

## Policy: Requests for reasonable adjustments to delivery of examinations

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## Contents

Purpose .....	3
Scope .....	3
Policy .....	3
Principles.....	3
Reasons for requesting reasonable adjustments .....	4
Available reasonable adjustments .....	4
MCQ examinations .....	4
OSCEs .....	5
Requesting an adjustment .....	5
MCQ examinations .....	5
OSCEs .....	5
Supporting documents .....	5
Process for assessing requests for adjustments .....	6
Ahptra's assessment of the request .....	6
Outcomes of requests for adjustments to delivery of other exams .....	6
Examination committee review stage .....	6
Requesting an examination committee review .....	6
Reasons for requesting an examination committee review .....	7
Conduct of the examination committee review .....	7
External (expert panel) review stage .....	7
Requesting an external review .....	7
Reasons for requesting an external review .....	7
Conduct of the external review .....	7
Definitions and abbreviations .....	8
Associated documents .....	8
Document Control .....	9

## Purpose

This document sets out the Nursing and Midwifery Board of Australia's (the Board's) policy for assessing requests from internationally qualified nursing and midwifery examination candidates (candidates) for adjustments to the delivery of multiple-choice question (MCQ) examinations or objective structured clinical examinations (OSCE) undertaken as part of the outcomes-based assessment (OBA) pathway.

## Scope

This policy applies to any request from a candidate for adjustments to the delivery of MCQ examinations or OSCEs to accommodate a disability and/or ongoing medical condition (including mental health).

This document contains information on:

- reasons why a candidate may request adjustments to delivery of an examination
- the types of adjustments to the delivery of examinations that are considered reasonable and can be accommodated
- how requests for adjustments must be submitted
- how requests for adjustments are assessed
- possible outcomes from requests, and
- next steps if a candidate is dissatisfied with the outcome.

## Policy

The Nursing and Midwifery Accreditation Committee (Assessment of overseas qualified nurses and midwives) (NMAC), established by the Board, oversees the OBA. The NMAC will monitor requests for adjustments to delivery of examinations. The NMAC will ensure requests are assessed promptly in accordance with this document and that appropriate reasonable adjustments are made in a timely manner. The NMAC will make recommendations and/or give advice to the Board on this policy and associated matters.

## Principles

The Board recognises that candidates should be provided with comparable opportunity to access and undertake the MCQ examinations and OSCEs. Where appropriate, reasonable adjustments may be made to the delivery of an MCQ examination or OSCE to accommodate a disability and/or ongoing medical condition (including mental health).

A reasonable adjustment under this policy may be an administrative, environmental or procedural modification to delivery of the examination to enable a candidate with a disability or ongoing medical condition to complete the examination in a way that minimises the impact of their disability or condition, whilst maintaining the integrity of the examination.

Any adjustments to the delivery of an MCQ examination or OSCE assessed as reasonable under this policy must:

- be in accordance with the inherent requirements for nursing and midwifery practice in Australia
- maintain the psychometric soundness, fairness and security of the examinations
- meet relevant Australian government legislation
- maintain appropriate health and safety standards

In assessing whether an adjustment to the delivery of the MCQ examination or OSCE is reasonable under this policy, the expected level of competence must be maintained. The expected level of competence is the same for all candidates and cannot change as part of a reasonable adjustment arrangement. The expected level of competence upholds the Board's [Standards for practice](#) and the inherent requirements for nursing and midwifery practice in Australia.

Any request for reasonable adjustment which fundamentally alters the integrity, security or validity of the examination will not be approved.

## Reasons for requesting reasonable adjustments

Candidates with a disability (as defined in the [Disability Discrimination Act 1992](#)) and/or ongoing medical condition who require adjustment to the delivery of an examination to enable them full access to the examination can request reasonable adjustments.

Candidates are allowed to take medicines, mobility devices and medical devices such as insulin pumps, some glucometers, etc. that are attached to the body into the examination room without requesting a reasonable adjustment, if the item **does not** produce sound or potentially distract other candidates and subject to a visual and auditory inspection by examination staff.

Candidates undertaking the NCLEX RN are allowed to take the items listed on the [Pearson VUE Approved Comfort Aid List](#) into the examination room without requesting an adjustment, subject to a visual inspection by examination staff.

If a candidate has a medical device that produces sound or could potentially distract other candidates, they **must** request to have a separate examination room.

Requests for adjustments to delivery of examinations because a candidate experiences anxiety or phobias must be supported by a specific diagnosis found in the Diagnostic and Statistical Manual of Mental Disorders (DSM). It is acknowledged that test/examination anxiety is not a recognised diagnosis according to the DSM.

Requests for adjustments to delivery of examinations because English may be a candidate's second language will not be considered, even where a candidate believes that this impairs their ability to pass the clinical examination. Proficiency in English is an essential requirement to provide safe care and a mandatory requirement for registration in Australia.

## Available reasonable adjustments

### MCQ examinations

The reasonable adjustments to delivery of MCQ examinations available to candidates are:

Examination	Extra time	Separate room	Adjustable screen contrast	Adjustable font size
<b>NCLEX-RN<sup>1</sup></b> <i>(with the exception of examinations conducted in the United States)</i>	The candidate receives additional time to complete the examination. This may be an additional 30 or 45 minutes, one, two or three hours, or other customised arrangement such as double exam time over two consecutive days	Exam must be delivered in a separate room	Toggle option on the exam device will be available to change the colours of the text and/or background at any time	Toggle option on the exam device will be available to enlarge the screen at any time
<b>EN MCQ examination</b>	The candidate receives additional time to complete the examination.	Exam must be delivered in a separate room. This is arranged as a special	This adjustment is not relevant because the exam is paper based	The candidate can request the exam paper provided to them with increased text size

<sup>1</sup> While reasonable attempts will be made to accommodate requests for adjustment to the format of MCQ examinations, it is recognised that the NCLEX-RN examination is a computer-adaptive test. Therefore printing is unavailable and alternative arrangements will be made to support a reasonable adjustment in a computer-based exam environment.

Examination	Extra time	Separate room	Adjustable screen contrast	Adjustable font size
	This may be an additional 30 or 60 minutes	sitting and the candidate must pay a special sitting fee.		
<b>Midwifery MCQ examination</b>	The candidate receives additional time to complete the examination. This may be an additional 30 or 60 minutes	Exam must be delivered in a separate room. This is arranged as a special sitting and the candidate must pay a special sitting fee.	Not available	The candidate can adjust the text size on the screen at any time

## OSCEs

Due to the format for delivery of the OSCE including station timing and sequence, requests by candidates for adjustments to the delivery of OSCEs are unlikely to be accommodated under standard examination conditions. If requested adjustments such as additional time or using special equipment to complete the examination are determined to be reasonable under this policy, a special sitting of the OSCE may be required and the candidate must pay a special sitting fee. Adjustments that compromise the psychometric soundness, fairness and security of the OSCE will not be approved.

### Requesting an adjustment

Any request for an adjustment to delivery of an examination must be submitted to Ahpra in writing. The candidate must include any supporting evidence described in this document with their request.

## MCQ examinations

Candidates must submit a request for reasonable adjustments to Ahpra when they register for the exam, or as soon as practicable after registering and no later than 21 calendar days before the scheduled examination date.

## OSCEs

Candidates must submit any request for adjustments to Ahpra when they accept an examination cycle offer to sit their OSCE. If the disability or medical condition requiring an adjustment is diagnosed after the candidate is advised of their scheduled examination date, they must submit a request as soon as practicable after receiving the diagnosis. Ahpra cannot guarantee their ability to assess a request or facilitate a reasonable adjustment if the request is received less than seven calendar days before the candidate's scheduled exam date.

### Supporting documents

A candidate's request must include a letter from a registered health practitioner who has expertise in the area of the candidate's disability or ongoing medical condition. The letter must:

- describe the candidate's disability and/or ongoing medical condition
- give recommendations for reasonable adjustments
- explain why the registered health practitioner considers the recommended adjustments are necessary and appropriate for the disability and/or ongoing medical condition.

The candidate must also arrange for a registered health practitioner who has expertise in the area of the candidate's disability or ongoing medical condition to submit results of any diagnostic testing and/or a report on results of any diagnostic testing to Ahpra. This could include:

- A history of the disability/ongoing medical condition and any past adjustment(s) for the candidate during examinations

- a description of the affect that the disability or ongoing medical condition has on the candidate's physical or mental functions, and/or
- details of any specific standardised and professionally recognised test/assessments (e.g., Woodcock-Johnson, Weschler Adult Intelligence Scale) including scores resulting from testing, interpretation of the scores and evaluations.

### Process for assessing requests for adjustments

The assessment of requests for adjustments to delivery of examinations may involve up to four stages:

1. Ahpra's assessment
2. National Council of State Boards of Nursing consideration of NCLEX-RN adjustments
3. internal (examination committee) review, and
4. external (expert panel) review.

### Ahpra's assessment of the request

Ahpra must assess a candidate's request for adjustments, including the supporting documents, and consider whether the reasons for requesting adjustments are consistent with this policy and the requested adjustments are reasonable. Ahpra may discuss their assessment of the candidate's request with the chair of the relevant examination committee.

Ahpra will complete their assessment of a candidate's request as soon as possible after all the information is received. Ahpra will do its best to ensure that the candidate can be scheduled for their examination with the appropriate reasonable adjustments in a timely manner.

#### *Assessment of requests for adjustments to delivery of the NCLEX-RN*

If a candidate requests adjustments to delivery of the NCLEX-RN, Ahpra will consider this policy, and the National Council of State Boards of Nursing (NCSBN) policy and processes documented in the *NCLEX Member Board Manual – Chapter 3: NCLEX Testing Accommodations*. If Ahpra considers the requested adjustments are reasonable under both policies, they will submit the request to the NCSBN with a recommendation supporting the adjustments. NCSBN will consider the information provided by Ahpra and advise Ahpra if it will make the adjustment and provide reasons for the NCSBN decision. Ahpra will inform the candidate in writing of the NCSBN decision and reasons.

### Outcomes of requests for adjustments to delivery of other exams

If a candidate requests adjustments to delivery of the EN MCQ, midwifery MCQ or an OSCE, and Ahpra considers that the request and supporting information demonstrate the reasons for requesting adjustments are consistent with this policy and the requested adjustments are reasonable, they will approve the request.

If Ahpra considers that the request and supporting information do not demonstrate the reasons for requesting adjustments are consistent with this policy and/or the requested adjustments are not reasonable under this policy, they will decline the request.

Ahpra will inform the candidate in writing of the outcome. If Ahpra approves the request, the details of the adjustment arrangement will be included with the outcome. If a request is declined, the written advice will include the reasons for decision.

If the candidate disagrees with the outcome of Ahpra's assessment, the candidate may request a review of their request by members of the relevant examination committee.

### Examination committee review stage

#### Requesting an examination committee review

If a candidate wants an examination committee review of their request for adjustments, they must submit a request to Ahpra in writing within 14 calendar days of being informed of the outcome of Ahpra's assessment and pay the examination committee review fee. The candidate's request to Ahpra must include all material that the candidate wants considered during the examination committee review. This may include further written submissions.

## Reasons for requesting an examination committee review

There are two reasons for requesting an examination committee review:

1. the candidate believes that the manner in which this policy was followed in Ahpra's assessment was procedurally unfair, and/or
2. the candidate believes that the outcome of Ahpra's assessment is unfair or unreasonable on the basis of the available evidence.

## Conduct of the examination committee review

The chair of the relevant examination committee will select three committee members to conduct the examination committee review. The members will consider all information about the request and any supporting documentation. If the request is for adjustments to an OSCE, the members will consider if the requested adjustment compromises the psychometric soundness, fairness and security of the examination.

The members will decide whether to approve or decline the request for adjustments in line with this policy and the Board's requirements on health impairments. Ahpra legal advice will be sought where required.

The members will not hear oral representations from the candidate or any person on the candidate's behalf. The members will decide the outcome of the request by majority vote.

Ahpra will inform the candidate in writing of the outcome. If the members approve the request, the details of the adjustment arrangement will be included with the outcome. If a request is declined, the written advice will include the reasons for that decision.

If the candidate disagrees with the outcome of the examination committee review, the candidate may request an external (expert panel) review of their request.

Ahpra will report on the outcome of the examination committee review in an agenda paper at the next NMAC meeting after the members' decision.

## External (expert panel) review stage

### Requesting an external review

Ahpra will only accept requests for external review from candidates who have received the outcome of an examination committee review and reasons for the decision in writing from Ahpra.

If a candidate wants an external review of their request for adjustments, they must submit a request to Ahpra in writing within 14 calendar days of receiving written notice of the outcome of the examination committee review and pay the external review fee. The candidate's request to Ahpra must include all material that the candidate wants considered during the external review. This may include further written submissions.

### Reasons for requesting an external review

There are two reasons for requesting an external review:

1. the candidate believes that the manner in which this policy was followed in the examination committee review was procedurally unfair, and/or
2. the candidate believes that the outcome of the examination committee review is unfair or unreasonable on the basis of the available evidence.

### Conduct of the external review

The Nursing and Midwifery Accreditation Committee (Assessment of overseas qualified nurses and midwives) (NMAC) chair (or delegate) will appoint an expert panel to conduct the external review. The expert panel must comprise three members who are external to NMAC and the relevant List of Examiners:

- 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 expert panel may conduct the review in a manner it considers appropriate and may call for further material or information from the candidate or other people.

A candidate has the right to appear and address the expert panel and may be accompanied by another person but is not entitled to bring an advocate, spokesperson or legal representation, unless the expert panel has given its prior consent.

After considering all information, the expert panel may decide that:

- the original decision is upheld in full.
- the original decision is not upheld in full, and the matter is remitted back with directions to Ahpra and the members who conducted the examination committee review for reconsideration under this policy. For example, a direction that further information about the candidate's disability or ongoing medical condition is required before reconsideration of the case by a fresh examination committee review panel.
- the original decision is not upheld, and the expert panel substitutes the original outcome of the request with any decision that could have been made under this policy.

The expert panel may also direct that Ahpra refund the external review fee to the candidate.

Ahpra will notify the candidate in writing of the outcome of the external review as soon as practicable following the expert panel decision and provide reasons for that decision. If the expert panel approves the request, the details of the adjustment arrangement will be included with the outcome.

Ahpra will report on the outcome of the external review in an agenda paper at the next NMAC meeting after the expert panel's decision.

## Definitions and abbreviations

Under the [Disability Discrimination Act 1992](#), **disability** in relation to a person, means:

- Total or partial loss of the person's bodily or mental functions
- Total or partial loss of a part of the body
- The presence in the body of organisms causing disease or illness
- The presence in the body of organisms capable of causing disease or illness
- The malfunction, malformation or disfigurement of a part of the person's body
- A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.

**Health impairment** means a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence) that detrimentally affects or is likely to detrimentally affect a practitioner's capacity to practise their profession.

**Inherent requirements** are core activities, tasks or skills that are essential to providing safe nursing or midwifery care in Australia.

**Reasonable adjustment** is defined by the United Nations Convention on the Rights of Persons with Disabilities as the necessary and appropriate modification and adjustments which do not impose a disproportionate or undue burden, where needed in a particular case, in order to ensure that persons with disabilities can enjoy or exercise all human rights and fundamental freedoms on a substantively equitable basis with others.

## Associated documents

[NCLEX-RN MCQ Examination - Candidate Handbook](#)

[RN OSCE Examination - Candidate Handbook](#)

[Midwives MCQ Examination - Candidate Handbook](#)



[Midwives OSCE Examination - Candidate Handbook](#)

[Enrolled nurse MCQ Examination - Candidate Handbook](#)

[Enrolled nurse OSCE Examination - Candidate Handbook](#)

## Document Control

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