

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 8, 2010  
 ATTENTION: Medical Board of California  
 SUBJECT: Written Examination Passing Score  
 STAFF CONTACT: Deborah Pellegrini, Chief

REQUESTED ACTION:

Establish by resolution that the Board accepts a scaled passing score of 75 as the minimum passing score on all three parts of the United States Medical Licensing Examination (USMLE).

STAFF RECOMMENDATION:

Staff recommends the adoption of the resolution attached to this staff proposal.

BACKGROUND:

Section 2177 of the Business and Professions (B&P) Code requires that the passing score required on the USMLE be “established by resolution of the Division of Licensing [Board].” Prior to 2007, the law did not limit the number of times that applicants may fail USMLE Step 3 and still qualify for licensure. Effective January 1, 2007, Section 2177 was amended to require applicants to pass Step 3 within four attempts, as recommended by the Federation of State Medical Boards. The amendment does not apply to failing scores obtained prior to January 1, 2007.

On March 1, 2010, in *Y.M. v. the Medical Board of California*, the Third Appellate District Court determined that the Board was required to establish by formal resolution the passing scores for the USMLE. When the Appellate Court made its decision, it was not privy to the information that the Board had fully complied with Section 2177 by establishing by resolution at the January 2008 Board meeting its acceptance of the FSMB’s recommended passing score as the passing score on USMLE.

ANALYSIS:

As a result of a lawsuit brought by an applicant who had failed Step 3 four times, the California Court of Appeals directed the Board to establish its passing score for USMLE by resolution.

At the Board’s meeting on January 30, 2009, the members voted unanimously to reaffirm the Board’s past practice of accepting the passing score set by the Federation of State Medical Boards (FSMB) as its own passing score on all steps of the United States Medical Licensing Examination (USMLE). The FSMB maintains a scaled passing score of 75 as the minimum passing score on the USMLE. The FSMB reports each examination score in a two-digit and a three-digit format. The three-digit score is a statistical percentile, and the FSMB adjusts the minimum passing score on the three-digit scale periodically. However, 75 is always the minimum passing score on the two-digit scale.

Out of an abundance of caution to comply with the Court's ruling and clarify the provisions of Section 2177, legal counsel advises the Board to specifically adopt a scaled passing score of 75 as the minimum passing score.

FISCAL CONSIDERATIONS:

None.



**MEDICAL BOARD OF CALIFORNIA**  
**Executive Office**



**Medical Board of California**  
**Resolution**  
**Examination Passing Score**

Be it resolved that, pursuant to Business and Professions Code Section 2177, the Medical Board of California hereby:

- (1) Reaffirms its past practice of accepting the recommended scaled passing score of 75 set by the Federation of State Medical Boards (FSMB) as the board's own passing score on all steps of the USMLE, as expressed in its vote at the January 30, 2009 board meeting;
- (2) Reaffirms its past practice of accepting a scaled passing score of 75 on all examinations listed in Title 16 CCR section 1328; and
- (3) Adopts a scaled passing score of 75, or if a different recommended scaled passing score is set by the FSMB, adopts that score for each step of the USMLE administered henceforth.

Adopted on April 30, 2010

By

Barbara Yaroslavsky  
President