

## **Americans with Disabilities Act and Special Testing Accommodations**

The American Osteopathic Board of Obstetrics and Gynecology (AOBOG) is committed to a policy of compliance with federal, state and local laws and regulations. The AOBOG, in compliance with the Americans with Disabilities Acts (ADA), has adopted the following policy. Physicians who are eligible for examination may submit an application for accommodation of a disability by using an application form approved by the Board.

### ***Definition of Disability***

Under the ADA, a disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of the individual. An individual is not substantially limited in a major life activity if the limitation does not amount to a significant restriction when compared to the abilities of the average person.

### ***Policy Statement***

All qualified candidates for board certification who suffer from a disability that, as defined in the ADA, may apply to a certifying board for accommodation of that disability. The AOBOG shall have the discretionary authority, subject to review by the BOS Appeals Committee and the AOA Board of Trustees, to determine if an accommodation is appropriate.

### ***Procedure for Applying for Accommodation of Disability***

1. Requests for accommodation of a disability must be submitted in writing to the AOBOG at least ninety (90) days prior to the examination date. The request must be supported by appropriate documentation of the diagnosis of disability and the need for accommodation, including the evaluation of the candidate by a qualified professional (see documentation requirements below).
2. Requests for accommodation must be complete and submitted on time. The AOBOG will not delay scheduled administrations of examinations due to a candidate's failure to submit a complete application.
3. The AOBOG must complete its review of requests for accommodation in a timely fashion and advise the candidate within thirty (30) days of its receipt of a request for accommodation: (a) the requested accommodation will be granted, (b) the requested accommodation will be granted in part; (c) additional information is required; or (d) the requested accommodation will be denied.
4. The AOBOG may request additional information, including requiring an applicant to secure a second opinion from an outside expert or submitting the applicant's documentation to an outside expert. The cost of review by an outside expert will be paid by the AOBOG.
5. In general, reapplication for special accommodation is not required for each examination administration. However, applicants seeking accommodation of a new disability or a different accommodation of the same disability must submit new applications.

## **Documentation Requirements**

Requirements for accommodation must be supported by appropriate documentation of the disability and the need for the requested accommodation. At a minimum, the application should provide the certifying board with the following information and documentation, which is to be prepared and furnished at the applicant's expense:

- **Identification of the disability**
- **Identification of the requested accommodation(s)** for each identified disability
- **The name and current contact information** (address, telephone number, email address) of each professional providing a report(s) in support of the disability and/or requested accommodation
- **A verification and authorization form** signed by the certification candidate
- **An education and examination history**, including the following information: (a) the name, location and dates of attendance for all schools the candidate attended from elementary school to the present, (b) identify the schools which provided accommodations for the disability in examination settings and the nature of accommodations made for the disability, (c) identify standardized tests completed in the course of the candidate's education (e.g., ACT, SAT, MCAT, COMLEX/NBOME); (d) for each test identified, candidate to indicate whether he/she received an accommodation for the stated disability and identify the nature of the accommodation; (e) if the candidate sought an accommodation that has been denied, please explain the circumstances involved. If the candidate has never received an accommodation, please provide a detailed explanation as part of the neuropsychological evaluation discussed below concerning the reasons no accommodation was given in the past and the reason one is needed now.
- **For candidates seeking accommodation of a learning disability, a comprehensive neuropsychological evaluation report.** The report should be issued by a qualified professional (psychiatrist or licensed psychologist) who regularly practices neuropsychology. The report must be based upon examination of the applicant within the last five years. The report must be written on, or accompanied by a letter written on, the evaluating professional's letterhead. The requisite elements of a comprehensive evaluation are an intelligence test, an assessment of neuropsychological functions, an academic achievement test and psychiatric/psychological history. For candidates seeking accommodations on the basis of attention deficit disorder or hyperactivity disorder, the evaluation must include a behavioral index. The requirements for the neuropsychosocial report are identified and described in greater detail in Appendix B.

## **Evaluation of Accommodation Requests**

The AOBOG will review requests for accommodation upon receipt of the information identified above. The review process will attempt to determine: (a) if a candidate is disabled and the nature of a disability, (b) whether the disability interferes with the candidate's ability to take the certifying examinations, (c) whether the requested accommodation is necessary to allow the candidate to take the examinations, (d) whether a different accommodation would better serve the purpose of the certifying exam while still allowing the candidate to take the examination.

Answers to these questions may not be clear from the documentation presented. Therefore, the certifying boards may request an opinion from an outside expert and either send the documentation submitted by the candidate to the expert for review or ask the candidate to be examined by an outside expert. Cost of consultation with an outside expert will be paid by the AOBOG.

Based on the review of all documentation, the AOBOG may decide to: (a) grant a request for accommodation, (b) grant a request for accommodation that is different than the requested accommodation, (c) deny the request for accommodation. The AOBOG will notify the candidate in writing of its decision. If the AOBOG decides to not grant a requested accommodation because a requested accommodation is a fundamental alteration or an undue burden, the Board shall notify the candidate of any alternative methods of accommodation suggested by the expert which are acceptable to it or, if no such alternatives have been suggested, the AOBOG shall inform the candidate and invite the candidate to suggest alternative accommodations.

### ***Appeals***

If a request for accommodation has not been granted, a candidate may request that the Board reconsider its decision or appeal the Board's decision to the Appeal Committee of the Bureau of Osteopathic Specialists. Any appeal must be submitted to the secretary of the BOS president within sixty (60) days of the date of the AOBOG written decision concerning the request for accommodation.

### ***Procedures for Examination Administration***

Where possible, examinations for disabled persons will be proctored and will be given on the same day as other examinations. The location of the examination administration will be determined by the Board on the basis of feasibility of providing necessary services and convenience to the candidate. Where appropriate, to reduce the effect of the candidate's disability on his or her performance on the examination, the following accommodations may be provided: (a) disabled persons may be tested separately, (b) disabled persons may be given assistance in reading or recording answers, (c) auxiliary aids and services can be offered, but only if they do not fundamentally alter the measurement of skills or knowledge the examination is intended to test and they would not result in an undue burden to the Board; and/or (d) time extensions may be granted to accommodate disabled candidates. Other accommodations will be made upon presentation of appropriate information and documentation supporting the requested documentation.

## **APPENDIX**

### ***Required Elements of the Neuropsychosocial Report***

1. Intelligence Tests: The Wechsler Adult Intelligence Scale-Revised is mandatory. The report may include other estimates of verbal and nonverbal intelligence deemed appropriate by the professional preparing the report, such as Peabody Picture Vocabulary Test, Raven's Progressive Matrices or Leiter International.
2. Assessment of Neuropsychological Functions, including: (a) a complete, integrated neuropsychological battery, such as the Halstead-Reitan Neuropsychological Battery or the Luria Nebraska Neuropsychological Battery; (b) memory assessments that utilize an age-normed, standardized instrument assessing both verbal and nonverbal memory such as the Wechsler Memory Scale-Revised; and (c) assessments of the specific cognitive and perceptual processes affected by the disability. Examples: in cases of auditory-verbal learning disabilities, include specific tests of phonemic processing. In cases of attention deficit disorder, include specific tests of sustained attentional resources, such as the Continuous Performance Test.

3. Academic Achievement Test Results: Standardized, comprehensive academic achievement test, appropriately normed for the candidate's age group, including assessment of spelling, arithmetic and reading comprehension.
4. Psychological/Psychiatric History, including (a) standardized psychometric assessment of personality and emotional functioning (MMPI-2 or MCMI-II); (b) standard diagnostic interview for presence of current psychiatric disorders; and (c) if the candidate has undergone treatment for a psychological or psychiatric condition within the past three years, provide a report, including diagnosis, from the treating mental health professional.
5. Behavioral Indices (**required only for candidates seeking accommodations on the basis of attention deficit disorder or hyperactivity disorder**) using standardized psychometric assessments of behavioral indices of attention deficit disorder, such as the Wender Scales or the Achenbach Scale.

The professional's report should address all appropriate elements relevant to the request for accommodation of disability. With respect to each element, the report should include the name of each test administered, its date, a description of the candidate's performance in each of the areas of the test battery, a summary of test scores, and a complete diagnostic formulation in standard DSM-IV terminology utilizing all diagnostic axes. Diagnostic formulations should integrate current testing findings with academic and psychiatric histories. Raw test data should be available upon request.