

## ***United States Medical Licensing Examination (USMLE) Policies and Procedures Regarding Irregular Behavior***

### Introduction

The following policies and procedures regarding irregular behavior are intended to protect the integrity of the USMLE program.

The USMLE program may, at its discretion, issue a warning letter, cancel a prior test result, suspend or bar an individual from future testing, and/or take such other actions as it deems appropriate, including taking legal action, if it determines that an individual engaged in “irregular behavior” as defined below. If the evidence creates a good faith basis for questioning the validity of an examinee’s test results, additional policies and procedures may also become applicable if deemed appropriate by the USMLE program.

### Definition

Irregular behavior includes any action by applicants, examinees, potential applicants, or others that could compromise the validity, integrity, or security of the USMLE process.

Examples of irregular behavior include, but are not limited to:

- failing to comply with any USMLE policy, procedure, and/or rule;
- seeking and/or possessing unauthorized access to examination materials;
- providing false or misleading information;
- impersonating an examinee or having someone else test in one’s place;
- giving assistance to or receiving assistance from another individual in answering test items;
- possessing unauthorized items, equipment or materials during an examination;
- altering or misrepresenting examination outcomes;
- disclosing to any third party an altered or otherwise inaccurate USMLE outcomes or and/or examination history;
- engaging in disruptive or unprofessional behavior when interacting with USMLE program staff or at a test center;
- theft of examination materials;

- unauthorized reproduction by any means and/or dissemination of examination content or other copyrighted materials;
- posting or discussing examination content on any website, app, or other location or disclosing or discussing examination content through any other means, or asking others to do so;
- taking any other action that could provide an inappropriate advantage or benefit to individuals who might be taking the examination or otherwise affect the reliability of USMLE results, the reporting of those results, or the integrity of the USMLE program.

#### A. Policies

1. Individuals who take, contemplate taking, or have taken the USMLE -- or who interact with individuals who take, contemplate taking or have taken the USMLE -- shall not engage in irregular behavior.

2. If the USMLE program determines that irregular behavior has occurred involving an examinee, a permanent annotation to that effect will be entered on the USMLE transcript of the examinee. This annotation will also appear on applicable score reports (if scores or pass/fail results are reported). Information regarding the finding of irregular behavior and the resulting sanctions, and the basis for that finding, may also be provided to legitimately interested entities, including, but not limited to, the Federation of State Medical Boards' Physician Data Center, medical schools, residency and training program directors, and current employers.

3. If the USMLE program determines that an individual engaged in irregular behavior that is sufficiently serious to warrant such action, the individual may be barred from future administrations of the USMLE or subjected to special procedures or requirements for taking future USMLE examinations, in addition to being subject to the actions described in Paragraph A.2, above, and any additional remedies or sanctions that the USMLE program has imposed or chooses to impose or pursue.

4. USMLE program staff have the authority to make the final decision regarding a finding of irregular behavior and the sanctions to be imposed based upon such a finding in cases in which the USMLE program has direct evidence of an examinee engaging in irregular behavior, as stated in Paragraph B.1 below. There shall be no right to submit a personal statement or to appear personally before the USMLE program staff in such cases, directly or through an attorney, and no right to have the case referred to the Committee for Individualized Review ("CIR") and/or to appeal a finding of irregular behavior or the resulting sanctions to the Composite Committee.

5. In all other cases, an incident of suspected irregular behavior shall be referred by USMLE program staff to the CIR, as stated in Paragraphs B.3.a – B.3.h below.

6. A CIR finding of irregular behavior may be appealed by the affected individual to the USMLE Composite Committee, as stated in Paragraphs B.3.i - B.3.m below. The pendency of an appeal, however, will not stay or delay implementation of the CIR's decision.

## B. Procedures

1. In all cases in which there is direct evidence that irregular behavior occurred – including, but not limited to, falsified score reports or falsified transcripts bearing an examinee's name, video or another type of recording that captures the prohibited action, a proctor's statement that the proctor observed the individual engaging in prohibited action, or other written evidence that cannot reasonably be refuted showing that irregular behavior occurred – USMLE program staff will make a finding that irregular behavior occurred and will have the authority to determine the appropriate sanction(s). The affected individual shall have no right of referral to the CIR or appeal to the Composite Committee in such cases. If the irregular behavior relates to an examination that the affected individual has already taken, the individual's test result may be withheld if not yet reported or cancelled if it has already been reported, and additional remedies may also be imposed or pursued, including but not limited to barring an individual from future examinations and/or implementing special procedures for administering future examinations to the affected individual. If the irregular behavior relates to an examination that the individual has not yet taken, staff may bar the individual from future testing and/or impose or pursue additional remedies. If an individual is barred from future examinations for a set period, the USMLE program may allow the individual to test after a specified minimum bar time, and when warranted, upon petition of a medical licensing authority and subsequent approval by the CIR.

- a. If an individual is found to have engaged in irregular behavior, an annotation indicating a finding of the irregular behavior will be entered in the individual's USMLE record after the staff decision has been made. An annotation may appear on the applicable score report and on transcripts for the individual. At the discretion of the USMLE program, information regarding the finding of irregular behavior and the resulting sanctions, and the basis for that finding, may also be provided to legitimately interested entities, including, but not limited to, the Federation of State Medical Boards' Physician Data Center, medical schools, residency or training program directors, and current employers. All medical licensing authorities that have received a transcript for this individual in the past will receive an updated transcript and letter which reflects the finding of irregular behavior.

2. The USMLE program shall have sole discretion in determining whether direct evidence of irregular behavior exists.

3. In all cases in which staff do not have direct evidence that an individual engaged in irregular behavior, staff shall acquire information relating to possible irregular behavior from the examinee, third parties, statistical analysis, and/or any other source that staff deems relevant in order to determine whether there is a reasonable basis to conclude that an individual engaged in irregular behavior.

a. If the staff analysis and investigation will not be concluded until after the typical period for the reporting of test results, the results will not be reported and the examinee and the entity to which the results would normally be reported will be advised as such upon inquiry.

b. If staff concludes, based upon its investigation and analysis, that there is a reasonable basis to conclude that an individual engaged in irregular behavior, staff will refer the matter to the CIR.

c. If the affected individual is an examinee, the individual's exam results will be withheld if not already released, and the individual will not be permitted to register or sit for subsequent examinations, pending a final decision by the USMLE program.

d. If a possible irregular behavior incident is referred by staff to the CIR, the individual involved will be notified using the individual's last known email address and provided with a copy of these policies and procedures. The individual will be advised of the findings of the investigation and will be given an opportunity to provide a written explanation for the facts described in the findings. The individual will not be permitted to appear before the CIR, either personally or through counsel or any other representative.

e. In deciding whether an individual engaged in irregular behavior, the CIR shall consider the record assembled by staff (including any analyses performed by or at the request of staff, any other information obtained by staff, and any explanation or other information that the individual has provided to the CIR), and any information that staff provides in response to the individual's written submission to the CIR. If the CIR determines that a preponderance of the evidence supports the conclusion that irregular behavior has occurred, the affected individual will be notified of the CIR's decision and any sanctions that the CIR has imposed. The individual will also be informed of the right to appeal the CIR decision in accordance with Paragraph B.3.i, below.

f. Regardless of whether an appeal is taken, an annotation indicating a finding of the irregular behavior will be entered in the individual's USMLE record after the CIR decision has been made. Subject to and pending any contrary decision by the Composite Committee if the CIR's decision is appealed, this annotation will appear on transcripts

for the individual. At the discretion of the CIR, information regarding the finding of irregular behavior and the resulting sanctions, and the basis for that finding, may also be provided to legitimately interested entities, including, but not limited to, the Federation of State Medical Boards' Physician Data Center, medical schools, residency or training program directors, and current employers. All medical licensing authorities that have received a transcript for this individual in the past will receive an updated transcript and letter which reflects the CIR's finding of irregular behavior.

g. If suspected irregular behavior raises concerns about the validity of a USMLE score or group of scores, staff and/or the CIR may elect to proceed under the applicable *USMLE Policies and Procedures Regarding the Validity of Passing Level Scores*, and/or under other policies and procedures if deemed appropriate by the USMLE program.

h. In the event of irregular behavior that the CIR deems, in its discretion, to warrant such action, the CIR may bar the individual from future examinations and/or implement special procedures for administering future examinations to the affected individual. If an individual is barred from future examinations for a set period, the CIR may allow for testing after a specified minimum bar time, and when warranted, upon petition of a medical licensing authority and approval by the CIR. The CIR may also impose additional sanctions, including but not limited to cancellation of prior test results.

i. A CIR finding of irregular behavior may be appealed to the USMLE Composite Committee if the individual involved has a good faith basis to assert that the CIR did not act in compliance with applicable USMLE policies or procedures in resolving the individual's case. The appeal must be received by the USMLE program within ten (10) calendar days of the date on which the notice of the CIR's decision was sent via email to the individual. Appeals received outside the ten (10) calendar period will not be reviewed, and the CIR's decision will be final. If the individual's exam results are reported during the pendency of an appeal with an annotation regarding the CIR's finding of irregular behavior, the recipient of the report will be informed that the individual is appealing the CIR's decision.

j. If the individual who appeals a finding of irregular behavior does not identify in their appeal submission any policy or procedure that the CIR allegedly failed to comply with, the appeal will not be considered by the Composite Committee, and the CIR decision will automatically be affirmed. Thus, for example, an appeal that simply states that the CIR decision was wrong or incorrect and should be reversed, or that the imposed sanctions were unfair or unwarranted, will not be considered by the Composite Committee.

k. The Composite Committee will decide appeals based upon the CIR's decision, the written record that was available to the CIR, and the grounds for appeal

set forth by the individual in a timely written statement. The individual will not be permitted to introduce new evidence not seen by the CIR. Neither the individual who is the subject of a CIR decision nor anyone representing that individual shall be entitled to appear in person before the Composite Committee.

l. If the Composite Committee determines that the CIR did not act in compliance with applicable USMLE policies or procedures and/or that the decision of the CIR was clearly contrary to the weight of the evidence, the Composite Committee may reverse the decision of the CIR, revise the CIR's findings or imposed sanctions, or remand the matter to the CIR or staff for further consideration.

m. If the Composite Committee does not find that the CIR failed to act in compliance with applicable USMLE policies or procedures, the CIR's decision shall be affirmed. The Composite Committee's decision may be shared by the USMLE program with any legitimately interested entities, as previously identified in this document.

n. If the Composite Committee reverses a finding of irregular behavior by the CIR, the annotation of irregular behavior contained on the individual's USMLE transcript will be removed, and all entities that received USMLE transcripts or score reports showing irregular behavior will be notified of the decision of the Composite Committee and provided with an updated transcript and/or score report. In addition, any legitimately interested entities that received a copy of the CIR's decision will be provided with a copy of the Composite Committee's decision.