



Ohio Administrative Code Rule 742-7-02 Use of member's records.

Effective: November 19, 2020

(A) All records and files of the board and Ohio police & fire pension fund ("OP&F") shall be public information, including an employer's status of the payment of contributions generally due under sections 742.30, 742.31, 742.33, and 742.34 of the Revised Code, but shall not include any member's personal history record (as hereinafter defined), except as otherwise provided by law. A member's personal history record may only be released to the member or a third party upon OP&F's receipt of a written authorization from the member or his/her authorized representative or agent using forms provided by OP&F or a form substantially similar to OP&F's form, subject to any internal policies adopted by OP&F and to the extent provided by such authorization, but any such authorization must be signed before a notary public.

(B) "Member's personal history record" includes all information related to an OP&F member, including the name, address, telephone number, social security number, record of contributions, correspondence to or from OP&F, any report of a pre-employment physical, any medical reports and recommendations (subject to the terms of paragraph (C) of this rule), the status of any application for benefits, any record identifying the service history or service credit of a member or benefit recipient, but excluding:

(1) The member's status with OP&F (i.e. active or retired but does not include whether or not the member made an election to participate in DROP);

(2) The award given to survivors by the board of trustees for an application for benefits under the Ohio public safety officers death benefit fund and the member's name and employer; and

(3) Any information disclosed by OP&F in accordance with the permitted exceptions of the Health Insurance Portability And Accountability Act of 1996 and OP&F HIPAA policies and procedures.

(C) Medical reports and recommendations are considered to be the property of Ohio police and fire pension fund. The medical reports and recommendations for a member may be released to the



member, unless an OP&F physician or psychiatrist determines for OP&F that the disclosure of information is likely to have an adverse effect on the member. In the event the OP&F physician or psychiatrist determines that a disclosure of medical reports and recommendations to a member will have an adverse effect on the member, the information shall only be released to a physician, psychiatrist, or psychologist who is designated by the member or his/her authorized representative or agent only after OP&F's receipt of a written authorization from the member or his/her authorized representative or agent using forms provided by OP&F or a form substantially similar to OP&F's form, subject to any internal policies adopted by OP&F to the extent provided by such authorization. Notwithstanding any other restrictions referenced in this rule, the medical reports and recommendations of a member may be released to OP&F appointed physicians and vocational evaluators when necessary for the proper administration of the benefits offered by OP&F. Except as otherwise provided in this rule, these records may be released to the member and may be released to the member's attorney, physician, or duly authorized agent only upon written authorization of the member or the member's authorized representative or agent using forms provided by OP&F or a form substantially similar to OP&F's form, but any such authorization must be signed before a notary public. Any other release is prohibited.

(D) As provided by law and only at the request of any organization or association of members of OP&F, OP&F shall provide a list of names and addresses of members and other system retirants (as defined in section 742.26 of the Revised Code). OP&F shall comply with such a request at least once a year.

(E) Reasonable fees may be charged for any expenses incurred in compiling, copying, mailing, or examining the records of OP&F.

(F) The executive director may designate a staff member to authenticate retirement system's records of OP&F that will be sent to a court officer of this state.

(G) An authorization given by a member or his/her authorized agent or representative shall be valid for only one year from the date that it was issued.

(H) OP&F shall make the determination on compliance with the terms of this rule and its decision shall be final.



(I) For purposes of this rule, "member" has the same meaning as in division (E) of section 742.01 of the Revised Code.