



KENTUCKY PUBLIC PENSIONS AUTHORITY

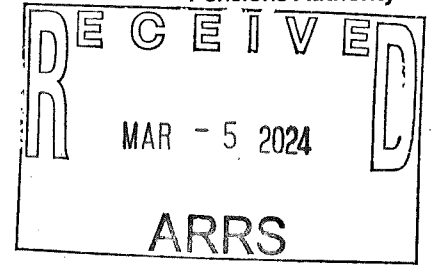
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Kentucky Public
Pensions Authority

March 4, 2024



Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 105 KAR 1:455 In line of duty Hazardous Retirement Disability Benefits.

Dear Co-Chairs West and Lewis:

After further consideration of 105 KAR 1:455, the Kentucky Public Pensions Authority determined additional language was needed, as well as a consolidation of the language in Section 14. Therefore, KPPA proposes the attached agency amendment to 105 KAR 1:455.

Sincerely,

Jessica Beaubien

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Final, 3-4-2024

AGENCY AMENDMENT

**FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority**

105 KAR 1:455 In line of duty Hazardous Retirement Disability Benefits.

NOTE TO COMPILER: Please make the changes as directed by the **SUGGESTED SUBSTITUTE** first, and then make these agency amendment changes to the **SUGGESTED SUBSTITUTE**.

Section 1(5)

After "(5)", insert the following:

"Medical examiner" means independent physicians licensed in Kentucky who evaluate medical, employment, and other information in accordance with KRS 61.665 and 78.545.

(6)

Section 1(5) and Section 1(6)

After "78.510(16).", insert "(7)".

Delete "(6)".

Section 1(6) and Section 1(7)

After "Web site at <https://myretirement.ky.gov>.", insert "(8)".

Delete "(7)".

Section 1(7) and Section 1(8)

After "regulation.", insert "(9)".

Delete "(8)".

Section 5(4)(a)

After "(4)", delete "(a)".

After "the documentation", delete the following:

in accordance with KRS 61.665 and 78.545

After "may", insert "request".

Section 5(4)(a), 5(4)(a)1., and 5(4)(a)2.

Delete the following:

: 1. Request the applicant complete an independent medical or psychological evaluation in accordance with Section 6 of this administrative regulation; or

2. Request

Section 5(4)(a)2.

After "on file.", insert the following:

(5) If the requirements established in this section are:

(a) Filed or submitted within the time periods prescribed in this section, the agency or the agency's third-party vendor shall provide to the medical examiner or examiners the application or reapplication for disability retirement benefits and all forms and documentation received; or

Section 5(4)(b)

After "(b)", delete the following:

If all requirements established in this section are
Capitalize the first letter of "not", immediately following.

Section 6(1)

After "(1)", delete "If".

Capitalize the first letter of "the", immediately following.

After "agency or the", insert the following:

medical examiner or examiners may request that the applicant complete

Delete "agency's third-party vendor recommends".

After "including", insert "a".

After "functional", insert "evaluation".

Delete "evaluations".

After "or", immediately following, insert "assessment".

Delete "assessments be conducted".

After "61.665(3)(c) and 78.545", insert ". If requested".

Section 7(2)

After "(2)", insert "(a)".

After "findings.", insert the following:

(b) Prior to determining eligibility for ILOD disability or total and permanent ILOD disability, the agency or the medical examiner or examiners may request that the applicant complete an independent medical or psychological examination in accordance with Section 6 of this administrative regulation.

Section 9(1)(d)1.

After "and the", insert "applicant".

Delete "claimant".

Section 11(6)

After "receiving the", delete "monthly".

After "retirement", insert "benefit".

Delete "allowance".

Section 13(2)(b)

After "Web site", delete "maintained by the agency".

Section 14(1)

After "(1)", insert the following:

If the beneficiary is an estate, a duly entered or certified court order from a court with jurisdiction appointing the representative of the applicant's estate shall be on file.

(2) If the beneficiary is a trustee, a duly executed trust appointing him or her as the trustee shall be on file.

(3)

Section 14(1)(a)

After "If an applicant", delete the following:

who is not receiving any retirement benefit

After "disability;", delete "and"

Section 14(1)(c)1.

After "Form 6000", insert the following:

, or the representative of the deceased applicant's estate or trust as applicable.

After "by", delete "Sections 4-9 of".

Section 14(1)(c)2.

After "2.", insert "To".

Delete "The beneficiary shall only".

After "specified in", insert "subclause i.-iv.".

Delete "subparagraphs (a)-(d)".

After "of", insert, "clause b. of".

After "this", insert the following:

subparagraph: a. The beneficiary shall file".

Delete the following:

paragraph if he or she files

After "Member.", insert the following:

; or

b. If there are no monthly or lump-sum benefits payable to the beneficiary listed on the Form 6000 or the designated beneficiary is the estate or trust, the representative of the applicant's estate or trustee shall file a written statement that the application or reapplication for ILOD disability or total and permanent ILOD disability shall continue or be withdrawn as applicable.

i.

Section 14(1)(c)2. and 2.a.

Delete ". a."

Section 14(1)(c)2.a.

After "reapplication", insert "i.".

After "The beneficiary", insert the following:

, or the representative of the deceased applicant's estate or trust as applicable.

After "subject to", insert "subsections (2) and (3)".

Delete "subsection 4-6".

Section 14(1)(c)2.a. and b.

After "owed", insert ". ii.".

Delete "; b."

Section 14(1)(c)2.b.

After "If the", insert the following:

required documentation as prescribed in this subsection

Delete "Form 6008".

Section 14(1)(c)2.b. and c.

After "regulation", insert ". iii.".

Delete "; c."

Section 14(1)(c)2.c.

After ". The", insert the following:

required documentation as prescribed in this subsection

Delete "Form 6008".

Section 14(1)(c)2.c. and d.

After "regulation", insert ". iv."

Delete "; and d."

Section 14(1)(c)2.d. and Section 14(1)(c)3. and 4.

After ". The", insert the following:

required documentation as prescribed in this subsection

Delete "Form 6008".

After "3.", delete the following:

If the beneficiary is an estate, then the beneficiary shall file a duly entered or certified court order from a court with jurisdiction appointing the representative of the applicant's estate within the time period requirements established by this subsection.

4.

Section 14(1)(c)4.

After "beneficiary", insert the following:

, or the representative of the deceased applicant's estate or trust as applicable.

Section 14(2)(a) through Section 14(3)(d)4., and Section 14(4)

After "by the agency. (2)", delete the following:

(a) If an applicant who is receiving a monthly retirement benefit dies prior to being fully approved for ILOD disability or total and permanent ILOD disability;

(b) A valid Form 6000, Notification of Retirement, that complies with Section 5 of this administrative regulation is on file;

(c) Lump sum or monthly benefits are payable to the beneficiary listed on the Form 6000; and

(d) The time period requirements established by Sections 4-9 of this administrative regulation have not expired; then:

1. In order to proceed with the application or reapplication, the beneficiary named on the valid Form 6000 shall file the following within the time period requirements established in Sections 4-9 of this administrative regulation:

a. Any outstanding forms or documentation required by Sections 5-9 of this administrative regulation; and

b. Any additional relevant objective medical evidence and a valid Form 8002, Certification of Application for Disability Retirement and Supporting Medical Information.

2. The beneficiary shall file a valid Form 6008, Beneficiary Election to Continue Disability Application Process on Behalf of Deceased Member, to:

a. Continue the application or reapplication whether or not additional forms or documentation are needed. The beneficiary shall be subject to subsection 4-6 of this section prior to payment of a disability retirement benefit owed;

b. Withdraw the application or reapplication whether or not additional forms or documentation are needed. If the Form 6008 is not on file within the time period requirements established in Sections 5-9 of this administrative regulation, the application or reapplication shall be withdrawn automatically.

c. Have the right to submit additional supporting information in accordance with Section 8 of this administrative regulation if there is a denial of disability retirement benefits of any kind. The Form 6008 shall be on file within the time period requirements to submit additional supporting information as provided in Section 8 of this administrative regulation; and

d. Have the right to request an administrative hearing if there is a denial of disability retirement benefits of any kind. The Form 6008 shall be on file within the time period

requirements to request an administrative hearing as provided in Sections 5-9 of this administrative regulation.

3. If the beneficiary does not file the required forms and documentation within the time periods required by this administrative regulation and KRS 61.665 and 78.545, then the application or reapplication for disability retirement benefits of any kind shall not be processed by the agency.

(3)(a) If an applicant who is receiving a monthly retirement benefit dies prior to being fully approved for ILOD disability or total and permanent ILOD disability;

(b) A valid Form 6000, Notification of Retirement, that complies with Section 5 of this administrative regulation is on file;

(c) No monthly or lump-sum benefits are payable to the beneficiary listed on the Form 6000 or the designated beneficiary is the estate or trust; and

(d) The time period requirements established in Sections 4-9 of this administrative regulation have not expired; then:

1. In order to proceed with the application or reapplication, the representative of the deceased applicant's estate or the trustee shall file the following no later than the time period requirements established in Sections 4-9 of this administrative regulation:

a. Any outstanding forms or documentation required by Sections 5-9 of this administrative regulation; and

b. Any additional relevant objective medical evidence and a valid Form 8002, Certification of Application for Disability Retirement and Supporting Medical Information.

2. The representative of the applicant's estate shall file a duly entered or certified court order from a court with jurisdiction appointing the person(s) as representative of the applicant's estate, and a written statement that the application or reapplication for ILOD disability or total and permanent ILOD disability shall continue or be withdrawn as applicable. Both requirements of this paragraph shall be on file to:

a. Continue the application or reapplication whether or not additional forms or documentation are needed. The representative of the applicant's estate shall be subject to subsection 4-6 of this section prior to payment of a disability retirement benefit owed;

b. Withdraw the application or reapplication whether or not additional forms or documentation are needed. If the requirements of this subsection are not on file within the time period requirements established in Sections 5-9 of this administrative regulation, the application or reapplication shall be withdrawn automatically;

c. Have the right to submit additional supporting information in accordance with Section 8 of this administrative regulation if there is a denial of disability retirement benefits of any kind. The requirements of this subsection shall be on file within the time period requirements to submit additional supporting information as provided in Section 8 of this administrative regulation; and

d. Have the right to request an administrative hearing if there is a denial of disability retirement benefits of any kind. The requirements of this subsection shall be on file within the time period requirements to request an administrative hearing as provided in Sections 5-9 of this administrative regulation.

3. The trustee shall file a written statement that the application or reapplication for ILOD disability or total and permanent ILOD disability shall continue or be withdrawn as applicable. The requirements of this paragraph shall be on file to:

a. Continue the application or reapplication whether or not additional forms or documentation are needed. The representative of the applicant's estate shall be subject to subsection 4-6 of this section prior to payment of a disability retirement benefit owed;

b. Withdraw the application or reapplication whether or not additional forms or documentation are needed. If the requirements of this subsection are not on file within the

time period requirements established in Sections 5-9 of this administrative regulation, the application or reapplication shall be withdrawn automatically;

c. Have the right to submit additional supporting information in accordance with Section 8 of this administrative regulation if there is a denial of disability retirement benefits of any kind. The requirements of this subsection shall be on file within the time period requirements to submit additional supporting information as provided in Section 8 of this administrative regulation; and

d. Have the right to request an administrative hearing if there is a denial of disability retirement benefits of any kind. The requirements of this subsection shall be on file within the time period requirements to request an administrative hearing as provided in Sections 5-9 of this administrative regulation.

4. If the representative of the deceased applicant's estate or the trustee does not file the required forms and documentation within the time periods required by this administrative regulation and KRS 61.665 and 78.545, then the application or reapplication for disability retirement benefits of any kind shall not be processed by the agency.

(4)

Section 14(4)

After "provided in", insert "subsection".

Delete "subsections".

After "(1)", delete "-(3)".

Section 14(4)(a)

After "the beneficiary", insert the following:

, or the representative of the deceased applicant's estate or trust as applicable.

After "The beneficiary", insert the following:

, or the representative of the deceased applicant's estate or trust as applicable.

Section 14(4)(b)

After "the beneficiary", insert the following:

, or the representative of the deceased applicant's estate or trust as applicable.

After "The beneficiary", insert the following:

, or the representative of the deceased applicant's estate or trust as applicable.

Section 14(4)(d) and Section 14(5)

After "benefit owed", insert "(3)".

Delete "(5)".

Section 14(5) and Section 14(5)(a)

After "of any kind," insert "a".

Delete "the", immediately following.

After "beneficiary", insert the following:

that is not the deceased applicant's estate or trust

Section 14(5)(b)

After "beneficiary", insert the following:

, or the representative of the deceased applicant's estate or trust as applicable.