

Medical Review of Disability Recipients Policy - Revisions approved at the May 14, 2019 NHRS Board meeting.
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I. Purpose and Intent.

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

The purpose of this policy is to establish criteria for determining when a disability re-examination will be required.

II. Policy.

A. IME Recommendations. 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.

B. Hearings Examiner Recommendations. Absent a re-examination recommendation from the IME, the Hearings Examiner may recommend that the disability applicant should be re-examined if granted disability retirement and how frequently re-examination should occur. The Hearings Examiner may also modify a recommendation by the IME with respect to the timing and frequency of the re-examinations. The Hearing Examiner may also recommend that after an initial re-examination, the Benefits Committee shall have the discretion to require any additional re-examinations. The Board may accept the recommendation of the Hearings Examiner, reject it, or modify it.

C. Gainful Occupation. Pursuant to Ret 309.01(f), when a disability recipient 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 recipient's previous employer has an open position that is either the recipient's position at the time of disability, or the position the recipient last held prior to retirement. If the former employer can rehire the recipient, the Executive Director or designee shall schedule a medical exam by an IME to determine if the disability recipient remains mentally or physically incapacitated from the further performance of duty. NHRS shall pay the cost of the exam. If the disability recipient remains incapacitated, the IME shall make a recommendation as to whether

additional re-examinations are warranted. If the IME does not recommend additional re-examinations, then there shall be no additional re-examinations solely because of the fact that the disability recipient has excess earnings in any future years; however, the Board shall retain its discretion to require a re-examination on an ad hoc basis as hereinbelow described.

D. Ad Hoc Board Recommendations. The Board has the discretion to require a re-examination in cases where the initial approval of disability retirement does not contain such a requirement but where the subsequent facts and circumstances warrant that a re-examination be conducted, such as reports that (1) the recipient is engaged in an occupation that is similar to his or her last position held or an occupation requiring similar physical or mental skills as the last position held; or, (2) the recipient is engaged in other physical activities that may indicate that he or she is no longer incapacitated.

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