NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
314

EMPLOYEE MEDICAL EXAMINATIONS AND HEALTH REQUIREMENTS (TEMPORARY)

Supersedes: AR 314 (08/14/09)
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AUTHORITY:

NRS 617.135; 617.454; 617.455; 617.457; 617.481; 617.485 and 617.487
NAC Chapter 617; NAC 441A.37; NAC 284.726
OSHA 29 CFR 1910.1030 (Blood borne Pathogens)

RESPONSIBILITY

The Personnel Services Division is responsible to schedule the medical physical examinations for uniformed staff designated as peace officers and prospective peace officer applicants.

The Department is responsible for the cost of the examination when performed by the designated health care provider.

The Warden/designee is responsible to ensure employee attendance at scheduled physicals, additional testing and/or follow up medical appointments, as recommended by the designated health care provider.

Employees are responsible for attending the two scheduled medical examination appointments.

314.01 MEDICAL PANELS (Peace Officers)

1. Panel 1 –Baseline examination provided to pre-hire applicants. The designated health care provider may require the candidate to submit to a panel 3 exam.

2. Panel 3 – Examination provided to employees beginning the fifth (5) year of continuous service as a peace officer or a pre-hire candidate with two or more pre-disposing risk factors as determined by the designated health care provider. This examination includes a stress treadmill test in which an individual must achieve, without medical complications, 10.1 METS at Stage III of a Standard Bruce Protocol (the objective measure of a minimum level of cardiovascular) in order to successfully pass the examination. The Standard Bruce Protocol stress treadmill test is the only acceptable stress test allowed for completion of the physical examination. This standard

has been established based on New York Heart Association and American Sports Medicine Guidelines

314.02 PRE-HIRE MEDICAL EXAMINATION (Peace Officers)

1. Medical Examinations

   A. A baseline medical examination is required following a conditional offer of employment. The examination is intended to determine medical fitness and ability to perform the essential functions of the position.

   B. If the pre-hire candidate chooses to use their own physician for the baseline medical examination, the candidate is responsible for all costs incurred.

   C. After the medical examinations have been completed the health care provider will determine and document whether the pre-hire candidate is fit for duty.

   D. If the pre-hire candidate has a medical condition which needs to be evaluated, the candidate must provide a current medical status report from their personal physician, at their own expense, to the designated health care provider.

   E. The Department and the designated health care provider will determine if an official offer of employment is appropriate.

      (1) Failure of the medical examination will result in rescinding the conditional offer of employment.

2. Pre-Hire Tuberculosis Testing

   A. A pre-hire candidate will be required to submit to a 2-step tuberculin (TB) skin test prior to employment.

   B. Candidates having documentation of a negative TB test administered and read within 10 months prior to the offer of employment may provide this documentation and waive the 2-step TB skin test.

   C. A pre-hire candidate who has had a positive test result is required, at their own expense, to be medically evaluated by their personal physician. The evaluation must include a current chest x-ray. The physician must provide a statement indicating the candidate is free of active TB.

   D. If the pre-hire candidate has a prior positive TB test they must provide proof of the positive skin test result, a statement from their personal physician, or they must submit to a skin test.

E. Failure to provide current medical documentation of a negative TB skin test or of a past positive TB test and medical documentation from a physician indicating the employee is currently free from active TB status is required or the conditional offer of employment will be rescinded.

3. Pre-Hire Hepatitis Testing

A. Candidates must be offered the Hepatitis A and B vaccinations, at no cost to the individual, if administered by the health care provider.

B. If the candidate chooses not to be vaccinated the candidate must sign the declination form.

314.03 EMPLOYEE PHYSICAL EXAMINATION (Peace officers)

1. Scheduling

A. On a monthly basis the Personnel Services Division shall provide to each institution a list of custody employees due an annual physical.

B. Annual physicals are comprised of two (2) scheduled appointments. Part I of the physical is typically scheduled during the employees' anniversary month of employment, Part II is scheduled the subsequent month.

C. The institutions shall complete the list by identifying the employees' shift and regular days off (RDO's). The institution shall also note whether an employee is on extended sick leave, military leave, approved annual leave, training, furlough, or any other anticipated leave status where the employee may be unavailable for scheduling within the two (2) month period. The completed list is returned to the Personnel Services Division.

D. The Personnel Services Division shall provide this completed list to the State contracted designated health care provider for scheduling of appointments.

E. The designated health care provider shall schedule each employee and provide the date, time and location of the employee physical examination to the Personnel Services Division.

F. The Personnel Services Division will prepare the annual physical acknowledgment letters. The letter will be electronically forwarded to the institution/facility along with the health care provider's physical examination packet for distribution to each scheduled employee.

G. The employee must sign the physical acknowledgment letter, and the signed letter must be returned to the Personnel Services Division.

H. Employees are responsible to attend their scheduled medical examinations on their scheduled appointment time and date. Failure to attend or properly cancel their scheduled

appointment will result in corrective/disciplinary action and a requirement to pay the no show fee.

I. The employee shall complete and sign all documentation provided in the health care provider's physical examination packet prior to attending the first part of their physical.

J. Institutional supervisors shall not send employees to unscheduled appointments.

K. If it is necessary for an employee to reschedule their physical examination, it is the employee's responsibility to reschedule the physical examination via the Warden's office, no later than 72 hours prior to their scheduled appointment.

(1) The Warden's office shall contact the health care provider to reschedule the employee's appointment.

(2) Employees who have had their appointment rescheduled will be notified by the Warden's office of the new appointment date and time and sign an acknowledgement of this change.

L. Employees returning from any leave of absence, military leave or other extended leave which may have caused them to miss their annual physical, shall be scheduled for their annual physical upon their return to work.

M. If an employee is unable to participate in their annual physical due to illness, they must provide a physician's report. If after a period of one month the employee continues to have a temporary illness or injury that prevents them from completing the physical examination, a current medical status report from their physician must be provided.

2. Incomplete physicals

A. Physicals not completed within three (3) months shall be deemed incomplete. A complete physical examination includes both Part I and Part II.

(1) Employee may be liable for any additional expense to the Department as a result of incomplete physical examinations.

B. Failure to complete the annual physical may jeopardize benefits as provided by the heart/lung provisions of workers' compensation.

3. No Call/No Show

A. If an employee is a no call/no show for their scheduled examination, the employee must provide a statement to their Warden no later than ten days after the missed appointment explaining their absence. If appropriate, the employee may be re-scheduled.

B. If the employee's absence is unexcused, the employee shall be issued a letter of instruction for the missed physical appointment.

C. The letter of instruction shall include an order to remit the no show fee for the missed appointment. Remittance shall be paid within 30 days of the employee receiving the letter of instruction. Failure to remit the no show fee timely may result in progressive disciplinary action.

D. Continuous failure to attend scheduled annual physical examinations may result in disciplinary action up to, and including, termination.

4. Report of Results

A. The designated health care provider shall submit written or electronic documentation of the physical examination on the appropriate form to the Personnel Services Division.

B. The report of results, from these physical examinations, shall identify the employee as either: fit for duty, not medically fit for duty, or not physically fit for duty.

5. Non-designated health care providers

A. Employees, who choose to have their physical examination conducted by their primary physician, must complete the examination in the month it is due and are required to pay for the cost of the examination.

B. The employee must complete the "Private Physician Exam Instruction Form." The employee must complete the same type and level of diagnostic testing and related paperwork including achievement of 10.1 METS at Stage III of a Standard Bruce Protocol stress treadmill test.

C. The employees' primary physician must complete the same forms used by the designated health care provider.

D. Medical documentation shall be submitted to the designated health care provider and the Personnel Services Division.

E. Fitness for Duty shall be determined by the designated health care provider after reviewing all the medical documentation.

6. Follow-up treatment

A. Employees are responsible for all costs associated with medical follow-up treatment, including diagnostic testing, necessary to correct pre-disposing health factors identified by the evaluating physician (with the exception of an EKG, chest x-ray, and/or audiogram).

B. The results of any necessary follow up testing shall be sent to the designated health care provider to determine fitness for duty.

314.04 CDL PHYSICALS

1. Employees required to maintain a Commercial Driver's License as a condition of their employment will utilize the designated health care provider for their required medical examination. The Department shall be responsible for the cost of the examination.

2. Employees may choose to utilize their personal physician at their own expense.

314.05 TUBERCULOSIS TESTING

1. The Department shall provide employees annual tuberculin (TB) skin tests.

2. Employees of a correctional facility who do not have a documented history of a positive TB skin test are required to submit to such test on an annual basis.

3. Employees that miss the annual testing shall submit to the TB test upon their return to work.

4. The Director shall issue a notice to the Wardens and all Department Heads advising them of the annual TB testing dates.

5. The Personnel Services Division shall provide the Medical Division with an employee roster categorized by institutions/work locations. The Medical Division will administer the tests statewide to all employees.

6. An employee with a documented history of a positive TB test must complete on an annual basis, the Annual TB Risk Screening Form DOC-1062, in lieu of the TB skin test.

7. The completed Annual TB Risk Screen form is reviewed by the Department's Infection Control Specialist to determine if the employee needs to be evaluated by their primary physician.

A. The employee, before being allowed to return to work, must provide written documentation from their primary physician indicating the employee is free of active TB.

8. If an employee has a positive result as compared to prior years, the employee is referred to the designated health care provider to obtain a chest x-ray and determine the existence of active TB.

A. The employee is not allowed to return to work without medical clearance from a physician.

314.06 HEPATITIS TESTING

1. Hepatitis A, B and C antibody screening shall be performed during the annual physical.

2. Should an employee's annual physical examination reflect a need for the Hepatitis vaccine, A and/or B, the designated health care provider shall offer the employee the vaccinations.

3.Medical documentation of the vaccinations shall be provided to the Personnel Services Division to place in the employee's medical file.

4. If the employee chooses not to be vaccinated the declination form must be signed. An employee may choose to be vaccinated at a later date and they will be provided at no cost to the employee.

314.07 NOT FIT FOR DUTY - MEDICAL

1. Following a medical evaluation the designated heath care provider will determine if an employee is fit for duty. The determination is made on a case-by-case basis after reviewing all the medical evidence. An employee may be considered "not fit for duty" due to a medical condition, which could include, but not limited to: hypertension, diabetes, orthopedic injuries or abnormalities in medical testing results.

2. If it is determined that the employee is "not fit for duty" the employee will either be assigned modified duty, as available, or placed on sick leave. The employee must not return to duty, until clear and concise documentation is received which indicates the condition is being treated/has been treated and is being controlled and does not present a health risk in the event that the peak physical demands of their essential functions are required.

3. If the medical evaluation suggests abnormalities on the EKG, spirometry, chest X-Ray, or audiogram, the designated heath care provider may refer the employee to a specialist.

A. If the medical testing and/or the specialist consultation is provided outside of the geographical area of where the employee resides or is employed, the Department may be responsible for the cost of the employee's travel, meals and/or lodging.

B. A determination of the employee's "fitness for duty" will be made after the specialist's findings are reviewed by the designated health care provider.

C. Should heart disease, lung disease, or hearing loss be confirmed, the specialist and the employee will complete the workers' compensation claim form, C-4, to initiate the claims process. (Refer to AR 329)

D. If a workers' compensation claim is denied by the insurer, the employee is responsible for costs associated with any follow-up medical treatment as it relates to the condition. The employee may submit these costs to their medical insurance plan.

4. If during the physical examination the designated health care provider identifies other abnormalities or predisposing conditions to heart and/or lung disease but determines the employee does not need to be referred to a specialist, the employee shall be instructed by the

designated health care provider to follow-up with their personal physician, at their own expense, to correct or have their condition controlled.

A. The health care provider shall determine if the employee is able to work, full duty, modified duty or not at all.

B. For conditions which would not qualify or which have been denied by workers' compensation, the employee must follow up with their personal physician at their own expense. The agency will require documentation from the employee's personal physician that the medical condition is corrected or controlled, not just treated, and that the employee is able to perform the essential functions of their position.

5. After the employee's treating physician indicates that the employee's condition has been corrected or is under control, the employee will be referred back to the designated health care provider for completion of their physical examination, including successfully reaching 10.1 METS on the stress treadmill.

A. If there is conflicting or unclear information in regard to an employee's fitness for duty, the employee may be required to submit to a second and third opinion, as necessary.

B. The Department may offer the employee the option of being re-evaluated by the designated health care provider (at no cost to the employee).

C. In accordance with NAC 284.611 the Personnel Services Division may refer the employee to vocational rehabilitation and/or the Public Employees Retirement System (PERS).

314.08 NOT PHYSICALLY FIT FOR DUTY

1. Employees who are identified by the designated health care provider as "not fit for duty," based on a lack of physical conditioning only, and not in conjunction with medical conditions, will be evaluated on a case-by-case basis.

A. The designated health care provider shall determine, based on the employee's essential functions of their position and the employee's fitness level, if they represent a threat to their own safety, the safety of fellow employees, or the public, if the employee is able to work.

B. The employee will be counseled by the designated heath care provider and referred to their personal physician.

C. If the employee is not able to return to work, the employee shall utilize their accrued leave time. The employee shall complete the Authorization for Leave and Overtime Request Form. DOC-1000.

D. The designated health care provider shall document the employee's physical condition and notify, in writing, the Personnel Services Division.

E. The employee shall provide monthly activity reports from their personal physician to the Department keeping the Department aware of their medical progress.

F. Unless their personal physician provides written objective medical evidence that the employee cannot participate in the treadmill test, the employee will be expected to on a monthly basis retake the treadmill test until they achieve the 10.1 METS.

G. The Department is responsible for the cost of the first two (2) monthly attempts of the treadmill test. After the second unsuccessful treadmill test, the employee will be responsible for payment of any subsequent treadmill testing.

(1) The Department may pay for an additional stress test after the employee completes the action plan developed by their personal physician.

2. If the employee has a physical condition which precludes them from safely performing the essential functions of their position and/or participating in their annual examination, they must notify, in writing, the Personnel Services Division. Their notice must include information regarding what measures they are utilizing to correct or control their medical condition and provide an estimated length of time needed to correct or control the medical condition. The time period cannot exceed six (6) months from the date of the employee's notice to the Department.

A. The department may require a physician's statement which provides information about the medical condition, description of a treatment plan and the duration of treatment needed.

B. Should the employee be approved time off for the evaluation, they must utilize appropriate leave. The employee shall complete the Authorization for Leave and Overtime Request Form, DOC-1000.

C. Employee progress shall be re-evaluated monthly.

D. The employee shall provide written documentation from their treating physician advising the Department that the employee is able to participate in their annual physical including the stress test (treadmill) prior to having their physical rescheduled.

E. If an employee fails to make the necessary corrections in order to successfully reach the 10.1 METS on the stress treadmill within six (6) months, the employer may provide other options to the employee.

314.09 MODIFIED DUTY ASSIGNMENT

1. Temporary modified duty may be available to employees who are not able to safely perform the essential functions of their position. However, it shall be expected that the employee will be able to safely perform the duties of their essential functions without restriction within ninety (90) days of the beginning of their temporary modified duty assignment.

2. Should the medical condition be potentially work/industrial-related the employee shall refer to AR 329.

3. Work/industrial-related medical conditions take precedence over non-work/industrial-related conditions with regard to temporary modified duty assignments.

4. A temporary modified duty assignment may, at any time, be withdrawn at the discretion of the Department with or without supporting medical documentation.

5. A temporary modified duty assignment will be evaluated every 30-calendar days and are not to exceed 90 calendar days.

6. A one-time extension of an additional 90-calendar days can be pursued through the Personnel Services Division.

7. Modified duty cannot be accommodated for any reason after the maximum 180 calendar days (2 assignments of 90 days) has been assigned.

8. An employee working a temporary modified duty assignment must acknowledge, by signing a temporary modified duty agreement, their agreement to the terms and conditions of the temporary modified duty assignment.

314.10 POST-EMPLOYMENT CONTAGIOUS DISEASE SCREENING

1. All Department peace officers are eligible to receive blood testing to screen for contagious diseases upon termination of employment and at six and twelve months after termination.

2. The Personnel Services Division shall complete a Contagious Disease Screening Form, DOC-1011, and during the termination appointment ensures the employee signs and dates the form.

3. The former peace officer shall report to one of the designated health care providers if available in their geographical area.

4. The provider shall submit a billing statement to the Department.

5. When there is no designated health care provider in the former peace officer's geographical area, the former peace officer may go to a non-designated health care provider to obtain testing. Reimbursement may be requested by submitting a copy of the billing statement to the Personnel Services Division.

6. If a blood test reveals that a former peace officer has contracted a contagious disease or the antibodies associated with a contagious disease, the peace officer may file for workers' compensation benefits. (Refer to AR 329)

APPLICABILITY

1. This regulation applies to all employees designated as police/fire pursuant to NRS 617.135.
2. This regulation does not require an Operational Procedure.
3. This regulation requires an audit.

James G. Cox, Acting Director

Date