

## **CHAPTER 10-11-02**

### **APPLICATION FOR LICENSE PROCESS AND PROCEDURE FOR ISSUANCE**

#### **Section**

10-11-02-01	Application
10-11-02-02	Application Fee
10-11-02-03	Qualifications for License
10-11-02-04	Reciprocity
10-11-02-05	License Examinations

#### **10-11-02-01. Application.**

1. Upon receipt of a request for application, the attorney general's licensing division will prepare and furnish the applicants with a copy of North Dakota Century Code chapter 43-31 and will send a copy of the procedures and rules for licensing, pursuant to North Dakota Century Code sections 14-31-07 and 14-31-07.1.
2. When an application for detection of deception examiners license is received by the attorney general's licensing division, all requested information has been furnished, and the examination fee has been received, the application will be forwarded to the chairman of the board.
3. After a background investigation has been conducted, by the board, the chairman will return the application to the licensing division with advice to the attorney general regarding the action to be taken on the application, i.e., issuance on reciprocity, setting an examination date, or denial.
4. Upon receipt of the application, the attorney general's licensing division will notify the applicant in regard to the appropriate action taken by the attorney general. If testing is required, the date, time, and place will be scheduled in consultation with the board chairman.

**History:** Effective July 1, 1984.

**General Authority:** NDCC 43-31-13

**Law Implemented:** NDCC 43-31-04

#### **10-11-02-02. Application fee.**

Applicants shall pay a fifty dollar fee for examination. The fee is nonrefundable.

**History:** Effective July 1, 1984.

**General Authority:** NDCC 43-31-13

**Law Implemented:** NDCC 43-31-14

#### **10-11-02-03. Qualifications for license.**

No detection of deception examiner license will be issued to any person, nor will any such previously issued license be renewed or retained unless the applicant shall file a sworn statement showing the following qualifications:

1. The applicant must not have been convicted within five years prior to the application for the license of any violation of any law of the United States or this state or of any local ordinance which law or ordinance relates to:
  - a. Felony offenses.
  - b. Offenses involving moral turpitude.

2. Applicant must have successfully completed a polygraph examiners course from a school that is accredited by the American polygraph association.

**History:** Effective July 1, 1984.

**General Authority:** NDCC 43-31-13

**Law Implemented:** NDCC 43-31-07

#### **10-11-02-04. Reciprocity.**

Applicants who are licensed examiners under the laws of another state of the United States may be issued a license without examination by the attorney general if the requirements pursuant to North Dakota Century Code section 43-31-16 are met. The applicant shall provide to the attorney general a copy of such license. The applicant shall also provide to the attorney general a copy of that state's licensing requirements at the time that said applicant was licensed. That law will then be compared to the North Dakota law which sets forth the licensing requirements by the board with the board reporting to the attorney general.

**History:** Effective July 1, 1984.

**General Authority:** NDCC 43-31-13

**Law Implemented:** NDCC 43-31-16

#### **10-11-02-05. License examinations.**

1. Any person who is not exempted from a license examination under North Dakota Century Code sections 43-31-15 and 43-31-26 will be required to take a state license examination administered by the board.
2. License examinations will be conducted in May and October of each calendar year.
3. This examination will be administered by not less than three members of the board.
4. The examination will include written, oral, and demonstration skills in the polygraph field as follows:
  - a. Phase I: Written examination, four parts.
    - (1) Physiological.
    - (2) Psychological.
    - (3) Mechanical.
    - (4) Technical.

A minimum score of seventy percent will be needed on each part for a license. Failure of any part will require retesting of that part upon reapplication after six months.
  - b. Phase II: Instrumentation, five parts.
    - (1) Familiarity with instrument.
    - (2) Familiarity with components.
    - (3) Familiarity with mechanical operation.
    - (4) Familiarity with attachments.
    - (5) Familiarity in attaching instrument to the subject and activation.

This phase will be graded on a scale of one to five. A three is acceptable, below three is an unacceptable score and may limit licensure.

c. Phase III: Question formulation, five parts.

- (1) Applicability.
- (2) Wording.
- (3) Sequence.
- (4) Placement of controls.
- (5) Placement of irrelevant questions.

This phase will be graded on a scale of one to five. A three is acceptable, below three is an unacceptable score and may limit licensure.

d. Phase IV: Chart interpretation (must supply twenty-five recent and complete examination charts for analysis and questions, reports must also be furnished), five parts.

- (1) Knowledge of interviewing.
- (2) Observations of subject.
- (3) Knowledge of reactions on charts.
- (4) Interpretation of chart events.
- (5) Knowledge of chart marking.

This phase will be graded on a scale of one to five. A three is acceptable, below three is an unacceptable score and may limit licensure.

e. Phase V: Oral interview, five parts.

- (1) Applicant's history and schooling.
- (2) Applicant's work and professional experience.
- (3) Applicant's interviewing techniques.
- (4) Applicant's polygraph theory.
- (5) Applicant's personal feelings regarding detection of deception.

This phase is the final part of examination. It will be graded on a scale of one to three. The total examination process will then be reviewed. A score of three is required for licensure. A score of two is required for the person to receive a qualified licensure which would require supplemental information or action. A score of two will be assigned to interns until twenty-five charts are reviewed by a board member. A score of one renders the applicant unacceptable for licensure. A score of one will be explained in writing by the board.

5. In grading the examination, a scoring sheet will be filled out and signed by each examining board member. The score will be averaged for a final score.
6. Grading of the written examination will be based on one hundred percent score. Each true and false question has a three percent value. Each multiple choice question has a four percent

value. Each completion and essay question has a six percent value. There are ten true and false questions, ten multiple choice questions, and five completion/essay questions per part of the written examination. Partial credit will be given for multiple choice answers that are partially correct.

**History:** Effective July 1, 1984.

**General Authority:** NDCC 43-31-13

**Law Implemented:** NDCC 43-31-07