

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

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. If the Member is applying, the following documents must be submitted to 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. If the employer is filing on the member's behalf, the employer need only submit the Application for Disability Retirement form. A notification letter will then be sent by OCERS Staff to the member, inviting the member to join-in on the application by submitting the required forms listed above.
2. **Requesting of Records:** The Member's employer shall complete forms provided by OCERS including the Employer's Statement of Disability and Supervisor Statement forms and provide information as deemed necessary. This is to include any necessary personnel file documents. 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. OCERS Staff will send a request to Workers' Compensation and/or any treating physicians identified outside of the Workers' Compensation system to obtain the member's relevant medical records. Requests shall be made using standardized request letters or by utilizing copy services.
3. **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.
4. **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.
5. **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 they may be required in order to make its decision.
6. **Preparation of Records ("Premed"):** 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 then compile all obtained employer, medical, and relevant personnel documents into a single file known as the "premed." The

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premed is to also consist of: (1) Employee's Statement of Disability; (2) Employer's Statement of Disability; (3) Physician's Statement of Disability; (4) Supervisor's Statement; (5) Workers' Compensation Information Request form, and; (6) Authorization form.

7. **Examination by an Independent Medical Examiner:** OCERS Staff shall schedule an appointment for the Member with an Independent Medical Examiner (IME). All examinations will be expected to occur within 60 days of finalization of medical record. OCERS Staff will notify the Member in writing of the date, time and location of the appointment. If the Member is unable 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.
8. **Receipt of Independent Medical Examiner opinion:** OCERS Staff will require the IME to submit their 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 their attorney (if applicable) upon receipt, certain exceptions may apply to psychiatric claims.
9. **Supplemental Reports, Investigations, or Evaluations:** Within 60 days of receiving the IME report, the OCERS Staff shall complete any additional investigations, evaluations of reasonable accommodations, or request any supplemental reports of an IME. Any additional records obtained shall be sent to the IME along with a request letter outlining any additional questions to be addressed.
10. **Submission of Application to the Disability Committee or CEO:** When the OCERS Staff recommendation is to grant the disability retirement Application in full, the recommendation will be reviewed by the CEO. When the Staff recommendation is to deny the Application or grant only part of the application, OCERS Staff will make a recommendation to the Disability Committee The recommendation shall be submitted to the Committee or CEO 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.
11. **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)

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on the application for disability retirement within one year of the filing of the application.

Adjudication of Disability Application. The CEO, Committee and the Board shall adjudicate the application in accordance with the OCERS “Adjudication Policy and Administrative Hearing Rules (Disability and Non-Disability Benefits).”