

102 KAR 1:290. Disability retirement application, review, and examinations.

RELATES TO: KRS 161.661, 161.663

STATUTORY AUTHORITY: KRS 161.310, 161.661(14)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.310 requires the Board of Trustees of the Teachers' Retirement System of the State of Kentucky (TRS) to promulgate administrative regulations for the administration of the funds of the retirement system and for the transaction of business. KRS 161.661(14) authorizes the board to promulgate administrative regulations regarding procedures for a medical review committee to follow when reviewing applications for disability retirement. KRS 161.661(10) provides that members retired by reason of disability shall undergo periodic examinations at the discretion of the board of trustees to determine whether the disability retirement allowance shall be continued. This administrative regulation establishes guidelines for filing an application for disability retirement and the required periodic examinations.

Section 1. To qualify for disability retirement, a member shall meet the requirements set forth in KRS 161.661(1) and (9) or KRS 161.663. A member who requests an application shall be given a copy of:

- (1) Disability Retirement Information You Should Know;
- (2) Disability New Retiree Health Insurance Information for Plan Year 2016; and
- (3) Wage Bracket Method Tables for Income Tax Withholding.

Section 2. Administrative Provisions.

(1) An application for disability retirement shall be filed on the Application for Disability Retirement (application) and shall include:

- (a) A photocopy of the member's certified birth certificate;
- (b) A photocopy of the member's signed Social Security card;
- (c) A voided or cancelled check from the institution where monthly disbursements shall be electronically transmitted;
- (d) If applicable, a photocopy of the member's certified marriage certificate;
- (e) A photocopy of the primary beneficiary's certified birth certificate; and
- (f) A photocopy of the primary beneficiary's signed Social Security card.

(2) The Report of Physician and supporting documentation regarding the member's physical or mental condition shall be submitted with the application.

(3) TRS shall submit the application, Applicant Statement of Disability, Report of Physician, and supporting documentation to the medical review committee for evaluation and written disposition as required by KRS 161.661(14).

(4) If the application is approved, payment of disability benefits shall be effective on the applicable date set forth in KRS 161.661(11).

Section 3. A member's receipt of disability benefits shall be subject to the restrictions set forth in KRS 161.661(12).

Section 4. A member retired by reason of disability shall undergo examinations on an annual basis to determine whether the member's disability retirement allowance shall be continued, except that, on the recommendation of the medical review committee, a member's examinations may be less frequent, but not less than once every five (5) years.

Section 5. If either of the conditions in KRS 161.661(16) is met, a member may seek reinstatement of disability benefits by filing an application as required in Section 2 of this administrative regulation. Application shall be made within the time frame set forth in KRS 161.661(16).

Section 6. Incorporation by reference.

(1) The following material is incorporated by reference:

- (a) "Application for Disability Retirement", July 2016;
- (b) "Applicant Statement of Disability", D-1, July 2016;
- (c) "Disability Retirement Information You Should Know", DB-1, July 2016;
- (d) "Report of Physician", D-3, July 2016;
- (e) "Disability New Retiree Health Insurance Information for Plan Year 2016", 2016;
and
- (f) "Wage Bracket Method Tables for Income Tax Withholding", 2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

(102 KAR 001:290. 29 Ky.R. 2998; eff. 8-13-2003; 43 Ky.R. 260, 530; eff. 11-4-2016; Crt eff. 7-3-2019; Crt eff. 12-17-2025.)