67A.462 Review of disability retirements -- Suspension or termination of disability benefits.

(1)   Once each year following the retirement of a member on a disability retirement allowance, the board may require the person, prior to his normal retirement date, to undergo a medical examination. Should he refuse to submit to any such medical examination, his retirement allowance shall be discontinued until his withdrawal of his refusal, and should his refusal continue for one (1) year, all his rights to any further disability allowance shall cease. Any member whose medical examination reveals that he 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 normal retirement date, to complete and return to the board a statement indicating whether he is employed, the name of his employer, if any, and a description of his job duties. The board shall discontinue the disability benefits of any member for the duration of his 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 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 former employment, either in job classification, similarity of duties, or which otherwise demonstrates that the member is performing activities for which he earlier claimed he was disabled from performing. For the purpose of this section, members who were sworn police officers may not hold a sworn position as peace officer and continue to receive disability benefits.

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History: Created 1990 Ky. Acts ch. 189, sec. 12, effective July 13, 1990.