



POLICIES AND PROCEDURES FOR EXAMINATION CANDIDATES REQUESTING ACCOMMODATIONS FOR DISABILITIES OR MEDICAL CONDITIONS

I. POLICY OF THE BOARD

The California State Board of Pharmacy (Board) recognizes its responsibilities under Title II of the Americans with Disabilities Act and the California Fair Employment and Housing Act to provide reasonable accommodations to examination candidates with disabilities or specified medical conditions (see Government Code sections 12940 et seq.). However, these laws do not require, and the Board will not provide, an accommodation which fundamentally alters the measurement of the knowledge or skills the examination is intended to test, affords unfair advantage to the disabled candidate, compromises examination security, proposes that the Board provide personal services and devices, or creates an undue financial and administrative burden.

Nonetheless, all examination sites will be physically accessible to individuals with disabilities and medical conditions, as defined by law (see, for example, Government Code section 12926).

A disabled candidate who desires a reasonable accommodation has the responsibility to make the request and provide documentation of the need for reasonable accommodation at least 30 days before he or she can take the written examination. The information supplied to substantiate a candidate's request for an accommodation will be kept confidential to the extent provided by law. The Board will evaluate each request individually, in accordance with the applicable law, in order to provide a reasonable accommodation. A request for a reasonable accommodation should be submitted to the Board on the form prescribed by the Board.

A candidate may download the following forms from the Board's website if he or she seeks an accommodation for disabilities or conditions:

- a) These policies and procedures (form 17M-93 (10/2020));
- b) A form for the candidate to complete to request the reasonable accommodation (form 17A-78 (10/2020));
- c) An optional form for professionals evaluating and substantiating the candidate's disability or condition and recommending a reasonable accommodation (form 17A-79 (10/2020)); and
- d) List of most commonly used standardized tests of ability and achievement (17M-95 (10/2020)).

II. FORMAT OF EXAMINATION

An applicant for licensure as pharmacist is required to pass two written examinations; the North American Pharmacist Licensure Examination (NAPLEX) and the California Pharmacist Licensure Examination (CPJE). The Board only reviews requests for reasonable accommodations for the CPJE. Requests for reasonable accommodation for the NAPLEX are submitted directly to the National Association of Boards of Pharmacy (NABP).

The CPJE is a written examination that contains objective multiple-choice questions. The CPJE is given by computer, at designated testing locations, through a process that does not require the candidate to possess prior knowledge regarding the operation of a computer or the ability to type. There are 90 questions on the CPJE. Candidates have two hours to take the CPJE. Candidates will select their own testing location, date and time of examination. The examination is designed to measure job related knowledge, skills, and abilities as defined in the results of an occupational analysis for the pharmacist profession.

The Board's statutory mandate is to protect the public by licensing only those persons who can demonstrate minimum competency.

In order to protect the integrity and fairness of the testing process, the board requires documentation of the existence of a disability or condition and how the reasonable accommodation sought is reasonable and necessary to provide the candidate with an equal opportunity to exhibit his/her knowledge, skills and ability through the examination

III. DOCUMENTING THE NEED FOR REASONABLE ACCOMMODATION

A. Conditions Applicable to All Candidates Requesting Reasonable Accommodation

The Board requires documentation of the nature of a disability or medical condition, so the Board has a basis to structure the accommodation sought.

Beginning with the initial submission, all candidates requesting a reasonable accommodation must provide sufficient evidence of the disability or medical condition such as professional certification. If a candidate has previously received the same or similar accommodations for one or more prior administrations of this examination, the candidate may submit a signed statement under penalty of perjury that the disabling condition has not changed in any way that would require a change in the accommodation that was previously provided. This prior documentation shall be deemed acceptable.

The Board will use an evaluation and supporting documentation of a disability or medical condition for a period of three years from the date on which they were submitted to the Board, except that no further documentation will be required in cases where the evaluation clearly states that the disability or medical condition will not change in any way over time.

B. Required Information Necessary to Evaluate Disabilities

A candidate who requests an accommodation and/or auxiliary aid must provide the Board with the necessary information to assist it in evaluating the request. The Board will evaluate each request on an individual basis.

The following is intended to provide guidance as to the type of documentation that will be necessary.

1. Specification of the type of disability or condition (e.g., physical, mental, etc.).
2. Sufficient evidence of the existence of the disability or condition, and
3. A suggestion of the nature and extent of the conditions that would reasonably accommodate the disability or condition.

C. Evaluation of the Accommodation Request

The Board is responsible for evaluating requests for accommodation and will approve, deny or suggest alternative accommodations. The Board will evaluate each request on an individual basis. Primary consideration shall be given to the request of the candidate with disabilities and medical conditions. The Board will consider an applicant's history of accommodation in reaching its determination of reasonableness of the requested accommodation in relation to the currently identified impact of the disability or condition.

The candidate is responsible for having the evaluator send to the board the documentation specified in Section III.B. which describes in detail the disability or condition, and how the disability or condition affects the candidate's ability to demonstrate his or her aptitude and achievement in the format in which the examination is given. The cost of providing this information is the candidate's responsibility. A member of the Board's staff (examination analyst) will review and evaluate the request at the time the candidate is notified that he/she is eligible to take the written examination. The examination analyst shall ensure that the request is completed correctly, and that appropriate verification is provided.

If the exam analyst believes the accommodation requested is inappropriate, the examination analyst will consult with the candidate to reach a mutually agreeable resolution, if possible.

If the Board rejects or modifies a candidate's requested accommodation for any reason, the Board will notify the candidate in writing 30 days after submission of all required documents needed to determine the request for accommodation, providing specific reasons for the rejection or modification. The Board will inform the candidate of the right to appeal and the procedures for the appeal.

On appeal, the Board may require that the candidate submit to an examination by an expert designated by the Board and otherwise fully cooperate in the Board's process. The board shall pay any fees charged for acquiring such additional information.

The Board will give greater weight to a more recent diagnosis if the disability, condition or accommodations are subject to change over time. The Board may also weigh the expert qualifications of the professional supplying the information, the methods used to make the diagnosis of the disability or condition and determine the recommended accommodation.

D. Appeal from Denial of Request

The Board will provide a candidate whose request for accommodation or auxiliary aids or services is denied in whole or in part with the reasons for that denial and the candidate may appeal the denial pursuant to these appeal procedures.

Where the denial is based on the rejection of the opinion of the professional supporting the request, the Board must support any rejection with evidence from an expert it has consulted in evaluating the candidate's request. The Board will provide to the candidate the general content of the opinion of the Board's expert and the basis for that opinion.

A candidate's appeal of a decision denying in whole or in part a request for accommodation or auxiliary aids or services must be in the form of a signed or otherwise verified request setting forth the following:

- a. Candidate's name;
- b. Date of request;
- c. The appeal itself; and
- d. The facts relied upon in support of the appeal.

The appeal must be accompanied by any further documentation not previously provided which the candidate wishes the Board to consider in making a decision on the candidate's appeal. The appeal must be postmarked no later than seven days after the candidate receives notification of the denial.

In keeping with its consumer protection mandate, the Board reserves the right to request further evidence regarding the necessity of the requested accommodation and, based on its judgment, may request that the candidate submit to additional examination by a professional to determine the reasonableness of the requested accommodations. If the Board elects to pursue this procedure, the Board will be responsible for all costs and expenses related to acquiring such information.

The Board recognizes its responsibility to accommodate the identified needs of qualified individuals with disabilities or conditions by making reasonable modifications or providing auxiliary aids or services. Accommodations provided will be appropriate to the needs of the candidate. This does not necessarily mean that the Board will grant all requested accommodations or auxiliary aids or services or that the candidate will receive the particular accommodations or services sought. The Board is not required to grant the requested accommodations if granting the request would fundamentally alter the measurement of the knowledge or skills the examination is intended to test, provide unfair advantage to the disabled candidate, compromise examination security or create an undue financial and administrative burden.