

**61.610 Employment and medical review after disability retirement -- Filing of review forms -- Duty of system to assist in obtaining records -- Disability fraud investigator.**

- (1) Once each year following the retirement of a person on a disability retirement allowance, except for persons who become totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or become disabled as a result of a duty-related injury as defined in KRS 61.621 in which case shall be once every three (3) years following retirement, or less frequently as determined by the board's medical examiner but not less than once every five (5) years, the system may require the person, prior to his or her normal retirement date, to undergo an employment and medical staff review and, if necessary, be required to file at the retirement office on the review form prescribed by the board current employment information and current medical information for the bodily injury, mental illness, or disease for which he or she receives a disability retirement allowance. The person shall have one hundred eighty (180) days from the day the system sent the review form by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means, to file at the retirement office the review form and the current employment and medical information. The person shall certify to the retirement office that the review form, including current employment and medical information, is ready to be evaluated by the medical examiner in accordance with KRS 61.615.
- (2) If, after good faith efforts, the person informs the system that he or she has been unable to obtain the employment or medical information, the system shall assist the person in obtaining the records and may use the authority granted pursuant to KRS 61.685(1) to obtain the records.
- (3) If the person fails or refuses to file at the retirement office the review form, including the current employment and medical information, his or her retirement allowance shall be discontinued or reduced on the first day of the month following the expiration of the one hundred eighty (180) days from the day the system sent the review form by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means. The Authority shall send notice of the discontinuance or reduction of the disability retirement allowance by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means. If the person's benefits are discontinued or reduced under this section, his or her rights to further disability retirement allowances shall cease, except as provided by KRS 61.615.
- (4) The Kentucky Public Pensions Authority shall hire or contract for the services of one (1) or more investigators to investigate potential fraud involving disability benefits with the system. The investigators shall evaluate potential cases of disability fraud and conduct spot audits for potential fraud as determined by the system in cases involving members who become totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or

become disabled as a result of a duty-related injury as defined in KRS 61.621.

**Effective:** April 14, 2022

**History:** Amended 2022 Ky. Acts ch. 216, sec. 8, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 106, sec. 8, effective June 29, 2021. -- Amended 2004 Ky. Acts ch. 36, sec. 17, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 105, sec. 13, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 240, sec. 32, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 349, sec. 41, effective July 15, 1988; and ch. 387, sec. 2, effective July 15, 1988. -- Amended 1972 Ky. Acts ch. 116, sec. 39. -- Amended 1962 Ky. Acts ch. 58, sec. 13. -- Created 1956 Ky. Acts ch. 110, sec. 21.

**Legislative Research Commission Note** (6/29/2021). See 2021 Ky. Acts ch. 106, secs. 10, 11, 12, and 13 for information regarding the application of the amendments to this statute made in that Act.