

likelihood that the individual may experience sudden or subtle incapacitation as a result of the medical condition. In this context, “static or well-stabilized medical condition” means a medical condition which is not likely to change as a consequence of the natural progression of the condition, specifically as a result of the normal aging process, or in response to the work environment or the work itself. “Subtle incapacitation” means gradual, initially imperceptible impairment of physical or mental function whether reversible or not which is likely to result in performance or conduct deficiencies. “Sudden incapacitation” means abrupt onset of loss of control of physical or mental function.

*Medical evaluation program* means a program of recurring medical examinations or tests established by written agency policy or directive, to safeguard the health of employees whose work may subject them or others to significant health or safety risks due to occupational or environmental exposure or demands.

*Medical standard* is a written description of the medical requirements for a particular occupation based on a determination that a certain level of fitness of health status is required for successful performance.

*Physical requirement* is a written description of job-related physical abilities which are normally considered essential for successful performance in a specific position.

*Physician* means a licensed Doctor of Medicine or Doctor of Osteopathy, or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations under this part.

*Practitioner* means a person providing health services who is not a medical doctor, but who is certified by a national organization and licensed by a State to provide the service in question.

### Subpart B—Physical and Medical Qualifications

#### § 339.201 Disqualification by OPM.

Subject to subpart C of part 731 of this chapter, OPM may deny an applicant examination, deny an eligible ap-

pointment, and instruct an agency to remove an appointee by reason of physical or mental unfitness for the position for which he or she has applied, or to which he or she has been appointed. An OPM decision under this section is separate and distinct from a determination of disability under § 831.502, 844.103, 844.202, or subpart L of part 831 of this title, and does not necessarily entitle the employee to disability retirement under sections 8337 or 8451 of title 5, United States Code.

#### § 339.202 Medical standards.

OPM may establish or approve medical standards for a Governmentwide occupation (*i.e.*, an occupation common to more than one agency). An agency may establish medical standards for positions that predominate in that agency (*i.e.*, where the agency has 50 percent or more of the positions in a particular occupation). Such standards must be justified on the basis that the duties of the position are arduous or hazardous, or require a certain level of health status or fitness because the nature of the positions involve a high degree of responsibility toward the public or sensitive national security concerns. The rationale for establishing the standard must be documented. Standards established by OPM or an agency must be:

- (a) Established by written directive and uniformly applied,
- (b) Directly related to the actual requirements of the position.

[54 FR 9763, Mar. 8, 1989, as amended at 66 FR 66710, Dec. 27, 2001]

#### § 339.203 Physical requirements.

Agencies are authorized to establish physical requirements for individual positions without OPM approval when such requirements are considered essential for successful job performance. The requirements must be clearly supported by the actual duties of the position and documented in the position description.

#### § 339.204 Waiver of standards and requirements.

Agencies must waive a medical standard or physical requirement established under this part when there is sufficient evidence that an applicant or