

CMBA regulatory examinations policy

August 2021

Multiple-choice question examination procedural review

Purpose

This document sets out the Chinese Medicine Board of Australia's (CMBA) policy on applications from overseas-qualified Chinese herbal medicine and acupuncture examination candidates (candidates) for procedural review of their examination.

Scope

This policy applies to applications for procedural review of multiple-choice question (MCQ) examinations.

This document contains information on:

- the circumstances in which an application for a procedural review will be accepted
- how applications for a procedural review must be submitted, and
- how applications for procedural review are managed and resolved.

Policy

Procedural review of MCQ examinations

Reasons for applying for procedural review

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

- the procedural requirements and instructions, as specified in the *CMBA regulatory examinations candidate handbook – multiple-choice question examination* 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 CMBA for the examination in the *CMBA regulatory examinations candidate handbook – multiple-choice question examination*
- disagreement with the candidate's examination result or the result for any section of the examination, or
- personal or other reasons that affected the candidate's ability to do or prepare sufficiently for an examination.

Candidates must apply for a procedural review within 28 calendar days from the date they are advised of their examination result. Candidates must contact Ahpra directly to apply for a procedural review and pay the initial assessment fee before the application can be considered.

Procedural review process

The procedural review process involves three stages:

1. initial assessment
2. internal review, and
3. external review.

Initial assessment

Upon receipt of an application for a procedural review and payment of the initial assessment fee, Ahpra will conduct an initial assessment of the application documentation and any other relevant materials.

If Ahpra considers that the reasons for applying for a procedural review set out above are satisfied they may:

- direct that the candidate be permitted a further attempt at the relevant examination at the next session, without charging an examination fee, and
- refund (in whole or in part) the procedural review initial assessment fee to the candidate.

If the candidate is permitted a further attempt at the examination, they must apply to sit the examination at the next session and having met any requirements specified by Ahpra.

If Ahpra considers the reasons for applying for a procedural review set out above are not satisfied, Ahpra will close the application for procedural review.

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 an internal review of their application for procedural review.

In determining the outcome of initial assessment, Ahpra will not:

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

Internal review

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

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 members of the CMBA Examination Committee.

The Internal review panel will consider the application for procedural review and all materials submitted by the candidate that is 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 reach their decision by majority vote.

If the Internal review panel decides the reasons for applying for a procedural review set out above are satisfied, they may:

- direct that the candidate be permitted a further attempt at the relevant examination at the next session, without charging an examination fee, and
- refund (in whole or in part) the internal review fee to the candidate.

If the candidate is permitted a further attempt at the examination, they must apply to sit the examination at the next session and having met any requirements specified by the Internal review panel.

If the Internal review panel decides the reasons for applying for a procedural review set out above are not satisfied, Ahpra will close the application for procedural review.

In its determination, the Internal review panel will not:

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

If the candidate does not agree with the outcome of the internal review, the candidate may apply for an external review of their application for procedural review.

External review

The candidate must apply for an external review within seven 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 CMBA Chair (or the delegate) and comprising three members external to CMBA and the CMBA Examination Committee. Members will include:

- a chair - a senior Chinese medicine academic who has contemporary knowledge of clinical practice in Australia,
- a member experienced in accreditation of Chinese medicine programs or experience in education of final-year Chinese medicine practitioners 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 Internal review panel decision and reasons, any other information provided to the External review panel and the report of outcomes of the external review provided to the CMBA shall remain confidential, unless the candidate agrees to release the information.

The Internal review panel will reach their decision by majority vote.

If the External review panel decides the reasons for applying for a procedural review set out above are not satisfied, they will make this recommendation to the CMBA. Ahpra will advise the candidate of the outcome of the external review and the CMBA decision as soon as practicable following the External review panel decision and provide reasons for the decision.

If the External review panel decides the reasons for applying for a procedural review set out above are satisfied, the External review panel may recommend to the CMBA:

- that Ahpra permit the candidate a further attempt at the relevant examination at the next session, without charging an examination fee,
- that Ahpra refund the External review fee to the candidate (in whole or in part), and/or
- to 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 examination, they must apply to sit the examination within any period specified by the External review panel and having met any requirements specified by the panel in its decision.

The External review panel will not direct the CMBA to:

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

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

Monitoring, evaluation and review

This policy will be reviewed from time to time as required. This will generally be at least every three years.

Definitions and abbreviations

Candidate is an overseas-qualified Chinese herbal medicine practitioner or acupuncturist who is sitting the CMBA regulatory examinations.

CMBA regulatory examinations are used by the CMBA to assess overseas-qualified Chinese herbal medicine practitioners and acupuncturists who apply to register in Australia and who are assessed as holding a qualification that is relevant but not substantially equivalent or based on similar competencies to an Australian approved qualification (and who meet the mandatory registration standards).

Associated documents

CMBA regulatory examinations candidate handbook – multiple-choice question examination

Effective date

August 2021