

## Policy for the Medical Review of Disability Retirees

Board approved on 11/9/10

RSA 100-A:6, III grants the Board of Trustees the discretion to require a medical exam of any disability retiree once a year during the first 5 years following retirement and once in every 3-year period thereafter up to age 60 to establish eligibility for continued disability benefits. In addition, Ret 309.01(f) requires a medical exam to establish eligibility for continued disability benefits for a disability retiree under age 60 who exceeds the gainful occupation limits, if the former employer has the retiree's pre-disability position open. If any disability retiree who has not attained age 60 refuses to undergo an examination, his or her state annuity may be discontinued until the retiree complies. If the refusal continues for more than one year, the Board may revoke all of the retiree's rights to a state annuity.

Pursuant to RSA 100-A:6, III(a), the Executive Director or designee shall request that each Independent Medical Examiner (IME) include a recommendation, as part of a favorable disability retirement evaluation for a person under 58 years old, about whether the disability applicant should be re-examined if granted disability retirement and how frequently re-examination should occur. The Board may accept the recommendation of the IME, reject it, or modify it.

Pursuant to Ret 309.01(f), when a disability retiree who is under age 60 exceeds the gainful occupation limitations of RSA 100-A:6, III(b)(1), the Executive Director or designee shall determine whether the retiree's previous employer has an open position that is either the retiree's position at the time of disability or the position the retiree last held prior to retirement. If such position is open, the Executive Director or designee shall schedule a medical exam by an IME to determine if the disability retiree remains mentally or physically incapacitated from the further performance of duty. The NHRS shall pay the cost of the exam.

The Executive Director or designee shall keep a record of the disability retirees whose disability retirements are subject to re-examination.