



Ohio Administrative Code Rule 742-3-12 Definition of incapacitated.

Effective: April 21, 2024

(A) For purposes of division (B) of section 742.38 of the Revised Code, a member shall be deemed to be incapacitated if Ohio police and fire pension fund ("OP&F") receives an affidavit from the person acting on the member's behalf for purposes of filing a disability benefit application with OP&F and such person affirms, under oath, that the member is mentally or physically impaired as a result of a mental or physical illness or condition of disability with respect to which the attending physician finds that there is no present indication of recovery and such affidavit is properly notarized.

(B) In processing the disability application of a member who is incapacitated, OP&F is authorized to rely on the facts stated in the affidavit filed in accordance with paragraph (A) of this rule. All fraudulent applications will entitle OP&F and the applicable member to any and all remedies provided by law.
