

### **Summary of Request:**

On November 19, 2010, Kathy Thomas received the following email notice from the National Council of State Boards of Nursing:

**Ms. Thomas.**

**On 11/18/2010, the above mentioned-candidate violated the following candidate rule, as stated in the Member Board Manual (Section I-1-2):**

**'using or accessing any prohibited aids. Examples of aids that are prohibited are handheld calculators, cell phone, conversion tables, dictionaries, etc.'**

**The candidate's results remain on hold, and NCSBN would like to work with your board to expedite a resolution as soon as possible (below is the documented incident).**

**Ms. Thomas, I am informing the TX Board of Nursing, and seeking your approval on whether to proceed with the revoking process and/or release. The board will be copied on all communications to the candidate, in the event you decide for NCSBN to further pursue.**

**Thank you in advance for your assistance.**

### **Incident Description**

*IR Detailed Description: During an unscheduled break, candidate went to her locker and used her cell phone to call her friend. TA did not hear her talking to anyone. TA informed candidate that she could not use her cell phone during a break. Candidate stated that she did not know that. TA reminded candidate that the information was included in the NCLEX Examination Candidate rules that she was given to read. Candidate returned the phone to her locker and continued testing.*

Additional phone response received by NCSBN staff from Ms. Gomez regarding the test incident:

**She (Ms. Gomez) admitted to using her phone, and apologetically indicated she did not thoroughly read the candidate rules sheet. We understand candidate's come to test with high anxiety, and nerves, but we do have policy and rules in place for the integrity protection of the NCLEX.**

**Source: Email from Marie Garcia of NCSBN to Mark Majek on November 30, 2010.**

Since this is the first incident requiring such a decision, staff is requesting a decision from the board whether to release or revoke this applicants test results.

**Historical Perspective:**

Since the administration of the NCLEX computer adaptive test, the Texas Board of Nursing has not received such a request as stated above. As stated in the attached NCLEX Examination Candidate Rules, examples of prohibited, irregular behavior include Cell/mobile phones, pagers or any other electronic devices **may not be accessed** at all during your examination appointment (including breaks).

**Pros:**

Release of Results - Candidate may not have to re-take the exam.

Revocation of Results - Uphold NCLEX rules and set precedent that all rules must be read, understood and followed. Also upholds the absolute integrity of the examination process and test.

**Cons:**

Release of Results - sets a precedent of exception to NCLEX Examination Candidate Rules. Could be perceived of degrading the integrity of test results.

Revocation of Results: Candidate must re-take the examination and incur additional cost and time.

**Staff Recommendation:**

Board Action: Move to revoke the NCLEX examination results of Michele Gomez, Candidate.

NOTE: Attached for Board member review is a response from Candidate Michele S. Gomez regarding the incident stated above.