

Page 1 of 1

Sec. 5505.18. (A)(1) AS USED IN THIS SECTION, "MEMBER" DOES NOT INCLUDE STATE HIGHWAY PATROL CADETS ATTENDING TRAINING SCHOOLS PURSUANT TO SECTION 5503.05 OF THE REVISED CODE.

(2) Upon the application of a member of the state highway patrol retirement system, or the superintendent of the state highway patrol on behalf of a member, a member who becomes totally and permanently incapacitated for duty in the employ of the state highway patrol may be retired by the state highway patrol retirement board, ~~provided that after medical examination of the member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one to be selected by the member, and the third to be selected by the first two physicians so named, the medical committee reports to the board, by majority opinion in writing, that the member is totally incapacitated for duty in the employ of the patrol, that such incapacity will probably be permanent, and that he ought to be retired. The report of the medical committee shall include a statement of the cause of the member's incapacity.~~ THE MEDICAL EXAMINATION OF A MEMBER WHO HAS APPLIED FOR DISABILITY RETIREMENT SHALL BE CONDUCTED BY A COMPETENT PHYSICIAN OR PHYSICIANS APPOINTED BY THE BOARD. THE PHYSICIAN OR PHYSICIANS SHALL FILE A WRITTEN REPORT WITH THE BOARD CONTAINING THE FOLLOWING INFORMATION:

(a) WHETHER THE MEMBER IS TOTALLY INCAPACITATED FOR DUTY IN THE EMPLOY OF THE PATROL;

(b) WHETHER THE INCAPACITY IS EXPECTED TO BE PERMANENT;

(c) THE CAUSE OF THE MEMBER'S INCAPACITY.

THE BOARD SHALL DETERMINE WHETHER THE MEMBER QUALIFIES FOR DISABILITY RETIREMENT AND ITS DECISION SHALL BE FINAL. THE BOARD SHALL CONSIDER THE WRITTEN MEDICAL REPORT, OPINIONS, STATEMENTS, AND OTHER COMPETENT EVIDENCE IN MAKING ITS DETERMINATION. If the incapacity is a result of heart disease or any cardiovascular disease of a chronic nature, which disease or any evidence of which was not revealed by the physical examination passed by the member on entry into the patrol, the member is presumed to have incurred the disease in the line of duty as a member of the patrol, unless the contrary is shown by competent evidence.

(B)(1) A member whose retirement on account of disability incurred in the line of duty shall receive the applicable pension provided for in section 5505.17 of the Revised Code, except that if the member has less than ~~twenty~~ TWENTY-FIVE years of contributing service, his service credit shall be deemed to be ~~twenty~~ TWENTY-FIVE years for the purpose of this provision. In no case shall his disability pension be less than sixty per cent or exceed the lesser of seventy-two per cent of his THE

MEMBER'S final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(2) A member whose retirement on account of disability incurred not in the line of duty shall receive the applicable pension provided for in section 5505.17 of the Revised Code, except that if the member has less than twenty years of contributing service, his service credit shall be deemed to be twenty years for the purpose of this provision. In no case shall his disability pension exceed the lesser of seventy-two per cent of his final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(C) A member placed on disability pension who has not attained the age of fifty-five years shall be subject to re-examination by physicians appointed by the board at such times as the board considers necessary. A retirant who has been on disability pension, and who has been physically examined and found capable of performing his duties, shall be restored to the rank which he held at the time he was pensioned and all previous rights shall be restored, including his civil service status, and his disability pension shall terminate. Upon such retirant's return to employment in the patrol, he shall again become a contributing member of the retirement system; his total service at the time of his retirement shall be restored to his credit; and he shall be given service credit for the period he was in receipt of a disability pension. The provisions of this division shall be retroactive to September 5, 1941.

(D) THE BOARD MAY ADOPT RULES TO CARRY OUT THIS SECTION.

144 OL  
Am. Sub. HB 382

Emergency  
6/30/91