

Policy

November 2020

Reasonable adjustments and special consideration for examination candidates

Purpose

This document sets out the Nursing and Midwifery Board of Australia's (NMBA) policy for assessing requests for reasonable adjustments and special consideration from internationally qualified nursing and midwifery examination candidates (candidates).

Scope

The outcomes-based assessment (OBA) for internationally qualified nurses and midwives (IQNMs) comprises a multiple-choice question (MCQ) examination and an Objective Structured Clinical Examination (OSCE). There are separate MCQ examinations and OSCEs for internationally qualified registered nurses, enrolled nurses and midwives (IQNMs) seeking registration in Australia. as a registered nurse (RN), enrolled nurse (EN) or midwife.

The RN and Midwifery MCQ examinations are administered and delivered by third-party examination providers. The RN MCQ examination is the National Council Licensure Examination for Registered Nurses (NCLEX-RN). The National Council of State Boards of Nursing (NCSBN) develops and administers the NCLEX-RN through Pearson VUE. NCSBN's policies and procedures relating to reasonable adjustments and special consideration (also known as testing accommodations) apply to the NCLEX-RN.

The midwifery MCQ examination is delivered by Aspeq through the Quadrant examination system. The NMBA's policy in this document on reasonable adjustments applies to the midwifery MCQ examination, but Aspeq's policy applies to requests for special consideration.

The EN MCQ examination is a paper-based exam and is delivered by Ahpra. The NMBA's policy in this document on reasonable adjustments and special consideration applies to the EN MCQ examination.

The OSCEs are delivered at Adelaide Health Simulation (AHS) and operationalised by Ahpra on behalf of the NMBA. The NMBA's policy in this document on reasonable adjustments and special consideration applies for the RN, EN and midwifery OSCEs.

Policy

Reasonable adjustments

Reasonable adjustments (also known as testing accommodations) are special arrangements for the administration of the examination to provide candidates with disabilities (physical or mental impairment) full access to the examination where possible.

Adjustments must be made in line with the inherent requirements for nursing and midwifery practice in Australia and must not compromise the integrity of the examination. The expected level of competence is the same for all candidates and cannot change as part of a reasonable adjustment arrangement.

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RN MCQ examination

Consideration of requests for reasonable adjustments to the NCLEX-RN is in line with NCSBN's policy and processes documented in the *NCLEX Member Board Manual – Chapter 3: NCLEX Testing Accommodations*. NCSBN will cooperate with Ahpra in providing reasonable adjustments for candidates.

Candidates must submit a request for reasonable adjustments to Ahpra at the time of registering for the NCLEX-RN, as soon as practicable after registering, and no later than 14 business days prior to the scheduled RN MCQ examination date.

The candidate must provide appropriate documentation supporting the request for adjustments and include results of appropriate diagnostic testing, submitted by a qualified professional with expertise in the areas of the diagnosed disability. Supporting documentation could include:

- A history of the disability/impairment and any past adjustment(s) granted to the candidate, as well as a description of its impact on the individual's functioning
- Identification of the specific standardised and professionally recognised test/assessments given (e.g., Woodcock-Johnson, Weschler Adult Intelligence Scale)
- The scores resulting from testing, interpretation of the scores and evaluations
- Recommendations for reasonable adjustments with a stated rationale as to why the requested adjustments are necessary and appropriate for the diagnosed disability/impairment

Ahpra's assessment of the request

Ahpra must assess candidate requests for reasonable adjustments, including the supporting documentation. This should be completed as soon as possible after all the information is received to ensure that candidates can be scheduled for the examination with the appropriate adjustments in a timely manner.

Candidates can only be granted the following adjustments (with exception of examinations conducted in the United States):

- Extra time
 - Candidate receives additional time to complete the examination: 30 minutes, one hour, two hours, three hours, double time over two days (double exam time to complete the examination over two consecutive days), other (customised amount of possible extra testing e.g. 45 minutes)
- Separate room
 - Exam must be delivered in a separate room
- Adjustable contrast
 - Toggle option within the exam will be available to change the colours of the text and/or background at any time
- Adjustable font size
 - Toggle option within the exam will be available to enlarge the screen at any time

Upon visual inspection by examination centre staff, candidates may be allowed to take medicines, medical devices, mobility devices and other approved items listed on the '[Pearson VUE Comfort Aid List](#)' into the examination room. These items do not require pre-approval.

Medical devices such as insulin pumps, some glucometers, etc. that are attached to the body do not require a request for reasonable adjustments and are allowed into the examination room if they do not produce sound that could potentially distract other candidates. Ahpra must contact the candidate to find out if the device produces a sound. If the device produces a sound, Ahpra must request a separate room for the candidate.

In line with NCSBN's policy, reasonable adjustments requests for anxiety or phobia will not be approved unless supported by a specific and professionally recognised diagnosis found in the Diagnostic and Statistical Manual of Mental Disorders (DSM). It is acknowledged that test anxiety is not a recognised diagnosis according to the DSM.

English may be a candidate's second language and even if this impairs their ability to perform well on the NCLEX-RN, adjustments will not be approved, in line with NCSBN's policy.

As stated above Ahpra must assess candidate requests for reasonable adjustments, including the supporting documentation and determine whether the requested adjustments are reasonable for the candidate's diagnosis. A determination will be made in line with the inherent requirements of nursing practice in Australia and the NMBA's requirements on health impairments. Ahpra legal advice will be sought where required.

Once Ahpra makes a determination on whether the requested adjustment is reasonable for the candidate's diagnosis, Ahpra must inform NCSBN of the requested adjustment.

NCSBN must then advise Ahpra of its decision and reasoning and Ahpra must inform the candidate of the outcome of the request.

If the candidate does not agree with the outcome of the request for reasonable adjustments, the candidate may apply for further review by the Chair of the relevant Examination committee. The appropriate fee must be paid at the time of requesting the review.

The Chair of the Examination committee may convene a panel of the Examination committee to assist in the review of the request as necessary.

EN MCQ examination

Candidates must submit a request for reasonable adjustments to Ahpra at the time of registering for the EN MCQ examination, as soon as practicable after registering, and no later than 14 business days prior to the scheduled EN MCQ examination date.

The candidate must provide appropriate supporting documentation at the time of the request, as per the documentation required for the RN MCQ examination (see *RN MCQ examination* section).

Ahpra assessment of the request

Ahpra must assess the candidate's request for reasonable adjustments including all supporting documentation provided. This process should be completed as soon as possible after all the information is received to ensure that candidates can be scheduled for the examination with the appropriate adjustments in a timely manner.

Candidates can only be granted the following adjustments:

- Extra time
 - Candidate receives additional time to complete the examination: additional 30 or 60 minutes
- Separate room
 - Exam must be delivered in a separate room and arranged as a special sitting (candidate must pay a fee for this)
- Adjustable font size
 - The candidate can request the exam be printed with increased text size

Upon visual inspection, Ahpra staff may allow candidates to take certain items into the examination room that do not require pre-approval.

Ahpra approval of reasonable adjustments request

Ahpra must determine whether the requested adjustment is reasonable for the candidate's diagnosis and approve appropriate adjustments. A determination will be made in line with the inherent requirements of nursing practice in Australia and the NMBA's requirements on health impairments. Ahpra legal advice will be sought where required.

Medical devices such as insulin pumps, some glucometers, etc. that are attached to the body do not require a request for reasonable adjustments and are allowed into the examination room if they do not produce sound that could potentially distract other candidates. Ahpra must contact the candidate to find out if the device produces a sound. If the device produces a sound, Ahpra must request a separate room for the candidate.

Candidate requests for adjustments for anxiety or phobia will not be approved unless supported by a specific and professionally recognised diagnosis found in the Diagnostic and Statistical Manual of Mental

Disorders (DSM). It is acknowledged that test anxiety is not a recognised diagnosis according to the DSM.

English may be a candidate's second language and even if this impairs their ability to perform well on the EN MCQ examination, Ahpra will not approve an adjustment for this.

Ahpra must inform the candidate of the outcome of the request. If the candidate does not agree with the outcome of Ahpra's assessment of the request for reasonable adjustments to the EN MCQ examination, the candidate may apply for further review by the Chair of the relevant Examination committee. The appropriate fee must be paid at the time of requesting the review.

The Chair of the Examination committee may convene a panel of the Examination committee to assist in the review of the request as necessary.

Midwifery MCQ examination

Candidates must submit a request for reasonable adjustments to Ahpra at the time of registering for the midwifery MCQ examination, as soon as practicable after registering, and no later than 14 business days prior to the scheduled midwifery MCQ examination date.

The candidate must provide appropriate supporting documentation at the time of the request, as per the documentation required for the RN MCQ examination (see *RN MCQ examination* section).

Ahpra assessment of the request

Ahpra must assess the candidate's request for reasonable adjustments including all supporting documentation provided. This process should be completed as soon as possible after all the information is received to ensure that candidates can be scheduled for the examination with the appropriate adjustments in a timely manner.

Candidates can only be granted the following adjustments:

- Extra time
 - Candidate receives additional time to complete the examination: additional 30 or 60 minutes
- Separate room
 - Exam must be delivered in a separate room and arranged as a special sitting (candidate must pay a fee for this)
- Adjustable font size
 - During the exam, the candidate can adjust the text size on the screen to make it larger or smaller

Upon visual inspection, Aspeq examination centre or remote invigilating staff may allow candidates to take certain items into the examination room that do not require pre-approval.

Ahpra approval of reasonable adjustments request

Ahpra must determine whether the requested adjustment is reasonable for the candidate's diagnosis and approve appropriate adjustments. A determination will be made in line with the inherent requirements of midwifery practice in Australia and the NMBA's requirements on health impairments. Ahpra legal advice will be sought where required.

Medical devices such as insulin pumps, some glucometers, etc. that are attached to the body do not require a request for reasonable adjustments and are allowed into the examination room if they do not produce sound that could potentially distract other candidates. Ahpra must contact the candidate to find out if the device produces a sound. If the device produces a sound, Ahpra must request a separate room for the candidate.

Candidate requests for adjustments for anxiety or phobia will not be approved unless supported by a specific and professionally recognised diagnosis found in the Diagnostic and Statistical Manual of Mental Disorders (DSM). It is acknowledged that test anxiety is not a recognised diagnosis according to the DSM.

English may be a candidate's second language and even if this impairs their ability to perform well on the midwifery MCQ examination, Ahpra will not approve an adjustment for this.

Ahpra must inform the candidate of the outcome of the request. If the candidate does not agree with the outcome of Ahpra's assessment of the request for reasonable adjustments to the midwifery MCQ examination, the candidate may apply for further review by the Chair of the relevant Examination committee. The appropriate fee must be paid at the time of requesting the review.

The Chair of the Examination committee may convene a panel of the Examination committee to assist in the review of the request as necessary.

OSCEs

Due to the nature of the OSCE, requests by candidates for reasonable adjustments to the RN, EN or midwifery OSCE are unlikely to be approved for OSCEs conducted under standard examination conditions. If requested adjustments are determined to be reasonable, a special sitting of the OSCE may be required at an additional fee to the candidate. Adjustments will not be made if the psychometric soundness, fairness and security of the OSCE are threatened.

Candidates must submit a request for reasonable adjustments to Ahpra at the time of booking their OSCE. Candidates must provide appropriate documentation at the time of the request, as per the documentation required for the MCQ examinations (see RN MCQ examination section).

Ahpra assessment of request

Ahpra will conduct an Initial assessment of the candidate's request for reasonable adjustments to the OSCE including all supporting documentation provided. Ahpra will determine whether there is sufficient information to support the request for reasonable adjustments.

Ahpra will make a determination in line with the inherent requirements of nursing and midwifery practice in Australia and the NMBA's requirements on health impairments. Ahpra legal advice will be sought where required.

Ahpra will inform the candidate in writing of the outcome of the initial assessment of their request for reasonable adjustments to the OSCE.

If the candidate is dissatisfied with the outcome of Ahpra's assessment, the candidate may apply for a review by an Internal review panel. The appropriate fee must be paid at the time of requesting the review.

Internal review panel

The review will be conducted by an Internal review panel comprising of three (3) members from the relevant Examination committee. The Internal review panel will review the information about the request and any supporting documentation.

The Internal review panel will consider the professional medical advice relating to the requested adjustment and members will apply their examination expertise in determining if the requested adjustment compromises the psychometric soundness, fairness and security of the OSCE.

The Internal review panel will make a determination in line with the inherent requirements of nursing and midwifery practice in Australia and the NMBA's requirements on health impairments. Ahpra legal advice will be sought where required.

The outcome of the review must be communicated to the candidate.

Candidates may be allowed to use certain items (e.g. inhalers, cough drops etc.) that do not require pre-approval. The Chief examiner and/or nominee at the examination centre will allow the use of these items if satisfied upon visual inspection.

If the candidate does not agree with the outcome of the Internal review panel of the request for reasonable adjustments to the OSCE, the candidate may apply for a further review by an External review panel (in accordance with the two reasons/grounds for seeking a review, refer Review by an External review panel section). The appropriate fee must be paid at the time of requesting the review. ().

Special consideration

Special consideration for candidates is in relation to an adverse event(s) that prevented a candidate from attending or completing their scheduled examination.

The examination providers of the MCQ examinations have specific policies on special consideration for candidates. The respective provider's policies apply to candidates requesting special consideration in relation to an MCQ examination sitting.

RN MCQ examination

NCSBN's policy states that there are no refunds for the NCLEX-RN registration fee for any reason. However, in special circumstances where Ahpra (on behalf of the NMBA) deem the circumstance valid, the NCSBN can override this policy. For example, candidates who are deployed in the military, may be refunded. Candidates who have had a serious medical emergency, may be given an eligibility extension, a new registration or a refund. In these cases, Ahpra must contact NCSBN detailing the request.

NCSBN also implements a Natural Disaster Policy as detailed in the *NCLEX Member Board Manual – Chapter 2: Candidate Registration, Eligibility, ATT & Scheduling*. If a natural disaster, for example, an earthquake, flood, or blizzard occurs, candidates scheduled to test in affected areas may reschedule their exam appointments without penalty (even if the examination centre is open for business). This is providing that the natural disaster is verified by Ahpra and that NCSBN's specified procedures are followed.

Midwifery MCQ examination

In line with Aspeq's policy and procedures, if a candidate wishes to cancel their scheduled midwifery MCQ examination they must contact Aspeq. If the request is received greater than five (5) business days before the scheduled examination, the candidate will be refunded by Aspeq less a cancellation fee.

If the request to cancel or reschedule an examination is received within five (5) business days of the scheduled examination, the request will not be processed by Aspeq and the candidate's examination fee will be forfeited.

If a candidate requests to cancel their scheduled examination within five (5) business days of the examination due to medical or compassionate reasons, the candidate must advise Aspeq of the reasons for not sitting the examination, before the scheduled start time of the examination. Evidence supporting the candidate's reason for not attending the scheduled examination, such as a medical certificate or proof of compassionate circumstances, must be provided to Aspeq within 10 business days of the scheduled examination.

Medical and compassionate circumstances are approved at the discretion of Aspeq and if approved, the candidate will receive a full credit of the examination fee less an administrative fee.

OSCEs

The RN, EN and midwifery OSCEs are operationalised by Ahpra on behalf of the NMBA and in accordance with this policy. Ahpra will consider requests for special considerations for OSCE candidates.

If a candidate does not notify Ahpra that they are unable to attend their scheduled OSCE, or if a candidate does not complete the OSCE on the day, they will be considered to have failed that OSCE sitting, unless special consideration is requested and granted.

Special consideration may be considered where a candidate was unable to attend or complete their scheduled OSCE due to exceptional circumstances beyond their control. Only those candidates who can demonstrate that they have reasons beyond their control are eligible for special consideration. Possible reasons include:

- acute illness or injury (such as hospital admission, onset of serious illness)
- loss or bereavement (such as death of close family member)
- hardship or trauma (such as being a victim of crime, severe disruption to domestic life)
- unforeseen call-up for service (such as military service, court appearance, Jury service, emergency service)
- work commitments and circumstances beyond their control (a letter on company/organisation letterhead from an employer confirming this must be provided)

- religious convictions (a letter from a religious leader must accompany the application)
- natural disaster, bomb threat or similar such event necessitating the evacuation of the exam centre

Candidates must submit a request for special consideration in writing, prior to or within seven (7) calendar days following the scheduled OSCE. Relevant documentary evidence of the exceptional circumstances beyond their control must be included in the request, for example:

- medical certificate (must explicitly state that the candidate was not fit to undertake the OSCE and specify date)
- death certificate
- police report
- statutory declaration
- evidence of requirement to attend jury service, court appearance, military service, emergency service

The supporting documentation must include sufficient detail to help Ahpra make its decision. Insufficient details may include a nonspecific medical certificate or insufficient explanation or reasons that the candidate was not able to sit their examination. Insufficient information may lead to Ahpra denying the applicant's request.

Ahpra will assess requests for special consideration and determine the outcome.

If approved, the special consideration may consist of:

- considering the scheduled OSCE sitting result as null and void (i.e. the result is no longer considered a fail result)
- other special consideration

In no circumstances will special consideration lead to an adjustment of the examination results.

If the request is denied, the candidate's result will remain as a fail.

If the candidate does not agree with the outcome of Ahpra's assessment of the request for special consideration regarding the OSCE, the candidate may apply for a further review by an External Review panel. The appropriate fee must be paid at the time of requesting the review.

Review by External review panel

Candidates can apply for a further external review if they disagree with a decision made under this policy regarding their request for reasonable adjustments or special consideration.

The external review will be conducted by an External review panel appointed by the NMAC Chair (or delegate) and comprising three members external to NMAC and the relevant List of examiners. Members will include:

- a chair - a senior clinical academic or director of clinical training,
- a member experienced in registration or education of nurses and/or midwives in Australia, and
- a member with experience in independent review bodies or tribunals, or with experience as an ombudsman or senior ombudsman officer.

Candidates must apply for a review by an External review panel within 14 calendar days of being notified of the outcome of the assessment or review of their initial request. The appropriate review fee must be paid at the time of applying for the review.

There are two reasons/grounds for seeking a review by an External review panel:

- The manner in which the *Reasonable adjustments and special considerations for examination candidates* policy has been followed has been procedurally unfair
- The decision reached regarding the candidate's request for reasonable adjustments or special considerations is unfair or unreasonable on the basis of the available evidence.

All records relating to the review of the candidate's request for reasonable adjustments or special consideration will be made available, including information supplied by the candidate. The candidate has the right to appear before the External review panel.

The External review panel's findings may be:

- The original decision is upheld.
- The original decision is not upheld.
 - The matter is remitted back with directions for reconsideration under this policy. (For example, a direction that further investigation is required before reconsideration of the case by fresh reviewers i.e. Ahpra staff or Internal review panel members).
 - The outcome of the case is substituted for any decision that could have been made under this policy.

Where the original decision is not upheld, the External review panel review fee may be refunded in full or in part.

The candidate will be notified of the outcome, with reasons given for the decision.

Definitions and abbreviations

Inherent requirements The core activities, tasks or skills that are essential to a workplace in general, and to a specific position or role as a nurse or midwife in Australia. The activities and/or tasks cannot be allocated elsewhere, are a core element of the position or role, and result in significant consequences if they are not performed.

Reasonable adjustments Special arrangements for the administration of the examination to provide candidates with health impairments full access to the examination without compromising the integrity of the examination and ensuring all candidates are assessed to the same level of competence.

Special consideration Taking extenuating circumstances into consideration when a candidate does not attend or complete their scheduled examination

Associated documents

Pearson VUE Comfort Aid List

Aspeq: *Candidate Information*

References

Pharmacy Board of Australia: *Pharmacy Oral Examinations Policy – January 2019 (Special Consideration (PHA400))*

Disability Employment Australia's 'Inherent requirements',
http://guide.disabilityemployment.org.au/proposing/inherent_requirements

NCLEX Member Board Manual – Chapter 2: Candidate Registration, Eligibility, ATT & Scheduling

NCLEX Member Board Manual – Chapter 3: NCLEX Testing Accommodations

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