

## (2) THE MEDICAL BOARD CERTIFIES THAT:

(I) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

(II) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND

(III) THE MEMBER SHOULD BE RETIRED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, §§ 2-404(a)(1)(i) and (iii), 3-404(a)(1)(i) and (iii), 4-404(a)(1)(i) and (iii), 5-404(a)(1)(i) and (iii), 6-403(a)(1)(i) and (iii), 7-404(a)(1)(i) and (iii), 8-402(a)(1)(i) and (iii), and 10-218(a)(1)(i) and (iii).

In item (1) of this section and throughout this title, the defined term "eligibility service" is substituted for the references to "creditable service" in former Art. 73B, §§ 2-404(a)(1)(i), 3-404(a)(1)(i), 6-403(a)(1)(i), and 7-404(a)(1)(i). See General Revisor's Note to Division II.

The State Personnel and Pensions Article Review Committee notes, for consideration by the General Assembly, that in item (2)(i) of this section, the reference to the standard of measuring incapacity of a member as to performing "the normal duties of the member's position", which appeared in former Art. 73B, § 8-402(a)(1)(iii)1 and applied only to members of the Natural Resources Pension System, is made to apply to all members covered under this subtitle. Incapacity for the further performance of the normal duties of a member's position is the standard currently in use in the State systems. The reference thus is substituted for the former broad reference to "duty" that appeared in former Art. 73B, §§ 2-404(a)(1)(iii)1, 3-404(a)(1)(iii)1, 4-404(a)(1)(iii)1, 5-404(a)(1)(iii)1, 6-403(a)(1)(iii)1, 7-404(a)(1)(iii)1, and 10-218(a)(1)(iii)1 to reflect that the narrower provisions of the later enacted § 8-402 were intended to codify existing practice.

Defined terms: "Board of Trustees" § 20-101

"Eligibility service" § 20-101

"Medical board" § 20-101

"Member" § 20-101

"Retirement allowance" § 20-101

29-106. SAME — ALLOWANCE FOR EMPLOYEES', TEACHERS', AND CORRECTIONAL OFFICERS' RETIREMENT SYSTEMS.

## (A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO MEMBERS OF:

- (1) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;
- (2) THE EMPLOYEES' RETIREMENT SYSTEM; AND
- (3) THE TEACHERS' RETIREMENT SYSTEM.