

Office of Regulatory Management
Economic Review Form

Agency name	Department of Professional and Occupational Regulation
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 120-30
VAC Chapter title(s)	Regulations Governing Polygraph Examiners
Action title	Review of Standards of Practice and Conduct
Date this document prepared	August 24, 2023
Regulatory Stage (including Issuance of Guidance Documents)	Proposed (Action 5918 / Stage 9549)

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Under the proposed change, a polygraph examiner must disclose to an examinee that the polygraph examination is subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).</p> <p>Direct Costs: There are no monetizable direct costs associated with this regulatory change.</p> <p>Indirect Costs: There are no monetizable indirect costs associated with this change.</p> <p>Direct Benefits: There are no monetizable direct benefits associated with this change.</p> <p>Indirect Benefits: There are no monetizable indirect benefits associated with this change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	<p>The regulatory change will benefit the public by requiring licensed polygraph examiners and registered polygraph interns to make all polygraph examinees aware that their exam results will be subject to disclosure under the Virginia Freedom of Information Act. (Direct.)</p> <p>The proposed regulatory change does not require polygraph examiners to make written disclosure that a polygraph examination is subject to disclosure under the Virginia Freedom of Information Act. However, it is reasonable to anticipate examiners may choose to provide written disclosure through a form or notice to an examinee or obtain written acknowledgment of the disclosure from an examinee. This may impose administrative costs on polygraph examiners to develop such forms or notices and to maintain records of examinees' acknowledgment. (Indirect.)</p>	
(5) Information Sources	Department program staff.	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Under the current regulation, polygraph examiners are not required to disclose to an examinee that the examination is subject to disclosure under the Virginia Freedom of Information Act.</p> <p>Direct Costs: There are no new monetizable direct costs associated with maintaining the status quo.</p> <p>Indirect Costs: There are no new monetizable indirect costs associated with maintaining the status quo.</p> <p>Direct Benefits: There are no new monetizable direct benefits associated with maintaining the status quo.</p> <p>Indirect Benefits: There are no new monetizable indirect benefits associated with maintaining the status quo.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	<p>There are no new anticipated direct costs or benefits associated with maintaining the status quo.</p> <p>There are no new anticipated indirect costs or benefits associated with maintaining the status quo.</p>	
(5) Information Sources	Department program staff.	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	Refer to Box #4.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.	
(5) Information Sources		

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	See Box #3.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)	Many licensed polygraph examiners are employed by state or local law enforcement agencies. As noted in Table 1(a), there are no monetizable costs and benefits (either direct or indirect) associated with this regulatory change. However, it is reasonable to anticipate that examiners may choose to provide written disclosure through a form or notice to an examinee or obtain written acknowledgment of the disclosure from an examinee. This may impose administrative costs on polygraph examiners to develop such forms or notices and to maintain records of examinees' acknowledgment.	
(4) Assistance		
(5) Information Sources		

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	N/A – See Box #3.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)	There are no anticipated direct or indirect costs to families. There are no anticipated direct or indirect benefits to families.	
(4) Information Sources		

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	See Box #3.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)	Some licensed polygraph examiners may be owners or employees of businesses that meet the definition of “small business” in § 2.2-4007.1 of the Code of Virginia. As noted in Table 1(a), there are no monetizable costs and benefits (either direct or indirect) associated with this regulatory change. However, it is reasonable to anticipate that examiners may choose to provide written disclosure through a form or notice to an examinee or obtain written acknowledgment of the disclosure from an	

	examinee. This may impose administrative costs on polygraph examiners to develop such forms or notices and to maintain records of examinees' acknowledgment.
(4) Alternatives	No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.
(5) Information Sources	

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved	Authority of Change	Initial Count	Additions	Subtractions	Net Change
30-200	Statutory:	0	0	0	0
	Discretionary:	12	1	0	+1

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
N/A	N/A	N/A	N/A	N/A

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
N/A	N/A	N/A

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length
N/A	N/A	N/A	N/A