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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 184  
134<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Reported by Senate Insurance

**Primary Sponsor:** Rep. Carfagna

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### SUMMARY

- Authorizes the Ohio Police and Fire Pension Fund (OP&F) Board of Trustees to assign advanced practice registered nurses and physician assistants, in addition to physicians and vocational evaluators, to conduct examinations of OP&F members applying for disability benefits.
- Permits the Board to (1) grant disability benefits based solely on a member's application and supporting medical documentation or (2) require, before granting benefits, the member to undergo a medical examination, vocational evaluation, or both.
- Requires, for a member's disabling condition to be considered permanent, that the condition be expected to last for at least a continuous 12-month period after a disability benefit application is filed.
- Removes the requirement that the pre-employment examination of a prospective member be conducted by a physician.

### DETAILED ANALYSIS

#### Ohio Police and Fire Pension Fund disability retirement

The Ohio Police and Fire Pension Fund (OP&F) provides annual benefits to OP&F members (full-time firefighters and full-time municipal police officers) determined to be permanently disabled. The benefit amount varies depending on whether the permanent disability is total or partial and whether it was incurred on-duty or off-duty. The OP&F Board of

Trustees makes disability determinations based on medical and vocational information provided by the member, the member's employer, and the Board's experts.<sup>1</sup>

### **Medical and vocational experts**

The bill expands the types of experts the Board can assign to conduct examinations of a member applying for disability benefits. Continuing law requires the Board to adopt rules providing for it to assign competent and disinterested physicians and vocational evaluators to conduct examinations of disability benefit applicants. The bill requires the Board's rules to also provide for assigning competent and disinterested advanced practice registered nurses or physician assistants. An advanced practice registered nurse or physician assistant assigned to conduct examinations by the Board may only conduct an examination that is within the advanced practice registered nurse's or physician assistant's scope of practice and does not exceed the advanced practice registered nurse's or physician assistant's training.<sup>2</sup>

### **Granting disability benefits**

The bill permits the Board to grant disability benefits to a member based solely on a review of a disability benefit application and supporting medical documentation. The Board, before granting disability benefits, alternatively may require the member to undergo a medical examination, vocational evaluation, or both. Any medical examination or vocational evaluation must be conducted by a physician, advanced practice registered nurse, physician assistant, or vocational evaluator the Board has assigned. The Board can accept an examination report of a medical examination conducted by an advanced practice registered nurse or physician assistant only if a physician reviews, approves, and signs the report before it is submitted to the Board.<sup>3</sup>

While current law is silent regarding whether a member is to undergo an examination or evaluation before being granted disability benefits, it requires the Board to adopt rules establishing objective criteria under which the Board makes a disability determination. A rule the Board has adopted currently requires a member applying for disability benefits to undergo an examination conducted by a medical examiner and vocational evaluator unless medically inadvisable to do so.<sup>4</sup>

### **Permanent disabling condition**

As indicated above, the Board cannot grant disability benefits to a member unless the disabling condition is permanent, which under continuing law means it must be one from which there is no present indication of recovery. To be considered permanent under the bill, the disabling condition also must be expected to last for at least a continuous 12-month period

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<sup>1</sup> R.C. 742.38 and R.C. 742.01, not in the bill, and Ohio Police and Fire Pension Fund, *Member's Guide to Disability Benefits*, available [here](#).

<sup>2</sup> R.C. 742.38(C) and (E).

<sup>3</sup> R.C. 742.38(D).

<sup>4</sup> R.C. 742.38(C) and Ohio Administrative Code 742-3-05(B)(1) and (C)(5).

after a disability benefit application is filed. Current law does not specify a minimum period with respect to which the disabling condition is expected to continue for it to be considered permanent.<sup>5</sup>

### **Pre-employment examinations**

An employer under continuing law must require a prospective member to submit to a pre-employment physical examination on entry into a police or fire department. The bill removes the requirement that a physician administer the pre-employment examination.<sup>6</sup>

### **Technical changes**

The bill makes several technical changes to OP&F's disability retirement law.<sup>7</sup> It also removes a current law disqualification from receiving disability benefits for a member who elected to receive benefit and pension payments from a former police or firemen's relief and pension fund under rules in effect on April 1, 1947.<sup>8</sup>

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## **HISTORY**

Action	Date
Introduced	03-09-21
Reported, H. Financial Institutions	06-22-21
Passed House (95-0)	06-23-21
Reported, S. Insurance	11-17-21

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<sup>5</sup> R.C. 742.38(D).

<sup>6</sup> R.C. 742.38(A) and (B).

<sup>7</sup> R.C. 742.38(B) and (C).

<sup>8</sup> R.C. 742.38(D), by reference to R.C. 742.37(A) and (B), not in the bill.