

AD HOC COMMITTEE ON DISABILITY PENSIONS

AGENDA

Board of Fire and Police Pension Commissioners

Garrett Zimmon, Chair
Brian Pendleton, Vice Chair
Ruben Navarro
Paul Weber

March 18, 2021

**10:00 a.m. or as soon thereafter as the
Board adjourns its regular meeting**

Sam Diannitto Boardroom
Los Angeles Fire and Police Pensions Building
701 East 3rd Street, Suite 400
Los Angeles, CA 90013

Important Message to the Public: In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to the public health concerns over COVID-19, this meeting of the Board of Fire and Police Pension Commissioners will be conducted via telephone and/or videoconferencing.

PLEASE NOTE: The Board Room will be closed during this meeting.

To provide public comment telephonically, please call (669) 900-9128 or (346) 248-7799 and enter Meeting ID 894 7076 2998# (Please note: Toll charges may apply.)

If you do not want to make a public comment, you may stream the meeting from the website (www.lafpp.com) or call any of the following numbers to access the Council Phone system and listen to live coverage: (213) 621-CITY (Downtown), (818) 904-9450 (Valley), (310) 471-CITY (Westside), and (310) 547-CITY (San Pedro Area).

Please refer to www.lafpp.com for more information.

An opportunity for the public to address the Board or Committee about any item on today's agenda for which there has been no previous opportunity for public comment will be provided before or during consideration of the item. Members of the public who wish to speak on any item on today's agenda are requested to use the telephone number provided above.

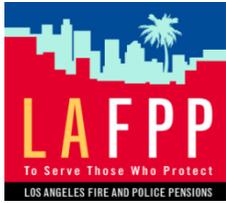
Notice to Paid Representatives: If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code §§ 48.01 *et seq.* More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org

In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or

all of the Board or applicable Committee of the Board in advance of their meetings may be viewed by clicking on LAFPP's website at www.lafpp.com. In addition, if you would like a copy of any record related to an item on the agenda, please contact the commission executive assistant, at (213) 279-3037 or by e-mail at evange.masud@lafpp.com.

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1. GENERAL PUBLIC COMMENTS ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION
2. [DISCONTINUATION OF PILOT PROGRAM FOR MEDICAL RECORDS COLLECTION AND POSSIBLE COMMITTEE ACTION](#)
3. [CLOSURE REPORT OF THE AD HOC COMMITTEE ON DISABILITY PENSIONS AND POSSIBLE COMMITTEE ACTION](#)



SPECIAL MEETING

AGENDA

Board of Fire and Police Pension Commissioners

MARCH 18, 2021

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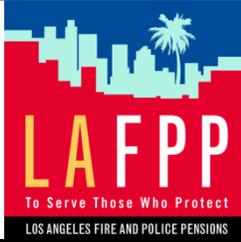
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DEPARTMENT OF FIRE AND POLICE PENSIONS

701 E. 3rd Street, Suite 200
Los Angeles, CA 90013
(213) 279-3000

REPORT TO THE AD HOC COMMITTEE ON DISABILITY PENSIONS

DATE: MARCH 18, 2021 **ITEM:** 2

FROM: RAYMOND P. CIRANNA, GENERAL MANAGER

SUBJECT: DISCONTINUATION OF PILOT PROGRAM FOR MEDICAL RECORDS
COLLECTION AND POSSIBLE COMMITTEE ACTION

RECOMMENDATION

That the Committee direct staff to discontinue the pilot program for medical records collection.

BACKGROUND

The Disability Pensions pilot program for medical records collection was approved by the Board on November 21, 2019. After the development of the new application form and related procedures, the pilot program was implemented by staff on August 1, 2020, and was originally scheduled to end on January 31, 2021. Under the pilot program, disability pension applicants are responsible for gathering their personal medical records and must complete and submit waivers to their medical providers to release all medical records to LAFPP that pertain to the applicant's claimed injury or illness. The member's disability application is considered complete once the Disability Pensions Section receives all the relevant medical records. The medical records are then reviewed by staff for inclusion in the applicant's administrative file and forwarded to the pension physicians for review.

DISCUSSION

At the January 7, 2021 Committee meeting, there was discussion focusing on the issues that members have been encountering when requesting their medical record documentation. Issues encountered by applicants ranged from overall difficulty obtaining primary care physician medical records, financial hardship (e.g., applicants were sometimes charged a fee by their providers to obtain the records), confusion as to how to request records, and hardship due to illness or injury. The Committee directed staff to meet with LAFPP stakeholders to discuss these issues as well as obtain input as to whether the pilot program should be discontinued.

On February 22, 2021, staff met with union representatives and attorneys who represent applicants to discuss the pilot program. Multiple concerns were raised by the participants as to how the pilot program is negatively impacting members applying for disability pension benefits. These concerns are as follows:

- **Time Commitment:** The medical records request process is very time consuming for the member. Medical providers have varying methods as to how they will allow the member to submit their records requests. Some providers require that the member submit the request in-person.

- **Financial Commitment:** Some members are asked to pay for the release of their records, which may be quite costly.
- **Additional Stress and Confusion:** Stakeholders reported that the pilot program is contributing additional confusion to an already stressful process. By reverting to the old process and having staff request all medical documentation, it will relieve the burden from the applicant.
- **Timing of the Pilot Program:** All participants agreed that the pilot program was negatively impacted by the COVID-19 pandemic, which has caused difficulties for members in requesting and timely receiving medical records from their providers.

Based upon these reasons and the overall negative impacts on disability applicants, it is staff's recommendation that the pilot program for medical record collection be discontinued immediately. Upon approval, staff will revise the application for disability pension benefits for distribution and posting on LAFPP's website. Additionally, staff will continue to work collaboratively with applicants and their representatives to ensure an efficient process for medical record collection.

BUDGET

No impact as recommended.

POLICY

No policy changes as recommended.

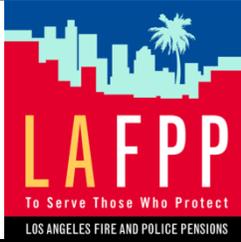
CONTRACTOR DISCLOSURE INFORMATION

There is no contractor disclosure information required with this report.

This report was prepared by:

Kristen M. Rosauer, Manager
Disability Pensions Section

RPC:JS:GM:KR



DEPARTMENT OF FIRE AND POLICE PENSIONS

701 E. 3rd Street, Suite 200
Los Angeles, CA 90013
(213) 279-3000

REPORT TO THE AD HOC COMMITTEE ON DISABILITY PENSIONS

DATE: MARCH 18, 2021

ITEM: 3

FROM: RAYMOND P. CIRANNA, GENERAL MANAGER

**SUBJECT: CLOSURE REPORT OF THE AD HOC COMMITTEE ON DISABILITY PENSIONS
AND POSSIBLE COMMITTEE ACTION**

RECOMMENDATION

That the Committee direct staff to submit this report to the full Board, summarizing the completion of the work of the Ad Hoc Committee on Disability Pensions.

DISCUSSION

On September 5, 2019, the Ad Hoc Committee on Disability Pensions was formed at the Board President's direction to review and discuss the disability pension application process. Over the past year, the Committee has provided guidance and recommendations to staff and the Board, focusing on improvements to the overall processing of disability pension applications. At the October 6, 2020 meeting, the Committee directed staff to prepare a closure report summarizing the improvements made to the disability pension process. The following areas have been addressed by the Committee and staff:

- **Education and Outreach:** A Disability Retirement Brochure was created, distributed, and posted on the LAFPP website with the assistance of the Communications and Education Section. Informational seminars were organized for members that focused specifically on disability pensions and the application process. In September 2019, staff presented at multiple seminars throughout LAPD's geographic bureaus, participated in panel discussions, and presented at the LAPPL Delegates Conference. Going forward, staff will continue to participate and facilitate discussion on an as-needed basis.
- **Pension Physician Reports:** The Committee explored ways to improve both the quality and content of the pension physician reports in order to provide the Board with sufficient information to make its disability determinations. Staff developed a Pension Physician Questionnaire with input from stakeholders. The questionnaire is based upon the physical and psychological limitations listed in the Disability Rating Guidelines and is designed to serve as a tool to aid the pension physician in providing enough information to assign an appropriate Disability rating. The questionnaire was piloted with QTC, the third-party vendor for LAFPP's independent medical exams, and has significantly improved the content of the pension physician reports. Additionally, a new RFP was released for independent medical exam and record review services to which staff and QTC recently executed a new three-year contract. The new contract includes parameters focusing on revised metrics and use of the Pension Physician Questionnaire. Lastly, staff conducted research as to how other public pension systems manage their applicants'

independent medical examinations. A survey was published on the CALAPRS website asking for responses to a defined set of questions. The data was organized into a matrix and presented to the Board on December 17, 2020.

- **Metrics:** Internal metrics have been established and are reported to the Board as part of the monthly report.
- **Communication:** Staff has increased communication efforts with our partners engaged in the disability application process. These efforts will foster and maintain a positive working relationship with not only our disability applicants, but with their representatives, attorneys, and applicants' employing departments.
- **Overdue Board-Ordered Reviews:** Staff identified ten disability pensioners overdue for their Board-ordered two-year reviews, ranging in age from 11 to 33 years overdue. The Committee recommended that these cases, as well as any others discovered in the future that are more than ten years overdue, be exempted from their scheduled reviews.
- **Verbal discussions focusing on the information required to process survivorship pension applications based on a member's suicide, accompanied by presentations given by LAFD and LAPD psychologists.**
- **Amendments to the Board Operating Policies and Procedures:** Amendments focusing on witness testimony, the establishment of a subset of Commissioners to be trained as Disability Hearing Officers, and legal documentation required for survivor benefit applications filed as a result of death by suicide, were added to the Board Operating Policies and Procedures. Operating Policy Section 4.3 now requires that an applicant or his/her representative provide staff with a complete list of witnesses, the subject matter of their testimony, and a summary of the information to be provided by each witness a minimum of ten working days prior to the disability hearing. Section 4.5 establishes a set of specially trained Disability Hearing Officers that are responsible for ensuring that disability hearings proceed fairly, efficiently, and expeditiously. Pursuant to this new policy, the General Manager has designated Commissioners Buzzell, Navarro, Pendleton, Weber, and Zimmon as Disability Hearing Officers. These Commissioners were provided in-depth training on the disability hearing process by the City Attorney on October 6, 2020. Lastly, Section 3.7 clarifies that applicants for survivor benefits resulting from a member's death by suicide must include legal documentation indicating that the survivor has power of attorney or is the pre-designated executor of the deceased member's estate. This will allow staff to collect the necessary medical and psychological records for the member, as well as records from the member's employing department.
- **Disability Rating Guidelines:** The nonservice-connected disability rating scale was added to the Disability Rating Guidelines after discussion with the active member bargaining units and other stakeholders. This change will allow the Board greater flexibility to adjust the disability percentage within the combined categories (excluding Total Disability) while still adhering to an adopted rating schedule. After hearing input from the Los Angeles Police Protective League, the name of the Disability Rating Worksheet was changed to the Disability Rating *Guidelines*.
- **Sub Rosa Procedure:** An internal procedure was documented by staff and presented to the Committee for the initiation and approval of sub rosa investigations.

- **Pilot Program for Medical Record Collection:** A pilot program focusing on the initiation of medical record collection was implemented on August 1, 2020. Disability pension applicants were responsible for completing and submitting waivers to their medical providers to release all medical records to LAFPP that pertain to the applicant's claimed injury or illness. The aim of this pilot program was to determine if modifying the record collection process would affect the overall processing timeline. The timing of the implementation of the pilot program coincided with the COVID-19 pandemic, therefore creating additional difficulties for members to request their medical records. These issues were discussed with a number of union representatives and attorneys who represent applicants on February 22, 2021, resulting in Staff recommending ending the pilot program at today's Ad Hoc Committee on Disability Pensions meeting.

The recommendations made by the Ad Hoc Committee on Disability Pensions have contributed to positive changes in the overall disability pension application process. Staff will continue to implement the policies and procedures developed by the Committee and research new methods for the continuous improvement of the disability application process. It is expected that the modifications made during the past year will continue to show a more efficient, streamlined process that will benefit LAFPP members applying for disability pensions.

BUDGET

No impact at this time.

POLICY

No policy changes at this time.

CONTRACTOR DISCLOSURE INFORMATION

There is no contractor disclosure information required with this report.

This report was prepared by:

Kristen M. Rosauer, Manager
Disability Pensions Section

RPC:JS:GM:KR