);~~ means a ~~multiple issue~~ deception detection examination ~~conducted~~administered to determine the examinee's truthfulness concerning more than one narrowly defined issue in the absence of any specific allegation and may be conducted as a single issue or multiple issue examination.

~~(14)(15)~~ "Specific[-]issue[+] examination" or "single[-]issue examination" as used in Subsection[s] R156-64-~~102(10)(e)~~502(4)(b) ~~and R156-64-502(2)(d) and (g);~~ means a deception detection examination administered to determine the examinee's truthfulness concerning one narrowly defined issue involving a specific allegation.

~~(15)(16)~~ "Supervision" means general supervision as ~~established in~~defined under Subsection R156-1-102a(4)(c).

~~(16)(17)~~ "Unprofessional conduct" as defined in Title 58, ~~Chapters 1 and 64;~~Chapter 1, Division of Professional Licensing Act, and Chapter 64, Deception Detection Examiners Licensing Act, is further defined, ~~in accordance with~~under Subsection 58-1-203(1)(e), in Section R156-64-502.

~~(17)~~ "Work experience", as used in Subsection 58-64-302(3)(f) and R156-64-302e(3), means work done while licensed as a deception detection examiner, deception detection examiner intern, deception detection examiner administrator, or while exempt from licensure under this chapter.

~~R156-64-103. Authority - Purpose.~~

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 64.~~

~~R156-64-104. Organization - Relationship to Rule R156-1.~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.~~

~~R156-64-302a. Qualifications for Licensure - Application Requirements - Criminal Background Check.~~

~~Pursuant to Section 58-64-302, an application for licensure under all classifications under Title 58, Chapter 64 shall be accompanied by:~~

~~(a) two fingerprint cards for the applicant; and~~

~~(b) a fee established in accordance with Section 63J-1-504 equal to the cost of conducting a records check of:~~

~~(i) the Federal Bureau of Investigation; and~~

~~(ii) the Bureau of Criminal Identification of the Utah Department of Public Safety.]~~

R156-64-302(b)a. Qualifications for Licensure - Deception Detection Examiner and Deception Detection Examiner Intern Education and Experience Requirements.

(1) ~~[In accordance with]~~Under Subsections 58-64-302(1)(f)(+) and 58-64-302(2)(f)(+), an applicant for licensure as a deception detection examiner ~~and~~or a deception detection examiner intern ~~[applicants]~~shall have ~~earned a bachelor's degree from a university or college program, that at the time the applicant graduated, was accredited through the U.S. Department of Education or one of the regional accrediting association of schools and colleges;~~completed one of the following:

~~(a) a bachelor's degree from an accredited program;~~

~~(b) 8,000 hours of investigation experience as a civil or criminal investigator with a federal, state, county, municipal law enforcement agency, or the equivalent as approved by the Division; or~~

(c) an equivalent combination of education and experience with 2,000 hours of investigations experience equal to one year of completed post-secondary education in an accredited program.

(2) Under Subsections 58-64-302(1)(g) and 58-64-302(2)(g), the required deception detection training program shall be accredited by the American Polygraph Association.

R156-64-302c. Qualifications for Licensure – Experience Requirements.

(1) In accordance with Subsections 58-64-302(1)(f)(ii) and 58-64-302(2)(f)(ii), deception detection examiner and deception detection examiner intern applicants shall have 8,000 hours of investigation experience with a federal, state, county, or municipal law enforcement agency. Equivalent investigation experience may be approved by the Division in collaboration with the Board.

(2) In accordance with Subsection 58-64-302(1)(f)(iii) and 58-64-302(2)(f)(iii), deception detection examiner and deception detection examiner intern applicants may complete, in part or in whole, the college education requirements in Subsection R156-64-302b through additional investigation experience in the ratio of 2,000 hours of investigation experience, beyond the required 8,000-hour requirement in Subsection R156-64-302c(1), for one year as a matriculated student in an accredited bachelor's degree program.

(3) In accordance with Subsection 58-64-302(3)(f), deception detection examination administrator applicants may complete, in part or in whole, the college education requirements in Subsection 58-64-302(3)(f) through additional work experience in the ratio of 2,000 hours of work experience for one year as a matriculated student in an accredited associate's degree program.

R156-64-302d. Qualifications for Licensure – Deception Detection Training Requirements.

(1) In accordance with Subsection 58-64-302(1)(g) and 58-64-302(2)(g), a deception detection training program for a deception detection examiner or a deception detection examiner intern shall consist of graduation from a deception detection training program in a school accredited by the American Polygraph Association.

(2) In accordance with Subsection 58-64-302(3)(g), a deception detection training program for a deception detection examination administrator shall consist of graduation from a certification program provided by a software manufacturer.

R156-64-302[e]h. Qualifications for Licensure - Examination Requirements.

[In accordance with] Under Section 58-1-309, an applicant for a deception detection examiner license or [and] or a deception detection examiner intern license[applicants] shall pass the Utah Deception Detection Examiner[s] Law and Rules Examination with a score of at least 75%.

R156-64-302[f]c. Qualifications for Licensure - Supervision Requirements.

[In accordance with] Under Subsection 58-64-302(2)([h]i), each deception detection intern supervision agreement shall [be in a form that] require[s a] the deception detection intern [to serve] complete an internship under the [direct] general supervision of an experienced deception detection examiner as follows:

(1) the supervising deception detection examiner shall observe at least five complete examinations either directly or by audio and video recording[a minimum of five complete examinations];

(2) if the deception detection intern is performing post-conviction sex offender testing, the supervising deception detection examiner shall hold a certification for post-conviction sex offender testing by the American Polygraph Association; and

(3) the ["Internship Supervision Agreement", as required in] internship supervision agreement under Subsection 58-64-302(2)([h]i), shall be approved by the Division[in collaboration with the Board].

R156-64-303. Renewal Cycle - Procedures.

(1) [In accordance with] Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle [applicable to] for licensees under Title 58, Chapter 64, Deception Detection Examiners Licensing Act, is established [by rule] in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Sections R156-1-308a through R156-1-308l.

R156-64-304. Professional Continuing Education -- Deception Detection Examiner License.

(1) [In accordance with] Under Subsections 58-1-203(1)(g) and 58-1-308(3)(b), [there is created a] the professional continuing education requirements [as a condition] for renewal or reinstatement of an individual licensed [in the classification of deception detection examiner] under Title 58, Chapter 64, Deception Detection Examiners Licensing Act are established in this section.

(2) [Continuing education shall consist of 60] During each two-year renewal cycle commencing on December 1 of each even-numbered year, a licensed deception detection examiner shall complete at least 30 hours of qualified professional continuing [professional] education [in each preceding two year period of licensure or expiration of licensure.] directly related to the licensee's professional practice.

(3) If a renewal period is shortened or extended to effect a change of renewal cycle, the professional continuing education hours required for that renewal period shall be increased or decreased [accordingly as a pro-rata amount of the requirements of a two-year period] proportionately.

(4) Credit for professional continuing education during each two-year renewal cycle shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a deception detection examiner;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well-organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by an individual who is qualified by education, training, and experience; and

(e) have a competent method of registration of an individual who completed the professional continuing education program, and records of that registration and completion available for review.

(4) ~~5~~ Qualified professional continuing ~~professional~~ education shall ~~consist of the following:~~ meet the following requirements:

(a) ~~[A minimum of 30]~~ at least 15 hours ~~[shall be from institutes, seminars, lectures, conferences, workshops, various forms of mediated]~~ of qualified instruction directly relating to deception detection~~[-]; and~~ completed through at least one of the following formats:

(i) college or university lecture and discussion;

(ii) professional conference;

(iii) seminar;

(iv) training session;

(v) synchronous webinar;

(vi) asynchronous online self-paced module;

(vii) case study review;

(viii) simulation;

(ix) workshop; or

(x) an equivalent course approved by the Division; and

(b) ~~(i) up to [30]15 hours [may be in the following college courses with one college credit being equal to 15 hours;]~~ by completing a college or university course in one of the following areas:

~~(i) A~~ psychology;

~~(ii) B~~ physiology;

~~(iii) C~~ anatomy; ~~[and]~~ or

~~(iv) D~~ interview and interrogation techniques~~[-]; and~~

(ii) under Subsection (b)(i), one college or university credit is equal to 15 hours of professional continuing education.

~~(5)~~ ~~6~~ A deception detection examiner who instructs a ~~[non-approved]~~ course that meets the definition of a qualified continuing education course under this section shall be given double credit for the first presentation.

~~(6)~~ ~~7~~ A licensee shall ~~[be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain.]~~ maintain documentation sufficient to prove compliance with this section, for a period of four years after the end of the renewal cycle for which the continuing education is due.

R156-64-305. ~~[Demonstration of Clear]~~ Criminal History Background Check Requirement for Licensees as Renewal Requirement.

(1) ~~[In accordance with]~~ Under Subsections 58-1-203(1)(g) and 58-1-308(3)(b), an applicant shall ~~[demonstrate a clear]~~ pass a criminal history background check as a condition of renewal or reinstatement of license issued under Title 58, Chapter 64, Deception Detection Examiners Licensing Act, for ~~[all classifications]~~ a license under this chapter.

(2) ~~[A]~~ The criminal history background check shall be performed by the Division and is not required to be submitted by the applicant.

(3) If the criminal history background check discloses a criminal background, the Division shall evaluate the criminal history background check ~~[in accordance with]~~ under Section R156-1-~~[302]~~401 to determine appropriate licensure action.

R156-64-502. Unprofessional Conduct.

~~[(1)]~~ (1) "Unprofessional conduct for all classifications under this chapter includes:

~~(a)]~~ (a) conducting an examination if the examinee is not physically present and aware that an examination is being conducted;

~~(b)]~~ (b) publishing, directly or indirectly, or circulating any fraudulent or false statements as to the skill or method of practice of any examiner;

~~(c)]~~ (c) refusing to render deception detection services to or for any person on account of race, color, creed, national origin, sex, or age of such person;

~~(d)]~~ (d) conducting an examination:

~~(i)]~~ (i) on a person who is under the influence of alcohol or drugs; or

~~(ii)]~~ (ii) on a person who is under the age of 14 without written permission from the person's parent or guardian;

~~(e)]~~ (e) failing during a pretest interview to specifically inquire whether the individual to be examined is currently receiving or has in the past received medical or psychiatric treatment or consultation;

~~(f)]~~ (f) failing to obtain a release or a physician's statement from the individual being examined if there is any reasonable doubt concerning the individual's ability to safely undergo an examination;

~~(g)]~~ (g) not creating and maintaining a record for every examination administered;

~~(h)]~~ (h) expressing a bias in any manner regarding the truthfulness of the examinee prior to the completion of any testing;

~~(i)]~~ (i) not maintaining records of all deception detection examinations for a minimum of three years; and

~~(j)]~~ (j) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established by the American Polygraph Association Code of Ethics, dated September 1, 2015, and Standards of Practice, dated September 1, 2015, which are hereby incorporated by reference.]

~~[(2)]~~ (2) "Unprofessional conduct" ~~[specific to deception detection examiners and deception detection examiner interns]~~ includes:

~~(a)]~~ (1) ~~[not]~~ failing to immediately terminate an examination upon request of the examinee;

~~(b)]~~ (2) ~~[not]~~ failing to conduct ~~[ing a pre-examination review]~~ pretest interview with the examinee where each question is reviewed word for word before conducting the examination;

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- ~~([e]3) attempting to determine truth or deception on a matter[s] or issue[s] not discussed with the examinee during the [pre-examination review] pretest review;~~
- ~~([d]4) basing any decision[s] concerning truthfulness or deception upon data that fails to meet the following minimum standards:~~
- ~~([i]a) [two charts] three repetitions of relevant questions for a pre-employment examination;~~
- ~~([ii]b) [two charts] three repetitions of relevant questions for a screening examination that is [to be] followed by a specific[-] issue[-/single issue] examination or a single-issue examination;~~
- ~~([iii]c) three repetitions of each question on a directed lie screening examination; or~~
- ~~([iv]d) [three charts] at least three repetitions of relevant questions for all other exams;~~
- ~~[(e) using irrelevant and relevant testing techniques in other than pre-employment and periodic testing, without prior approval of the Division in collaboration with the Board;]~~
- ~~(5) conducting an examination if the examinee is not physically present and aware that an examination is being conducted;~~
- ~~([f]6) using a polygraph instrument that does not record the following as a minimum:~~
- ~~([i]a) respiration patterns recorded by two pneumograph components that record[ing] thoracic and abdominal patterns;~~
- ~~([ii]b) electro dermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue;~~
- ~~([iii]c) relative changes in pulse rate, pulse amplitude, and relative blood volume by use of a cardiograph; and~~
- ~~[(iv) continuous physiological recording of sufficient amplitude to be easily readable by the examiner; and~~
- ~~(v) pneumograph and cardiograph tracings no less than one-half inch in amplitude when using an analog polygraph instrument;]~~
- ~~(d) seat activity sensor to detect movement;~~
- ~~[(g) conducting in a 24-hour period more than:~~
- ~~(i) five specific issue/single issue examinations;~~
- ~~(ii) five clinical examinations;~~
- ~~(iii) five screening examinations;~~
- ~~(iv) five pre-employment examinations; or~~
- ~~(v) 15 concealed information examinations;]~~
- ~~(7) in a 24-hour period, conducting more than:~~
- ~~(a) four diagnostic or three evidentiary examinations; or~~
- ~~(b) five examinations of any type;~~
- ~~([h]8) failing to meet the minimum required examination duration time while conducting an examination [of less than the required duration as follows] including:~~
- ~~([i]a) concealed information examination for less than 30 minutes[-for a concealed information exam];~~
- ~~([ii]b) pre-employment examination for less than 60 minutes[-for a pre-employment exam]; [and] or~~
- ~~([iii]c) any other type of examination for less than 90 minutes[-for all other exams];~~
- ~~[(i) failing to use an activity sensor in all testing unless the examinee suffers from a diagnosed medical condition that contraindicates its use;]~~
- ~~[(j) not audibly recording all criminal/specific examinations and informing the examinee of such recording prior to the examination;]~~
- ~~(9)(a) failing to create and maintain an audio and video recording for each examination; or~~
- ~~(b) failing to inform the examinee before the examination of the audio and video recording;~~
- ~~([k]10) during a pre-employment pre[-]test interview or [actual] an examination, asking any question[s] concerning the subject's sexual attitude[s], political belief[s], union sympath[ies], or religious belief[s] unless there is a demonstrable overriding reason] without good cause;~~
- ~~[(l) splitting, or dividing fees received for deception detection services or otherwise paying any person for referring a client;]~~
- ~~(11) conducting an examination on an individual who is:~~
- ~~(a) under the influence of alcohol or drugs; or~~
- ~~(b) under the age of 18 without written permission from the individual's parent or guardian;~~
- ~~([m]12) [not] failing to provid[ing]e [at least] at least 20 seconds between the beginning of one question and the beginning of the next question;~~
- ~~[(n) not using a validated scoring method in all examinations;]~~
- ~~(13) failing to exclude an individual that is determined to be unsuitable, as evidenced by one of the following:~~
- ~~(a) acute or active psychosis;~~
- ~~(b) unmanaged hallucinations or delusional thinking;~~
- ~~(c) ongoing panic attack;~~
- ~~(d) severe illness;~~
- ~~(e) severe pain; or~~
- ~~(f) a severe or profound intellectual disability that would potentially interfere with the examination process;~~
- ~~(14) failing to obtain a release from the individual being examined or a physician's statement if there is any reasonable doubt concerning the individual's ability to safely undergo an examination;~~
- ~~(15) failing to use a numerical scoring system in each deception detection examination;~~
- ~~[(o) creating deception detection case files not containing at a minimum the following:~~
- ~~(i) all charts on each subject properly identified by name and date and if the exam was performed on an analog polygraph instrument, signed by the examinee;~~
- ~~(ii) an index, either chronological or alphabetical, listing:~~

- ~~(A) the names of all persons examined;~~
- ~~(B) the type of exam conducted;~~
- ~~(C) the date of the exam;~~
- ~~(D) the name and license number of the examiner;~~
- ~~(E) the file number in which the records are maintained;~~
- ~~(F) the examiner's written opinion of the test results; and~~
- ~~(G) the time the examination began and ended;~~
- ~~(iii) all written reports or memoranda of verbal reports;~~
- ~~(iv) a list of all questions asked while the instrument was recording;~~
- ~~(v) background information elicited during the pre-test interviews;~~
- ~~(vi) a form signed by the examinee agreeing to take the examination after being informed of his or her right to refuse;~~
- ~~(vii) the following statement, dated and signed by the examinee: "If I have any reason to believe that the examination was not completely impartial, fair and conducted professionally, I am aware that I can report it to the Division of Occupational and Professional Licensing";~~
- ~~(viii) any recordings made of the examination; and~~
- ~~(ix) documentation of an instrument functionality check as mandated by the manufacture of the instrument being used; and]~~
- ~~(16) failing to create and maintain a deception detection case file as defined in Subsection R156-64-102(6) for each examination administered;~~
- ~~(17) expressing a bias in any manner regarding the truthfulness of the examinee before the completion of any testing;~~
- ~~([p]18) conducting a clinical polygraph examination of a sex offender as defined in Subsection 77-27-21.7(1)(d) without holding a current certification from the American Polygraph Association for post-conviction sex offender testing (PCSOT)[-];~~
- ~~(19) failing to conform to the generally accepted and recognized standards and ethics of the profession including:~~
 - ~~(a) the American Polygraph Association Code of Ethics dated September 4, 2021, which is incorporated by reference; and~~
 - ~~(b) the American Polygraph Association Standards of Practice dated August 25, 2023, which is incorporated by reference with the amendment that records of each examination shall be maintained for at least three years.~~

KEY: licensing, deception detection examiner, deception detection examination administrator, deception detection intern

Date of Last Change: ~~September 8, 2016~~2025

Notice of Continuation: January 3, 2022

Authorizing, and Implemented or Interpreted Law: 58-64-101; 58-1-106(1)(a); 58-1-202(1)(a)