

Article - State Personnel and Pensions

29-115.

(a) If a disability retiree is under normal retirement age, the Board of Trustees may require the disability retiree to undergo a yearly medical examination.

(b) [(1)] The retiree shall be examined by a physician chosen by the Board of Trustees[.

(2) The examination shall be at the retiree's residence or other] AT A place agreed on by the retiree and the physician conducting the examination.

(c) If a retiree who is under normal retirement age refuses a medical examination, the Board of Trustees may stop payment of the retiree's allowance until the retiree withdraws the refusal.

(d) If a retiree's refusal of a medical examination continues for 1 year, the Board of Trustees may revoke the retiree's rights in the retiree's [pension] DISABILITY RETIREMENT ALLOWANCE.

(e) (1) [Except as provided in paragraph (2) of this subsection, if the medical board finds after a medical examination that a disability retiree who is under normal retirement age is no longer mentally or physically incapacitated for the further performance of the normal duties of the position of the retiree at the time of retirement, the] THE Board of Trustees may, after giving notice and an opportunity for a hearing, suspend the retiree's allowance[.

(2) The Board of Trustees may not suspend a retiree's allowance under this section unless] IF:

(i) a retiree is employed [in a position that requires the retiree's allowance to be suspended under § 29-117 of this subtitle] BY A PARTICIPATING EMPLOYER AT AN ANNUAL COMPENSATION THAT IS AT LEAST EQUAL TO THE RETIREE'S AVERAGE FINAL COMPENSATION AT RETIREMENT;

(ii) a retiree is employed [in a position that does not require the retiree's allowance to be suspended under § 29-117 of this subtitle, but is employed] BY A PARTICIPATING EMPLOYER AT AN ANNUAL COMPENSATION THAT IS LESS THAN THE RETIREE'S AVERAGE FINAL COMPENSATION AT RETIREMENT in a position similar to the position held before retirement [or a position with compensation that is at least equal to the retiree's average final compensation at retirement]; or

(iii) the Board of Trustees determines[, after giving notice and an opportunity for a hearing,] that a retiree has refused to accept from the retiree's employer at retirement an offer of reemployment in a position comparable to the position held before retirement or a position with compensation that is at least equal to the retiree's average final compensation at retirement.

[(3)](2) A retiree whose allowance is suspended under this subsection may receive a vested allowance as provided under Title 29, Subtitle 3 of this article, if the retiree had at least 5 years of eligibility service at retirement.