

67A.480 Medical examination to determine disability -- Certification of examining physicians -- Rehearing or judicial review.

- (1) For the purpose of KRS 67A.360 to 67A.690, a member shall be considered totally and permanently disabled after the board has received written certification by at least two (2) licensed and practicing physicians selected by the board that the member is totally and likely to be permanently disabled for the further performance of the duties of any assigned position in the service of the department.
- (2) For members who make an application for total and permanent occupational disability, at least two (2) licensed and practicing physicians selected by the board must also certify in writing that the member's disability is due to an occupational cause. If such physicians do not concur as to whether the member's disability is due to an occupational cause, the board may, with the consent of the member, grant the member a disability retirement due to a cause other than occupational disability under the provisions of KRS 67A.470.
- (3) If upon consideration of the report of such physicians as provided by subsections (1) and (2) of this section and such other evidence as shall have been presented to it by the member or others interested therein, the board finds the member to be totally and permanently disabled, it shall grant him a disability retirement annuity upon written certification that the member has been separated from the service of the government because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the government.
- (4) Nothing contained in this section shall be construed to limit the ability of a member to seek a rehearing in accordance with KRS 67A.660 or judicial review in accordance with KRS 67A.670 of a disability determination or calculation of a disability retirement annuity by the board.

Effective: July 1, 2022

History: Amended 2022 Ky. Acts ch. 140, sec. 7, effective July 1, 2022. -- Created 1974 Ky. Acts ch. 106, sec. 13, effective July 1, 1974.