

COMMITTEE NOTE: This subsection is new language derived without substantive change from former Art. 73B, § 11(6) and (7).

The clause "if the member is unable to apply" is added in subsection (a)(1)(ii) to clarify that a department head is not to force the retirement of a member.

Former Art. 73B, § 11(7)(b) is deleted as obsolete.

(C) A MEMBER MAY NOT RECEIVE A DISABILITY ALLOWANCE FOR A DISABILITY INCURRED BEFORE ENROLLMENT IN THE RETIREMENT SYSTEM, EXCEPT TO THE EXTENT THAT THE DISABILITY WAS AGGRAVATED IN THE ACTUAL PERFORMANCE OF DUTY.

COMMITTEE NOTE: This subsection is derived without substantive change from the last sentence of former Art. 73B, § 11(4) and the second to last sentence of former Art. 73B, § 11(6).

(D) A MEMBER ENTITLED TO AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE MAY NOT RECEIVE ANY ALLOWANCE ON ACCOUNT OF ORDINARY DISABILITY.

COMMITTEE NOTE: This subsection is derived without substantive change from the last sentence of former Art. 73B, § 11(6).

(E) (1) ONCE EACH YEAR, THE BOARD OF TRUSTEES MAY REQUIRE ANY DISABILITY RETIREE WHO HAS NOT YET ATTAINED THE AGE OF 60 TO UNDERGO A MEDICAL EXAMINATION.

(2) THE EXAMINATION OF THE RETIREE SHALL BE MADE AT THE PLACE OF RESIDENCE OF THE RETIREE, OR OTHER PLACE MUTUALLY AGREED UPON, BY A PHYSICIAN OR PHYSICIANS DESIGNATED BY THE BOARD OF TRUSTEES.

(3) IF ANY DISABILITY RETIREE WHO HAS NOT YET ATTAINED THE AGE OF 60 REFUSES TO SUBMIT TO THE MEDICAL EXAMINATION, THE RETIREE'S ALLOWANCE MAY BE DISCONTINUED UNTIL THE RETIREE'S WITHDRAWAL OF THE REFUSAL.

(4) IF THE RETIREE'S REFUSAL CONTINUES FOR ONE YEAR, ALL OF THE RETIREE'S RIGHTS IN AND TO THE RETIREE'S PENSION MAY BE REVOKED BY THE BOARD OF TRUSTEES.

(F) (1) (I) IN THIS SUBSECTION, "RETIREMENT ALLOWANCE" MEANS THE ALLOWANCE PAYABLE WITHOUT OPTIONAL MODIFICATION AS PROVIDED IN § 2-407 OF THIS SUBTITLE.

(II) IF THE MEDICAL BOARD REPORTS AND CERTIFIES TO THE BOARD OF TRUSTEES THAT ANY ORDINARY DISABILITY RETIREE UNDER THE AGE OF 60 IS ENGAGED IN OR IS ABLE TO ENGAGE IN A GAINFUL OCCUPATION PAYING MORE THAN THE DIFFERENCE BETWEEN THE RETIREE'S RETIREMENT ALLOWANCE AT THE TIME OF THE