



## Ohio Administrative Code

### Rule 742-1-02 Member minimum medical testing and diagnostic procedures.

Effective: July 4, 2021

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#### (A) Requirements.

Pursuant to section 742.38 of the Revised Code, all employers of prospective members of the Ohio police and fire pension fund (OP&F) are required to do the following:

##### (1) Physical examination for prospective OP&F members.

The employer shall cause the prospective members of OP&F to submit to a physical examination which includes the minimum medical testing and diagnostic procedures set forth in paragraph (B) of this rule.

##### (2) Tests done before employee's membership in OP&F.

The physical examination which includes the minimum medical testing and diagnostic procedures prescribed by this rule must be done no later than eleven fifty-nine p.m. on the date the employee becomes an OP&F member, but in no event can the tests and procedures be done earlier than nine months before that membership date.

##### (3) Physician's report filed with OP&F.

The employer must file a physician's report with OP&F that meets the following criteria:

(a) The physician certification must be in the form prescribed by OP&F or a form substantially similar, as determined by OP&F in its sole and absolute discretion, which must include the physician's diagnosis and evaluation of the existence of any cancer, heart disease, cardiovascular disease, or respiratory disease identified in the medical testing and diagnostic procedures established under this rule. The physician certification must be fully completed and signed by a licensed physician who is licensed to practice medicine in the state in which the examination was conducted,



and the physician certification must state the date of the examination and the report cannot be signed more than nine months before the potential employee's membership with OP&F;

(b) The member's medical questionnaire completed by the member must be in the form prescribed by OP&F and cannot be signed more than nine months before the potential employee's membership with OP&F; and

(c) From and after the effective date of this rule, copies of the medical tests and procedures and medical questionnaire outlined in this rule must be included as part of the physician's report.

(4) The physician's report must be timely filed with OP&F.

In order to be timely filed, a properly completed physician certification, medical questionnaire meeting the criteria of this rule, and copies of the required medical testing and diagnostic procedures outlined by this rule, must be received by OP&F no later than sixty days after the employee becomes an OP&F member, as required by division (A)(2) of section 742.38 of the Revised Code.

(B) Minimum medical testing/diagnostic procedures.

The minimum medical testing and diagnostic procedures to be incorporated into a member's physical examination administered by physicians to prospective members of the fund shall include the following:

(1) Spirometry that represents at least a valid and reproducible forced expiratory volume at one second (FEV1), forced vital capacity (FVC), and forced expiratory volume at one second/forced vital capacity (FEV1/FVC) that meets the criteria of the American thoracic society;

(2) A chest x-ray that is at least a P.A. 72" (i.e. front to back);

(3) Lipid profile that includes total cholesterol, triglycerides, LDL cholesterol, and HDL cholesterol; and

(4) A cardiac stress test performed consistent with standard Bruce protocol that includes an



electrocardiogram (EKG).

(C) Determination of OP&F membership.

For purposes of administering section 742.38 of the Revised Code and this rule, OP&F will use the occurrence of the following events for purposes of determining when a prospective employee becomes an OP&F member:

(1) The member's appointment as a "member of the police department" or "member of the fire department," as such terms are defined in divisions (A)(2) and (B)(2) of section 742.01 of the Revised Code respectively; and

(2) The date on which the prospective member became a "member of the fund," as defined in division (E) of section 742.01 of the Revised Code; and

(3) The first date on which the employee is contributing or should have been contributing a percentage of his/her salary to OP&F.

For purposes of this paragraph, OP&F shall consider the first date the employee is contributing a percentage of his/her salary to OP&F to be based on payroll submitted for a pay period six weeks prior to the filing of such payroll, until the actual date is determined by OP&F and at that time, an adjustment of the penalties shall thereafter be made based on the actual dates submitted to OP&F by the employer on a form provided by OP&F .

(D) For members who are reinstated to OP&F membership by agreement or by order of a court or arbitrator, no new pre-employment physical will be required. In order to make this determination, the employer shall provide OP&F with a copy of the agreement or court order.

(E) In cases where the person was laid off from an OP&F covered employer and the person already has a proper pre-employment physical on file with OP&F and returns to an OP&F covered position within two years of the effective date of his/her lay-off and accumulated member contributions remain on deposit with OP&F, no additional pre-employment physical will be required.



(F) For members who transfer from one employer to another without a loss in membership with OP&F, as outlined above, the new employer will not be required to cause such person to undergo the medical testing and diagnostic procedures referenced in this rule, unless the person became an OP&F member on or after September 16, 1998 and OP&F does not have a pre-employment physical on file that meets the definition set forth in section 742.38 of the Revised Code. In order to reach this determination, however, the new employer will need to obtain this information from OP&F. In the event the original employer did not cause an employee who became an OP&F member on or after September 16, 1998 to undergo all of the tests and procedures outlined in this rule, then OP&F will give notice to the new employer of any tests and procedures that need to be completed and this documentation must be received by OP&F no later than sixty days after the new hire date.

(G) In no event shall the provisions of this rule be intended to supercede or eliminate any other legal requirement imposed on the employer under Ohio law, including, but not limited to, sections 124.41 and 124.42 of the Revised Code.

(H) If the employer is unable to obtain a test due to the member's medical condition, the member's religious beliefs or the member's refusal to undergo a specific test, the employer shall provide supporting documentation to OP&F in support of such fact and may request a waiver of such test or report for such reason. If the waiver request is for medical reasons, the supporting documentation shall be in the form of a medical report signed by a licensed physician in the state in which the medical examination was conducted, if the waiver request is for religious reasons, the supporting documentation shall be in the form of an affidavit signed by the member before a notary public that certifies such fact, and if the waiver request is the result of the member's refusal, the supporting documentation shall be in the form of a written document signed by the member before a notary public that certifies that fact and acknowledges that the member understands that his/her refusal shall result in his/her inability to use the presumptive disability provision outlined in section 742.38 of the Revised Code.

Within thirty days after OP&F's receipt of such request, OP&F shall notify the employer if such waiver is granted. If OP&F grants a waiver, the employer shall not be obligated to cause such person to undergo the specific tests specified in such waiver.

Any waiver granted under the terms of this section shall result in the member's inability to use the



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presumptive disability provisions outlined in section 742.38 of the Revised Code.