

# Certification Program Pitfalls and Blunders: Case Studies to Test Your Knowledge

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## The Case of the UNdue Process

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A certification program requires that professionals pass a series of examinations over the course of several years in order to be credentialed. It is decided that some of these examinations will be eliminated. The organization announces the policy change two years prior to the date it is scheduled to go into effect. Candidates are informed that if they do not take certain exams before the new policy goes into effect, they will lose credits they have already earned. A number of candidates ultimately are unable to take all of the appropriate examinations before the deadline. They lose credit for the examinations they had already completed and are informed that they need to take the new tests, which contain content similar to those they already passed. One of these candidates takes legal action against the certification program.

### Questions

1. What constitutes sufficient notice?
2. How far in advance of policy implementation should an announcement be made?
3. Through what vehicles should the policy be announced?
4. What information should be included in the announcement?
5. What other considerations (in addition to legal), should be taken into account when contemplating policy changes?

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## The Case of the Fickle Fees

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A certification program has set the following fees: \$250 for association members, \$500 for nonmembers. Association membership dues are \$250.

### Questions

*If the certifying body is housed in the parent association:*

1. Can certification programs charge nonmembers a higher fee? What is the justification for doing so?
2. Can the difference in the fees exceed the amount of the membership dues?
3. For how long is it appropriate to charge higher fees for nonmembers? For example, if the association has recouped its initial investment and is no longer subsidizing the program, is there any justification for charging nonmembers more?
4. How might the fee differential impact perceptions of the program's integrity and autonomy?

*If the certifying body is a separate legal entity:*

1. Can nonmembers be charged a higher fee? What is the justification?
2. Is it appropriate for the certification program to have an agreement with the association, such that the association receives a portion of the revenue generated by the program? (Assume no current financial obligations to the association exist, e.g., start-up loan has been repaid.)
3. Can revenue-sharing agreements subject the certifying body to undue influence?

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## The Mystery of the Missing of Test Booklet

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### Part 1

A certification examination is used as part of the licensing process in some states. The paper-and-pencil test is administered by certification program representatives. During a testing session held in a hotel ballroom, a fire alarm sounds. Proctors instruct the examinees to close their test booklets and leave the booklets on their tables. All of the examinees and proctors then exit the room. A short time later, hotel staff notifies the group that the area is safe and everyone can return to the ballroom. When the proctors return to the ballroom, they discover that several examinees are already in the room. As the other examinees file in and return to their seats, one examinee reports that her test booklet is missing.

### **Questions**

1. What is the first thing the proctors should do upon discovering the missing booklet?
2. What steps, if any, should be taken to investigate the incident while the examinees are present?
3. How could this situation have been prevented?

### Part 2

The organization is scheduled to administer the same test in one month. It does not have enough questions to develop a new exam before the test date.

## **Questions**

1. Should it administer the same test form again or postpone the test administration?
2. What are the potential ramifications of postponing the exam?
3. From a public relations perspective, what would be the best way to explain the postponement? (Keep in mind that the organization's customers include both candidates and licensing bodies.)

## Part 3

The certification sponsor hires a security firm to investigate the theft of the examination booklet. The firm identifies a suspect.

## **Question**

How should the organization proceed?

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## The Case of the Vindictive Vendor

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A certification program has informed its testing company that it will not be renewing its contract. The contract will expire in 30 days, shortly after the scores from the most recent test administration are released. The program requests receipt of the examination question pool within 7 days of its notice to the testing company. The testing company refuses to turn over the question pool and the examination scores from the most recent test administration on the grounds that the certification program has not yet paid two outstanding invoices.

### Questions

1. Does the vendor have the right to withhold deliverables and program materials due to lack of payment?
2. Who owns the certification program question pool – the program sponsor or testing company?
3. From a legal perspective, how could you protect yourself from similar events or minimize the damage?
4. From an operational perspective, how could you protect yourself from similar events or minimize the damage?
5. Some certification programs have arrangements with testing companies in which the testing company collects the fees and forwards any funds received AFTER it has drawn off the amount due for its services. What are the potential pitfalls associated with this type of arrangement?
6. If scores are not delivered on time, what explanation should be given to examinees?

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## The Case of the Egregiously Elitist Eligibility Requirements

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A professional association's primary goal for the past several years has been to elevate the occupation to a bona fide profession. This allied health occupation is one in which the majority of current practitioners acquired their knowledge and skills through on-the-job training, rather than through formal education. The association has worked tirelessly to encourage the development of academic degree programs in the field and to date, five such programs have been developed throughout the United States. Most of the association's leadership believes that in the future, an academic degree in the field should be required of all practitioners.

To further establish the occupation as a profession, the association recently developed a professional certification program. Citing its belief in the importance of academic training in molding a competent professional, the association decides to limit eligibility for the certification program to those who have received a degree in the field.

### Questions

1. Does the organization's decision to limit eligibility to degree holders make it vulnerable to antitrust challenges from practitioners who received on-the-job training, rather than formal education?
2. If the majority of professionals cannot meet the eligibility requirements, can the requirements be defended as fair and reasonable?
3. Does the organization have the right to set whatever standards it sees fit, given that the certification is voluntary?

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## The Case of the Scandalous Scores

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A certification program uses local chapters to administer its certification examination. The chapters began to report concerns about the number of examinees who were failing the exam. Although no official statistics had been reported, through word of mouth they were able to detect that the pass rate appeared to be considerably lower than in the past. Program staff themselves were not sure what the actual pass rate was, because their testing company had not been providing them with these data on a regular basis. The program asked the testing company to investigate, and the testing company reported that the pass rate had indeed fallen, but they could find no problem with the examinations.

The certification program became alarmed, began to check their data files from previous examinations and found additional problems. For example, there were some examinees listed in the pass/fail status file provided by the testing company as having passed the examination, but the failure notice file (also provided by the testing company) indicated that these same examinees had received letters informing them that they had failed. By this time, thousands of people had taken the exams in question and the program could not easily determine what the source of the errors was or how many examinees had been affected. However, it appeared that there were a large a number of past examinees who had been informed that they had passed the test, when in fact they had failed and vice versa. The certification program halted the use of the current exam forms and delayed release of scores from the most recent test administrations. An in-depth investigation was conducted, during which the program discovered that the testing company had first noticed a problem with the pass rate seven months before the program had asked the company to verify whether the pass rates had fallen. During this 7-month period, the testing company conducted a variety of analyses to find an explanation for the situation, but was never able to identify a cause for the problem. Subsequently, it was discovered that the reduction in the pass rate was due to errors made by the testing company while developing the examinations. In addition, the testing company's internal data files were found to have the same discrepancies as those found in the files it had transferred to the certification program.

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## **Questions: Legal**

1. Is the certification program vulnerable to potential legal actions by examinees whose scores are delayed?
2. What potential legal actions might be taken by examinees whose scores on past examinations were incorrectly reported (e.g., examinees who were told they had failed when in fact they had passed)?
3. What factors might impact whether the certification program has any recourse with respect to the testing company's errors?
4. What remedies might be expected from the testing company?
5. What remedies should be provided to the affected examinees?
6. What potential problems are associated with the certification program making a public announcement about the problem (e.g., what could lead to legal action by the testing company)?

## **Questions: Program Operations**

1. The events outlined in the case suggest that there were a number of operational errors and/or omissions -- on the part of both the testing company and the certification program -- that led to, or magnified the problem. What are the errors/omissions for which each organization was responsible?
2. What procedural and policy changes should be introduced to prevent similar situations from recurring in the future?

## **Questions: Public Relations**

1. When the certification program delayed the release of the test scores, what explanation should it have given for its actions? (Note: This occurred prior to completion of a full investigation.)

2. What information should be provided to the examinees affected by the errors (i.e., those who were informed that they had passed, when in fact they had not, and vice versa) and how should the message be framed?
3. Should the certification program make any other public announcements regarding the problems discovered during its investigation? Should other stakeholders (e.g., unaffected certificants, employers) be informed of the situation?
4. If yes to #3 above, what information should be released and how should the message be framed (e.g., will the message imply who was responsible for the problems)? What communication vehicles should be used (e.g., personal letter, announcement in newsletter)?

**Questions: Financial**

1. What types of expenses or loss of revenue might the certification program experience as a result of this situation?
2. Are there any steps the program can take now, to minimize the expenses or loss of revenue and the impact of these on the program's financial status?

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## The Case of the Impudent Imposter

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### Part 1

A medical subspecialty certification program is contacted by one of its certifiants who reports that a physician in his area is listing the credential on her stationary, but the certificant knows for a fact that the physician could not have met the program's eligibility requirements. Specifically, the program requires that applicants have primary board certifications from recognized certifying bodies and the physician does not have this type of certification.

### **Questions**

1. What should you do first?
2. If you discover that fraud or misrepresentation is involved (i.e., the physician does not have the required certification), what should you do next?

## Part 2

During its investigation, the certification program discovers that on the application, in the section in which applicants are asked to indicate from which boards they received their primary certification, the applicant placed a check next to an accepted board, but wrote below it the name of another board with a very similar name.

### **Questions**

1. Can the applicant's actions be characterized as fraud or misrepresentation?
2. Can the certification program revoke the credential if the applicant did not lie on the application?
3. Now that this error has come to light, what are the next steps from an operational perspective?

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## Appalling Appeals

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Indicate how you would respond to each of the following applicant and candidate appeals.

### Letter #1

Written by an applicant in regard to a medical specialty certification program's requirement that applicants "hold a current, unconditional, unrestricted license to practice medicine."

Dear \_\_\_\_\_ :

As per our phone conversation earlier today, I am writing to you to discuss the eligibility requirements for the certification examination. As I indicated to you, I currently possess a "limited" license by the State Medical Board of \_\_\_\_\_. My license requires that I submit to periodic urine alcohol and drug screens. There are not any restrictions or conditions on my practice of medicine, however. I am on the staff at \_\_\_\_\_ Hospital in \_\_\_\_\_ and provide the full range of specialty services for \_\_\_\_\_ Plan, a large HMO in the city. I am also in private practice in several different locations. Once again, no restrictions have been placed on my practice. Given this fact, I believe I should be eligible to take the examination.

## Letter #2

Written by a candidate to appeal a failing score.

Dear \_\_\_\_\_:

I am writing to request an appeal of the decision not to grant myself certification based on missing two questions short of the minimum number of questions required to pass the certification board examination.

This appeal is based in part on what seems a disproportionate amount of effort, education, and expense compared with missing a passing outcome via 2 of 175 questions, or 1%. I expended additional effort to meet certification eligibility requirements (more than 200 continuing education hours, presentation of work samples) coupled with a large financial layout (more than \$2,500 for the continuing education and \$1,000 for the exam, airfare, and room) above other professionals in the field, all to fall so very short of certification.

I have requested a hand count of the scores in the event of scoring error. Per review of the breakdown of content areas, I only did poorly in one of the identified areas. I would like you to consider an option to supplement the board's conclusion to a pass with limitation. The limitation could be: mandatory attendance of board-endorsed continuing education activities or a required number of continuing education credits in the area in which I performed poorly coupled with a passing post-test. These options would be less cost-prohibitive as well as being available sooner than affording a repeat exam fee coupled with waiting an entire year for certification.

I truly hope that you take these suggestions under full consideration, prior to reaching a conclusion. If there are any concerns or additional information needed, please do not hesitate to contact myself. I thank you in advance for your careful consideration of this matter.

### Letter #3

Written by a failing examinee asking that the examination not be counted toward the program's limit of three re-examinations.

Dear \_\_\_\_\_ :

I am requesting an appeal for the examination because of extenuating circumstances. My mother passed away two-and-a-half weeks prior to the examination. Through the next few weeks up until the exam, I did my best to prepare. However, the circumstances were certainly not optimal.

I do not expect to have the results of this examination changed. I am respectfully requesting an opportunity to retake next year's examination basically as a redo examination. I was close in passing this year's examination but, frankly, my ability to focus on the examination was markedly diminished due to the emotional upheaval during that time period.

I hope you will consider my request. If I can submit any further documentation of the above, please do not hesitate to contact me at the above address.

## Letter #4

Written by a failing examinee who believed that incidents related to the test administration led to her failure. The paper-and-pencil examination was proctored by a certificant at the offices of a local professional society.

Dear \_\_\_\_\_:

I am writing to the Appeals Committee to request that the score I received on the exam be reviewed again.

I feel my score should be reviewed not only because my score was only .5% less than the required score needed to pass the examination but also because of the circumstances under which I had taken the exam.

My score on the December the examination was 146 and the passing score was 147. As I missed the required score by only 1 point or .5% (73% of the questions answered correctly versus 73.5%). I would appreciate having my exam graded once more.

In addition, the circumstances under which I took the exam were not as fair and equitable as all other examinees received. I was the only applicant, fortunately, for the exam at the test site. As you are aware, the examinations are given across the country at the same local time – 9:00 am. The test was not delivered to the appropriate address from the certification board's office. \_\_\_\_\_, the chapter president, was to have received the exam at her office as the examination was to be taken there. \_\_\_\_\_ was to be the proctor, per arrangements made by the chapter president. When I arrived at 8:45 am that morning, the examination had not arrived at the chapter office. The chapter president spent an hour phoning both the board's office and then the delivery service trying to track down the examination. It was finally located and had been delivered to a Mail Boxes, Etc. store after having been sent to the proctor's home rather than the chapter office.

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Under these circumstances, I was left waiting, not knowing whether I could even take the examination, for more than one hour. Fortunately, the proctor lives in the area and was able to retrieve the examination from the Mail Boxes, Etc. store and drive back to the chapter office in order for me to take the examination.

I did not take the examination until 10:30 a.m. I think you will agree, it is quite difficult to mentally prepare for an examination as significant as the \_\_\_\_\_ exam, and then having arrived at the test site, prepared to take the examination and being advised that it was uncertain as to whether or not I would be able to do so that day and was told that one possible option was that I would have to wait an entire year to take it at the next scheduled time. That was hard to swallow on that day, during that hour and certainly left me not as mentally prepared as I would have been under normal circumstances.

I hope you will consider reviewing my test results, and, along with the circumstances described above, provide me with a more positive result from the examination.

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## The Case of the Unaccommodating Accommodations

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### Part 1

A candidate submits an accommodation request for an oral examination. He states that his disabilities include: attention deficit disorder, difficulty processing and expressing information due to an “auditory processing disability,” and dyslexia. The candidate requests more time to take the test, the use of models and drawings during the test, and time to rephrase questions or rewrite them if necessary. In support of this request, he submits a report from a neuropsychologist confirming the diagnosis and recommending the accommodations requested. The candidate also submits documents indicating that such accommodations were granted to him by the academic institutions he attended for his undergraduate and graduate degrees.

The certification program referred the candidate’s request and documentation to an expert in the field of learning disabilities who recommended that the program grant some, but not all, of the accommodations requested.

### **Question**

What should you do in this situation?

### Part 2

Following the recommendation of its own expert, the certification program issued a letter to the candidate, informing him that the only accommodations he would receive were extra testing time and the use of demonstrative aids. The candidate agrees to take the examination under these conditions and fails.

The candidate files an internal appeal with the certification program and requests additional accommodations for future examinations. The appeal is denied and the candidate is informed that no additional accommodations will be granted for future examinations.

The candidate sues the certification program, alleging that the accommodations offered him did not satisfy the Americans with Disabilities Act (ADA), arguing that the ADA mandates that professional certification examinations be offered in a place and manner that is acceptable for individuals who are disabled.

### **Question**

Were the candidate's claims about the ADA correct?