

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 292**

**Representative Hagan**

**Cosponsors: Representatives Patmon, Bishoff, Hambley, Grossman, Leland,  
Terhar, Manning, Perales**

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**A BILL**

To amend sections 124.42, 505.374, 505.375, 505.38, 1  
709.012, 737.08, 737.22, 742.38, 4123.57, 2  
4123.68, and 4766.09 of the Revised Code to 3  
provide that a firefighter who is disabled as a 4  
result of specified types of cancer is presumed 5  
for purposes of the laws governing workers' 6  
compensation and the Ohio Police and Fire 7  
Pension Fund to have incurred the cancer while 8  
performing official duties as a firefighter. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 124.42, 505.374, 505.375, 505.38, 10  
709.012, 737.08, 737.22, 742.38, 4123.57, 4123.68, and 4766.09 11  
of the Revised Code be amended to read as follows: 12

**Sec. 124.42.** (A) As used in this section, "health 13  
professional" means a person who holds a certificate or license 14  
issued under Chapter 4723., 4730., or 4731. of the Revised Code 15  
to practice medicine and surgery or osteopathic medicine and 16  
surgery or to practice as a physician assistant, clinical nurse 17  
specialist, certified nurse practitioner, or certified nurse- 18

midwife. 19

(B) (1) No person shall be eligible to receive an original 20  
appointment as a firefighter in a fire department, subject to 21  
the civil service laws of this state, unless the person has 22  
reached the age of eighteen and has, not more than one hundred 23  
twenty days prior to receiving such appointment, passed a 24  
physical examination, given by a ~~licensed physician, a physician-~~ 25  
~~assistant, a clinical nurse specialist, a certified nurse-~~ 26  
~~practitioner, or a certified nurse midwife, certifying health~~ 27  
professional. 28

(2) An appointing authority may require the physical 29  
examination of a person who applies on or after the effective 30  
date of this amendment for appointment as a firefighter to 31  
include screening for the existence of the cancers specified in 32  
division (D) (3) of section 742.38 and division (X) of section 33  
4123.68 of the Revised Code. 34

(C) If an applicant passes the physical examination, the 35  
health professional who administered the examination shall 36  
certify that the applicant is free of cardiovascular ~~and~~ 37  
~~diseases, pulmonary diseases, and cancers, and ~~showing~~ show~~ 38  
that the person meets the physical requirements necessary to perform 39  
the duties of a firefighter as established by the civil service 40  
commission having jurisdiction over the appointment. The 41  
appointing authority shall, prior to making any such 42  
appointment, file with the Ohio police and fire pension fund a 43  
copy of the report or findings of ~~said licensed physician,~~ 44  
~~physician assistant, clinical nurse specialist, certified nurse-~~ 45  
~~practitioner, or certified nurse midwife~~the health professional. 46  
The professional fee for such physical examination shall be paid 47  
by the civil service commission. No person shall be eligible to 48

receive an original appointment on and after the person's forty- 49  
first birthday. 50

(D) Notwithstanding this section, a municipal council may 51  
enact an ordinance providing that a person between the age of 52  
eighteen and forty may receive an original appointment to the 53  
fire department, or the board of trustees of a civil service 54  
township may do so by resolution. Nothing in this section shall 55  
prevent a municipal corporation or civil service township from 56  
establishing a fire cadet program and employing persons as fire 57  
cadets at age eighteen for the purpose of training persons to 58  
become firefighters. The board of trustees of a civil service 59  
township may establish by resolution such a cadet program. A 60  
person participating in a municipal or township fire cadet 61  
program shall not be permitted to carry or use any firearm in 62  
the performance of the person's duties. 63

**Sec. 505.374.** No person shall violate a provision of a 64  
standard code or regulation adopted under section 505.373 or 65  
division ~~(C)~~ (E) of section 505.375 of the Revised Code. Each 66  
day of continued violation of this section shall constitute a 67  
separate offense. 68

**Sec. 505.375.** (A) (1) (a) The boards of township trustees of 69  
one or more townships and the legislative authorities of one or 70  
more municipal corporations, or the legislative authorities of 71  
two or more municipal corporations, or the boards of township 72  
trustees of two or more townships, may negotiate an agreement to 73  
form a fire and ambulance district for the delivery of both fire 74  
and ambulance services. The agreement shall be ratified by the 75  
adoption of a joint resolution by a majority of the members of 76  
each board of township trustees involved and a majority of the 77  
members of the legislative authority of each municipal 78

corporation involved. The joint resolution shall specify a date 79  
on which the fire and ambulance district shall come into being. 80

(b) If a joint fire district created under section 505.371 81  
of the Revised Code or a joint ambulance district created under 82  
section 505.71 of the Revised Code is dissolved to facilitate 83  
the creation of a fire and ambulance district under division (A) 84  
(1) (a) of this section, the townships and municipal corporations 85  
forming the fire and ambulance district may transfer to the fire 86  
and ambulance district any of the funds on hand, moneys and 87  
taxes in the process of collection, credits, and real and 88  
personal property apportioned to them under division (D) of 89  
section 505.371 of the Revised Code or section 505.71 of the 90  
Revised Code, as applicable, for use by the fire and ambulance 91  
district in accordance with this section. 92

(2) (a) The board of trustees of a joint ambulance district 93  
created under section 505.71 of the Revised Code and the board 94  
of fire district trustees of a joint fire district created under 95  
section 505.371 of the Revised Code may negotiate to combine 96  
their two joint districts into a single fire and ambulance 97  
district for the delivery of both fire and ambulance services, 98  
if the geographic area covered by the combining joint districts 99  
is exactly the same. Both boards shall adopt a joint resolution 100  
ratifying the agreement and setting a date on which the fire and 101  
ambulance district shall come into being. 102

(b) On that date, the joint fire district and the joint 103  
ambulance district shall cease to exist, and the power of each 104  
to levy a tax upon taxable property shall terminate, except that 105  
any levy of a tax for the payment of indebtedness within the 106  
territory of the joint fire or joint ambulance district as it 107  
was composed at the time the indebtedness was incurred shall 108

continue to be collected by the successor fire and ambulance 109  
district if the indebtedness remains unpaid. All funds and other 110  
property of the joint districts shall become the property of the 111  
fire and ambulance district, unless otherwise provided in the 112  
negotiated agreement. The agreement shall provide for the 113  
settlement of all debts and obligations of the joint districts. 114

(B) (1) The governing body of a fire and ambulance district 115  
created under division (A) (1) or (2) of this section shall be a 116  
board of trustees of at least three but no more than nine 117  
members, appointed as provided in the agreement creating the 118  
district. Members of the board may be compensated at a rate not 119  
to exceed thirty dollars per meeting for not more than fifteen 120  
meetings per year, and may be reimbursed for all necessary 121  
expenses incurred, as provided in the agreement creating the 122  
district. 123

(2) The board shall employ a clerk and other employees as 124  
it considers best, including a fire chief or fire prevention 125  
officers, and shall fix their compensation. Neither this section 126  
nor any other section of the Revised Code requires, or shall be 127  
construed to require, that the fire chief of a fire and 128  
ambulance district be a resident of the district. 129

Before entering upon the duties of office, the clerk shall 130  
execute a bond, in the amount and with surety to be approved by 131  
the board, payable to the state, conditioned for the faithful 132  
performance of all of the clerk's official duties. The clerk 133  
shall deposit the bond with the presiding officer of the board, 134  
who shall file a copy of it, certified by the presiding officer, 135  
with the county auditor of the county containing the most 136  
territory in the district. 137

The board also shall provide for the appointment of a 138

fiscal officer for the district and may enter into agreements 139  
with volunteer fire companies for the use and operation of fire- 140  
fighting equipment. Volunteer firefighters acting under such an 141  
agreement are subject to the requirements for volunteer 142  
firefighters set forth in ~~division (A)~~ divisions (C) and (D) of 143  
section 505.38 of the Revised Code. 144

(3) Employees of the district shall not be removed from 145  
office except as provided by sections 733.35 to 733.39 of the 146  
Revised Code, except that, to initiate removal proceedings, the 147  
board shall designate a private citizen or, if the employee is 148  
employed as a firefighter, the board may designate the fire 149  
chief, to investigate, conduct the proceedings, and prepare the 150  
necessary charges in conformity with those sections, and except 151  
that the board shall perform the functions and duties specified 152  
for the municipal legislative authority under those sections. 153  
The board may pay reasonable compensation to any private citizen 154  
hired for services rendered in the matter. 155

~~(4)~~ (C) No person shall be appointed as a permanent full- 156  
time paid member of the district whose duties include fire 157  
fighting, or be appointed as a volunteer firefighter, unless 158  
that person has received a certificate issued under former 159  
section 3303.07 or section 4765.55 of the Revised Code 160  
evidencing satisfactory completion of a firefighter training 161  
program. The board may send its officers and firefighters to 162  
schools of instruction designed to promote the efficiency of 163  
firefighters and, if authorized in advance, may pay their 164  
necessary expenses from the funds used for the maintenance and 165  
operation of the district. 166

The board may choose, by adoption of an appropriate 167  
resolution, to have the state board of emergency medical, fire, 168

and transportation services license any emergency medical 169  
service organization it operates. If the board adopts such a 170  
resolution, Chapter 4766. of the Revised Code, except for 171  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 172  
organization. All rules adopted under the applicable sections of 173  
that chapter also apply to the organization. The board may 174  
remove, by resolution, its emergency medical service 175  
organization from the jurisdiction of the state board of 176  
emergency medical, fire, and transportation services. 177

(D) (1) No person shall be eligible to receive an 178  
appointment as a firefighter under this section unless the 179  
person has passed a physical examination conducted by a health 180  
professional showing that the person meets the physical 181  
requirements necessary to perform the duties of the position to 182  
which the person is to be appointed as established by the board 183  
of trustees of a fire and ambulance district. 184

(2) (a) The board of trustees of a fire and ambulance 185  
district may require the physical examination of a person who 186  
applies on or after the effective date of this amendment for 187  
appointment as a firefighter to include screening for the 188  
existence of the cancers specified in division (D) (3) of section 189  
742.38 and division (X) of section 4123.68 of the Revised Code. 190

(b) The board of trustees shall develop procedures to 191  
determine whether the physical examination of a person who 192  
applies on or after the effective date of this amendment for 193  
appointment as a volunteer firefighter is to include the 194  
existence of the cancers specified in division (D) (3) of section 195  
742.38 and division (X) of section 4123.68 of the Revised Code. 196

~~(C)~~ (E) The board of trustees of a fire and ambulance 197  
district created under division (A) (1) or (2) of this section 198

may exercise the following powers:	199
(1) Purchase or otherwise provide any fire apparatus,	200
mechanical resuscitators, or other fire or ambulance equipment,	201
appliances, or materials; fire hydrants; and water supply for	202
firefighting purposes that seems advisable to the board;	203
(2) Provide for the care and maintenance of equipment and,	204
for that purpose, purchase, lease, lease with an option to	205
purchase, or construct and maintain necessary buildings;	206
(3) Establish and maintain lines of fire-alarm	207
communications within the limits of the district;	208
(4) Appropriate land for a fire station or medical	209
emergency unit needed in order to respond in reasonable time to	210
a fire or medical emergency, in accordance with Chapter 163. of	211
the Revised Code;	212
(5) Purchase, appropriate, or accept a deed or gift of	213
land to enlarge or improve a fire station or medical emergency	214
unit;	215
(6) Purchase, lease, lease with an option to purchase,	216
maintain, and use all materials, equipment, vehicles, buildings,	217
and land necessary to perform its duties;	218
(7) Contract for a period not to exceed three years with	219
one or more townships, municipal corporations, counties, joint	220
fire districts, joint ambulance districts, governmental	221
agencies, nonprofit corporations, or private ambulance owners	222
located either within or outside the state, to furnish or	223
receive ambulance services or emergency medical services within	224
the several territories of the contracting parties, if the	225
contract is first authorized by all boards of trustees and	226
legislative authorities concerned;	227



(8) Establish reasonable charges for the use of ambulance	228
or emergency medical services under the same conditions under	229
which a board of fire district trustees may establish those	230
charges under section 505.371 of the Revised Code;	231
(9) Establish all necessary rules to guard against the	232
occurrence of fires and to protect property and lives against	233
damage and accidents;	234
(10) Adopt a standard code pertaining to fire, fire	235
hazards, and fire prevention prepared and promulgated by the	236
state or by a public or private organization that publishes a	237
model or standard code;	238
(11) Provide for charges for false alarms at commercial	239
establishments in the same manner as joint fire districts are	240
authorized to do under section 505.391 of the Revised Code;	241
(12) Issue bonds and other evidences of indebtedness,	242
subject to Chapter 133. of the Revised Code, but only after	243
approval by a vote of the electors of the district as provided	244
by section 133.18 of the Revised Code;	245
(13) To provide the services and equipment it considers	246
necessary, levy a sufficient tax, subject to Chapter 5705. of	247
the Revised Code, on all the taxable property in the district.	248
<del>(D)</del> <u>(F)</u> Any municipal corporation or township may join an	249
existing fire and ambulance district, whether created under	250
division (A) (1) or (2) of this section, by its legislative	251
authority's adoption of a resolution requesting the membership	252
and upon approval of the board of trustees of the district. Any	253
municipal corporation or township may withdraw from a district,	254
whether created under division (A) (1) or (2) of this section, by	255
its legislative authority's adoption of a resolution ordering	256

withdrawal. Upon its withdrawal, the municipal corporation or 257  
township ceases to be a part of the district, and the district's 258  
power to levy a tax on taxable property in the withdrawing 259  
township or municipal corporation terminates, except that the 260  
district shall continue to levy and collect taxes for the 261  
payment of indebtedness within the territory of the district as 262  
it was composed at the time the indebtedness was incurred. 263

Upon the withdrawal of any township or municipal 264  
corporation from a district, the county auditor of the county 265  
containing the most territory in the district shall ascertain, 266  
apportion, and order a division of the funds on hand, including 267  
funds in the ambulance and emergency medical services fund, 268  
moneys and taxes in the process of collection, except for taxes 269  
levied for the payment of indebtedness, credits, and real and 270  
personal property on the basis of the valuation of the 271  
respective tax duplicates of the withdrawing municipal 272  
corporation or township and the remaining territory of the 273  
district. 274

~~(E)~~ (G) As used in this section: 275

(1) "Governmental agency" includes all departments, 276  
boards, offices, commissions, agencies, colleges, universities, 277  
institutions, and other instrumentalities of this or another 278  
state. 279

(2) "Emergency medical service organization" has the same 280  
meaning as in section 4766.01 of the Revised Code. 281

(3) "Health professional" means a person who holds a 282  
certificate or license issued under Chapter 4723., 4730., or 283  
4731. of the Revised Code to practice medicine and surgery or 284  
osteopathic medicine and surgery or to practice as a physician 285

assistant, clinical nurse specialist, certified nurse 286  
practitioner, or certified nurse-midwife. 287

**Sec. 505.38.** (A) As used in this section, "health 288  
professional" means a person who holds a certificate or license 289  
issued under Chapter 4723., 4730., or 4731. of the Revised Code 290  
to practice medicine and surgery or osteopathic medicine and 291  
surgery or to practice as a physician assistant, clinical nurse 292  
specialist, certified nurse practitioner, or certified nurse- 293  
midwife. 294

(B) In each township or fire district that has a fire 295  
department, the head of the department shall be a fire chief, 296  
appointed by the board of township trustees, except that, in a 297  
joint fire district, the fire chief shall be appointed by the 298  
board of fire district trustees. Neither this section nor any 299  
other section of the Revised Code requires, or shall be 300  
construed to require, that the fire chief be a resident of the 301  
township or fire district. 302

The board shall provide for the employment of firefighters 303  
as it considers best and shall fix their compensation. No person 304  
shall be appointed as a permanent full-time paid member, whose 305  
duties include fire fighting, of the fire department of any 306  
township or fire district unless that person has received a 307  
certificate issued under former section 3303.07 or section 308  
4765.55 of the Revised Code evidencing satisfactory completion 309  
of a firefighter training program. Those appointees shall 310  
continue in office until removed from office as provided by 311  
sections 733.35 to 733.39 of the Revised Code. To initiate 312  
removal proceedings, and for that purpose, the board shall 313  
designate the fire chief or a private citizen to investigate the 314  
conduct and prepare the necessary charges in conformity with 315

those sections. 316

In case of the removal of a fire chief or any member of 317  
the fire department of a township or fire district, an appeal 318  
may be had from the decision of the board to the court of common 319  
pleas of the county in which the township or fire district fire 320  
department is situated to determine the sufficiency of the cause 321  
of removal. The appeal from the findings of the board shall be 322  
taken within ten days. 323

(C) No person who is appointed as a volunteer firefighter 324  
of the fire department of any township or fire district shall 325  
remain in that position unless either of the following applies: 326

(1) Within one year of the appointment, the person has 327  
received a certificate issued under former section 3303.07 of 328  
the Revised Code or section 4765.55 of the Revised Code 329  
evidencing satisfactory completion of a firefighter training 330  
program. 331

(2) The person began serving as a permanent full-time paid 332  
firefighter with the fire department of a city or village prior 333  
to July 2, 1970, or as a volunteer firefighter with the fire 334  
department of a city, village, or other township or fire 335  
district prior to July 2, 1979, and receives a certificate 336  
issued under division (C) (3) of section 4765.55 of the Revised 337  
Code. 338

(D) (1) No person shall receive an appointment under this 339  
~~section, in the case of a volunteer~~ as a firefighter, whether 340  
paid or volunteer, unless the person has, not more than sixty 341  
days prior to receiving the appointment, passed a physical 342  
examination, given by a ~~licensed physician, a physician-~~ 343  
~~assistant, a clinical nurse specialist, a certified nurse-~~ 344

~~practitioner, or a certified nurse midwife, showing health~~ 345  
~~professional.~~ 346

(2) (a) A board of township trustees may require the 347  
physical examination of a person who applies on or after the 348  
effective date of this amendment for appointment as a 349  
firefighter to include screening for the existence of the 350  
cancers specified in division (D) (3) of section 742.38 and 351  
division (X) of section 4123.68 of the Revised Code. 352

(b) A board of township trustees shall develop procedures 353  
to determine whether the physical examination of a person who 354  
applies on or after the effective date of this amendment for 355  
appointment as a volunteer firefighter is to include the 356  
existence of the cancers specified in division (D) (3) of section 357  
742.38 and division (X) of section 4123.68 of the Revised Code. 358

(E) If a person passes the physical examination, the 359  
health professional who administered the examination shall show 360  
that the person meets the physical requirements necessary to 361  
perform the duties of the position to which the person is 362  
appointed as established by the board of township trustees 363  
having jurisdiction over the appointment. The appointing 364  
authority, prior to making an appointment, shall file with the 365  
Ohio police and fire pension fund or the local volunteer fire 366  
fighters' dependents fund board a copy of the report or findings 367  
of that ~~licensed physician, physician assistant, clinical nurse-~~ 368  
~~specialist, certified nurse practitioner, or certified nurse-~~ 369  
~~midwife~~ health professional. The professional fee for the 370  
physical examination shall be paid for by the board of township 371  
trustees. 372

~~(B)~~ (F) In each township not having a fire department, the 373  
board of township trustees shall appoint a fire prevention 374

officer who shall exercise all of the duties of a fire chief 375  
except those involving the maintenance and operation of fire 376  
apparatus. The board may appoint one or more deputy fire 377  
prevention officers who shall exercise the duties assigned by 378  
the fire prevention officer. 379

The board may fix the compensation for the fire prevention 380  
officer and the fire prevention officer's deputies as it 381  
considers best. The board shall appoint each fire prevention 382  
officer and deputy for a one-year term. An appointee may be 383  
reappointed at the end of a term to another one-year term. Any 384  
appointee may be removed from office during a term as provided 385  
by sections 733.35 to 733.39 of the Revised Code. Section 505.45 386  
of the Revised Code extends to those officers. 387

~~(C)~~(G) (1) ~~Division (A)~~ Divisions (B) to (E) of this 388  
section ~~does do~~ not apply to any township that has a population 389  
of ten thousand or more persons residing within the township and 390  
outside of any municipal corporation, that has its own fire 391  
department employing ten or more full-time paid employees, and 392  
that has a civil service commission established under division 393  
(B) of section 124.40 of the Revised Code. The township shall 394  
comply with the procedures for the employment, promotion, and 395  
discharge of firefighters provided by Chapter 124. of the 396  
Revised Code, except as otherwise provided in divisions ~~(C)~~(G) 397  
(2) and (3) of this section. 398

(2) The board of township trustees of the township may 399  
appoint the fire chief, and any person so appointed shall be in 400  
the unclassified service under section 124.11 of the Revised 401  
Code and shall serve at the pleasure of the board. Neither this 402  
section nor any other section of the Revised Code requires, or 403  
shall be construed to require, that the fire chief be a resident 404

of the township. A person who is appointed fire chief under 405  
these conditions and who is removed by the board or resigns from 406  
the position is entitled to return to the classified service in 407  
the township fire department in the position held just prior to 408  
the appointment as fire chief. 409

(3) The appointing authority of an urban township, as 410  
defined in section 504.01 of the Revised Code, may appoint to a 411  
vacant position any one of the three highest scorers on the 412  
eligible list for a promotional examination. 413

(4) The board of township trustees shall determine the 414  
number of personnel required and establish salary schedules and 415  
conditions of employment not in conflict with Chapter 124. of 416  
the Revised Code. 417

(5) No person shall receive an original appointment as a 418  
permanent full-time paid member of the fire department of the 419  
township described in this division unless the person has 420  
received a certificate issued under former section 3303.07 or 421  
section 4765.55 of the Revised Code evidencing the satisfactory 422  
completion of a firefighter training program. 423

(6) Persons employed as firefighters in the township 424  
described in this division on the date a civil service 425  
commission is appointed pursuant to division (B) of section 426  
124.40 of the Revised Code, without being required to pass a 427  
competitive examination or a firefighter training program, shall 428  
retain their employment and any rank previously granted them by 429  
action of the board of township trustees or otherwise, but those 430  
persons are eligible for promotion only by compliance with 431  
Chapter 124. of the Revised Code. 432

**Sec. 709.012. (A)** When a municipal corporation annexes 433

township territory which results in a reduction of the 434  
firefighting force of the township or joint township fire 435  
district, the reduction shall be made by dismissal of 436  
firefighters in the inverse order of seniority, with the 437  
employee with least time of service being dismissed first. The 438  
annexing municipal corporation shall offer employment in the 439  
inverse order of dismissal by the township to such firefighters 440  
if a vacancy exists in the municipal fire department and if 441  
they: 442

~~(A)~~ (1) Were full-time paid active members of the township 443  
or joint township firefighting force for at least six months 444  
prior to dismissal and have made application to the municipal 445  
corporation within sixty days after the effective date of 446  
dismissal; 447

~~(B)~~ (2) Have passed a physical examination as prescribed 448  
by the physician of the annexing municipal corporation and meet 449  
the requirements necessary to perform firefighting duties; 450

~~(C)~~ (3) Meet minimum standards of the municipal 451  
corporation with respect to moral character, literacy, and 452  
ability to understand oral and written instructions as 453  
determined by an interview conducted by the fire department of 454  
the municipal corporation. The applicant shall be at least 455  
twenty-one years of age on the date of application. 456

~~(D)~~ (4) Are able to qualify for membership in the Ohio 457  
police and fire pension fund. 458

(B) (1) A physical examination required by division ~~(B)~~ (A) 459  
(2) of this section may be conducted by any individual 460  
authorized by the Revised Code to conduct physical examinations, 461  
including a physician assistant, a clinical nurse specialist, a 462



certified nurse practitioner, or a certified nurse-midwife. Any 463  
written documentation of the physical examination shall be 464  
completed by the individual who administered the examination. 465

(2) A municipal corporation may require the physical 466  
examination of a person who applies on or after the effective 467  
date of this amendment for appointment as a firefighter to 468  
include screening for the existence of the cancers specified in 469  
division (D) (3) of section 742.38 and division (X) of section 470  
4123.68 of the Revised Code. 471

(C) If no vacancy exists in the municipal fire department 472  
at the time of the application referred to in division (A) (1) of 473  
this section, the application shall be held until a vacancy 474  
occurs. When such a vacancy occurs, the applicant shall be 475  
entitled to employment in accordance with the requirements of 476  
~~divisions~~ division (A), (B), (C), and (D) of this section. So 477  
long as any application for employment has been made and is 478  
being held under this section, the municipal corporation shall 479  
not fill any vacancy in its fire department by original 480  
appointment. If there are individuals who are entitled to 481  
reinstatement in the municipal fire department and the vacancies 482  
therein are insufficient to permit both such reinstatements and 483  
employment of all those applying for employment under division 484  
(A) (1) of this section, the persons having the greatest length 485  
of service, whether with the municipal or township fire 486  
department, shall be entitled to fill the vacancies as they 487  
occur. 488

(D) A person employed under this section, upon acceptance 489  
into the municipal fire department, shall be given the rank of 490  
"firefighter" and entitled to full seniority credit for prior 491  
service in the township or joint township fire district. The 492

person shall be entitled to the same salary, future benefits, 493  
vacations, earned time, sick leave, and other rights and 494  
privileges as the municipal fire department extends to other 495  
employees with the same amount of prior service. The person may 496  
take promotional examinations only after completion of one year 497  
of service with the municipal fire department and after meeting 498  
any applicable civil service requirements for such examination. 499

(E) Compliance with this section is in lieu of compliance 500  
with section 124.42 of the Revised Code or any other 501  
requirements for original appointment to a municipal fire 502  
district. 503

**Sec. 737.08.** (A) As used in this section, "health 504  
professional" means a person who holds a certificate or license 505  
issued under Chapter 4723., 4730., or 4731. of the Revised Code 506  
to practice medicine and surgery or osteopathic medicine and 507  
surgery or to practice as a physician assistant, clinical nurse 508  
specialist, certified nurse practitioner, or certified nurse- 509  
midwife. 510

(B) The fire department of each city shall be composed of 511  
a chief of the fire department and other officers, firefighters, 512  
and employees provided for by ordinance. Neither this section 513  
nor any other section of the Revised Code requires, or shall be 514  
construed to require, that the fire chief be a resident of the 515  
city. 516

~~(B)~~ (C) No person shall be appointed as a permanent full- 517  
time paid member, whose duties include fire fighting, of the 518  
fire department of any city, unless either of the following 519  
applies: 520

(1) The person has received a certificate issued under 521

former section 3303.07 of the Revised Code or section 4765.55 of 522  
the Revised Code evidencing satisfactory completion of a 523  
firefighter training program. 524

(2) The person began serving as a permanent full-time paid 525  
firefighter with the fire department of a village or other city 526  
prior to July 2, 1970, and receives a fire training certificate 527  
issued under section 4765.55 of the Revised Code. 528

~~(C)~~ (D) No person who is appointed as a volunteer 529  
firefighter of a city fire department shall remain in that 530  
position, unless either of the following applies: 531

(1) Within one year of the appointment, the person has 532  
received a certificate issued under former section 3303.07 of 533  
the Revised Code or section 4765.55 of the Revised Code 534  
evidencing satisfactory completion of a firefighter training 535  
program. 536

(2) The person began serving as a permanent full-time paid 537  
firefighter with the fire department of a village or other city 538  
prior to July 2, 1970, or as a volunteer firefighter with the 539  
fire department of a township, fire district, village, or other 540  
city prior to July 2, 1979, and receives a fire training 541  
certificate issued under section 4765.55 of the Revised Code. 542

~~(D)~~ (E) (1) No person shall be eligible to receive an 543  
appointment as a firefighter under this section unless the 544  
person has passed a physical examination conducted by a health 545  
professional showing that the person meets the physical 546  
requirements necessary to perform the duties of the position to 547  
which the person is to be appointed as established by the city. 548

(2) (a) A city fire department may require the physical 549  
examination of a person who applies on or after the effective 550

date of this amendment for appointment as a firefighter to 551  
include screening for the existence of the cancers specified in 552  
division (D) (3) of section 742.38 and division (X) of section 553  
4123.68 of the Revised Code. 554

(b) A city shall develop procedures to determine whether 555  
the physical examination of a person who applies on or after the 556  
effective date of this amendment for appointment as a volunteer 557  
firefighter is to include the existence of the cancers specified 558  
in division (D) (3) of section 742.38 and division (X) of section 559  
4123.68 of the Revised Code. 560

(F) The director of public safety shall have the exclusive 561  
management and control of other surgeons, secretaries, clerks, 562  
and employees provided for by ordinance or resolution of the 563  
legislative authority of the city. 564

**Sec. 737.22.** (A) Each village establishing a fire 565  
department shall have a fire chief as the department's head, 566  
appointed by the mayor with the advice and consent of the 567  
legislative authority of the village, who shall continue in 568  
office until removed from office as provided by sections 733.35 569  
to 733.39 of the Revised Code. Neither this section nor any 570  
other section of the Revised Code requires, or shall be 571  
construed to require, that the fire chief be a resident of the 572  
village. 573

In each village not having a fire department, the mayor 574  
shall, with the advice and consent of the legislative authority 575  
of the village, appoint a fire prevention officer who shall 576  
exercise all of the duties of a fire chief except those 577  
involving the maintenance and operation of fire apparatus. 578

The legislative authority of the village may fix the 579

compensation it considers best. The appointee shall continue in office until removed from office as provided by sections 733.35 to 733.39 of the Revised Code. Section 737.23 of the Revised Code shall extend to the officer.

(B) The legislative authority of the village may provide for the appointment of permanent full-time paid firefighters as it considers best and fix their compensation, or for the services of volunteer firefighters, who shall be appointed by the mayor with the advice and consent of the legislative authority, and shall continue in office until removed from office.

(1) No person shall be appointed as a permanent full-time paid firefighter of a village fire department, unless either of the following applies:

(a) The person has received a certificate issued under former section 3303.07 of the Revised Code or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(b) The person began serving as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, and receives a fire training certificate issued under section 4765.55 of the Revised Code.

(2) No person who is appointed as a volunteer firefighter of a village fire department shall remain in that position, unless either of the following applies:

(a) Within one year of the appointment, the person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(b) The person has served as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a city, township, fire district, or other village prior to July 2, 1979, and receives a certificate issued under division (C) (3) of section 4765.55 of the Revised Code.

~~(3) (C) (1)~~ No person shall receive an appointment under this section unless the person has, not more than sixty days prior to receiving the appointment, passed a physical examination, given by a ~~licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse midwife~~ health professional, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is to be appointed as established by the legislative authority of the village. The appointing authority shall, prior to making an appointment, file with the Ohio police and fire pension fund or the local volunteer fire fighters' dependents fund board a copy of the report or findings of that ~~licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse midwife~~ health professional. The professional fee for the physical examination shall be paid for by the legislative authority of the village.

(2) (a) The legislative authority of a village may require the physical examination of a person who applies on or after the effective date of this amendment for appointment as a firefighter to include screening for the existence of the cancers specified in division (D) (3) of section 742.38 and division (X) of section 4123.68 of the Revised Code.

(b) The legislative authority of a village shall develop

procedures to determine whether the physical examination of a 639  
person who applies on or after the effective date of this 640  
amendment for appointment as a volunteer firefighter shall 641  
include the existence of the cancers specified in division (D) 642  
(3) of section 742.38 and division (X) of section 4123.68 of the 643  
Revised Code. 644

(D) As used in this section, "health professional" means a 645  
person who holds a certificate or license issued under Chapter 646  
4723., 4730., or 4731. of the Revised Code to practice medicine 647  
and surgery or osteopathic medicine and surgery or to practice 648  
as a physician assistant, clinical nurse specialist, certified 649  
nurse practitioner, or certified nurse-midwife. 650

**Sec. 742.38.** (A) (1) The board of trustees of the Ohio 651  
police and fire pension fund shall adopt rules establishing 652  
minimum medical testing and diagnostic standards or procedures 653  
to be incorporated into physical examinations administered by 654  
physicians to prospective members of the fund. The standards or 655  
procedures shall include diagnosis and evaluation of the 656  
existence of any heart disease, cardiovascular disease, or 657  
respiratory disease. The rules shall specify the form of the 658  
physician's report and the information to be included in it. 659

The board shall notify all employers of the establishment 660  
of the minimum standards or procedures and shall include with 661  
the notice a copy of the standards or procedures. The board 662  
shall notify all employers of any changes made to the standards 663  
or procedures. Once the standards or procedures take effect, 664  
employers shall cause each prospective member of the fund to 665  
submit to a physical examination that incorporates the standards 666  
or procedures. 667

(2) Division (A) (2) of this section applies to an employee 668

who becomes a member of the fund on or after the date the 669  
minimum standards or procedures described in division (A) (1) of 670  
this section take effect. For each employee described in 671  
division (A) (2) of this section, the employer shall forward to 672  
the board a copy of the physician's report of a physical 673  
examination that incorporates the standards or procedures 674  
described in division (A) (1) of this section. If an employer 675  
fails to forward the report in the form required by the board on 676  
or before the date that is sixty days after the employee becomes 677  
a member of the fund, the board shall assess against the 678  
employer a penalty determined under section 742.353 of the 679  
Revised Code. 680

(B) Application for a disability benefit may be made by a 681  
member of the fund or, if the member is incapacitated as defined 682  
in rules adopted by the board, by a person acting on the 683  
member's behalf. Not later than fourteen days after receiving an 684  
application for a disability benefit from a member or a person 685  
acting on behalf of a member, the board shall notify the 686  
member's employer that an application has been filed. The notice 687  
shall state the member's position or rank. Not later than 688  
twenty-eight days after receiving the notice or filing an 689  
application on behalf of a member, the employer shall forward to 690  
the board a statement certifying the member's job description 691  
and any other information required by the board to process the 692  
application. 693

If the member applying for a disability benefit becomes a 694  
member of the fund prior to the date the minimum standards or 695  
procedures described in division (A) (1) of this section take 696  
effect, the board may request from the member's employer a copy 697  
of the physician's report of the member's physical examination 698  
taken on entry into the police or fire department or, if the 699



employer does not have a copy of the report, a written statement 700  
certifying that the employer does not have a copy of the report. 701  
If an employer fails to forward the report or statement in the 702  
form required by the board on or before the date that is twenty- 703  
eight days after the date of the request, the board shall assess 704  
against the employer a penalty determined under section 742.353 705  
of the Revised Code. The board shall maintain the information 706  
submitted under this division and division (A) (2) of this 707  
section in the member's file. 708

(C) For purposes of determining under division (D) of this 709  
section whether a member of the fund is disabled, the board 710  
shall adopt rules establishing objective criteria under which 711  
the board shall make the determination. The rules shall include 712  
standards that provide for all of the following: 713

(1) Evaluating a member's illness or injury on which an 714  
application for disability benefits is based; 715

(2) Defining the occupational duties of a police officer 716  
or firefighter; 717

(3) Providing for the board to assign competent and 718  
disinterested physicians and vocational evaluators to conduct 719  
examinations of a member; 720

(4) Requiring a written report for each disability 721  
application that includes a summary of findings, medical 722  
opinions, including an opinion on whether the illness or injury 723  
upon which the member's application for disability benefits is 724  
based was caused or induced by the actual performance of the 725  
member's official duties, and any recommendations or comments 726  
based on the medical opinions; 727

(5) Providing for the board to consider the member's 728

potential for retraining or reemployment. 729

(D) This division does not apply to members of the fund 730  
who have elected to receive benefits and pensions in accordance 731  
with division (A) or (B) of section 742.37 of the Revised Code 732  
or from a police relief and pension fund or a firemen's relief 733  
and pension fund in accordance with the rules of that fund in 734  
force on April 1, 1947. 735

As used in this division: 736

"Totally disabled" means a member of the fund is unable to 737  
perform the duties of any gainful occupation for which the 738  
member is reasonably fitted by training, experience, and 739  
accomplishments. Absolute helplessness is not a prerequisite of 740  
being totally disabled. 741

"Permanently disabled" means a condition of disability 742  
from which there is no present indication of recovery. 743

"Hazardous duty" has the same meaning as in 5 C.F.R. 744  
550.902, as amended. 745

(1) A member of the fund who is permanently and totally 746  
disabled as the result of the performance of the member's 747  
official duties as a member of a police or fire department shall 748  
be paid annual disability benefits in accordance with division 749  
(A) of section 742.39 of the Revised Code. In determining 750  
whether a member of the fund is permanently and totally 751  
disabled, the board shall consider standards adopted under 752  
division (C) of this section applicable to the determination. 753

(2) A member of the fund who is permanently and partially 754  
disabled as the result of the performance of the member's 755  
official duties as a member of a police or fire department 756  
shall, if the disability prevents the member from performing 757

those duties and impairs the member's earning capacity, receive 758  
annual disability benefits in accordance with division (B) of 759  
section 742.39 of the Revised Code. In determining whether a 760  
member of the fund is permanently and partially disabled, the 761  
board shall consider standards adopted under division (C) of 762  
this section applicable to the determination. 763

(3) (a) A member of the fund who is permanently disabled as 764  
a result of heart disease or any cardiovascular or respiratory 765  
disease of a chronic nature, which disease or any evidence of 766  
which disease was not revealed by the physical examination 767  
passed by the member on entry into the department or another 768  
examination specified in rules the board adopts under section 769  
742.10 of the Revised Code, is presumed to have incurred the 770  
disease while performing the member's official duties, unless 771  
the contrary is shown by competent evidence. The board may waive 772  
the requirement that the absence of disease be evidenced by a 773  
physical examination if competent medical evidence of a type 774  
specified in rules adopted under section 742.10 of the Revised 775  
Code is submitted documenting that the disease was not evident 776  
prior to or at the time of entry into the department. 777

(b) A member of the fund who has been assigned to at least 778  
five years of hazardous duty as a member of a fire department 779  
and is disabled as a result of any of the following types of 780  
cancer, is presumed to have incurred the cancer while performing 781  
the member's official duties: 782

(i) Cancer of the breast, bone, lung, brain, kidney, 783  
bladder, skin, prostate, scrotum, testicle, cervix, ovary, or 784  
uterus; 785

(ii) Gastrointestinal cancer, which includes cancers of 786  
the anus, colon, bile duct, esophagus, liver, pancreas, 787

<u>peritoneal cavity, rectum, small intestine, and stomach;</u>	788
<u>(iii) Laryngeal, hypopharyngeal, nasopharyngeal,</u>	789
<u>pharyngeal, or tracheal cancer;</u>	790
<u>(iv) Hodgkins or Non-Hodgkins lymphoma;</u>	791
<u>(v) Leukemia;</u>	792
<u>(vi) Multiple myeloma;</u>	793
<u>(vii) Mesothelioma;</u>	794
<u>(viii) Soft tissue sarcoma.</u>	795
<u>The presumption does not apply if competent evidence to</u>	796
<u>the contrary of the presumption is shown or if the cancer that</u>	797
<u>resulted in the member's disability, or any evidence of that</u>	798
<u>cancer, was revealed by the physical examination passed by the</u>	799
<u>member on entry into the department.</u>	800
(4) A member of the fund who has five or more years of	801
service credit and has incurred a permanent disability not	802
caused or induced by the actual performance of the member's	803
official duties as a member of the department, or by the	804
member's own negligence, shall if the disability prevents the	805
member from performing those duties and impairs the member's	806
earning capacity, receive annual disability benefits in	807
accordance with division (C) of section 742.39 of the Revised	808
Code. In determining whether a member of the fund is permanently	809
disabled, the board shall consider standards adopted under	810
division (C) of this section applicable to the determination.	811
(5) The board shall notify a member of its final action	812
awarding a disability benefit to the member within thirty days	813
of the final action. The notice shall be sent by certified mail,	814
return receipt requested. Not later than ninety days after	815

receipt of notice from the board, the member shall elect, on a 816  
form provided by the board, either to accept or waive the 817  
disability benefit award. If the member elects to waive the 818  
disability benefit award or fails to make an election within the 819  
time period, the award is rescinded. A member who later seeks a 820  
disability benefit award shall be required to make a new 821  
application, which shall be dealt with in accordance with the 822  
procedures used for original disability benefit applications. 823

A person is not eligible to apply for or receive 824  
disability benefits under this division, section 742.39 of the 825  
Revised Code, or division (C) (2), (3), (4), or (5) of former 826  
section 742.37 of the Revised Code unless the person is a member 827  
of the fund on the date on which the application for disability 828  
benefits is submitted to the fund. 829

With the exception of persons who may make application for 830  
increased benefits as provided in division (D) (2) or (4) of this 831  
section or division (C) (3) or (5) of former section 742.37 of 832  
the Revised Code on or after July 24, 1986, or persons who may 833  
make application for benefits as provided in section 742.26 of 834  
the Revised Code, no person receiving a pension or benefit under 835  
this section or division (C) of former section 742.37 of the 836  
Revised Code may apply for any new, changed, or different 837  
benefit. 838

**Sec. 4123.57.** Partial disability compensation shall be 839  
paid as follows. 840

Except as provided in this section, not earlier than 841  
twenty-six weeks after the date of termination of the latest 842  
period of payments under section 4123.56 of the Revised Code, or 843  
not earlier than twenty-six weeks after the date of the injury 844  
or contraction of an occupational disease in the absence of 845

payments under section 4123.56 of the Revised Code, the employee 846  
may file an application with the bureau of workers' compensation 847  
for the determination of the percentage of the employee's 848  
permanent partial disability resulting from an injury or 849  
occupational disease. 850

Whenever the application is filed, the bureau shall send a 851  
copy of the application to the employee's employer or the 852  
employer's representative and shall schedule the employee for a 853  
medical examination by the bureau medical section. The bureau 854  
shall send a copy of the report of the medical examination to 855  
the employee, the employer, and their representatives. 856  
Thereafter, the administrator of workers' compensation shall 857  
review the employee's claim file and make a tentative order as 858  
the evidence before the administrator at the time of the making 859  
of the order warrants. If the administrator determines that 860  
there is a conflict of evidence, the administrator shall send 861  
the application, along with the claimant's file, to the district 862  
hearing officer who shall set the application for a hearing. 863

The administrator shall notify the employee, the employer, 864  
and their representatives, in writing, of the tentative order 865  
and of the parties' right to request a hearing. Unless the 866  
employee, the employer, or their representative notifies the 867  
administrator, in writing, of an objection to the tentative 868  
order within twenty days after receipt of the notice thereof, 869  
the tentative order shall go into effect and the employee shall 870  
receive the compensation provided in the order. In no event 871  
shall there be a reconsideration of a tentative order issued 872  
under this division. 873

If the employee, the employer, or their representatives 874  
timely notify the administrator of an objection to the tentative 875

order, the matter shall be referred to a district hearing officer who shall set the application for hearing with written notices to all interested persons. Upon referral to a district hearing officer, the employer may obtain a medical examination of the employee, pursuant to rules of the industrial commission.

(A) The district hearing officer, upon the application, shall determine the percentage of the employee's permanent disability, except as is subject to division (B) of this section, based upon that condition of the employee resulting from the injury or occupational disease and causing permanent impairment evidenced by medical or clinical findings reasonably demonstrable. The employee shall receive sixty-six and two-thirds per cent of the employee's average weekly wage, but not more than a maximum of thirty-three and one-third per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, per week regardless of the average weekly wage, for the number of weeks which equals the percentage of two hundred weeks. Except on application for reconsideration, review, or modification, which is filed within ten days after the date of receipt of the decision of the district hearing officer, in no instance shall the former award be modified unless it is found from medical or clinical findings that the condition of the claimant resulting from the injury has so progressed as to have increased the percentage of permanent partial disability. A staff hearing officer shall hear an application for reconsideration filed and the staff hearing officer's decision is final. An employee may file an application for a subsequent determination of the percentage of the employee's permanent disability. If such an application is filed, the bureau shall send a copy of the application to the employer or the employer's representative. No sooner than sixty

days from the date of the mailing of the application to the 907  
employer or the employer's representative, the administrator 908  
shall review the application. The administrator may require a 909  
medical examination or medical review of the employee. The 910  
administrator shall issue a tentative order based upon the 911  
evidence before the administrator, provided that if the 912  
administrator requires a medical examination or medical review, 913  
the administrator shall not issue the tentative order until the 914  
completion of the examination or review. 915

The employer may obtain a medical examination of the 916  
employee and may submit medical evidence at any stage of the 917  
process up to a hearing before the district hearing officer, 918  
pursuant to rules of the commission. The administrator shall 919  
notify the employee, the employer, and their representatives, in 920  
writing, of the nature and amount of any tentative order issued 921  
on an application requesting a subsequent determination of the 922  
percentage of an employee's permanent disability. An employee, 923  
employer, or their representatives may object to the tentative 924  
order within twenty days after the receipt of the notice 925  
thereof. If no timely objection is made, the tentative order 926  
shall go into effect. In no event shall there be a 927  
reconsideration of a tentative order issued under this division. 928  
If an objection is timely made, the application for a subsequent 929  
determination shall be referred to a district hearing officer 930  
who shall set the application for a hearing with written notice 931  
to all interested persons. No application for subsequent 932  
percentage determinations on the same claim for injury or 933  
occupational disease shall be accepted for review by the 934  
district hearing officer unless supported by substantial 935  
evidence of new and changed circumstances developing since the 936  
time of the hearing on the original or last determination. 937



No award shall be made under this division based upon a percentage of disability which, when taken with all other percentages of permanent disability, exceeds one hundred per cent. If the percentage of the permanent disability of the employee equals or exceeds ninety per cent, compensation for permanent partial disability shall be paid for two hundred weeks.

Compensation payable under this division accrues and is payable to the employee from the date of last payment of compensation, or, in cases where no previous compensation has been paid, from the date of the injury or the date of the diagnosis of the occupational disease.

When an award under this division has been made prior to the death of an employee, all unpaid installments accrued or to accrue under the provisions of the award are payable to the surviving spouse, or if there is no surviving spouse, to the dependent children of the employee, and if there are no children surviving, then to other dependents as the administrator determines.

(B) For purposes of this division, "payable per week" means the seven-consecutive-day period in which compensation is paid in installments according to the schedule associated with the applicable injury as set forth in this division.

Compensation paid in weekly installments according to the schedule described in this division may only be commuted to one or more lump sum payments pursuant to the procedure set forth in section 4123.64 of the Revised Code.

In cases included in the following schedule the compensation payable per week to the employee is the statewide

average weekly wage as defined in division (C) of section 967  
4123.62 of the Revised Code per week and shall be paid in 968  
installments according to the following schedule: 969

For the loss of a first finger, commonly known as a thumb, 970  
sixty weeks. 971

For the loss of a second finger, commonly called index 972  
finger, thirty-five weeks. 973

For the loss of a third finger, thirty weeks. 974

For the loss of a fourth finger, twenty weeks. 975

For the loss of a fifth finger, commonly known as the 976  
little finger, fifteen weeks. 977

The loss of a second, or distal, phalange of the thumb is 978  
considered equal to the loss of one half of such thumb; the loss 979  
of more than one half of such thumb is considered equal to the 980  
loss of the whole thumb. 981

The loss of the third, or distal, phalange of any finger 982  
is considered equal to the loss of one-third of the finger. 983

The loss of the middle, or second, phalange of any finger 984  
is considered equal to the loss of two-thirds of the finger. 985

The loss of more than the middle and distal phalanges of 986  
any finger is considered equal to the loss of the whole finger. 987  
In no case shall the amount received for more than one finger 988  
exceed the amount provided in this schedule for the loss of a 989  
hand. 990

For the loss of the metacarpal bone (bones of the palm) 991  
for the corresponding thumb, or fingers, add ten weeks to the 992  
number of weeks under this division. 993

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes any of the fingers, thumbs, or parts of either useless, the same number of weeks apply to the members or parts thereof as given for the loss thereof.

If the claimant has suffered the loss of two or more fingers by amputation or ankylosis and the nature of the claimant's employment in the course of which the claimant was working at the time of the injury or occupational disease is such that the handicap or disability resulting from the loss of fingers, or loss of use of fingers, exceeds the normal handicap or disability resulting from the loss of fingers, or loss of use of fingers, the administrator may take that fact into consideration and increase the award of compensation accordingly, but the award made shall not exceed the amount of compensation for loss of a hand.

For the loss of a hand, one hundred seventy-five weeks.

For the loss of an arm, two hundred twenty-five weeks.

For the loss of a great toe, thirty weeks.

For the loss of one of the toes other than the great toe, ten weeks.

The loss of more than two-thirds of any toe is considered equal to the loss of the whole toe.

The loss of less than two-thirds of any toe is considered no loss, except as to the great toe; the loss of the great toe up to the interphalangeal joint is co-equal to the loss of one-half of the great toe; the loss of the great toe beyond the interphalangeal joint is considered equal to the loss of the whole great toe.

For the loss of a foot, one hundred fifty weeks. 1022

For the loss of a leg, two hundred weeks. 1023

For the loss of the sight of an eye, one hundred twenty-  
five weeks. 1024  
1025

For the permanent partial loss of sight of an eye, the 1026  
portion of one hundred twenty-five weeks as the administrator in 1027  
each case determines, based upon the percentage of vision 1028  
actually lost as a result of the injury or occupational disease, 1029  
but, in no case shall an award of compensation be made for less 1030  
than twenty-five per cent loss of uncorrected vision. "Loss of 1031  
uncorrected vision" means the percentage of vision actually lost 1032  
as the result of the injury or occupational disease. 1033

For the permanent and total loss of hearing of one ear, 1034  
twenty-five weeks; but in no case shall an award of compensation 1035  
be made for less than permanent and total loss of hearing of one 1036  
ear. 1037

For the permanent and total loss of hearing, one hundred 1038  
twenty-five weeks; but, except pursuant to the next preceding 1039  
paragraph, in no case shall an award of compensation be made for 1040  
less than permanent and total loss of hearing. 1041

In case an injury or occupational disease results in 1042  
serious facial or head disfigurement which either impairs or may 1043  
in the future impair the opportunities to secure or retain 1044  
employment, the administrator shall make an award of 1045  
compensation as it deems proper and equitable, in view of the 1046  
nature of the disfigurement, and not to exceed the sum of ten 1047  
thousand dollars. For the purpose of making the award, it is not 1048  
material whether the employee is gainfully employed in any 1049  
occupation or trade at the time of the administrator's 1050

determination. 1051

When an award under this division has been made prior to 1052  
the death of an employee all unpaid installments accrued or to 1053  
accrue under the provisions of the award shall be payable to the 1054  
surviving spouse, or if there is no surviving spouse, to the 1055  
dependent children of the employee and if there are no such 1056  
children, then to such dependents as the administrator 1057  
determines. 1058

When an employee has sustained the loss of a member by 1059  
severance, but no award has been made on account thereof prior 1060  
to the employee's death, the administrator shall make an award 1061  
in accordance with this division for the loss which shall be 1062  
payable to the surviving spouse, or if there is no surviving 1063  
spouse, to the dependent children of the employee and if there 1064  
are no such children, then to such dependents as the 1065  
administrator determines. 1066

(C) Compensation for partial impairment under divisions 1067  
(A) and (B) of this section is in addition to the compensation 1068  
paid the employee pursuant to section 4123.56 of the Revised 1069  
Code. A claimant may receive compensation under divisions (A) 1070  
and (B) of this section. 1071

In all cases arising under division (B) of this section, 1072  
if it is determined by any one of the following: (1) the amputee 1073  
clinic at University hospital, Ohio state university; (2) the 1074  
opportunities for Ohioans with disabilities agency; (3) an 1075  
amputee clinic or prescribing physician approved by the 1076  
administrator or the administrator's designee, that an injured 1077  
or disabled employee is in need of an artificial appliance, or 1078  
in need of a repair thereof, regardless of whether the appliance 1079  
or its repair will be serviceable in the vocational 1080

rehabilitation of the injured employee, and regardless of 1081  
whether the employee has returned to or can ever again return to 1082  
any gainful employment, the bureau shall pay the cost of the 1083  
artificial appliance or its repair out of the surplus created by 1084  
division (B) of section 4123.34 of the Revised Code. 1085

In those cases where an opportunities for Ohioans with 1086  
disabilities ~~agency~~agency's recommendation that an injured or 1087  
disabled employee is in need of an artificial appliance would 1088  
conflict with their state plan, adopted pursuant to the 1089  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the 1090  
administrator or the administrator's designee or the bureau may 1091  
obtain a recommendation from an amputee clinic or prescribing 1092  
physician that they determine appropriate. 1093

(D) If an employee of a state fund employer makes 1094  
application for a finding and the administrator finds that the 1095  
employee has contracted silicosis as defined in division ~~(X)~~(Y), 1096  
or coal miners' pneumoconiosis as defined in division ~~(Y)~~(Z), or 1097  
asbestosis as defined in division ~~(AA)~~(BB) of section 4123.68 of 1098  
the Revised Code, and that a change of such employee's 1099  
occupation is medically advisable in order to decrease 1100  
substantially further exposure to silica dust, asbestos, or coal 1101  
dust and if the employee, after the finding, has changed or 1102  
shall change the employee's occupation to an occupation in which 1103  
the exposure to silica dust, asbestos, or coal dust is 1104  
substantially decreased, the administrator shall allow to the 1105  
employee an amount equal to fifty per cent of the statewide 1106  
average weekly wage per week for a period of thirty weeks, 1107  
commencing as of the date of the discontinuance or change, and 1108  
for a period of one hundred weeks immediately following the 1109  
expiration of the period of thirty weeks, the employee shall 1110  
receive sixty-six and two-thirds per cent of the loss of wages 1111

resulting directly and solely from the change of occupation but 1112  
not to exceed a maximum of an amount equal to fifty per cent of 1113  
the statewide average weekly wage per week. No such employee is 1114  
entitled to receive more than one allowance on account of 1115  
discontinuance of employment or change of occupation and 1116  
benefits shall cease for any period during which the employee is 1117  
employed in an occupation in which the exposure to silica dust, 1118  
asbestos, or coal dust is not substantially less than the 1119  
exposure in the occupation in which the employee was formerly 1120  
employed or for any period during which the employee may be 1121  
entitled to receive compensation or benefits under section 1122  
4123.68 of the Revised Code on account of disability from 1123  
silicosis, asbestosis, or coal miners' pneumoconiosis. An award 1124  
for change of occupation for a coal miner who has contracted 1125  
coal miners' pneumoconiosis may be granted under this division 1126  
even though the coal miner continues employment with the same 1127  
employer, so long as the coal miner's employment subsequent to 1128  
the change is such that the coal miner's exposure to coal dust 1129  
is substantially decreased and a change of occupation is 1130  
certified by the claimant as permanent. The administrator may 1131  
accord to the employee medical and other benefits in accordance 1132  
with section 4123.66 of the Revised Code. 1133

(E) If a firefighter or police officer makes application 1134  
for a finding and the administrator finds that the firefighter 1135  
or police officer has contracted a cardiovascular and pulmonary 1136  
disease as defined in division (W) of section 4123.68 of the 1137  
Revised Code, and that a change of the firefighter's or police 1138  
officer's occupation is medically advisable in order to decrease 1139  
substantially further exposure to smoke, toxic gases, chemical 1140  
fumes, and other toxic vapors, and if the firefighter, or police 1141  
officer, after the finding, has changed or changes occupation to 1142

an occupation in which the exposure to smoke, toxic gases, 1143  
chemical fumes, and other toxic vapors is substantially 1144  
decreased, the administrator shall allow to the firefighter or 1145  
police officer an amount equal to fifty per cent of the 1146  
statewide average weekly wage per week for a period of thirty 1147  
weeks, commencing as of the date of the discontinuance or 1148  
change, and for a period of seventy-five weeks immediately 1149  
following the expiration of the period of thirty weeks the 1150  
administrator shall allow the firefighter or police officer 1151  
sixty-six and two-thirds per cent of the loss of wages resulting 1152  
directly and solely from the change of occupation but not to 1153  
exceed a maximum of an amount equal to fifty per cent of the 1154  
statewide average weekly wage per week. No such firefighter or 1155  
police officer is entitled to receive more than one allowance on 1156  
account of discontinuance of employment or change of occupation 1157  
and benefits shall cease for any period during which the 1158  
firefighter or police officer is employed in an occupation in 1159  
which the exposure to smoke, toxic gases, chemical fumes, and 1160  
other toxic vapors is not substantially less than the exposure 1161  
in the occupation in which the firefighter or police officer was 1162  
formerly employed or for any period during which the firefighter 1163  
or police officer may be entitled to receive compensation or 1164  
benefits under section 4123.68 of the Revised Code on account of 1165  
disability from a cardiovascular and pulmonary disease. The 1166  
administrator may accord to the firefighter or police officer 1167  
medical and other benefits in accordance with section 4123.66 of 1168  
the Revised Code. 1169

(F) An order issued under this section is appealable 1170  
pursuant to section 4123.511 of the Revised Code but is not 1171  
appealable to court under section 4123.512 of the Revised Code. 1172

**Sec. 4123.68.** Every employee who is disabled because of 1173



the contraction of an occupational disease or the dependent of 1174  
an employee whose death is caused by an occupational disease, is 1175  
entitled to the compensation provided by sections 4123.55 to 1176  
4123.59 and 4123.66 of the Revised Code subject to the 1177  
modifications relating to occupational diseases contained in 1178  
this chapter. An order of the administrator issued under this 1179  
section is appealable pursuant to sections 4123.511 and 4123.512 1180  
of the Revised Code. 1181

The following diseases are occupational diseases and 1182  
compensable as such when contracted by an employee in the course 1183  
of the employment in which such employee was engaged and due to 1184  
the nature of any process described in this section. A disease 1185  
which meets the definition of an occupational disease is 1186  
compensable pursuant to this chapter though it is not 1187  
specifically listed in this section. 1188

SCHEDULE 1189

Description of disease or injury and description of 1190  
process: 1191

(A) Anthrax: Handling of wool, hair, bristles, hides, and 1192  
skins. 1193

(B) Glanders: Care of any equine animal suffering from 1194  
glanders; handling carcass of such animal. 1195

(C) Lead poisoning: Any industrial process involving the 1196  
use of lead or its preparations or compounds. 1197

(D) Mercury poisoning: Any industrial process involving 1198  
the use of mercury or its preparations or compounds. 1199

(E) Phosphorous poisoning: Any industrial process 1200  
involving the use of phosphorous or its preparations or 1201

compounds.	1202
(F) Arsenic poisoning: Any industrial process involving	1203
the use of arsenic or its preparations or compounds.	1204
(G) Poisoning by benzol or by nitro-derivatives and amido-	1205
derivatives of benzol (dinitro-benzol, anilin, and others): Any	1206
industrial process involving the use of benzol or nitro-	1207
derivatives or amido-derivatives of benzol or its preparations	1208
or compounds.	1209
(H) Poisoning by gasoline, benzine, naphtha, or other	1210
volatile petroleum products: Any industrial process involving	1211
the use of gasoline, benzine, naphtha, or other volatile	1212
petroleum products.	1213
(I) Poisoning by carbon bisulphide: Any industrial process	1214
involving the use of carbon bisulphide or its preparations or	1215
compounds.	1216
(J) Poisoning by wood alcohol: Any industrial process	1217
involving the use of wood alcohol or its preparations.	1218
(K) Infection or inflammation of the skin on contact	1219
surfaces due to oils, cutting compounds or lubricants, dust,	1220
liquids, fumes, gases, or vapors: Any industrial process	1221
involving the handling or use of oils, cutting compounds or	1222
lubricants, or involving contact with dust, liquids, fumes,	1223
gases, or vapors.	1224
(L) Epithelion cancer or ulceration of the skin or of the	1225
corneal surface of the eye due to carbon, pitch, tar, or tarry	1226
compounds: Handling or industrial use of carbon, pitch, or tarry	1227
compounds.	1228
(M) Compressed air illness: Any industrial process carried	1229

on in compressed air.	1230
(N) Carbon dioxide poisoning: Any process involving the evolution or resulting in the escape of carbon dioxide.	1231 1232
(O) Brass or zinc poisoning: Any process involving the manufacture, founding, or refining of brass or the melting or smelting of zinc.	1233 1234 1235
(P) Manganese dioxide poisoning: Any process involving the grinding or milling of manganese dioxide or the escape of manganese dioxide dust.	1236 1237 1238
(Q) Radium poisoning: Any industrial process involving the use of radium and other radioactive substances in luminous paint.	1239 1240 1241
(R) Tenosynovitis and prepatellar bursitis: Primary tenosynovitis characterized by a passive effusion or crepitus into the tendon sheath of the flexor or extensor muscles of the hand, due to frequently repetitive motions or vibrations, or prepatellar bursitis due to continued pressure.	1242 1243 1244 1245 1246
(S) Chrome ulceration of the skin or nasal passages: Any industrial process involving the use of or direct contact with chromic acid or bichromates of ammonium, potassium, or sodium or their preparations.	1247 1248 1249 1250
(T) Potassium cyanide poisoning: Any industrial process involving the use of or direct contact with potassium cyanide.	1251 1252
(U) Sulphur dioxide poisoning: Any industrial process in which sulphur dioxide gas is evolved by the expansion of liquid sulphur dioxide.	1253 1254 1255
(V) Berylliosis: Berylliosis means a disease of the lungs caused by breathing beryllium in the form of dust or fumes,	1256 1257

producing characteristic changes in the lungs and demonstrated 1258  
by x-ray examination, by biopsy or by autopsy. 1259

This chapter does not entitle an employee or ~~his~~the 1260  
employee's dependents to compensation, medical treatment, or 1261  
payment of funeral expenses for disability or death from 1262  
berylliosis unless the employee has been subjected to injurious 1263  
exposure to beryllium dust or fumes in ~~his~~the employee's 1264  
employment in this state preceding ~~his~~the employee's disablement 1265  
and only in the event of such disability or death resulting 1266  
within eight years after the last injurious exposure; provided 1267  
that such eight-year limitation does not apply to disability or 1268  
death from exposure occurring after January 1, 1976. In the 1269  
event of death following continuous total disability commencing 1270  
within eight years after the last injurious exposure, the 1271  
requirement of death within eight years after the last injurious 1272  
exposure does not apply. 1273

Before awarding compensation for partial or total 1274  
disability or death due to berylliosis, the administrator of 1275  
workers' compensation shall refer the claim to a qualified 1276  
medical specialist for examination and recommendation with 1277  
regard to the diagnosis, the extent of the disability, the 1278  
nature of the disability, whether permanent or temporary, the 1279  
cause of death, and other medical questions connected with the 1280  
claim. An employee shall submit to such examinations, including 1281  
clinical and x-ray examinations, as the administrator requires. 1282  
In the event that an employee refuses to submit to examinations, 1283  
including clinical and x-ray examinations, after notice from the 1284  
administrator, or in the event that a claimant for compensation 1285  
for death due to berylliosis fails to produce necessary consents 1286  
and permits, after notice from the administrator, so that such 1287  
autopsy examination and tests may be performed, then all rights 1288

for compensation are forfeited. The reasonable compensation of 1289  
such specialist and the expenses of examinations and tests shall 1290  
be paid, if the claim is allowed, as part of the expenses of the 1291  
claim, otherwise they shall be paid from the surplus fund. 1292

(W) Cardiovascular, pulmonary, or respiratory diseases 1293  
incurred by ~~fire fighters~~firefighters or police officers 1294  
following exposure to heat, smoke, toxic gases, chemical fumes 1295  
and other toxic substances: Any cardiovascular, pulmonary, or 1296  
respiratory disease of a ~~fire fighter~~firefighter or police 1297  
officer caused or induced by the cumulative effect of exposure 1298  
to heat, the inhalation of smoke, toxic gases, chemical fumes 1299  
and other toxic substances in the performance of ~~his~~the 1300  
firefighter's or police officer's duty constitutes a 1301  
presumption, which may be refuted by affirmative evidence, that 1302  
such occurred in the course of and arising out of ~~his~~the 1303  
firefighter's or police officer's employment. For the purpose of 1304  
this section, "~~fire fighter~~firefighter" means any regular member 1305  
of a lawfully constituted fire department of a municipal 1306  
corporation or township, whether paid or volunteer, and "police 1307  
officer" means any regular member of a lawfully constituted 1308  
police department of a municipal corporation, township or 1309  
county, whether paid or volunteer. 1310

This chapter does not entitle a ~~fire fighter~~firefighter, 1311  
or police officer, or ~~his~~the firefighter's or police officer's 1312  
dependents to compensation, medical treatment, or payment of 1313  
funeral expenses for disability or death from a cardiovascular, 1314  
pulmonary, or respiratory disease, unless the ~~fire-~~ 1315  
~~fighter~~firefighter or police officer has been subject to 1316  
injurious exposure to heat, smoke, toxic gases, chemical fumes, 1317  
and other toxic substances in ~~his~~the firefighter's or police 1318  
officer's employment in this state preceding ~~his~~the 1319

firefighter's or police officer's disablement, some portion of 1320  
which has been after January 1, 1967, except as provided in 1321  
division (E) of section 4123.57 of the Revised Code. 1322

Compensation on account of cardiovascular, pulmonary, or 1323  
respiratory diseases of ~~fire fighters~~firefighters and police 1324  
officers is payable only in the event of temporary total 1325  
disability, permanent total disability, or death, in accordance 1326  
with section 4123.56, 4123.58, or 4123.59 of the Revised Code. 1327  
Medical, hospital, and nursing expenses are payable in 1328  
accordance with this chapter. Compensation, medical, hospital, 1329  
and nursing expenses are payable only in the event of such 1330  
disability or death resulting within eight years after the last 1331  
injurious exposure; provided that such eight-year limitation 1332  
does not apply to disability or death from exposure occurring 1333  
after January 1, 1976. In the event of death following 1334  
continuous total disability commencing within eight years after 1335  
the last injurious exposure, the requirement of death within 1336  
eight years after the last injurious exposure does not apply. 1337

This chapter does not entitle a ~~fire fighter~~firefighter or 1338  
police officer, or ~~his~~the firefighter's or police officer's 1339  
dependents, to compensation, medical, hospital, and nursing 1340  
expenses, or payment of funeral expenses for disability or death 1341  
due to a cardiovascular, pulmonary, or respiratory disease in 1342  
the event of failure or omission on the part of the ~~fire fighter~~ 1343  
firefighter or police officer truthfully to state, when seeking 1344  
employment, the place, duration, and nature of previous 1345  
employment in answer to an inquiry made by the employer. 1346

Before awarding compensation for disability or death under 1347  
this division, the administrator shall refer the claim to a 1348  
qualified medical specialist for examination and recommendation 1349

with regard to the diagnosis, the extent of disability, the  
cause of death, and other medical questions connected with the  
claim. A ~~fire fighter~~firefighter or police officer shall submit  
to such examinations, including clinical and x-ray examinations,  
as the administrator requires. In the event that a ~~fire~~  
~~fighter~~firefighter or police officer refuses to submit to  
examinations, including clinical and x-ray examinations, after  
notice from the administrator, or in the event that a claimant  
for compensation for death under this division fails to produce  
necessary consents and permits, after notice from the  
administrator, so that such autopsy examination and tests may be  
performed, then all rights for compensation are forfeited. The  
reasonable compensation of such specialists and the expenses of  
examination and tests shall be paid, if the claim is allowed, as  
part of the expenses of the claim, otherwise they shall be paid  
from the surplus fund.

(X) (1) Cancer contracted by a firefighter: Any of the  
following types of cancer contracted by a firefighter who has  
been assigned to at least five years of hazardous duty as a  
firefighter, constitutes a presumption, which may be refuted by  
affirmative evidence, that the cancer was contracted in the  
course of and arising out of the firefighter's employment:

(a) Cancer of the breast, bone, lung, brain, kidney,  
bladder, skin, prostate, scrotum, testicle, cervix, ovary, or  
uterus;

(b) Gastrointestinal cancer, which includes cancers of the  
anus, colon, bile duct, esophagus, liver, pancreas, peritoneal  
cavity, rectum, small intestine, and stomach;

(c) Laryngeal, hypopharyngeal, nasopharyngeal, pharyngeal,  
or tracheal cancer;

<u>(d) Hodgkins or Non-Hodgkins lymphoma;</u>	1380
<u>(e) Leukemia;</u>	1381
<u>(f) Multiple myeloma;</u>	1382
<u>(g) Mesothelioma;</u>	1383
<u>(h) Soft tissue sarcoma.</u>	1384
<u>(2) In the case of a volunteer firefighter, the</u>	1385
<u>presumption shall apply only if the five years of hazardous duty</u>	1386
<u>constitutes firefighting duties and not emergency medical</u>	1387
<u>services.</u>	1388
<u>(3) As used in this division:</u>	1389
<u>(a) "Emergency medical service" has the same meaning as in</u>	1390
<u>section 4765.01 of the Revised Code.</u>	1391
<u>(b) "Hazardous duty" has the same meaning as in 5 C.F.R.</u>	1392
<u>550.902, as amended.</u>	1393
<u>(Y) Silicosis: Silicosis means a disease of the lungs</u>	1394
<u>caused by breathing silica dust (silicon dioxide) producing</u>	1395
<u>fibrous nodules distributed through the lungs and demonstrated</u>	1396
<u>by x-ray examination, by biopsy or by autopsy.</u>	1397
<del>(Y)</del> <u>(Z) Coal miners' pneumoconiosis: Coal miners'</u>	1398
<u>pneumoconiosis, commonly referred to as "black lung disease,"</u>	1399
<u>resulting from working in the coal mine industry and due to</u>	1400
<u>exposure to the breathing of coal dust, and demonstrated by x-</u>	1401
<u>ray examination, biopsy, autopsy or other medical or clinical</u>	1402
<u>tests.</u>	1403
<u>This chapter does not entitle an employee or <del>his</del> <u>the</u></u>	1404
<u>employee's dependents to compensation, medical treatment, or</u>	1405
<u>payment of funeral expenses for disability or death from</u>	1406



silicosis, asbestosis, or coal miners' pneumoconiosis unless the 1407  
employee has been subject to injurious exposure to silica dust 1408  
(silicon dioxide), asbestos, or coal dust in ~~his~~the employee's 1409  
employment in this state preceding ~~his~~the employee's 1410  
disablement, some portion of which has been after October 12, 1411  
1945, except as provided in division (E) of section 4123.57 of 1412  
the Revised Code. 1413

Compensation on account of silicosis, asbestosis, or coal 1414  
miners' pneumoconiosis are payable only in the event of 1415  
temporary total disability, permanent total disability, or 1416  
death, in accordance with sections 4123.56, 4123.58, and 4123.59 1417  
of the Revised Code. Medical, hospital, and nursing expenses are 1418  
payable in accordance with this chapter. Compensation, medical, 1419  
hospital, and nursing expenses are payable only in the event of 1420  
such disability or death resulting within eight years after the 1421  
last injurious exposure; provided that such eight-year 1422  
limitation does not apply to disability or death occurring after 1423  
January 1, 1976, and further provided that such eight-year 1424  
limitation does not apply to any asbestosis cases. In the event 1425  
of death following continuous total disability commencing within 1426  
eight years after the last injurious exposure, the requirement 1427  
of death within eight years after the last injurious exposure 1428  
does not apply. 1429

This chapter does not entitle an employee or ~~his~~the 1430  
employee's dependents to compensation, medical, hospital and 1431  
nursing expenses, or payment of funeral expenses for disability 1432  
or death due to silicosis, asbestosis, or coal miners' 1433  
pneumoconiosis in the event of the failure or omission on the 1434  
part of the employee truthfully to state, when seeking 1435  
employment, the place, duration, and nature of previous 1436  
employment in answer to an inquiry made by the employer. 1437

Before awarding compensation for disability or death due 1438  
to silicosis, asbestosis, or coal miners' pneumoconiosis, the 1439  
administrator shall refer the claim to a qualified medical 1440  
specialist for examination and recommendation with regard to the 1441  
diagnosis, the extent of disability, the cause of death, and 1442  
other medical questions connected with the claim. An employee 1443  
shall submit to such examinations, including clinical and x-ray 1444  
examinations, as the administrator requires. In the event that 1445  
an employee refuses to submit to examinations, including 1446  
clinical and x-ray examinations, after notice from the 1447  
administrator, or in the event that a claimant for compensation 1448  
for death due to silicosis, asbestosis, or coal miners' 1449  
pneumoconiosis fails to produce necessary consents and permits, 1450  
after notice from the commission, so that such autopsy 1451  
examination and tests may be performed, then all rights for 1452  
compensation are forfeited. The reasonable compensation of such 1453  
specialist and the expenses of examinations and tests shall be 1454  
paid, if the claim is allowed, as a part of the expenses of the 1455  
claim, otherwise they shall be paid from the surplus fund. 1456

~~(Z)~~ (AA) Radiation illness: Any industrial process 1457  
involving the use of radioactive materials. 1458

Claims for compensation and benefits due to radiation 1459  
illness are payable only in the event death or disability 1460  
occurred within eight years after the last injurious exposure 1461  
provided that such eight-year limitation does not apply to 1462  
disability or death from exposure occurring after January 1, 1463  
1976. In the event of death following continuous disability 1464  
which commenced within eight years of the last injurious 1465  
exposure the requirement of death within eight years after the 1466  
last injurious exposure does not apply. 1467

~~(AA)~~ (BB) Asbestosis: Asbestosis means a disease caused by 1468  
inhalation or ingestion of asbestos, demonstrated by x-ray 1469  
examination, biopsy, autopsy, or other objective medical or 1470  
clinical tests. 1471

All conditions, restrictions, limitations, and other 1472  
provisions of this section, with reference to the payment of 1473  
compensation or benefits on account of silicosis or coal miners' 1474  
pneumoconiosis apply to the payment of compensation or benefits 1475  
on account of any other occupational disease of the respiratory 1476  
tract resulting from injurious exposures to dust. 1477

The refusal to produce the necessary consents and permits 1478  
for autopsy examination and testing shall not result in 1479  
forfeiture of compensation provided the administrator finds that 1480  
such refusal was the result of bona fide religious convictions 1481  
or teachings to which the claimant for compensation adhered 1482  
prior to the death of the decedent. 1483

**Sec. 4766.09.** This chapter does not apply to any of the 1484  
following: 1485

(A) A person rendering services with an ambulance in the 1486  
event of a disaster situation when licensees' vehicles based in 1487  
the locality of the disaster situation are incapacitated or 1488  
insufficient in number to render the services needed; 1489

(B) Any person operating an ambulance, ambulette, 1490  
rotorcraft air ambulance, or fixed wing air ambulance outside 1491  
this state unless receiving a person within this state for 1492  
transport to a location within this state; 1493

(C) A publicly owned or operated emergency medical service 1494  
organization and the vehicles it owns or leases and operates, 1495  
except as provided in section 307.051, division (G) of section 1496

307.055, division (F) of section 505.37, division ~~(B)~~(C) of 1497  
section 505.375, and division (B) (3) of section 505.72 of the 1498  
Revised Code; 1499

(D) An ambulance, ambulette, rotorcraft air ambulance, 1500  
fixed wing air ambulance, or nontransport vehicle owned or 1501  
leased and operated by the federal government; 1502

(E) A publicly owned and operated fire department vehicle; 1503

(F) Emergency vehicles owned by a corporation and 1504  
operating only on the corporation's premises, for the sole use 1505  
by that corporation; 1506

(G) An ambulance, nontransport vehicle, or other emergency 1507  
medical service organization vehicle owned and operated by a 1508  
municipal corporation; 1509

(H) A motor vehicle titled in the name of a volunteer 1510  
rescue service organization, as defined in section 4503.172 of 1511  
the Revised Code; 1512

(I) A public emergency medical service organization; 1513

(J) A fire department, rescue squad, or life squad 1514  
comprised of volunteers who provide services without expectation 1515  
of remuneration and do not receive payment for services other 1516  
than reimbursement for expenses; 1517

(K) A private, nonprofit emergency medical service 1518  
organization when fifty per cent or more of its personnel are 1519  
volunteers, as defined in section 4765.01 of the Revised Code; 1520

(L) Emergency medical service personnel who are regulated 1521  
by the state board of emergency medical, fire, and 1522  
transportation services under Chapter 4765. of the Revised Code; 1523

- (M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan: 1524  
1525  
1526  
1527
- (1) A public nonemergency medical service organization; 1528
  - (2) An urban or rural public transit system; 1529
  - (3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code. 1530  
1531
- (N) (1) An entity, to the extent it provides ambulette services, if the entity meets all of the following conditions: 1532  
1533
- (a) The entity is certified by the department of aging or the department's designee in accordance with section 173.391 of the Revised Code or operates under a contract or grant agreement with the department or the department's designee in accordance with section 173.392 of the Revised Code. 1534  
1535  
1536  
1537  
1538
  - (b) The entity meets the requirements of section 4766.14 of the Revised Code. 1539  
1540
  - (c) The entity does not provide ambulette services that are reimbursed under the state medicaid plan. 1541  
1542
- (2) A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions: 1543  
1544  
1545
- (a) The vehicle is owned by an entity that meets the conditions specified in division (N) (1) of this section. 1546  
1547
  - (b) The vehicle does not provide ambulette services that are reimbursed under the state medicaid plan. 1548  
1549
- (O) A vehicle that meets both of the following criteria, 1550

unless the vehicle provides services that are reimbursed under 1551  
the state medicaid plan: 1552

(1) The vehicle was purchased with funds from a grant made 1553  
by the United States secretary of transportation under 49 U.S.C. 1554  
5310; 1555

(2) The department of transportation holds a lien on the 1556  
vehicle. 1557

**Section 2.** That existing sections 124.42, 505.374, 1558  
505.375, 505.38, 709.012, 737.08, 737.22, 742.38, 4123.57, 1559  
4123.68, and 4766.09 of the Revised Code are hereby repealed. 1560

**Section 3.** The amendment made by this act to section 1561  
742.38 of the Revised Code applies only to an application for a 1562  
disability benefit that is filed on or after the effective date 1563  
of this act. 1564

**Section 4.** The amendments made by this act to sections 1565  
4123.57 and 4123.68 of the Revised Code apply only to claims 1566  
pursuant to Chapters 4121. and 4123. of the Revised Code arising 1567  
on or after the effective date of this act. 1568