



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
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IN REPLY REFER TO
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BUMED NOTICE 6260

From: Chief, Bureau of Medicine and Surgery

Subj: OCCUPATIONAL MEDICAL EXAMINATIONS – MEDICAL QUALIFICATION DETERMINATIONS

Ref: (a) 5 CFR 339
(b) NMCPHC-TM OM 6260

Encl: (1) Medical Qualification Determinations: Guidance for Occupational Medicine Providers

1. Purpose. This notice provides guidance to Navy Medicine healthcare providers who make medical qualification determinations for Department of Defense (DoD) civilian employees through occupational medicine examinations, per reference (a). It does not supersede the policies or directives of any Navy health protection or medical surveillance program. Reference (a) is available at <https://www.federalregister.gov/documents/2017/01/18/2017-00804/medical-qualification-determinations>.

2. Scope and Applicability. This guidance applies to Navy Medicine providers who perform occupational medicine exams for DoD civilian employees. This guidance does not apply to occupational medicine examinations covered by NAVMED P-5055, Radiation Health Protection Manual, i.e., radiation medical examinations.

3. Background. Reference (b) provides medical examination elements for most Navy medical qualification and medical surveillance programs, and refers the examiner to the appropriate source for those programs with examinations that it does not delineate. Reference (b) is available at <https://nmcpeh-simweb.med.navy.mil/Content/medMatrix/MedicalMatrix.pdf>. Enclosure (1) assists healthcare providers to make appropriate recommendations to management and to avoid inappropriate referrals to private physicians for the purpose of medical qualification determinations of government civilian employees.

4. Action. All healthcare providers who perform occupational medicine exams must comply with the guidance contained in enclosure (1).

5. Records Management

a. Records created as a result of this notice, regardless of format or media, must be maintained and dispositioned for the standard subject identification codes (SSIC) 1000, 2000, and 4000 through 13000 series per the records disposition schedules located on the Department

of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>. For SSIC 3000 series dispositions, please refer to part III, chapter 3, of the Secretary of the Navy Manual 5210.1 of January 2012.

b. For questions concerning the management of records related to this notice, or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

6. Forms

a. Optional Form (OF) 178 Certificate of Medical Examination is available at https://www.opm.gov/forms/pdf_fill/of178.pdf.

b. DD Form 2870 Authorization for Disclosure of Medical or Dental Information is available at <http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2870.pdf>.



C. FORREST FAISON III

Releasability and distribution:

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MEDICAL QUALIFICATION DETERMINATIONS:
GUIDANCE FOR OCCUPATIONAL MEDICINE PROVIDERS

1. Background. Navy occupational medicine providers are frequently asked to determine whether DoD civilian applicants or employees are medically qualified for their jobs. This can be challenging, especially when there is limited evidence to make such a determination, or when there are concerning findings but the worker or the supervisor insists that the worker is capable of safely performing all the duties of the job. This document gives guidance to providers who encounter such situations.

2. Medical Qualification. The medical qualification examination is a risk-based assessment, not a diagnostic exam. For each applicant or employee, determining medical qualification requires a case-by-case, facts-based assessment. Specific physical requirements of the job that must be met to find the applicant or employee medically qualified require the provider to be knowledgeable of the specific functional requirements and environmental factors of the job (per the position description and OF 178 Certificate of Medical Examination) and reference (b).

3. Additional Tests and Consults

a. Each medical qualification exam listed in reference (b) has been designed to be complete; no additional tests, consults, or procedures are authorized. Any additional tests or consults are not part of the occupational medicine qualification exam. Per reference (a), part 339.304, once the provider has performed the initial history, physical exam, and required testing (repeated if necessary – see paragraph 3b), he or she will make a determination as to the examinee's medical qualification. Occupational medicine providers having questions or needing assistance with unusual circumstances should contact their Navy Medicine regional occupational medicine program manager.

b. When abnormal test results occur, the occupational medicine provider generally should repeat the test to confirm those results (making it less likely to be a false positive); if still abnormal, possibly indicating a medical condition that likely precludes safe job performance, the examinee will be medically disqualified. It is not the role of the occupational medicine provider to determine what is causing the abnormality. If findings are insufficient to determine that the examinee is qualified, either because findings are not within defined limits or because findings are not conclusive, the provider must find the examinee either not qualified or qualified with limitations (certain limitations may render an examinee unsuitable for a specific job).

4. Examinees Found Not Medically Qualified

a. Per reference (a), once a determination has been made that an applicant or employee is not medically qualified for the position, the government will not pay for any additional medical tests or consults.

b. After a finding of not medically qualified is determined, the employee will be notified of the disqualifying medical condition per subparagraph 4d. If the disqualifying medical condition poses a continued health risk to the employee, the occupational medicine provider will recommend the employee seek diagnosis and treatment from their primary care provider (not for qualification determination).

c. Applicants and employees who have been found not medically qualified and wish to dispute those findings may, at their own expense, obtain and submit medical documentation that supports their claim that they are medically qualified for the position based on the guidance established by the applicable medical qualification program. The provider must review any medical documentation provided by the applicant or employee. If the provider determines that a change in medical qualification status is indicated based on the documentation provided by the employee (for example, test results that confirm a definitive diagnosis different from a presumptive diagnosis made on the basis of the initial exam), the change in medical qualification must be performed in compliance with the requirements of the applicable program.

d. Occupational medicine providers should offer, as a matter of practice, and provide, upon request, a letter stating specifically why the examinee has been medically disqualified and, as appropriate, postulating what medical information would be required to establish that the worker can safely perform the requirements that are essential to the job. It is imperative that any such letter clearly states a determination has been made that the applicant or employee has been found not medically qualified for the position and that any additional medical information the applicant or employee chooses to provide must be obtained at the employee's own expense. The occupational health clinic should advise the examinee to provide a copy of their position description (obtained from human resources (HR)) and OF 178 to their personal healthcare provider. HR may wish to provide a letter to the worker identifying the time period the employee has in which to provide additional medical documentation.

e. Upon the request of an applicant or employee, the occupational medicine provider may, at his or her discretion, contact the civilian provider to describe the finding(s) that caused the medical disqualification. The request must be in writing, clearly stating that the applicant or employee understands that the government will not be responsible for any expenses associated with the contact, and must be accompanied by the appropriate Health Insurance Portability and Accountability Act release, DD Form 2870 Authorization for Disclosure of Medical or Dental Information. The occupational medicine provider may state what further tests or evaluations may be helpful to the examinee's medical evaluation, but must be clear that he or she is not directing any such tests or evaluation, and that further testing or evaluation will be at the civilian provider's discretion and at the examinee's own expense.

5. Fitness for Duty (FFD) Evaluations and Authority to Require an Examination. FFD evaluations are separate and distinct medical examinations from those conducted within the medical qualification and medical surveillance programs. Per reference (a), part 339.301, an

employer may, at its option, offer or require a medical examination (including a psychiatric evaluation) in any situation where the agency needs additional medical documentation to make an informed management decision. This includes when the individual has a performance or conduct problem which may require agency action. If an employer offers or requires an FFD evaluation, the employer must pay for the evaluation. The occupational medicine provider should assist HR by performing the FFD evaluation if requested and appropriate, or by suggesting the appropriate specialist for referral; typically, this specialist will have experience in functional capacity evaluations and FFD evaluations. HR will consider the medical recommendation and make the final decision on FFD and whether the examinee can start or remain on the job.