

JUSTICE NEWS**Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, February 22, 2011

Justice Department Settles with National Board of Medical Examiners Over Refusal to Provide Testing Accommodations to Yale Medical School Student

WASHINGTON - The Justice Department today announced a settlement under the Americans with Disabilities Act (ADA) with the National Board of Medical Examiners (NBME), a private, non-profit organization that administers the U.S. Medical Licensing Examination (USMLE), a standardized examination related to medical licensing. Under the terms of the settlement agreement, NBME is committed to providing reasonable testing accommodations to persons with disabilities who seek to take the USMLE, in accordance with the requirements of the ADA. In addition, it will grant Frederick Romberg, a Yale Medical School student, the accommodations of double the standard testing time and a separate testing area to take the USMLE.

“In the past, demands for unnecessary or redundant documentation, burdensome and expensive repeated professional evaluations, or irrelevant evaluative testing unrelated to the ability to demonstrate one’s knowledge or skills on an examination prevented individuals with appropriately documented disabilities from pursuing their chosen professions.” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. “By entering into this agreement, NBME is doing its part to ensure that people with a reading disability like Mr. Romberg will have the opportunity to take the USMLE with the reasonable testing accommodations they need to demonstrate their knowledge and ability.”

Under the agreement, the NBME will:

- Only request documentation about (a) the existence of a physical or mental impairment; (b) whether the applicant’s impairment substantially limits one or more major life activities within the meaning of the ADA; and (c) whether and how the impairment limits the applicant’s ability to take the USMLE under standard conditions;
- Carefully consider the recommendations of qualified professionals who have personally observed the applicant in a clinical setting and recommended accommodations based upon their clinical judgment that the individual is substantially limited in one or more major life activities within the meaning of the ADA and needs the requested test accommodations in order to demonstrate his or her ability and achievement level; such recommendations are to be based on generally accepted diagnostic criteria and supported by reasonable documentation.
- Carefully consider all evidence indicating whether an individual’s ability to read is substantially limited within the meaning of the ADA, including the extent to which it is restricted as to the conditions, manner or duration as compared to the reading ability of most people.

The Justice Department opened an investigation in response to a complaint from Mr. Romberg who alleged that the NBME had twice denied him reasonable testing accommodations to take the USMLE because of his disability, dyslexia, in violation of the ADA. Subsequently, the department and the NBME sought to resolve the investigation by reaching a settlement agreement.

The settlement was reached under Title III of the ADA which prohibits discrimination against individuals with disabilities by private testing entities that administer examinations related to professional licensing. More information about the Civil Rights Division and the laws it enforces is available at the website www.justice.gov/crt. More information about the settlement with NBME can be found at www.ada.gov or by calling the toll-free ADA Information Line at 800-514-0301 or 800-514-0383 (TTY).

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Civil Rights Division