

67A.462 Review of disability retirements -- Suspension or termination of disability benefits -- Investigations, hearings, and appeals.

- (1) Once each year following the retirement of a member on a disability retirement allowance, the board may require the person, prior to his or her normal retirement date, to undergo a medical examination. Should he or she refuse to submit to any such medical examination, his or her retirement allowance shall be discontinued until his or her withdrawal of his or her refusal, and should his or her refusal continue for one (1) year, all his or her rights to any further disability allowance shall cease. Any member whose medical examination reveals that he or she is no longer totally and permanently disabled within the meaning of KRS 67A.360(16) shall be disqualified from further receipt of disability benefits.
- (2)
 - (a) Once each year following the retirement of a member on a disability retirement allowance, the board shall require the person, prior to his or her normal retirement date, to complete and return to the board a statement indicating whether he or she is employed, the name of his or her employer, if any, and a description of his or her job duties. The board shall discontinue the disability benefits of any member for the duration of his or her refusal to provide the board with employment information. Any member who fails to provide the information to the board within one (1) year after the initial request shall lose his or her right to any further disability benefits.
 - (b) The board shall have the right to terminate the disability retirement benefits of any member who is employed in an occupation which is essentially similar to that of his or her former employment, either in job classification, similarity of duties, or which otherwise demonstrates that the member is performing activities for which he or she earlier claimed he or she was disabled from performing. For the purpose of this section, members may not hold a sworn position as an elected, paid, or volunteer peace officer, firefighter, paramedic, or any other position generally considered to be a public safety position that otherwise qualifies for hazardous duty salary, retirement, or death benefits under the laws of the Commonwealth or the laws applicable to such employment within the state or federal jurisdiction governing the position, and continue to receive disability benefits.
- (3) The board is authorized to make reasonable investigative inquiries, conduct a hearing, and request the appearance of witnesses, including the member receiving disability benefits, to ensure compliance with this section. Any member whose disability benefits are terminated may request a rehearing before the board under KRS 67A.660. A member may seek judicial review of any final order of the board revoking disability benefits in accordance with KRS 67A.670.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 3, effective July 15, 2020. -- Created 1990 Ky. Acts ch. 189, sec. 12, effective July 13, 1990.