



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Medical Standards for Operational Members and Candidates of the Montgomery County Fire and Rescue Service	Number 01-05AM
Originating Department MONTGOMERY COUNTY FIRE AND RESCUE SERVICE	Effective Date

MEDICAL STANDARDS FOR OPERATIONAL MEMBERS AND CANDIDATES OF THE MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Issued by: County Executive
 Regulation No. 01-05AM
 Authority: Montgomery County Code Section 21-2.(d)(4)
 Council Review: Method (2)
 Register Vol. 31, Issue 9
 Effective Date:

SUMMARY: This regulation is being **REPEALED**. It required that all incumbent Montgomery County firefighters/rescuers, career as well as volunteer, and candidates applying for those positions, to successfully complete a medical evaluation that complies with the provisions of National Fire Protection Association (NFPA) 1582, *Standard on Comprehensive Occupational Medical Program for Fire Departments*, 2003 Edition, with the exceptions of Chapter 8 and Annex C. This same medical evaluation is used as a *guideline only*, when applied to all incumbent volunteer emergency medical service providers, and all candidates for those positions. The regulation also includes a new Section 6. Appeals.

ADDRESS: Send comments pertaining to the proposed **REPEAL** of this regulation to Beth Feldman, Montgomery County Fire and Rescue Service, 2nd Floor, 100 Edison Park Drive, Gaithersburg, MD, by **September 30, 2014**. E-mail comments to beth.feldman@montgomerycountymd.gov

BACKGROUND: Montgomery County Fire and Rescue Service's (MCFRS) adoption by reference and compliance with the provisions of NFPA 1582, *Standard on Comprehensive Occupational Medical Program for Fire Departments*, 2003 Edition, with the exceptions of Chapter 8, *Annual Occupational Fitness Evaluation of Members*, and Annex C, *Protocols for Evaluation of Fitness of Members*, will establish the necessary requirements to ensure that its firefighter/rescuer personnel, career as well as volunteer



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incumbents of current positions and candidates, are examined thoroughly and objectively. The implementation of the occupationally-based medical requirements outlined in this Standard will ensure that these personnel are medically capable of performing the essential tasks of this job, and will reduce the risk of occurrence of occupational injuries and illnesses. This same medical evaluation will be used as a *guideline only*, when applied to all incumbent volunteer emergency medical service providers, and all candidates for those positions.

[Sec. 1. **Purpose:** To adopt by reference the occupationally-based medical evaluation requirements in NFPA 1582, *Standard on Comprehensive Occupational Medical Program for Fire Departments* ("the NFPA 1582 Standard"), with the exceptions of Chapter 8, *Annual Occupational Fitness Evaluation of Members*, and Annex C, *Protocols for Evaluation of Fitness of Members*, as the standard medical screening criteria for all MCFRS operational firefighter/rescuers and candidates for those positions, to ensure that they are medically capable of performing their essential job tasks, and to reduce their risk of occupational injuries and illnesses. Meeting the conditions of the NFPA Standard, with the exceptions noted, is a *requirement* for MCFRS firefighter/rescuer incumbents and candidates, and a *guideline only* for EMS provider incumbents and candidates for those positions.

Sec. 2. **Applicability.** Compliance with this regulation is a requirement for all MCFRS operational career and volunteer firefighter/rescuer incumbents, and to candidates applying for those positions. The medical evaluation required in this regulation will be used as a *guideline only* for all incumbent volunteer emergency medical service (EMS) providers, and all candidates for those positions.

Sec. 3. **Definitions.**

- a. **Candidate.** A person who has applied to perform the essential job tasks of a firefighter/rescuer or emergency medical service provider seeking employment or volunteer membership in the Montgomery County Fire and Rescue Service.
- b. **Emergency Medical Service Provider.** A Local Fire and Rescue Department (LFRD) member whose participation in emergency incidents is limited to providing EMS basic and advanced levels of patient medical care, and operating specific emergency vehicles.



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- c. **Essential Job Task.** Any task or assigned duty that is critical to the successful performance of the job.
- d. **Fire Department.** For the purpose of this regulation, and in the context of the NFPA 1582 Standard, this term is interchangeable with the Montgomery County Fire and Rescue Service, the combined service comprising the Division of Fire and Rescue Operations (DFRO) and the Division of Volunteer Services (DVS), which includes the Local Fire and Rescue Departments (LFRDs).
- e. **Fire Department Physician.** For the purpose of this regulation, and in the context of the NFPA 1582 Standard, this term is interchangeable with Montgomery County's Fire-Rescue Occupational Medical Section (FROMS).
- f. **Medically Certified.** A determination made by the physician that the candidate or current member meets the medical requirements of this NFPA Standard.
- g. **Medical Evaluation.** The analysis of information to make a determination of medical certification, a process that includes a candidate or member undergoing a medical examination.
- h. **Medical Examination.** A medical examination of an individual that is performed, or is directed, by the fire department (MCFRS) physician.
- i. **Member.** For the purpose of this regulation, and in the context of the NFPA 1582 Standard, "member" refers to a career employee or a volunteer firefighter/rescuer or emergency medical services provider who is capable of performing the referenced essential job tasks during emergency operations at any rank within MCFRS.

Sec. 4. Policy Statement. It is the policy of the Montgomery County Fire and Rescue Service to ensure the health and safety of MCFRS career and volunteer firefighters/rescuers and **emergency medical service providers** by making all reasonable efforts to reduce their risk of occupational injuries and illnesses.

Sec. 5. Responsibilities.

- a. **Candidates and Members** must:



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1. cooperate with, participate in, and comply with the **medical evaluation** process;
2. provide complete and accurate information to the **fire department physician** or other authorized medical care provider(s);
3. immediately report any occupational exposure, e.g., exposures to hazardous materials, toxic substances, infectious or contagious diseases, etc., to their supervisor(s); and
4. immediately report any medical condition to the **fire department physician** that could interfere with their ability to safely perform **essential job tasks**, e.g., illness or injury; use of prescription or non-prescription drugs; pregnancy, etc.

b. The **Fire Department** (MCFRS) must:

1. provide **medical evaluations** and any additional medical tests ordered by the **fire department physician** at no cost to **members**, and provide only basic **medical evaluations** to **candidates**;
2. provide the **fire department physician** with a fire service overview, current job descriptions, and **essential job tasks** required for all **fire department** positions and ranks;
3. provide the **fire department physician** with MCFRS' organizational statement that is correlated to the medical requirements of NFPA Standard 1582 which outlines the types and levels of services provided, and dictates for both **candidates** and **members** the **essential job tasks** they are expected to perform;
4. help the **fire department physician** understand the physiological and psychological demands placed on MCFRS **members**, the environmental conditions under which they must perform, and the personal protective equipment they must wear during various types of emergency operations, in order to conduct appropriate **medical evaluations**;



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5. ensure that the **member** has access to appropriate medical treatment after an injury or illness resulting from the **member's** participation in MCFRS functions;
6. ensure **member** privacy and confidentiality regarding medical conditions identified during the **medical evaluation**, except as required by law;
7. where possible, provide alternate duty positions for **members** with temporary work restrictions, as recommended by the **fire department physician**; and
8. include collection and maintenance of a confidential medical and health information system for MCFRS **members** in a comprehensive occupational medical program, with medical record keeping that complies with the requirements of 29 CFR 1910.120, "Access to Employee Exposure and Medical Records," and other applicable regulations and laws. These provisions apply to all health and medical records regarding an individual MCFRS **member**, and to all methods of communicating or transferring the information contained in these records, including written, oral, electronic, and any other means of communication.

c. The **Fire Department Physician** must:

1. understand the physiological, psychological, and environmental demands placed on firefighters/rescuers/**EMS providers**;
2. evaluate **candidates** and **members** to identify the medical conditions that could affect their ability to safely respond to emergency operations, using the **essential job task** descriptions provided by MCFRS;
3. identify and report the presence of any disqualifying medical condition(s) present in **candidates**;
4. inform the **fire department** chief or designee whether the **candidate** or **member** is **medically certified** to safely perform the **essential job tasks**, under the requirements of medical data confidentiality guidelines;
5. report the results of the **medical evaluation** to the **candidate** or **member**, including any medical condition identified during the **medical evaluation**, and



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provide recommendations on whether that individual is **medically certified** to safely perform the **essential job tasks**;

- 6. review and approve any **medical evaluations** conducted by a medical provider other than the **fire department physician**;
- 7. review individual **medical evaluations** and aggregate data from them to detect evidence of occupational exposures or clusters of occupational disease; and
- 8. Provide medical supervision for fitness for duty, return to duty, rehabilitation, infection control, and physical conditioning programs.

Sec. 6. Appeals. If an applicant disagrees with the determination made by the **Fire-Rescue Occupational Medical Section (FROMS)**, the applicant may, at his/her own expense, obtain a second opinion from a licensed medical professional. **FROMS** must review the second opinion. If, after reviewing the second opinion, **FROMS** does not rate the applicant as medically acceptable, the matter must be submitted to the Fire Chief for consideration. The Fire Chief must make a final determination of the applicant's acceptability, and the decision of the Fire Chief is final.

Sec. 7. Enforcement. The Fire Chief is the enforcement authority for all policies and regulations of the Montgomery County Fire and Rescue Service.

Sec. 8. Severability. If a court of final appeal holds that any part of this regulation is invalid, that ruling does not affect the validity of other parts of the regulation.

Sec. 9. Effective Date. This regulation is effective on the date the County Council adopts a resolution approving it.]

Isiah M. Leggett,
County Executive

Date

APPROVED AS TO
FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY

BY Beverly H. Farnsworth
DATE 8/11/2014