

Policy

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Examination procedural review

Purpose

This document sets out the Nursing and Midwifery Board of Australia's (NMBA) policy on applications from internationally qualified nursing and midwifery examination candidates (candidates) for procedural review of their examination. This includes the manner in which applications for a procedural review must be submitted, the circumstances in which an application for a procedural review will be accepted and how applications for procedural review are managed and resolved.

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.

This policy applies to applications for procedural review of all MCQ examinations and OSCEs.

Policy

Procedural review of MCQ examinations

The following applies to applications for procedural review of an RN, EN or midwifery MCQ.

RN MCQ examination

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 implements their own policy for candidate requests for a procedural review of the NCLEX-RN, thus the NCSBN policy applies.

Midwifery MCQ examination

The midwifery MCQ examination is delivered by Aspeq through the Quadrant examination system. Candidates can contact Aspeq directly to apply for a procedural review of their MCQ examination or to submit a complaint.

EN MCQ examination

The EN MCQ examination is delivered by Ahpra and is a paper-based examination. Candidates can contact Ahpra directly to apply for a procedural review of their MCQ examination or to submit a complaint.

Reasons for applying for procedural review

A candidate may apply for a procedural review of their EN MCQ examination in the following circumstances:

- the procedural requirements and instructions, as specified in the candidate handbooks provided to candidates were not followed to a significant extent,
- the procedural requirements and instructions, as specified in email correspondence provided to candidates were not followed to a significant extent, or
- the candidate's performance was adversely affected by significant deficiencies in the examination procedures beyond the control of the candidate.

The following matters are not reasons for seeking a procedural review:

- disagreement with the standards set by the NMBA for the examination in the candidate handbook
- disagreement with the mark or grade awarded to a candidate for an examination
- personal or other reasons that impacted on the candidate's ability to undertake or prepare sufficiently for an examination.

The procedural review process may involve two stages; an initial assessment and an internal review.

Candidates must apply for a procedural review within 28 calendar days from the date of being advised of their examination result. Candidates must pay the initial assessment fee before the application can be considered.

Initial assessment

Ahpra will conduct an initial assessment of the application documentation and any other relevant materials. Ahpra may discuss the matters or subject of the review with the relevant Examination committee chair, Ahpra Invigilator and any other person involved in the matters or subject of the review.

If Ahpra considers that the reasons for seeking a procedural review are satisfied they may:

- direct that the candidate be permitted a further attempt at the EN MCQ examination at the earliest opportunity, without charging an examination fee, and
- refund (in whole or in part) the initial assessment fee to the candidate.

If the candidate is permitted a further attempt at the EN MCQ examination, they must schedule their EN MCQ examination within any period specified by Ahpra and having met any other requirements specified by Ahpra.

If Ahpra considers the reasons for seeking a procedural review are not satisfied, Ahpra will close the application.

In its determination, Ahpra may not:

- overturn the result of an EN MCQ examination
- change a fail grade to a pass grade in the EN MCQ examination, or
- exempt a candidate from any other requirements of the EN MCQ examination.

Ahpra will inform the candidate in writing of the outcome of the Initial assessment of their application for procedural review.

If the candidate does not agree with the outcome of the Initial assessment, the candidate may apply for the next stage of procedural review - an internal review.

Internal review

The candidate must apply for an Internal review in writing within 14 calendar days of being informed of the outcome of the Initial assessment of their application for procedural review and must pay the Internal review fee.

The candidate must also provide all material to Ahpra that the candidate wants considered during the Internal review within 14 calendar days of being informed of the outcome of the Initial assessment of their application for procedural review. This may include further written submissions.

The Internal review will be conducted by an Internal review panel comprising three members of the EN Examination Committee.

The Internal review panel will consider the application for procedural review and all materials submitted by the candidate for the subject of the application.

The Internal review panel will not hear oral representations from the candidate or any person on the candidate's behalf. The Internal review panel will make a decision by majority vote.

If the Internal review panel considers that the reasons for seeking a procedural review are satisfied, they may:

- direct that the candidate be permitted a further attempt at the EN MCQ examination at the earliest opportunity, without charging an examination fee, or
- refund (in whole or in part) the initial assessment fee to the candidate.

If the candidate is permitted a further attempt at the EN MCQ examination, they must schedule their EN MCQ examination within any period specified by the Internal review panel and having met any requirements specified by the panel.

If the Internal review panel considers the reasons for seeking a procedural review are not satisfied, Ahpra will close the application.

In its determination, the Internal review panel may not:

- overturn the result of an EN MCQ examination,
- change a fail grade to a pass grade in the EN MCQ examination, or
- exempt a candidate from any other requirements of the EN MCQ examination.

Ahpra will notify the candidate in writing of the outcome of the internal review as soon as practicable following the internal review panel's decision and provide reasons for that decision.

Procedural review of OSCEs

The following applies to applications for procedural review of an EN, RN or midwifery OSCE.

[Reasons for applying for procedural review](#)

A candidate may apply for a procedural review of their OSCE in the following circumstances:

- the procedural requirements and instructions, as specified in the candidate handbooks provided to candidates were not followed to a significant extent,
- the procedural requirements and instructions, as specified in email correspondence provided to candidates were not followed to a significant extent, or
- the candidate's performance was adversely affected by significant deficiencies in the examination procedures beyond the control of the candidate.

The following matters are not reasons for seeking a procedural review:

- disagreement with the standards set by the NMBA for the examination in the candidate handbook
- disagreement with the mark or grade awarded to a candidate for an examination or for any section of the examination, or
- personal or other reasons that impacted on the candidate's ability to undertake or prepare sufficiently for an examination.

The procedural review process may involve three stages; an initial assessment, an internal review and an external review.

Candidates must apply for a procedural review within 28 calendar days from the date of being advised of their examination result. Candidates must pay the initial assessment fee before the application can be considered.

Initial assessment

Ahpra will conduct an initial assessment of the application documentation and any other relevant materials. This will include any vision or sound recording of the candidate's performance in the OSCE station(s) that is the subject of the review. Ahpra may discuss the matters or subject of the review with the relevant Examination committee chair, OSCE Chief examiner, OSCE examiner(s) and any other person involved in the matters or subject of the review.

If Ahpra considers that the reasons for seeking a procedural review are satisfied they may:

- direct that the candidate be permitted a further attempt at the relevant OSCE at the earliest opportunity, without charging an examination fee, or
- refund (in whole or in part) the initial assessment fee to the candidate.

If the candidate is permitted a further attempt at the OSCE, they must schedule their OSCE within any period specified by Ahpra and having met any other requirements specified by Ahpra.

If Ahpra considers the reasons for seeking a procedural review are not satisfied, Ahpra will close the application.

In its determination, Ahpra may not:

- overturn the result of an OSCE
- change a fail grade to a pass grade in any section of the OSCE or in the OSCE overall
- exempt a candidate from the requirement to pass the OSCE in a single attempt, or
- exempt a candidate from any other requirements of the OSCE.

Ahpra will inform the candidate in writing of the outcome of the Initial assessment of their application for procedural review.

If the candidate does not agree with the outcome of the Initial assessment, the candidate may apply for the next stage of procedural review - an internal review.

Internal review

The candidate must apply for an Internal review in writing within 14 calendar days of being informed of the outcome of the Initial assessment of their application for procedural review and must pay the Internal review fee.

If the candidate wishes to request access to the vision and/or sound recording of the candidate's performance in the OSCE station(s) that is the subject of the application for procedural review, that request must be included with the application for the Internal review.

Such access will be provided on payment of a fee determined by Ahpra. Due to privacy and potential intellectual property issues the materials and recordings may have identifying features masked, and access may only be provided under controlled circumstances.

Within 28 calendar days of the later of:

(a) the candidate being informed of the outcome of the initial assessment of the application for procedural review; and

(b) the candidate receiving access to any requested materials,

the candidate must provide all material to Ahpra that the candidate wants considered during the Internal review. This may include further written submissions.

The Internal review will be conducted by an Internal review panel comprising three members of the relevant Examination Committee.

The Internal review panel will consider the application for procedural review and all materials submitted by the candidate and may review the supporting materials for the OSCE station(s) that is the subject of the application. Where relevant, the vision and sound recordings of the candidate's performance in the station(s) that is the subject of the application for procedural review will be reviewed.

The Internal review panel will not hear oral representations from the candidate or any person on the candidate's behalf. The Internal review panel will make a decision by majority vote.

If the Internal review panel considers that the reasons for seeking a procedural review are satisfied, they may:

- direct that the candidate be permitted a further attempt at the OSCE at the earliest opportunity, without charging an examination fee
- refund (in whole or in part) the internal review fee to the candidate, or
- in extenuating circumstances refer the matter to relevant Examination committee

If the candidate is permitted a further attempt at the OSCE, they must schedule their OSCE within any period specified by the Internal review panel and having met any requirements specified by the panel.

If the Internal review panel considers the reasons for seeking a procedural review are not satisfied, Ahpra will close the application.

In its determination, the Internal review panel may not:

- overturn the result of an OSCE
- change a fail grade to a pass grade in any section of the OSCE or in the OSCE overall,
- exempt a candidate from the requirement to pass the OSCE in a single attempt, or
- exempt a candidate from any other requirements of the OSCE.

Ahpra will notify the candidate in writing of the outcome of the internal review as soon as practicable following the internal review panel's decision and provide reasons for that decision.

If the candidate does not agree with the outcome of the internal review, the candidate may apply for the next stage of procedural review - an external review.

External review

The candidate must apply for an external review within seven (7) calendar days of being advised of the outcome of the Internal review and must pay the external review fee. An application for external review cannot be accepted until the internal review has been completed and the candidate has received written advice of the Internal review panel's decision.

The external review will be conducted by an External review panel appointed by the Nursing and Midwifery Accreditation Committee (Assessment of overseas qualified nurses and midwives) (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 at a teaching hospital,
- 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.

The External review panel may conduct the review in a manner it considers appropriate and may call for further material or information from the candidate, the original examiner(s), or other people.

A candidate has the right to appear and address the External review panel and may be accompanied by another person but is not entitled to bring an advocate or spokesperson or legal representation,

unless the External review panel has given its prior consent.

The determinations and reasoning of the Internal review panel, any information provided to the External review panel and the report of outcomes of the external review provided to NMAC shall remain confidential, unless the candidate agrees to release the information.

Decisions made by the External review panel are by majority vote.

If the External review panel determines the reasons for seeking a procedural review are not satisfied, they will make this recommendation to NMAC. Ahpra will advise of the outcome of the external review and decision of the NMAC as soon as practicable following the External review panel decision and provide reasons for the decision.

If the External review panel determines the reasons for seeking a procedural review are satisfied, the External review panel may:

- Recommend to NMAC that Ahpra permit the candidate a further attempt at the relevant OSCE at the earliest opportunity, without charging an examination fee,
- Recommend to NMAC that Ahpra refund the external review fee to the candidate (in whole or in part).
- Recommend NMAC make any other decision appropriate within the limits of the established procedures for the examination process.

If the candidate is permitted a further attempt at the OSCE, they must schedule their OSCE within any period specified by the External review panel and having met any requirements specified by the panel in its determination.

The External review panel may not:

- overturn the result of an OSCE
- change a fail grade to a pass grade in any section of the OSCE or in the OSCE overall
- exempt a candidate from the requirement to pass the OSCE in a single attempt, or
- exempt a candidate from any other requirements of the OSCE.

Ahpra will notify the candidate in writing of the outcome of the external review and decision of the NMAC as soon as practicable following the External review panel decision and provide reasons for the decision.

References

Australian Dental Council: *Appeals policy for the practical examination*

Australian Medical Council: *Rules Relating to Clinical Examination Appeals v3*

Pharmacy Board of Australia: *Pharmacy Oral Examinations Policy – January 2019 (Oral Examination Appeals (PHA500))*

Document Control

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