

## OCERS Administrative Procedure (OAP) **Disability Application Review Process**

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### **Disability Application Review Process**

The following describes the disability application review process for service connected and non-service connected disabilities:

1. **Submission of Completed Application:** Either the member or the employer, on behalf of the member, can apply for a disability retirement by filing with OCERS: (1) an application for disability retirement form and (2) an authorization signed by the member permitting OCERS Disability Staff (OCERS Staff) to obtain all medical information relating to the member's physical or mental illness or injury and permitting access to records relating to the member's current and prior employment and (3) an employee's statement of disability and (4) a physician's statement indicating that the member is permanently incapacitated from performing the usual and customary duties of their OCERS covered position. The Member's employer shall complete forms provided by OCERS and provide information as deemed necessary. All information received by OCERS or its agents shall be treated as confidential and not released to anyone except insofar as may be necessary for the administration of the retirement system or upon an order of a court of competent jurisdiction, as provided by Government Code section 31532.
2. **Determination of the Disability:** The determination of the member's disability shall be limited to the condition as set forth in the application for disability retirement and supported by a physician's statement of disability.
3. **Additional Information:** If at any point in the process OCERS Staff determines that additional information is necessary; OCERS Staff may require the member or the employer to submit the additional information.
4. **Medical and Investigatory Services:** OCERS Staff is authorized and directed to secure such medical, investigatory and other services and advice in connection with applications for disability retirement as the may be required in order to make its decision.
5. **Review of Records:** OCERS Staff will secure necessary records regarding the employment, injury, medical care, and accommodation of the member within 180 days of the date the application was filed with OCERS. OCERS Staff will inform the member when all of the information and records requested by OCERS Staff have been received. The member will have five (5) business days to supplement the record or otherwise respond indicating that all necessary information in support of the application has been submitted.
6. **Examination by an Independent Medical Examiner:** In the event that OCERS Staff believes that additional medical evidence is necessary to evaluate the application, then OCERS Staff shall schedule an appointment for the member with an Independent Medical Examiner (IME). OCERS Staff will schedule the appointment immediately following the member's confirmation that the record is complete as set forth in ¶15, above. All examinations will be expected to occur within 60 days of finalization of medical record. OCERS Staff will forward the record to the physician for his or her evaluation of the member's condition. OCERS Staff will notify the member in writing of the date, time and location of the appointment. If the member is unable

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to attend the appointment, the member shall notify OCERS immediately, who shall re-schedule the appointment within 30 days of the original appointment, or at a mutually agreed upon future date not to exceed 90 days. As an alternative to an examination by an IME, OCERS Staff may refer the record to an IME for a records-only review. Alternatively, OCERS Staff may make a recommendation based on the medical evidence presented in the application.

7. **Receipt of Independent Medical Examiner opinion:** OCERS Staff will require the IME to submit his/her report within 45 days of the appointment (or within 45 days of the referral for a records-only review). OCERS Staff will forward a copy of the report to the member and his/her attorney upon receipt, certain exceptions may apply to psychiatric claims.
8. **Supplemental Reports, Investigations, or Evaluations:** Within 60 days of receiving the IME report, the OCERS Disability Staff shall complete any or the completion of any additional investigations, evaluations of reasonable accommodations, or any supplemental reports of an IME.
9. **Submission of Application the Disability Committee:** OCERS Staff shall make a recommendation to the Disability Committee (the Committee) regarding the approval or denial of the application summarizing the application and information received from medical, employment and any other pertinent records. The recommendation shall be submitted to the Committee within 30 days of receipt of the IME report or the completion of any additional investigations, evaluations of reasonable accommodations, or any supplemental reports of an IME. OCERS Staff shall prepare a memorandum for the Committee.
10. **Denial of an Application for Failure to Cooperate:** OCERS Staff may recommend that an application for disability retirement be denied and considered null and void for one or more of the reasons set forth below, and the member does not correct that failure within 90 days:
  - a. Failure of the member to submit to a medical examination when directed by the OCERS Staff; or
  - b. Failure of the member to timely submit additional information as requested by OCERS Staff; or
  - c. Any failure to cooperate by the member or any other act or omission by the member or member's representative which prevents the Committee from hearing and making a recommendation to the Board of Retirement (the Board) on the application for disability retirement within one year of the filing of the application .
11. **Notification of Disability Committee Review:** OCERS Staff shall notify the member in writing when the matter will be submitted to the Committee for its consideration. The notice will include OCERS Staff's memorandum as well as the date and time that the matter will be placed on the Committee's agenda. The member, plan sponsor, and/or their attorneys may appear before the Committee, but the appearance is not mandatory. All matters heard by the Committee will be heard in closed session/closed hearing unless otherwise requested by the member. The Committee will recommend that the Board grant or deny the application

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and report that recommended action in open session. When the Committee's recommendation is to grant the application for disability retirement the matter will be forwarded to the Board at its next regularly scheduled meeting, unless an objection is received. The item will be placed on the Board consent agenda. In the event that the Committee's recommendation is to deny the application for disability retirement the member will have 90 days to file an appeal. No application shall be continued at the request of the member more than twice without the approval of the Committee.

12. **Notification of Board of Retirement Determination:** OCERS Staff shall notify the member in writing when the matter will be submitted to the Board of Retirement for a determination.
13. **Adjudication of Disability Application.** The Committee and the Board shall adjudicate the application in accordance with the OCERS "Adjudication Policy and Administrative Hearing Rules (Disability and Non-Disability Benefits)."