

United States Medical Licensing Examination (USMLE) Policies and Procedures Regarding the Validity of Passing Level Scores Achieved by a Subset of USMLE Examinees

A. Introduction

The USMLE program is designed to produce high quality, reliable examinations. To that end, the USMLE program endeavors to ensure that test scores support valid inferences, and to report and stand behind only those passing level outcomes in which the program has confidence. Jurisdictions across the country rely upon USMLE outcomes to help them determine whether individuals seeking to become licensed physicians have the minimum knowledge and skills needed to provide safe and effective patient care. It is therefore important to protect the integrity and reliability of reported USMLE outcomes.

The *United States Medical Licensing Examination (USMLE) Policies and Procedures Regarding the Validity of Passing Level Scores* address most situations in which the USMLE program has a good faith basis for questioning the validity of an individual's passing level score.¹ Those *Policies and Procedures* also recognize, however, that different procedures might be warranted in certain circumstances, including situations "involving multiple examinees." Under Section A.5 of the *Policies and Procedures*, the USMLE program "reserves the right to take whatever actions it deems appropriate if the [USMLE Committee for Individualized Review] or [the] USMLE Composite Committee concludes that alternative or supplemental procedures are warranted in response to a given set of facts or circumstances."

An investigation by USMLE program staff raised concerns regarding the outcomes achieved by a subset of USMLE examinees. These individuals are collectively referred to in this document as the "Examinees" and individually as an "Examinee." The USMLE Composite Committee has concluded that alternative procedures should be implemented in response to the score-validity concerns relating to these Examinees.

¹ As used here, "score" includes a passing level outcome on any of the USMLE Step examinations, regardless of whether a numeric score is reported. "Outcome" and "score" have the same meaning in this document.

This document sets forth the policies and procedures that will be applied to Examinees, all of whom achieved passing level outcomes on one or more exams whose validity the USMLE program has a good faith basis for questioning.

B. Policies

1. These policies and procedures address passing level examination outcomes for which there is a good faith basis for questioning whether the outcome represents a valid measure of an Examinee's competence in the domains assessed by the examination.

2. These policies and procedures apply to and govern all Examinees, as defined in this document. The review and appellate procedures set forth in the *United States Medical Licensing Examination (USMLE) Policies and Procedures Regarding the Validity of Passing Level Scores* do **not** apply to Examinees governed by this document.

3. The fact that a question arises concerning the validity of a score does not necessarily imply that an Examinee engaged in irregular behavior, or that an Examinee was aware that he or she was engaging in irregular behavior. Irregular behavior is not the only basis upon which scores may be invalidated or reported with a qualification. Examinees will be notified separately if they are being investigated for suspected irregular behavior under the *USMLE Policies and Procedures Regarding Irregular Behavior*.

4. Open registrations will be canceled, and no additional Step applications will be processed, for Examinees unless they are eligible to test under the policies and procedures in this document.

5. The scores of all Examinees will be set by the USMLE program to “Score Not Available” for any passing level outcome whose validity the USMLE program has concluded there is a good faith basis for questioning. This means that the original passing level outcome will not be reportable to any score recipient unless the invalidation determination is overturned under the policies and procedures in this document.

6. Regardless of whether the validity of an Examinee’s passing level Step 3 score has been questioned, all Step 3 scores of Examinees (reported or not) will be set to “Score Not Available” until a passing outcome has been achieved on the Step 1 and Step 2 CK examinations.

7. If an Examinee's questioned passing level outcome on a given Step exam has **not** already been reported, the Examinee will not receive a score report for that exam, and the attempt will appear as "Score Not Available" on the Examinee's USMLE transcript, unless the invalidation determination is overturned under the policies and procedures in this document.

8. If an Examinee's questioned passing level outcome on a given Step exam has already been reported, prior USMLE transcript recipients will receive a revised transcript which states "Score Not Available" for that exam.

9. If an Examinee's score on one or more Step exams is not reinstated pursuant to these policies and procedures, the Examinee's score on each such exam will remain permanently unavailable and designated on the Examinee's USMLE transcript as "Score Not Available."

10. An Examinee whose score on a given Step exam has not been reinstated following the conclusion of any review procedures set forth in this document may retake that examination, unless the Examinee's access to future administrations of the USMLE has been suspended under these policies/procedures or is restricted on the basis of another policy/procedure, such as the *Policies and Procedures Regarding Irregular Behavior*.

11. If an Examinee's passing level scores on more than one Step exam have been questioned, the Examinee must achieve a valid score on each such Step exam in order to have his/her USMLE transcript reflect successful completion of that Step in the USMLE sequence. Examinees can achieve a valid score either by having the questioned score upheld as valid under the review procedures set forth in this document or by re-taking the exam (if eligible to do so) and achieving a passing score on the re-test.

12. Examinees who attempt to achieve valid Step 1 and Step 2 CK scores by retaking those exams may retake the exams in whichever order they prefer. To be eligible to retake the Step 3 exam, an Examinee must first have valid, reportable passing scores in place for both the Step 1 and Step 2 CK exams.

13. If an Examinee does not achieve a passing level outcome on a Step exam that is retaken under the policies and procedures set forth in this document, the Examinee will automatically be suspended from taking or re-taking any Step examination for three (3) years, following which the Examinee may take or retake any Step exam that the Examinee is otherwise eligible to take. If an Examinee fails

to achieve a passing level outcome on any Step exam that is taken or retaken after the end of a 3-year suspension period, the Examinee will be permanently barred from subsequently taking any Step examination.

14. Under current USMLE policies, candidates are not allowed more than four (4) attempts on each Step exam, unless a state medical board sponsors the candidate for a fifth attempt on a given Step exam. Any Step examination administration for which the resulting outcome has been questioned under the policies and procedures set forth in this document will count as an attempt on that Step examination, as will any Step examination administration that occurs pursuant to the re-test procedure provided for in this document.

15. A state medical board may not sponsor an Examinee for an additional attempt at a given Step exam beyond the four-attempt limit if the additional attempt would be an exam that the Examinee is retaking in an effort to achieve a valid passing score under the policies and procedures set forth in this document.

C. Procedures

Notice and Opportunity to Provide a Response

1. The USMLE program will provide written notice to each Examinee that the validity of his/her passing level outcome on one or more USMLE Step examinations has been questioned (the “Notice”). The Notice will identify the applicable Step examination(s) and state why the validity of the passing level outcome has been questioned.

2. Notice will be provided by sending an email message to the Examinee at the last known email address found in the Examinee’s USMLE-related records.

3. The Notice will include a copy of these *United States Medical Licensing Examination (USMLE) Policies and Procedures Regarding the Validity of Passing Level Scores Achieved by a Subset of USMLE Examinees*.

4. Examinees will have **fifteen (15) calendar days** from the date on which the Notice has been provided to submit a written response via the link provided in the Notice. The Notice will inform Examinees how to submit a response, if they elect to provide one, and will include a link to a form to be used for this purpose.

5. Examinees who receive a Notice will have three options, the details of which will be further described in the Notice:

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- a) **Option 1: Exam Retake:** Submit a timely response that informs the USMLE program that the Examinee does not wish to challenge the score invalidation and instead wishes to re-take the applicable examination(s) if otherwise eligible to do so; or
- b) **Option 2: Reconsideration of an Invalidated Outcome:** Submit a timely response with an explanation as to why the score(s) at issue should be deemed valid, using the form that will be available for this purpose and providing (with the response) additional documents that the Examinee believes to be relevant regarding the validity of the applicable score(s) (the response and any documents will be subject to applicable size limits, as stated on the form); or
- c) **Option 3: Take No Action:** Do not submit a response, or submit a response form stating that the Examinee does not wish to re-test or to seek reconsideration.

6. If an Examinee does not submit a response to the Notice, submits a response form stating that he/she does not wish to take a re-test or to seek reconsideration, or submits a response that is not **received** by the USMLE program within the 15-day response period, the Step score(s) at issue will remain permanently unavailable and the Examinee will not be given an opportunity to pursue further review of the score invalidation or to take a free re-test. In addition, the Examinee will be suspended from taking or re-taking any Step examination for three (3) years, following which he/she may re-test if otherwise eligible to do so. If an Examinee fails to achieve a passing level outcome on any Step exam that is taken or retaken after the end of a 3-year suspension period, the Examinee will be permanently barred from subsequently taking any Step examination.

Review of Responses by an Initial Review Committee

7. If an Examinee submits a timely response to the Notice with an explanation as to why the score(s) at issue should be deemed valid, the response and any supporting documentation will be reviewed by a committee made up of staff members from the USMLE program's sponsoring organizations (the "Initial Review Committee"). The Initial Review Committee will not consider responses that are not received within the 15-day period for submitting a reconsideration request.

8. Based upon the submitted materials, the Examinee's performance data, and other information available to the Initial Review Committee, the Initial Review

Committee will decide whether there is still a good faith basis for questioning the validity of the outcome(s) at issue.

9. Documents or other information submitted outside of the 15-day response period will not be considered by the Initial Review Committee, unless the Committee requested the documents or other information after the Examinee had submitted a timely initial response and the documents/information were provided by the Examinee by any deadline given by the Committee.

10. Examinees may not appear in person before the Initial Review Committee.

11. If the Initial Review Committee concludes that the information submitted by or on behalf of an Examinee provides an adequate basis for treating the outcome(s) at issue as valid, the Committee will so notify the Examinee and the outcomes(s) will be reinstated as valid in the USMLE system. This notice will be provided by email.

12. If the Initial Review Committee concludes that the information submitted by or on behalf of an Examinee does **not** provide an adequate basis for overturning the decision to invalidate the score(s) at issue, the Committee will so notify the Examinee. This notice will be provided by email.

13. An Examinee who receives an adverse decision from the Initial Review Committee may elect to appeal that decision in accordance with the procedures set forth below. Alternatively, and if otherwise eligible to re-test, the Examinee may elect to take a free re-test by so informing the USMLE program within fifteen (15) calendar days of the date on which the Examinee is notified of the Initial Review Committee's decision. Instructions on how the Examinee may elect to take a re-test will be included with the notification of the Initial Review Committee's decision.

14. If an Examinee does not submit a timely appeal after receiving the Initial Review Committee's decision, or elect in a timely manner to take a re-test after receiving that decision, the Step outcome(s) at issue will remain permanently unavailable and the Examinee will not be given an opportunity to pursue further review of the score invalidation or to take a re-test. In addition, the Examinee will be suspended from taking or re-taking any Step examination for three (3) years, following which he/she may re-test if otherwise eligible to do so. If an Examinee fails to achieve a passing level outcome on any Step exam that is taken or retaken after the end of a 3-year suspension period, the Examinee will be permanently barred from subsequently taking any Step examination.

Right to Appeal to an Ad Hoc Committee Established by the USMLE Composite Committee

15. An Examinee who receives an adverse decision from the Initial Review Committee may submit an appeal to an ad hoc committee that is established by the USMLE Composite Committee (the “Appeal Committee”). An appeal must be **received** by the USMLE program within **fifteen (15) calendar days** of the date on which the Examinee was notified of the decision reached by the Initial Review Committee. The Appeal Committee will not consider appeals that are not received within the 15-day period for submitting an appeal.

16. If the Examinee appeals, the Appeal Committee will consider the matter based upon the Examinee’s appeal document (see paragraph 17, below), and the record that was before the Initial Review Committee, including the written response and any supporting documents submitted in a timely manner by the Examinee, the Examinee’s performance data, and any other information considered by the Initial Review Committee. The Examinee may not appear in person before the Appeal Committee.

17. An Examinee’s appeal from the decision reached by the Initial Review Committee must be in writing and should explain why the decision should not be upheld. The appeal document may not be more than sixteen megabytes (16 MB), and no supporting documents may be submitted with the appeal document.

18. With respect to each timely appeal, the Appeal Committee will uphold the decision of the Initial Review Committee unless the Appeal Committee concludes that the Initial Review Committee’s decision was clearly contrary to the weight of the evidence contained in the record before the Initial Review Committee.

19. If the Appeal Committee concludes that the questioned outcome(s) should be reinstated, it shall direct USMLE staff to reinstate the Examinee's score(s) as valid and reportable.

20. If the Appeal Committee upholds the decision of the Initial Review Committee, the outcome(s) at issue will remain permanently designated as “Score Not Available” and the Examinee will be given the opportunity to take a free re-test if otherwise eligible to test.

21. Decisions made by the Appeal Committee under the procedures set forth in this document are final.

Opportunity to Take a Free Re-Test

22. Any Examinee who (a) elects to re-test within fifteen (15) days of receiving a Notice that his/her score has been questioned, or (b) does not have his/her score(s) reinstated by either the Initial Review Committee or the Appeal Committee after the submission of timely requests for review by one or both of those committees, will be given an opportunity to take a free re-test with respect to the applicable Step exam(s) if otherwise eligible to test. Examinees who take such a re-test will receive the score achieved on the re-test unless concerns also arise regarding the validity of that score.

23. The outcome achieved on a re-test will be reflected on the Examinee's USMLE transcript unless concerns also arise regarding the validity of that outcome. The transcript will continue to state "No Score Available" for any Step exam for which the Examinee achieved an outcome that was invalidated.

24. If an Examinee retakes a Step examination pursuant to the re-test option provided in this document, the Examinee will not be charged for the re-test.

25. If the Examinee does not pass the re-test and is eligible to test again at a later date, he/she will be charged all applicable fees for subsequent attempts at the exam.
