

One Size Does Not Fit All: Case Studies for ADA in the 21st Century

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Selected ADA Requests

ID: Witt #1

Disability: ADHD

Documentation: Copy of 10-year old report originally submitted for medical licensure exam. At first glance, the documentation appears to be very thorough. However, the reasons for the diagnosis are obscure and poorly substantiated. Furthermore, nearly all diagnostic test scores indicate above-average to superior functioning. Accommodations were granted in late medical school and for the USMLE Step 1.

Asked to supply more current documentation, the candidate provided a brief letter from a medical doctor specializing in child psychiatry. This doctor reviewed the 10-year-old report and stated that she agreed with the candidate's request. The doctor also happened to be the candidate's sister.

Exam Type: P&P certification (MC)

Request: Double-time, separate room

Accommodations: Double-time in a separate room (with other ADA candidates), but scores not to be released unless documentation from a more appropriate licensed psychologist was received by a specified deadline.

Outcome: Candidate found a psychologist with appropriate qualifications, who read the 10-year-old report and stated that he agreed with the diagnosis and the earlier recommendation for accommodations. The candidate passed the exam, and scores were released with those of other candidates.

ID: Mellichamp #1

Disability: Claustrophobia, asthma which was often provoked by anxiety

Documentation: Letter from physician which clearly stated that candidate suffered from both claustrophobia and severe asthma.

Exam Type: Paper and pencil

Request: Testing in a room with a window, extra time in the event of an asthma attack, testing in a private room to avoid disturbing others

Accommodations: The exam was administered in a private room with windows. Arrangements were made to stop the exam in the event of an asthma attack. Upon recovery, the examination would be resumed. The candidate would have the standard amount of time for responding to questions but would not be penalized in the event that she had an asthma attack.

Outcome: The candidate passed the examination. She did not have an asthma attack during the examination, so the examination did not have to be stopped.

ID: Doane #1

Disability: OCD

Documentation: Letter from internist indicating that examinee was “obsessed with passing USMLE Step 1” and needed extra time. Personal statement of examinee indicated that her difficulties began in medical school, that she had no historical documentation of this problem, but that all her classmates and her medical school have seen her get panicked over USMLE preparations.

Exam Type: CBT, MC

Request: Double-time, separate room

Accommodations: File was reviewed by consulting psychologist and staff. No formal diagnostic criteria could be discerned from submitted documentation, nor any functional impairment beyond the test-taking activity. Request denied.

Outcome: Examinee tested and failed exam. Request for accommodations received for retake included report from psychiatrist, including comprehensive evaluation and medication plan. Examinee tested in separate room with extra break time to facilitate breathing exercises and relaxation and passed exam.

ID: Witt #2

Disability: Computer phobia

Documentation: Current documentation from a licensed psychologist with specific training in anxiety disorders. Diagnosis = Specific Phobia, Situational Type (a bonafide DSM classification under Anxiety Disorders). Candidate is currently under psychoanalytic treatment but is not expected to overcome the phobia in time to take the scheduled exam.

Exam Type: CBT maintenance of certification (MC with some graphics)

Request: Allow candidate to take exam in written form

**Accommodations/
Considerations:**

The certifying organization does not want to set a precedent for allowing candidates to demand a written form of the exam. However, they have not gone so far as to state that computer usage is part of the skill set expected of certificants.

It is not a simple matter to produce a written exam. Items, some including graphics, are in a database and are called to the screen by scripted code.

Some possibilities were considered to accommodate the candidate:

1. Find a way to print the exam.
2. Administer the last written exam offered, now two years old.
3. Allow the candidate to test outside the testing window, after he has completed his psychotherapy to treat this disorder.
4. Hire a helper to read the items from the screen and use the mouse to enter the candidate's answers. This would require testing in a separate room.

Outcome: The committee's recommendation was to provide a written examination.

ID: Mellichamp #2

Disability: Double vision due to brain tumor, severe headaches.

Documentation: Letter from physician describing the tumor, the resulting double vision, failed attempts at corrective surgery, and limited ability to focus and read for long periods of time. The doctor recommended double time and enlarged fonts.

This candidate had attempted the examination 2 times previously. During the first attempt, she only requested an enlarged font. For the second attempt, she requested enlarged font and extra time. She completed the exam in the normal amount of time, so did not make use of the extra time. After the exam, she reported having a severe headache that lasted for several days. She reported being very tired by the end of the exam and she felt that this had impaired her performance.

To assess whether fatigue was the reason for her failure, we analyzed her test performance from the second attempt by dividing the test into 5 sections of 30 items. She answered 80-90% of the items in the first 4 sections correctly and then dropped to about 50% correct on the last section. Item analysis data from the entire candidate population revealed no differences in difficulty across the 5 sections of the exam.

Exam Type: Paper and pencil

Request: Large print exam and answer sheet, additional breaks, additional time (double time), a rest period midway through the examination

Accommodations: The exam was separated into 2 separate books, both were printed in a large font and the answer sheet was enlarged using a photocopier. Double time was approved and a two hour break was provided.

Outcome: The candidate passed the examination. She finished the first section of the exam in 2 hours, rested for two hours, and then completed the second section of the exam in 2 hours. Even with the break, there still appeared to be evidence of a fatigue effect as she scored 84% correct on the first half and 74% on the second. Breaking the exam down into the same 5 sections of 30 items showed scores of 90%, 83%, 78%, 70%, and 78%. These are much smaller variations than were found on her previous attempt.

ID: Doane #2

Disability: Depression

Documentation: Examinee submitted extensive documentation of a history of depression treatment, including medication and therapy. No current evaluation was provided. Internist confirmed prescribing medication. Documentation revealed that the examinee had not taken an examination under standard conditions since elementary school, having received extra time and separate testing room throughout schooling.

Request for additional information, including current evaluation resulted in letter from examinee's father, threatening a lawsuit. Father attempted to prohibit communication between testing agency and examinee, by refusing calls.

Exam Type: CBT, MC

Request: Double-time, separate room

Outcome: Examinee eventually contacted testing agency directly and was very cooperative. Examinee provided volumes of documentation substantiating significant impairment. All future communications were with examinee via cell phone to avoid father's interference. Examinee tested with requested accommodations and passed.

ID: Witt #3

Disability: Severe, chronic back pain

Documentation: Thorough, current documentation provided by medical doctor with appropriate specialty. Double-time was granted on a previous paper exam.

Exam Type: CBT maintenance of certification (MC, some graphics)

Request: Extended time to take breaks; provision of a cot to lie down on. Candidate took the same exam the previous year and was granted the requested accommodations. The testing vendor provided a cot, but later determined they could not routinely provide this accommodation for reasons of space and security. They suggested that candidates needing to lie down could be allowed to go out to their vehicles. The certifying organization felt that would be an invitation for a security breach.

Accommodations: Extended time for breaks, provision of a cot, and separate room for the cot.

Outcome: The candidate was given a choice of several cots and self-inflating air mattresses found online. The certifying organization purchased the chosen cot and shipped it directly to the testing center. Testing center staff was responsible for setting it up. After the candidate tested, the testing vendor was free to dispose of the cot/mattress in any way they saw fit. The candidate failed the exam and will likely ask for similar accommodations upon retaking.

ID: Mellichamp #3

Disability: Quadriplegia due to a broken neck, candidate was on a respirator, overnight travel was virtually impossible for the candidate due to his medical condition and need for special equipment.

Documentation: Letter from physician

Exam Type: Paper and pencil, 2 day exam divided into 4 sessions, administrations offered in 3 major cities within the state, the exam is open book and candidates can use approximately 20 different references.

Request: Assistance holding books and turning pages, amanuensis, double time, administration of the exam in the candidate's home town which was not near any of the 3 sites.

Accommodations: Staff was sent to administer the exam at the candidate's home as procuring a suitable site in his home city turned out to be costly. A proctor placed the reference books on a reading stand in front of the candidate and turned pages as requested. The candidate was able to read the materials on his own and to direct the proctor about where to turn to in the books. The proctor also recorded the candidates' responses to the questions. Double time was granted because of the extra time required for the proctor to respond to the candidate's instructions.

Outcome: The candidate passed the exam on his first attempt. He was very pleased with the level of accommodations granted and was much more comfortable taking the exam in his home than he would have been at another site.

ID: Doane #3

Disability: ADHD

Documentation: Examinee provided ten volumes of materials. Each volume was bound, labeled, and indexed, and included photos, charts, reports, and school work from Kindergarten through medical school. Each document was sealed in individual plastic sheet. Item types were color-coded. Additional material was described as "available" if needed.

Exam Type: CBT, MC

Request: Double-time

Accommodations: Double-time in a separate room

Outcome: Examinee's materials were examined by consulting psychologists and staff. Analysis concluded that examinee clearly did not have ADHD, but was suffering from severe, uncontrolled OCD. Examinee's symptoms were being exacerbated by treatment with stimulant medication prescribed for the erroneous diagnosis. Although it was concluded that her diagnosis was incorrect, her impairment was significant, and accommodations warranted.

ID: Witt #4

Disability: Learning disability (dyslexia)

Documentation: Initial documentation sent was 17 years old. Full report on a battery of tests performed by a licensed psychologist (Ed.D.). Un-timed testing recommended. Documentation appears sound, though old. Candidate had taken the written certification exam 10 years previously with extended time (double time).

Exam Type: CBT maintenance of certification (MC, some graphics)

Request: Initial request was for double-time. After receiving approval for double-time, the candidate realized that she may have additional problems taking a CBT. She requested a paper exam and provided a letter from the same psychologist (now director of a reading clinic) attesting that taking the exam on paper would help accommodate the candidate's dyslexia.

Accommodations: There was not sufficient time to evaluate this additional request and produce a written exam. The candidate was offered an anti-glare screen for the computer along with dry-erase markers and an erasing utensil so she could make marks on the items.

Outcome: The candidate agreed, but also wrote a letter stating she was taking the exam "under distress" and insisted that, should she need to retake the exam, it must be provided on paper. The candidate passed the exam.

ID: Mellichamp #4

Disability: Attention Deficit Disorder

Documentation: Initially this candidate only submitted a brief letter from a psychiatrist saying "...has been diagnosed with Attention Deficit Hyperactivity Disorder, predominantly inattentive type. ...is currently receiving medication management and psychotherapy at our office. It is medically necessary for the above named to receive appropriate accommodation in the completion of her tests."

Additional information was requested, including test results and a complete psycho-educational evaluation, and identification of what accommodation was "appropriate." The candidate refused to provide the documents stating that she felt this was excessive and violated her right to privacy. When told that no accommodation could be granted, she contacted her doctor again. The doctor informed the candidate that the letter he had initially provided was sufficient. The candidate then asked that someone from the Board contact the doctor on her behalf.

After being told that the Board could not contact the doctor directly, she requested an additional letter from the same physician. The new letter confirmed the DSM IV diagnosis and the disability and stated that the candidate needed 25% extra time and a quiet, private testing environment.

Exam Type: Paper and pencil, 4 hours

Request: Un-timed examination and a private testing room

Accommodations: The Board's attorney recommended that the accommodations be granted since the physician was qualified to make the diagnosis. The candidate was given an extra hour and was tested in a separate room.

Outcome: The candidate passed the exam.

ID: Doane #4

Disability: LD

Documentation: Examinee submitted request form alleging LD and supporting documentation indicating a long-standing history of accommodations of extra time on examinations. Most recent evaluation was conducted during third grade and indicated average academic achievement in all areas except written language. Testing agency requested more recent documentation. Examinee submitted certifications of previous accommodations and a neuropsychological evaluation conducted due to the request for additional information. Evaluation report confirmed written language difficulties due to visual-motor integration weaknesses.

Exam Type: CBT/MC and Clinical Skills

Request: Additional testing time

Accommodations: Examinee was denied accommodations for CBT exam. Although LD was documented, no impairment relevant to CBT was evidenced. Examinee was granted extra time for note-taking portion of Clinical Skills examination.

Outcome: Passed Clinical Skills examination, but failed CBT exam. Examinee subsequently submitted new request for accommodations on CBT exam based on anxiety. Request was refused, as no documentation was submitted showing anxiety was present outside of testing task. Examinee failed CBT exam and wrote angry letter to disability services threatening lawsuit. Examinee contacted state senator who wrote a letter requesting information. The examinee refused to provide consent for testing agency to discuss confidential information with third party. Examinee failed next attempt and wrote heart-wrenching letter describing life-long ambition to be a physician and requesting reconsideration of denial. Additional material submitted with reconsideration confirmed that anxiety was restricted to test taking and reconsideration request was denied.

A year later, the examinee requested accommodations based on back injury. Physician's report substantiated herniated disk disease and nerve impingement. Examinee was granted extra breaks, permission to stand and stretch during exam, use of personal chair, and a separate testing room. Examinee passed CBT exam.

ID: Witt #5

Disability: ADHD

Documentation: Thorough, recent report provided by a qualified psychologist specializing in adult ADD and ADHD. Accommodations, including extended time, were granted on previous written examinations.

Exam Type: Oral simulation performance assessment

Request: Double-time, separate room

Accommodations: No observers or other individuals present or entering the room, other than the candidate and the examiner.
Extended time was not granted because the certifying organization has constructed the simulated situations in such a way that an individual at the required level of clinical skill is expected to effectively manage the patient(s) within the allotted time. Failure to do so, for whatever reason, would indicate a shortcoming in the very skills the examination intends to assess.

Outcome: The candidate failed the examination and has indicated interest in pursuing a lawsuit, saying his rights were violated under the ADA.

ID: Mellichamp #5

Disability: Deafness

Documentation: Letter from physician documenting profound deafness since birth, this letter did not address the issue of extra time being needed so additional documentation was requested. Given that the candidate could read, he was initially offered a printed copy of the scripted exam instructions in lieu of the sign language interpreter.

The candidate explained that although he could read, it took him much longer than someone who can hear to comprehend the text. Sign language is much like a foreign language and he has to mentally translate the text in order to understand it by picturing the signs. This is slower than the way a hearing person process text by mentally hearing the words. The candidate was very nervous about the examination and about potentially misunderstanding the exam instructions.

Exam Type: Paper & pencil

Request: Sign language interpreter for exam instructions, time and a half

Accommodations: Sign language interpreter for the first hour of the exam to translate instructions and responses to any procedural questions that the candidate might ask, time and one half, separate testing site (which is standard practice for this board when candidates have different time limits from the main administration group).

Outcome: Candidate passed the exam.

ID: Doane #5

Disability: LD

Documentation: Examinee was raised in a Middle Eastern country until age 8 at which time his family moved to France. He was schooled in Arabic until third grade and in French from fourth grade through eighth grade. Attended private high school in Switzerland and received instruction in both English and French. He attended U.S. medical school. Failure to do as well as expected on subject exams led to referral to disability services office of university. Evaluation was conducted by LD specialist at school and language-based learning disability was diagnosed. Examinee then received accommodations on subject examinations. Report of evaluation reveals screening measures only. Testing agency request for comprehensive evaluation resulted in report from speech-language pathologist suggesting phonological processing weaknesses underlying reading disability. Both reports recommend additional testing time as accommodation.

Exam Type: CBT

Request: Double-time

Accommodations: None granted

Outcome: Extensive analysis of file revealed that examinee's difficulties with language were restricted to English, suggesting that English language learning was source of problem. S-L pathologist argued that phonological difficulties were proof that Reading Disorder diagnosis was correct. Neither evaluator was expert in evaluating adult English language learners, nor were they familiar with current literature. Specific explanations were offered to illustrate differences in profile of disabled vs. ESL reader. Examinee failed exam multiple times and left medical school.

ID: Witt #6

Disability: Arthritis

Documentation: Current statement from medical doctor indicating the need for frequent breaks to relieve stiffness and take pain medication, access to water and toilet, and additional time to take care of medical needs. No specific amount of time was given.

Exam Type: CBT maintenance of certification (MC)

Request: Double-time for testing; opportunities to get up and move around, to eat and drink, to take medication, and to use the restroom.

Accommodation: 2 hours of additional time granted. Candidate was asked to sign an agreement that additional time would be used for breaks and not as additional testing time.

Outcome: Candidate passed the exam.

Additional considerations:

The candidate asked for these accommodations after first taking the examination with no accommodations and failing. That, together with the request for double-time (approx. 8 hours), raises suspicions that the candidate may have been using an existing condition as an excuse to get extra testing time in hopes of scoring higher.

It is possible to check the amount of time a candidate spent on each test item. It is also possible to view video from the testing center to see how much time the candidate spent outside the testing room for a break.

ID: Witt #7

Disability: Mobility—"cramp-fasciculation syndrome"
Repetitive motion can cause candidate to lose function of her hands. Extra time may be needed for the physical activity of filling in the bubbles.

Documentation: Two-year old documentation from medical doctor.

Request: Allow candidate to mark an "X" instead of filling the bubble and to use a rolling ball pen.

Outcome: Request granted. Candidate brought two rolling ball pens, which were examined for security purposes. She marked her answers with an "X" and gave written permission for the certifying organization to manually enter her responses if the answer sheet would not scan.

ID: Witt #8

Disability: Cataracts (not operable)

Documentation: Medical doctor's statement (current)

Exam: PPT certification exam (MC)

Request: Bring flashlight and a special lens for reading the exam.

Outcome: Request granted. Flashlight and lens were examined for security purposes at the exam site.