

1800.0130 EXAMINATION IRREGULARITIES; CHEATING AND NONCOMPLIANT CONDUCT.

Subpart 1. **Generally.** Cheating or noncompliant conduct by an applicant in applying for or taking the examination, or discovered subsequent to the examination, will result in the board initiating a complaint and investigation, which may lead to sanctions as identified in Minnesota Statutes, section 326.111.

Subp. 2. **Actions constituting cheating.** For purposes of Minnesota Statutes, section 326.111, subdivision 4, paragraph (a), clause (5), the following acts and practices are considered fraudulent, deceptive, or dishonest:

A. falsifying or misrepresenting educational credentials or other information required by the board to sit for the examination;

B. conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials;

C. impersonating an examinee or permitting an impersonator to take the examination on one's own behalf;

D. unauthorized access or reference to prohibited devices or materials, inside of or outside of the examination room, other than that provided to the candidate by the examination administrator as part of the examination or as authorized by the board while the candidate is taking the examination;

E. conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;

F. unauthorized disclosure of examination questions or content; or

G. seeking out confidential examination questions or content.

Subp. 3. **Nonlimitation of authority.** This part does not limit the authority of the board from taking action against an applicant, examinee, licensee, or certificate holder for conduct not specifically described in this part.

Subp. 4. **Remedial action during examination.** In any case in which it appears that cheating has occurred or is occurring, the board or an exam administrator will take action including summarily expelling the candidate involved from the examination or moving the candidate to a position in the test site away from other examinees where the candidate can be watched more closely.

Subp. 5. **Compliance with examination policies and procedures.** Examinees shall abide by the exam administrator's published examination policies and procedures. An examinee who does not fully comply with the exam administrator's requirements is subject to dismissal from the remainder of the examination in addition to any action taken by the board under Minnesota Statutes, section 326.111.

Subp. 6. **Consequences of noncompliant conduct with examination policies and procedures.** Evidence of failing to comply with the exam administrator's policies and procedures subsequent to an examination will be cause for action by the board. Examinees who do not fully comply with the exam administrator's policies and procedures during and after an examination are subject to having their exam results invalidated and being prohibited from taking the examination for a period of time of up to two years. Licensure examinations taken and passed in other states are not acceptable for licensure purposes in Minnesota while an individual is barred from taking a licensure examination in Minnesota.

Statutory Authority: *MS s 326.06*

History: *35 SR 2011; 43 SR 89*

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