



**1977 Police Officers' and Firefighters'
Pension Secretaries Seminar**

June 13, 2024

10am -2pm



Agenda

- Opening Remarks – INPRS – (10 – 10:05am)
- INPRS EA Presentation - INPRS (10:05-11am)
- INPRS Legislative Updates - Attorney Donna Frank (11-12pm)
- Working Lunch (12-1pm)
- Dr. Darren Higginbotham – Pre-employment baseline exam & mental health disability process and 2- year review panels (12pm – 1pm)
- Best Practice Panel Discussion (1-2pm)



Administrative Updates

Presenter – Alicia Frank

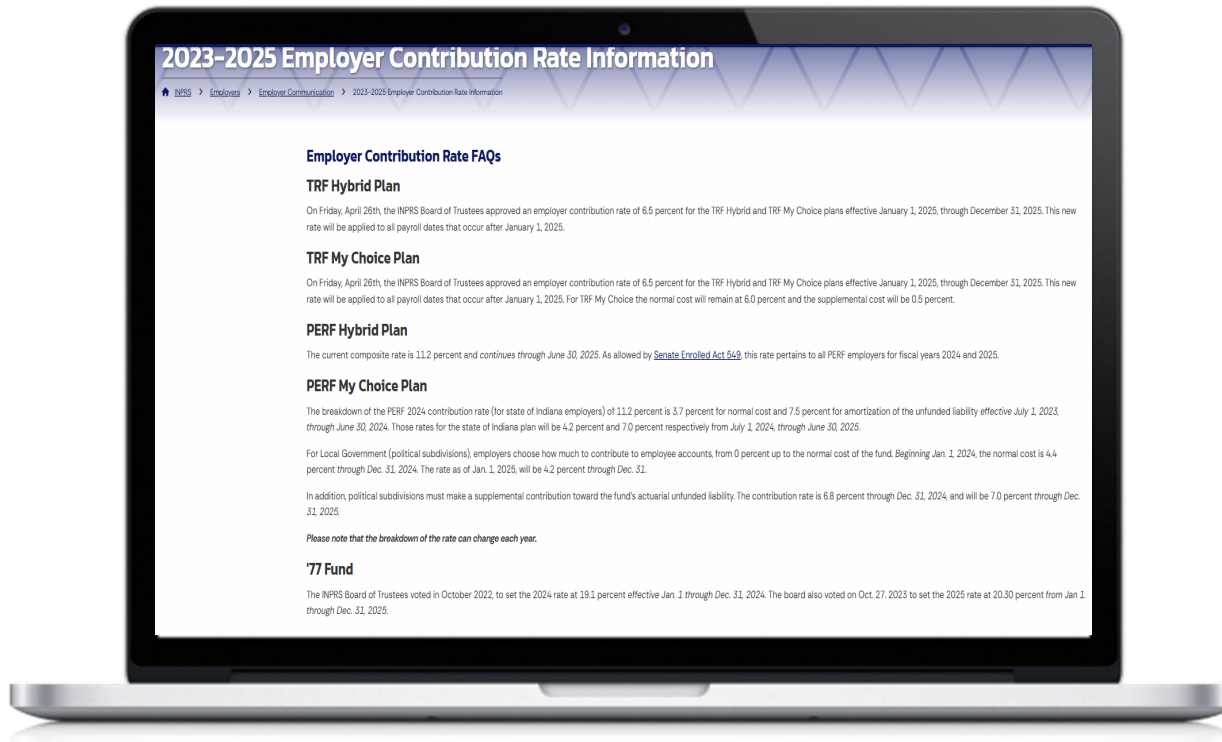
Employer Advocate Supervisor



1977 Fund Rate

- The current rate is 20.30% *through Dec. 31, 2025.*
- The INPRS Board of Trustees voted on Oct. 25, 2024, to set the 2026 rate at 23.30% *effective Jan. 1, 2026, through Dec. 31, 2026.*

Employer Communication from INPRS



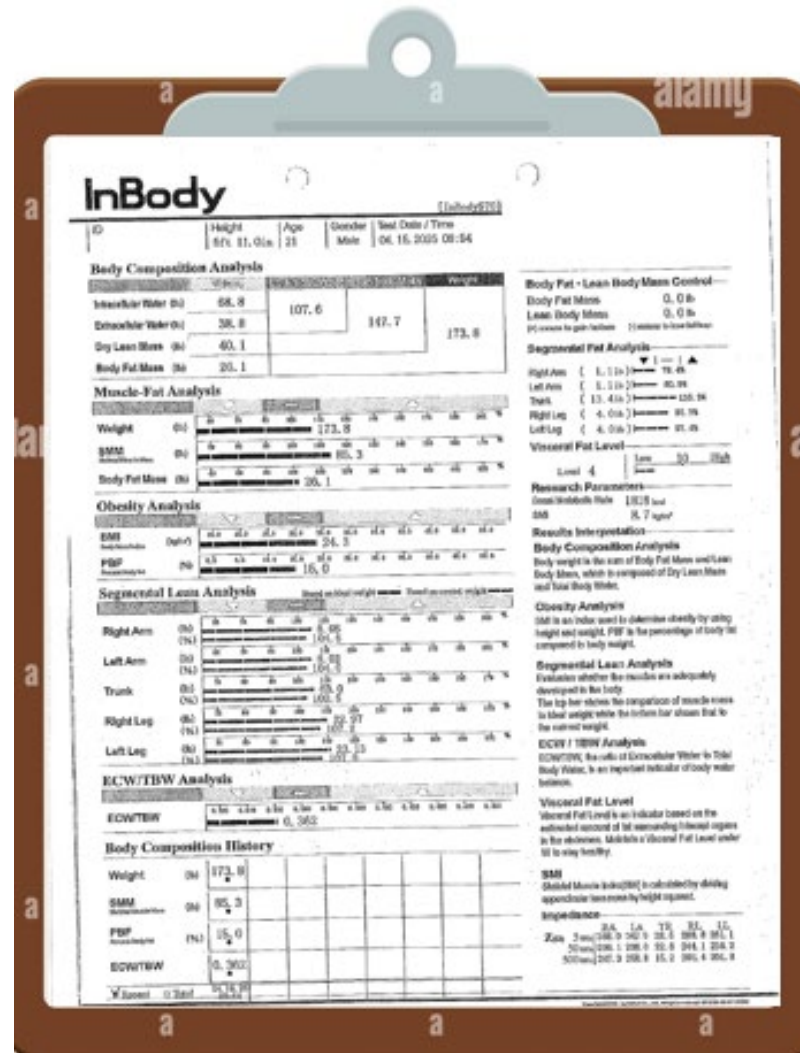


Baseline Application Updates

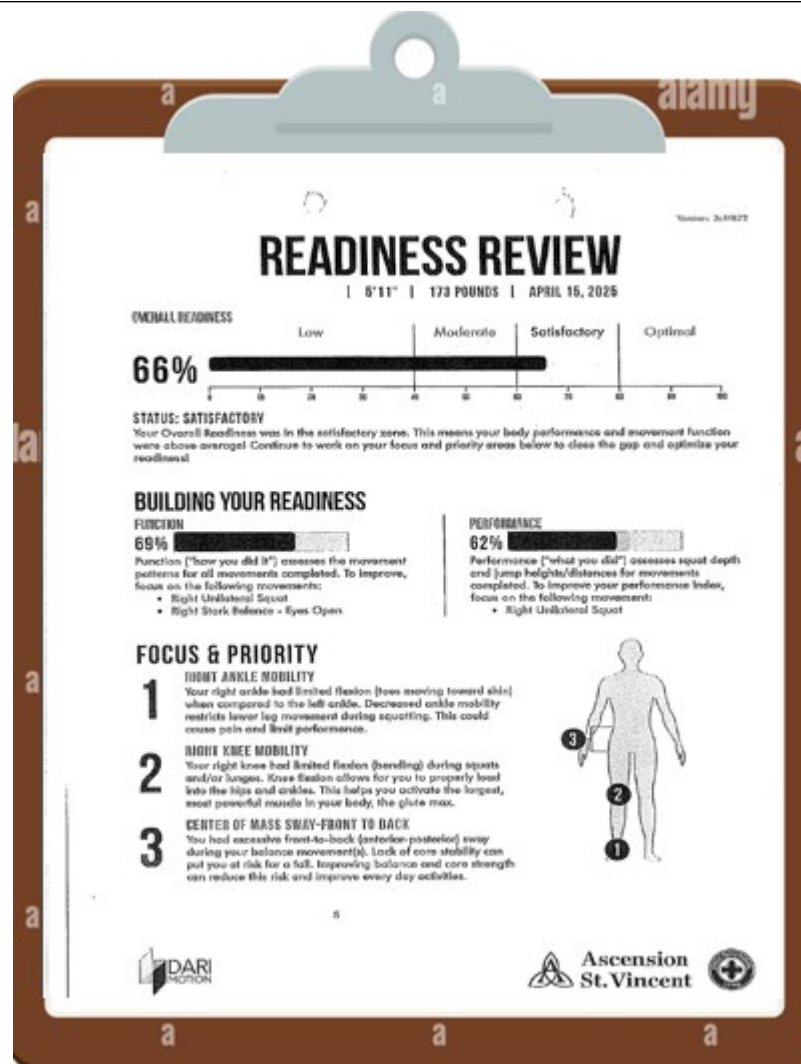
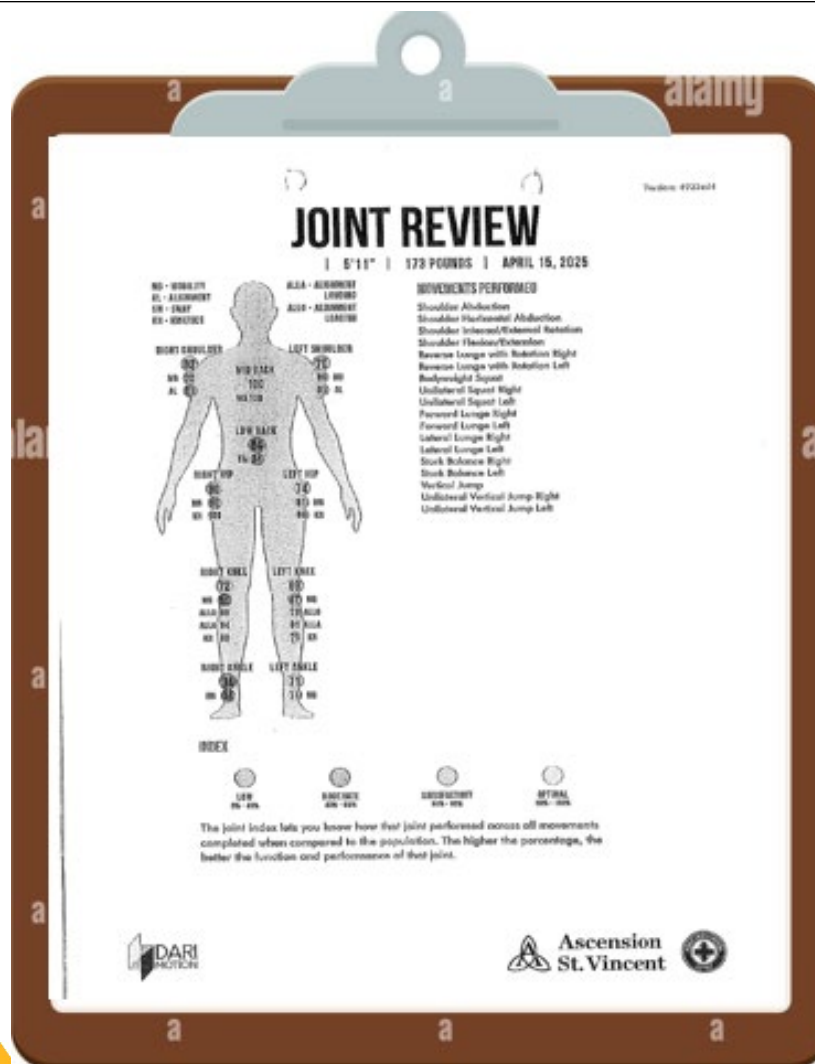
- Chest X-ray adding thoracic, lumbar, and cervical x-ray.
- Treadmill cardiac stress test/submax (Bruce protocol) treadmill evaluation
 - Acceptable testing: VO2 max or Cardiopulmonary Exercise Testing (CPET)
- Respirator clearance questionnaire
- Functional Movement or orthopedic screening or both as indicated
 - Acceptable testing: DARI Motion and InBody
- Another acceptable TB testing is IGRA

DATE: 01/01/2008 INFO - PERS: _____ _____	SERVICE [x] Direct Mail [] Direct Mail (Date - M, D, Y) M: 11 D: 11 Y: 2008	CCS DEPARTMENT: [] YES [x] NO Prior CCS [] YES [x] NO Year: _____ Rank: _____	Treadmill Evaluation Form 																																																																																																																																																																								
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Example of Functional Movement-InBody



Example of Functional Movement- Dari Motion



Baseline Process Reminders

- Complete the baseline application, and send with completed medical requirements, ***at least 30 days*** prior to intended date of hire.
- Must be approved before enrollment and reporting Certified Salary wages and contributions to INPRS.
- Intent to Hire form may replace the need for a baseline application if lateral transfer is less than **180 days** from termination at previous unit.



1977 Fund Pension Relief Payments

- Payments to Unit(s)
 - June & October
- Reporting a death of a pensioner and/or a survivor
- Payments after a pensioner and/or survivor death
- Overpayments





ERM Contact Cleanup

- Ensure your unit has Contact Types listed appropriately in ERM under the Manage Submission Unit Screen
- Baseline related emails are sent to the following Contact Types:
 - Authorized Agent/Clerk Treasurer
 - Chief
 - Pension Secretary
- Contact Types are used for mailing distribution lists from INPRS. Examples:
 - Certified Salary
 - Pension Relief
 - Rate Information

How to Update ERM Contacts

- If the contact is inactive, use the following steps:
 - Click Modify next to the contact's name
 - Change the status from Active to Inactive, click Save

If you have a new contact not located in ERM, use the following steps:

- Click the box Add Contact
- Enter the new contact's information and assign Contact Types, click Save
- If you have a contact that needs ERM User Roles:
 - Click Administration, then Users
 - Click Create User or Modify User to update as needed



Employer Advocate Team Contact Information



www.inprs.in.gov



eppa@inprs.in.gov



Toll-Free
(888) 876-2707







Legal Updates

Donna Frank

Deputy Compliance Counsel

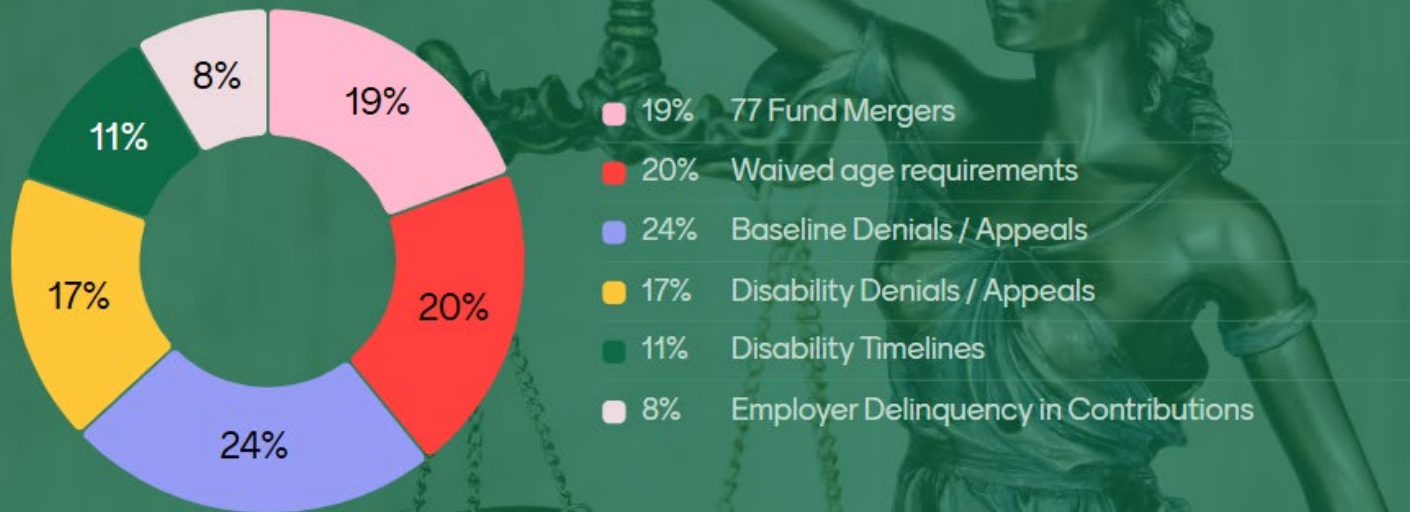
June 2025

(844) GO-INPRS
inprs.in.gov

Topics

Mentimeter

During the legal / legislative update presentation. What topics are most important to you?



Agenda

- 1977 Fund Member Entry: Age Requirements and Baseline Denials / Appeals
- Disability Denials, Appeals, and Process
- 1977 Fund Employers: Mergers and Contributions
- Legislation



Legal Updates

1977 Fund Age Requirements

1977 Fund Age Requirements

- IC 36-8-8-7(a)(1) requires police officers and firefighters to be less than 40 years of age on entry into the 1977 Fund
- There are exceptions to the age requirement, though



1977 Fund Age Requirements

Some exceptions described in IC 36-8-8-7 apply:

- Hired before 5/1/77, did not convert, and
 - Was rehired after 4/30/77 by the same employer
 - Was rehired after 4/30/77 and before 2/1/79, and was made before 2/1/79 a member of the 1925, 1937, or 1953 Fund
 - Was rehired by another unit after 12/31/81 and made after 12/31/81 a member of a 1925, 1937, or 1953 Fund
- Firefighters who are employed by a 1977 Fund unit,
 - Were employed as EMT by political subdivision fully or partially in jurisdiction,
 - Were in PERF, and
 - Transferred employment from subdivision to unit due to EMS reorganization

1977 Fund Age Requirements

Some exceptions described in IC 36-8-8-7 apply:

- Fire Chief under IC 36-8-4-6(c) waiver or Police Chief under IC 36-8-4-6.5(c) waiver, and executive of unit requests 1977 Fund coverage, and the person was previously a 1977 Fund member
- Police officer and firefighters who were members of 77 Fund before consolidation under IC 36-3-1-5.1 / 36-3-1-6.1 / IC 8-22-3-11.6, employer was consolidated, and becomes employee of consolidated law enforcement or fire department
- Police officer or firefighter who is an active 1977 Fund member, separates from that employer and is reemployed within 180 days after separation as a full-time police officer or firefighter in a unit that participates in the 1977 Fund

1977 Fund Age Requirements

Some exceptions described in IC 36-8-8-7 apply:

- Police Officer or Firefighter who is an active member, separates, and more than 180 days becomes employed as a full-time police officer or firefighter with a 1977 Fund unit age is waived if the person can accrue 20 years of service by age 60
- Age requirement is 40 years and 6 months if conditions in IC 36-8-4.7 are met (Employment of Veterans as Public Safety Officers)

1977 Fund Age Requirements

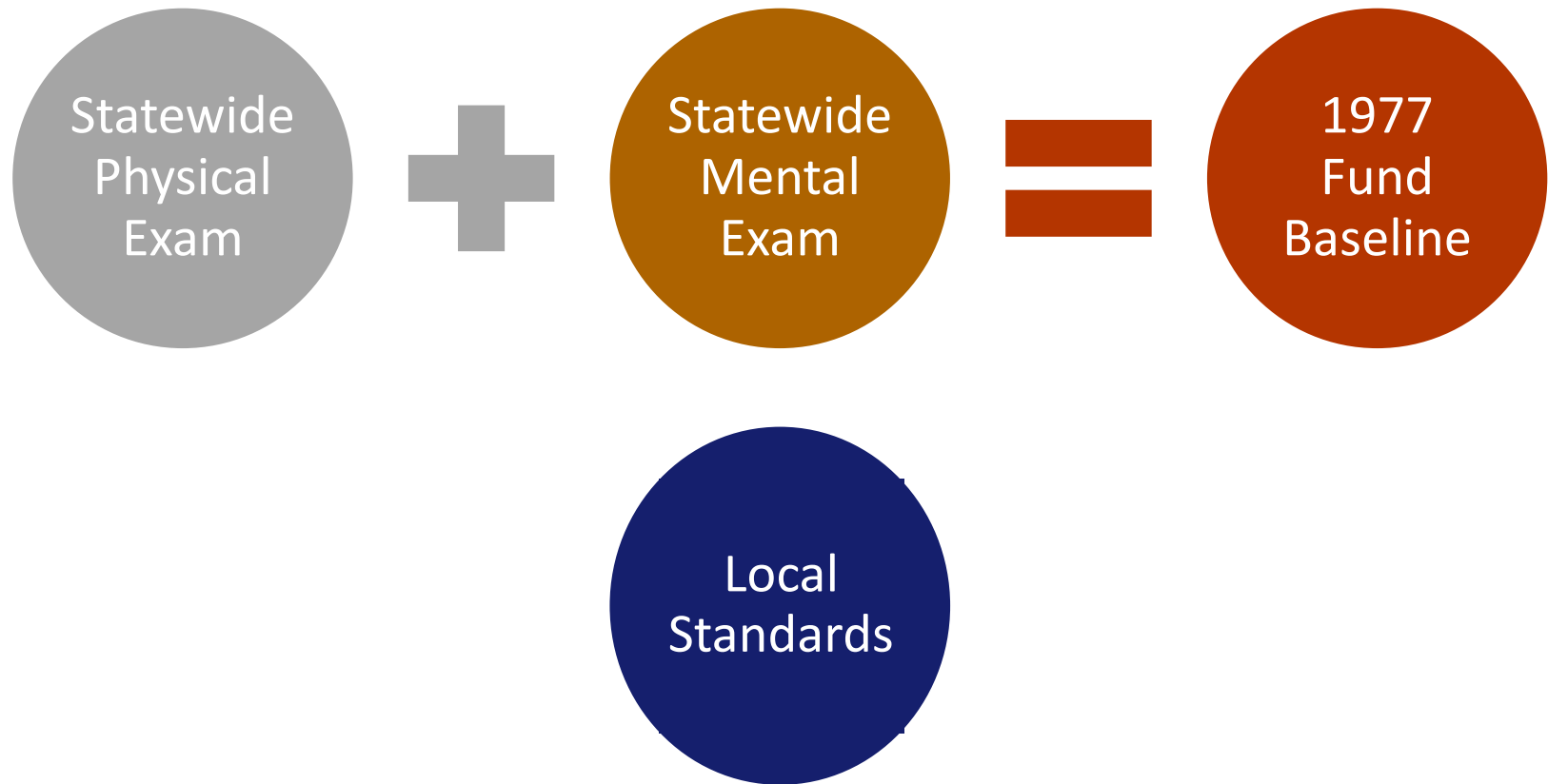
- When an Employer joins the 1977 Fund:
 - Police officers or Firefighters of a unit, airport authority, or Fire department after EMS reorganization at time of joining *do not* have to meet the age limitation
 - The age limitation waiver *does not* apply to school resource officers
- IC 36-8-8-21, IC 36-8-8-21.5, IC 36-8-8-3



Legal Updates

1977 Fund Baselines

1977 Fund Baselines



1977 Fund Baselines



Baseline statewide physical and mental examination are in addition to local standards



Statewide Physical Examination (IC 36-8-8-19)

Must be administered by a licensed physician

Must include general medical history

Must include tests identified in Administrative Code



Statewide Mental Examination (IC 36-8-8-19)

Standards for passing shall be determined by the local board

Local board can designate a community mental health center or managed care provider (IC 12-7-2-127(b)), hospital, licensed physician, or licensed psychologist to administer the mental exam

Results can *only* be interpreted by a licensed physician or licensed psychologist

1977 Fund Baselines

Excludable Conditions



- Permit Entry into the 1977 Fund
- Places prohibitions on certain Class 3 Disabilities
- Identified in 35 IAC 2-10-2

Disqualifying Conditions



- Disqualifies person from entering the 1977 Fund
- Identified in 2-9-6

1977 Fund Baselines: Excludable Conditions

- When do excludable conditions prohibit class 3 disabilities?
 - For members hired after 3/1/92, a 'covered impairment' does not include a class 3 impairment that begins after entry/reentry and is *related in any manner* to the class 3 excludable condition
 - If it is not a 'covered impairment' disability is not possible
 - IC 36-8-8-12.3(c)



1977 Fund Baselines: Excludable Conditions

- If a member has an excludable condition and
 - a class 3 impairment is *not related in any manner* to the excludable condition and
 - Member has completed at least 4 years of service with employer after entry/reentry
- If a member has an excludable condition and a class 3 impairment is related in any manner to the excludable condition, the person is not entitled to monthly base disability benefit
- If in the 1st 4 years of service with employer, a member with an excludable condition has a class 3 impairment based on an *accidental injury* not related in any manner to the excludable condition, can get disability with regard to accidental injury.



1977 Fund Baselines: Disqualifying Conditions

- 35 IAC 2-9-6
- Vision
 - Binocular vision not correctable to at least 20/30
 - Vision of worst eye not correctable to at least 20/50
 - Uncorrected binocular vision worse than 20/100 except for long-term successful users of soft contact lenses
 - In ability to identify red, green, and yellow
 - Uncorrected field of vision worse than 140 degrees peripheral vision each eye
- Hearing deficit (see rule)
- Communicable disease or condition that poses significant risk of substantial harm to the health or safety of the candidate, coworkers, or members of the public



1977 Fund Baselines: Disqualifying Conditions

- Suddenly incapacitating diseases or conditions – physical or mental (unless controlled by medication and the candidate affirms taking medication)
- Alcohol Use
 - Any history of alcoholism, unless the candidate has successfully rehabilitated for a period of at least 1 year and
 - Successfully passes examination for alcohol usage and
 - Candidate affirms no longer engaging in use of alcohol and
 - Has rehabilitated for a period of at least 1 year before employment application
- Drug Use
 - Any history of illegal drug use or evidence of drug abuse, unless candidate has successfully rehabilitated for a period of at least 1 year, and
 - Successfully passes an examination for the use of drugs or drug abuse, and
 - Candidate affirms no longer engaging in drug abuse and
 - Has successfully rehabilitated for a period of at least 1 year before employment application



1977 Fund Baselines

- Members can appeal excludable conditions
- Follow instructions provided in communications
- EA Team obtains and sends the additional medical documentation to our medical authority for review

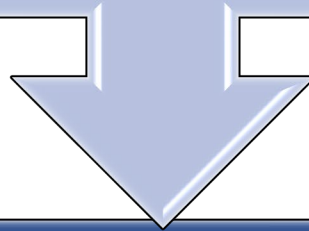


Legal Updates

1977 Fund Disabilities & Appeals

1977 Fund Disabilities: Process and Appeals

Focusing on individuals hired after 12/31/89 or selected coverage under the 1990 disability provisions



Local board is required to conduct a hearing to determine whether there is a covered impairment if

Fund member requests or

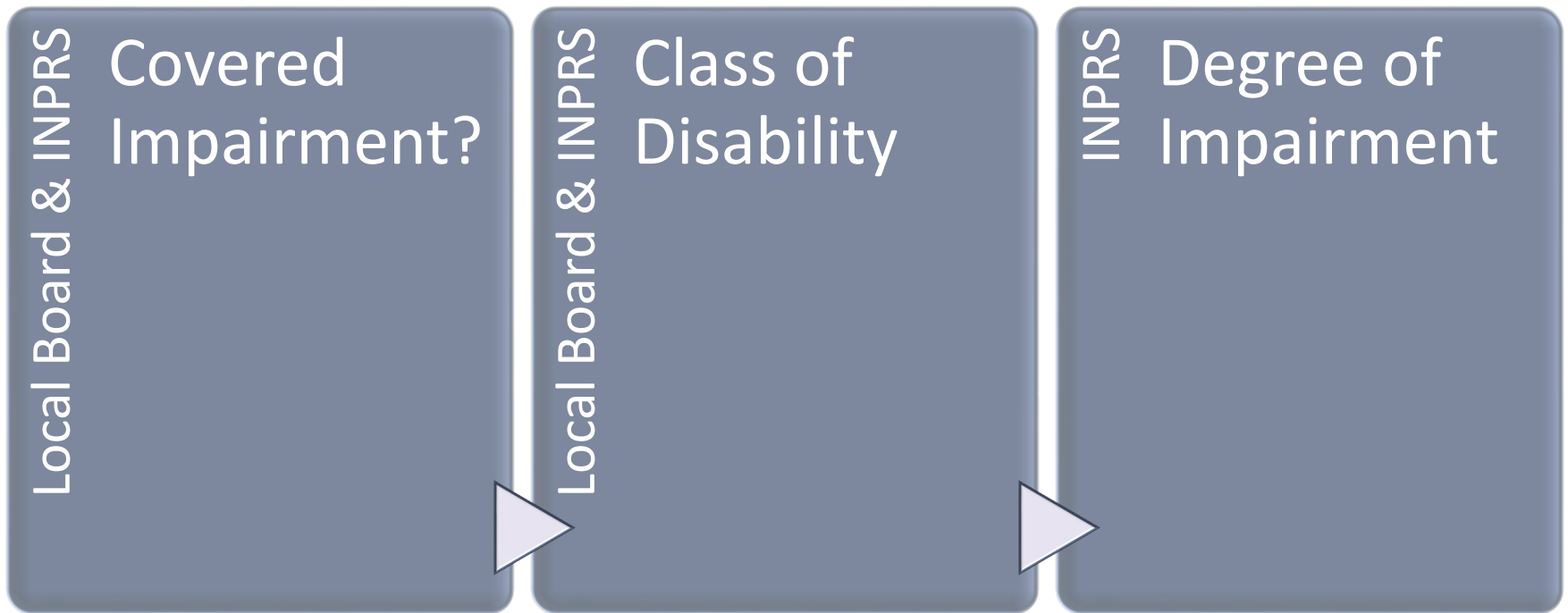
Safety board requests

See IC 36-8-8-12.3(a)

1977 Fund Disabilities: Process and Appeals

- 5+ days before hearing: Local board must give notice to member and safety board
- Hearing must be held within 90 days after fund member requests hearing
- Written determinations must be distributed to fund member and safety board no more than 30 days after the hearing
- IC 36-8-8-12.7

1977 Fund Disabilities: Process and Appeals



1977 Fund Disabilities: Process and Appeals

What is a “Covered Impairment?”

- Impairment
- Permanently or temporarily makes a fund member
- Unable to perform the essential function of the member’s duties
- Considering reasonable accommodation to extent required by ADA
- IC 36-8-8-12.3

1977 Fund Disabilities: Process and Appeals

What is a “Covered Impairment?”

It is NOT something that:

- Results from intentional self-inflicted injury or attempted suicide while sane or insane
- Results from member’s commission or attempted commission of a felony
- Begins within 2 years after entry/reentry to service caused or contributed to by a mental or physical condition that manifested itself before entry/reentry *only 1 two year period for the same condition.
- Occasioned in whole or part by member currently engaging in use of a controlled substance or unlawful use of prescription drug
- IC 36-8-8-12.3

1977 Fund Disabilities: Process and Appeals

IC 36-8-8-12.5, IC 36-8-8-13.5

Class 1	Class 2	Class 3
<ul style="list-style-type: none">• Personal injury, occurs while on duty• Or off duty and responding to offense/emergency• Occupational disease IC 22-3-7-10• Health condition caused by exposure risk disease resulting in presumption of disability or death IC 5-10-13	<ul style="list-style-type: none">• Duty related disease, when<ul style="list-style-type: none">• Rational connection between duties performed and disease• Disease can be seen as natural incident of duties as result of exposure occasioned by nature of duties• Disease can be traces to employment as proximate cause• Health condition caused by exposure-related heart or lung disease, cancer, or Parkinsons (IC 5-10-15)	<ul style="list-style-type: none">• Not a class 1 or class 2 impairment
Base 45%	Base 22%	Yrs * 1% FCO

1977 Fund Disabilities: Process and Appeals

- Impairment addition to base benefit for disability is between 10% and 45% FCO salary, depending upon the actual degree of impairment
- Determined by INPRS Medical Authority
- Impairment is based on the current version of American Medical Association: Guidelines of Disability Ratings
- IC 36-8-8-13.5, 35 IAC 2-5-5.1

1977 Fund Disabilities: Process And Appeals

- Catastrophic Physical Personal Injury: If member
 - Has a permanent and total covered impairment
 - From a physical personal injury resulting in degree of impairment at least 67%
 - That occurs in LOD after 7/1/2008 and
 - Permanently prevents the member from performing *any* gainful work
- Person receives disability benefit *equal to* FCO salary

1977 Fund Disabilities: Process and Appeals

► At the Local Board hearing:

- Board on its own or at request of fund member or safety board can issue subpoenas, discovery orders, and protective orders
- In compliance with Rules of Trial Procedure
- Local board can exclude irrelevant, immaterial, unduly repetitious, and anything excludable based on privilege as recognized by courts
- Local board can request testimony of witnesses and production of documents
- IC 36-8-8-12.7



1977 Fund Disabilities: Process and Appeals

- ▶ What happens *after* local board issues determinations?
IC 36-8-8-12.7, IC 36-8-8-13.1



Member can appeal local board's determinations.

Often, Member simply waits to appeal INPRS determination instead.



Member's appeal must:

Be in writing,

State class and degree of impairment claimed by the fund member,

Include statement of no suitable / available work from chief, and

Filed with local board and INPRS within 30 days of when member received local board determinations.



Regardless, Local board must send its recommendations to INPRS for Initial / Final Determination

1977 Fund Disabilities: Process and Appeals

- What if Local board does not meet timelines?
 - Fund member is considered totally impaired with class 1 impairment from a local board perspective
- INPRS is still required to review
- INPRS is required to initiate a review of the default award no later than 60 days after learning of the default award. IC 36-8-8-13.1(b)

1977 Fund Disabilities: Process and Appeals

- INPRS must review local board's determination within 45 days of receiving a completed file and then must issue initial determination. IC 36-8-8-12.7(r).
- INPRS must issue initial determinations within 60 days after receipt of local board's determinations. IC 36-8-8-13.1(d).
- Fund member, safety board, and local board can object in writing to INPRS determination within 15 days after the initial determination was issued.
 - No objection = INPRS initial determination is a final determination
 - Objection = final determination after hearing, by 180 days after INPRS received local board's determinations

1977 Fund Disabilities

- During an appeal, a member receives benefit payments less the disputed amount while the matter is pending
- If resolved in member's favor, future benefit is adjusted accordingly
- Lump sum for past due benefits issued within 60 days unless necessary information is not provided or is delayed
- INPRS does not pay pre-judgment interest
- 35 IAC 2-5-5.2

1977 Fund Disabilities: Appeals and Process

Local Board Determination

- Send to Member/ Safety Board <30 days after hearing
- Send required information to INPRS

INPRS Determination: 60 Days from Local Board Determination

- Note that the file must be complete prior to 60 days starting to toll
- INPRS issues IDL, Member has 15 days to Appeal

Member / Safety Board / Local Board Appeal: 75 Days from Local Board Determination

- Member requires additional time to provide clarifying medical records so that INPRS can provide to Medical Authority
- Insufficient time to complete a fair hearing process within the 180 days; written prior to AOPA modifications and modified hearing procedures. Consider discovery, depositions, time to schedule hearing, time for ALJ to write order



Legal Updates

1977 Fund Mergers and Contributions

1977 Fund Employers: Mergers and Contributions

- Information to consider
 - Which units are merging?
 - Which units are 'de'merging?
 - Which of the units were in PERF? 1977 Fund?
 - Which units were not in PERF? 1977 Fund?
- Information INPRS needs
 - Name of the new unit / contact
 - Name all merging units
 - Name of all 'de'merging units
 - Information on service purchase
- Contact us to work through the process

1977 Fund Employers: Mergers and Contributions

- Contributions:
 - Employer Contributions
 - IC 36-8-8-6
 - Employee Contributions
 - 6%
 - Employer can pay all or part of the contribution for each member. Is an IRC 414(h) pickup agreement
 - Employer is supposed to send to INPRS with payroll
 - IC 36-8-8-8
- Due date
 - 7 days after each payroll. 35 IAC 2-6-1

1977 Fund Employers: Mergers and Contributions

- Failure to pay contributions:
 - INPRS is permitted to fine the employer/department \$100 per day reports are records are late
 - Can withhold payments issued from Comptroller
 - Collect in court where employer is located, prosecuted by the attorney general. INPRS may request this if employers fail to submit required contributions (or records or reports) for over 60 days past the due date.
 - IC 36-8-8-6 and 35 IAC 2-6-1



Legal Updates

1977 Fund: Legislation

Legislation

- 2025 Legislation not passed
 - SB 388: Increased member contributions to 6.5%, increased % of FCO salary of retirement benefit based on retirement date (53%)
- 2026 Legislation
 - Contact me
 - New Unit & Choice
 - SB 388 in 2025 was amended to include but did not pass
 - Amend IC 36-8-8-3 to clarify that when a new unit joins, the Unit, rather than the employee, determines whether a person stays in PERF or moves to the 1977 Fund. This is due to IRC requirements.



Contact Information

Donna Frank

Deputy Compliance Counsel

dfrank1@inprs.in.gov

(317)234-6301

Thank You!



Pre-employment baseline & mental health
disability process & 2- year review panels

Dr. Darren Higginbotham, Psy.D.

DLH Counseling and Consulting, LLC

Baseline Mental Exam

Darren L. Higginbotham, Psy.D.
Licensed Clinical Psychologist
317-643-9901
dlhcounseling@gmail.com

Bio

- Clinical psychologist
- 20+ years of experience with public safety
 - ◆ Pre-employment, fitness for duty
 - ◆ Critical incident debriefing
 - ◆ Wellness/EAP
 - ◆ Independent Contractor with INPRS

INPRS

- Pre-employment mental health baseline exams
- 2nd opinions/consultation
- Medical disability applications citing mental health condition(s)
- SB 25 Mental health review panels

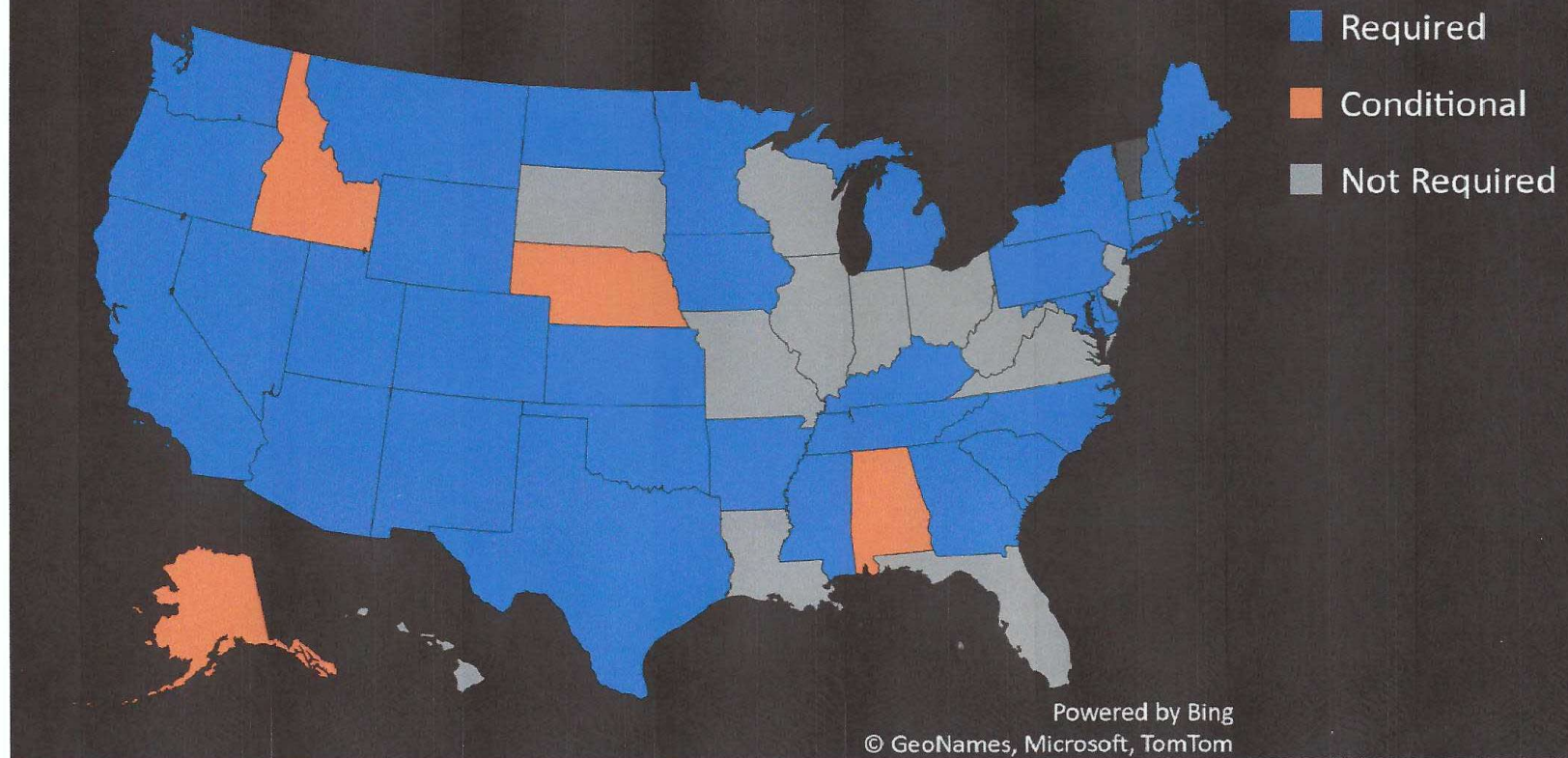
Disclaimers:

- Independent contractor for INPRS, not providing official INPRS positions, guidance, or opinions. Simply offering best practices based on my experiences.
- Not an attorney, not providing legal advice. Please consult with your local counsel.

Baseline Mental Exam:

- Complex area that crosses employment law including ADA and EEOC, human resources, and the practice of psychology.
- Areas that are not clearly defined and left open to interpretation vs the medical exam
- Plain language versus standards of practice and professional ethics

States Requiring a Psychological Evaluation



“Excludable condition”

- Definition
- Applicants, department pension boards, attorneys, psychologists have no uniform understanding of the term
- Pre-existing condition for purposes of disability...fund exclusion
- Not compatible with performing essential job duties...job exclusion

Excludable condition

- “Excluded from fund” definition
 - ◆ May still hire the applicant, but they can’t participate fully in the fund.
 - ◆ Examples:
Depression/anxiety/ADHD
- “Excluded from job” definition:
 - ◆ Can’t hire
 - ◆ Violates ADA
 - ◆ Example: ADD/ADHD
- “No exclusion” – must hire?

1977 POLICE OFFICERS' AND FIREFIGHTERS' FUND APPLICATION FOR MEMBERSHIP
State Form 4928 (R20 / 1-25)

EXCLUDABLE CONDITIONS (continued)					
Name of applicant Owensby, Bill					
<i>This section is to be completed by the examining physician or psychiatrist/psychologist*. ALL QUESTIONS MUST BE ANSWERED. IF AN ITEM IS NOT APPLICABLE, CHOOSE "NO".</i>					
EYE / EAR / NOSE / THROAT (EENT) SYSTEM (continued)		Yes	No	METABOLIC / ENDOCRINE SYSTEM (continued)	
50. Nystagmus of the eye, uncorrected strabismus, glaucoma, and aphakia, whether it is unilateral or bilateral, and active chorioretinitis should be considered for further examination by a qualified eye specialist to determine the likelihood and degree of future impairment.		<input type="checkbox"/>	<input type="checkbox"/>	67. Addison's disease, splenomegaly, or adenopathy secondary to systemic disease or metastasis.	
51. Cataract, retinitis pigmentosa, and any papilledema or tumor.		<input type="checkbox"/>	<input type="checkbox"/>	68. Disease of the adrenal gland, pituitary gland, parathyroid gland, or thyroid gland of clinical significance.	
52. Any retinal exudate, hemorrhage or edema, or detachment of the retina.		<input type="checkbox"/>	<input type="checkbox"/>	69. Nutritional deficiency disease or metabolic disorder.	
53. Inflammatory disease of the retina, the globe, or the other structures within the globe.		<input type="checkbox"/>	<input type="checkbox"/>	MISCELLANEOUS	
54. Heterophoria, hyperphoria, esophoria, or exophoria should be considered for further examination by a qualified eye specialist to determine the likelihood and degree of future impairment.		<input type="checkbox"/>	<input type="checkbox"/>	70. Any current fistula, either congenital or acquired, including tracheostomy.	
HEMATOLOGY / ONCOLOGY				71. If peripheral edema is present, the cause shall be and the disqualifying disorder identified.	
55. Any disease of the blood forming organs or of the blood.		<input type="checkbox"/>	<input type="checkbox"/>	72. Recurrent syncope.	
56. Anemia with the hemoglobin lower than twelve (12) grams per hundred cubic centimeters.		<input type="checkbox"/>	<input type="checkbox"/>	73. Alcohol or drug abuse within five (5) years.	
57. Polycythemia, leukemia, or any other progressive diseases of the blood system.		<input type="checkbox"/>	<input type="checkbox"/>	74. Auto immune disorders, including, but not limited to, the following: a. Rheumatoid arthritis and myasthenia gravis. b. Dermatomyositis. c. Scleroderma.	
58. Hemophilia or other bleeding disorders.		<input type="checkbox"/>	<input type="checkbox"/>	75. Lupus erythematosus.	
59. Malignant melanoma or, if it had been removed, any evidence of metastatic disease.		<input type="checkbox"/>	<input type="checkbox"/>	76. Obesity of such a degree so as to interfere with normal activities including respiration	
60. Hodgkin's disease, lymphadenopathy, lymphomas, or lymphosarcomas.		<input type="checkbox"/>	<input type="checkbox"/>	77. Acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) positive, as determined by a blood test.	
61. Any malignant tumor of any type unless completely eradicated for at least ten (10) years.		<input type="checkbox"/>	<input type="checkbox"/>	78. Sexually transmitted diseases should be considered for further examination by a qualified medical specialist to determine the likelihood and degree of future impairment.	
MUSCULOSKELETAL SYSTEM				79. Narcolepsy or hypersomnolence due to any cause.	
62. Any active disease of bones and joints, including active arthritis, osteomyelitis, or marked deformity of the spinal column, including, but not limited to, the following: a. History of laminectomy b. Amputation or deformity of a joint or limb c. Joint reconstruction d. Ligamentous instability e. Joint replacement		<input type="checkbox"/>	<input type="checkbox"/>	80. Organ transplant.	
63. Herniation of an intervertebral disk.		<input type="checkbox"/>	<input type="checkbox"/>	81. Sleep apnea syndrome.	
64. Ankylosing rheumatoid spondylitis.		<input type="checkbox"/>	<input type="checkbox"/>	82. Anxiety disorder.*	
65. Muscular dystrophy.		<input type="checkbox"/>	<input type="checkbox"/>	83. Panic disorder.*	
METABOLIC / ENDOCRINE SYSTEM				84. Obsessive compulsive disorder.*	
66. Diabetes requiring insulin or oral hypoglycemics. An individual with diabetes whose condition is effectively controlled by diet alone would not be considered to have an excludable condition. An applicant with a history of hyperglycemia glucosuria or albuminuria must be considered to have an excludable condition unless a report from the physician that treated the applicant can be obtained which assures the absence of diabetes mellitus.		<input type="checkbox"/>	<input type="checkbox"/>	85. Post-traumatic stress disorder.*	
				86. Attention deficit/hyperactivity disorder.*	
				87. Tourette syndrome.*	
				88. Depressive disorder.*	
				89. Bipolar disorder.*	
				90. Personality disorder.*	
				91. Substance abuse disorder.*	
				92. Schizophrenia and other psychotic disorders.*	
				93. Anorexia nervosa.*	
				94. Miscellaneous or other significant psychiatric disorder.*	
				95. Any disqualifying condition under 35 IAC 2-9-6 that has been accommodated by the local appointing authority.	
				96. Any other significant disease/disorder.	
* Items 82 - 94 on this page must be completed by a licensed psychiatrist/psychologist. Provide explanation(s) on next page if there are any excludable conditions noted.					
Signature of licensed physician (No rubber stamp signatures.)				Date (mm/dd/yyyy)	
*Signature of licensed psychiatrist/psychologist (No rubber stamp signatures.)				Date (mm/dd/yyyy)	
				06/13/2025	
PHYSICIAN AND PSYCHOLOGIST IDENTIFYING INFORMATION (Print or type.)					
Name of licensed physician		*Name of licensed psychiatrist/psychologist			
Address (number and street, city, state, and ZIP code)		Darren L. Higginbotham, Psy.D., HSPP			
Telephone number (with area code)		Number issued by Medical Licensing Board		*Address (number and street, city, state, and ZIP code)	
				7002 Graham Road, Suite 202, Indianapolis IN 46220	
				*Telephone number (with area code)	
				317-643-9901	
				*Number issued by Medical Licensing Board	
				IN 20042135A	

State Form 4928 (R20 / 1-25)

EXCLUDABLE CONDITIONS – ADDENDUM A

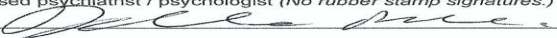
Owensby, Bill

This section is to be completed by the examining physician or doctor. ALL QUESTIONS MUST BE ANSWERED. DO NOT ANSWER ANY QUESTION WITH "N/A", instead use "No" or "None".

Record explanations below for all affirmative responses to items listed as an excludable condition. Print or type. Attach additional sheets, if necessary, including the applicant's name on each page.

[illegible]

1977 POLICE OFFICERS' AND FIREFIGHTERS' FUND APPLICATION FOR MEMBERSHIP
State Form 4928 (R20 / 1-25)

CERTIFICATION - BASELINE STATEWIDE MENTAL EXAMINATION	
Indiana law mandates administering a mental examination to all applicants to determine if the applicant is mentally suitable to be a member of the department. The mental examination prescribed is the Minnesota Multiphasic Personality Inventory (MMPI-III). (This section is required to be completed before INPRS can process the applicant's application; copies of the results of the mental examination are not required to be sent to INPRS.)	
I, <u>Darren L. Higginbotham, Psy.D.</u> , a licensed (psychiatrist / PhD psychologist), <i>Name of psychiatrist / psychologist</i>	
have interpreted the results of the statewide mental examination (the MMPI-III) and have determined that the named applicant, <u>Owensby, Bill</u> , has passed the standards established by the local board. <i>Name of applicant</i>	
Signature of licensed psychiatrist / psychologist (No rubber stamp signatures.) 	Date (mm/dd/yyyy) 06/13/2025
The examining psychiatrist / psychologist must not have a pre-existing relationship with the applicant.	
PSYCHIATRIST / PSYCHOLOGIST IDENTIFYING INFORMATION (Print or type.)	
Name of psychiatrist / psychologist Darren L. Higginbotham, Psy.D., HSPP	
Address (number and street, city, state, and ZIP code) 7002 Graham Road, Suite 202, Indianapolis, IN 46220	
Telephone number (with area code) 317-643-9901	Number issued by Medical Licensing Board IN 20042135A

Issues:

- What definition of excludable condition is being used by the provider...by the pension board?
- Is an interview of the applicant even required?
- Testing by itself cannot determine excludable conditions
- “Standards of the local board”

Excludable condition:

- Examination must also address whether it is compatible with performing the essential duties of the job; i.e. does it impair occupational functioning?
(And)
- Is it a condition that can be reasonably accommodated?
- Examples: ADHD; PTSD
- Gap in the system-medications

Best Practices:

- Vetting of examiners
- Culturally competent
- A pre-employment psychological evaluation that does not include an individual interview with the applicant is unethical
- In-person vs. telehealth
- Clear reports; recommendations

Exam Best Practices:

- Psychological testing/MMPI-3
- Interview (background/history)
- Behavioral observations
- Dept provided background information, polygraph, references
- 3rd party collateral information
 - ◆ Treatment providers
 - ◆ VA/SS disability records
 - ◆ Examples good and bad

Excludable/Suitable

- Mental health conditions/diagnosable
- Non-mental health conditions:
 - ◆ Being an asshole/teamwork
 - ◆ Repeated conflict with people
 - ◆ Low stress tolerance/impulsivity
 - ◆ Dishonesty/integrity/not reliable
 - ◆ Poor decision-making/ethics
 - ◆ Can't adapt/inflexible
 - ◆ Assertiveness/command

Standard of local board

- Mental health conditions that impair the applicant's ability to carry out essential job duties
- Mental health conditions that cannot be reasonably accommodated
- Non-pathological personality traits correlated with subsequent on-the-job performance and disciplinary problems

Practices/Trends:

- Polygraph
- Social media dive
- Lateral candidates –
 - ◆ If already in the fund can we require re-examination for the fund?
 - ◆ Excludable vs. Suitable
 - ◆ IN 36-8-2-2
- VA/SS disability and hx of mental health treatment among applicants

Problems Admitted By Applicants to Agencies With & Without Polygraph

	<u>No Poly</u>	<u>Poly</u>
Referred To Collection Agency	34%	36%
Failed To File Income Tax	5%	5%
Ever Arrested	12%	28%
Convicted Of A Misdemeanor	9%	17%
Stole Goods Worth \$25 Or More	2%	6%
Has Hit Spouse Or Romantic Partner	5%	9%
Missed Work Due To Alcohol	2%	3%
Drives Under The Influence (2+/Yr)	6%	5%
Has Driven After Using Drugs	4%	11%
Has Sold Drugs	1%	2%
Ever Used Marijuana	34%	58%
Ever Used Drugs Besides Marijuana	9%	22%
Sample Size	10500	17314

Journal of Police and Criminal Psych -2009

- 626 agencies
- 62% utilized polygraph
- Criminal admissions
 - ◆ 9% unsolved homicides
 - ◆ 34% rape
 - ◆ 38% armed robberies

Mental Health Disability Claims

- IN statutes define clear timelines the department and INPRS shall follow as well as citing remedies when timelines are not met.
- Once employee applies, local pension board is responsible for holding a hearing in 90 days that determines whether employee has covered impairment and if so, the class of impairment

Mental Health Disability Claims

- Covered impairment
 - ◆ Review statutes/exceptions
 - ◆ Review treatment records
 - ◆ Psych evaluation/FFDE
 - ◆ Accommodation statement
- Class of impairment (1 or 3)
 - ◆ Review statutes
 - ◆ 1 proximate cause duty related
 - ◆ 3 proximate cause not duty related

Mental Health Disability Review Panel

- Member shall participate in treatment defined by their doctor, and dept shall pay treatment costs
- First 2-year review by INPRS
 - ◆ Retiree receives notice and has 60 days to submit records
- Second 2-year review by INPRS
 - ◆ Same as first review

Mental Health Disability Review Panel

- Department paying costs for treatment of class 3 disability?
- Who pays costs if still determined disabled at 4-year review?
- Working while disabled?
- Returning to job after receiving a disability retirement.

Q and A

Darren L. Higginbotham, Psy.D.

317-643-9901 (office)

317-517-2509 (cell)

dlhcounseling@gmail.com



1977 Police Officers' and Firefighters' Mentor Best Practice Discussion

(844) GO-INPRS
inprs.in.gov



Mentor Panelist:

Pat Scher – Huntington PD
Aaron Knepper- South Bend PD
Adam Miller – Carmel PD
Blake Lytle – Carmel PD
Todd Wilson – Indianapolis FD
Bill Parker - Bloomington PD