

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 69 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 108

4
5 By: Senators Faris, J. Jeffress, J. Bookout

For An Act To Be Entitled

9 AN ACT TO REQUIRE A DISABILITY MEDICAL
10 EXAMINATION BE PERFORMED BY A BOARD OF MEDICAL
11 PROFESSIONALS AS DEFINED BY THE RULES OF THE
12 BOARD OF TRUSTEES OF THE STATE POLICE RETIREMENT
13 SYSTEM; AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT TO REQUIRE A DISABILITY MEDICAL
17 EXAMINATION UNDER THE STATE POLICE
18 RETIREMENT SYSTEM BE PERFORMED BY BOARD-
19 DESIGNATED MEDICAL PROFESSIONALS.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24 SECTION 1. Arkansas Code § 24-6-213 is amended as follows:

25 24-6-213. Eligibility for benefits - Disability retirement.

26 (a)(1)(A) Upon application filed with the Board of Trustees of the
27 State Police Retirement System by a member or by the Director of the
28 Department of Arkansas State Police on behalf of a member, a member who is in
29 the employ of the Department of Arkansas State Police, who has five (5) or
30 more years of actual service, and who becomes totally and permanently
31 incapacitated for duty in the employ of the department by reason of a
32 personal injury or disease may be retired by the board, but only after a
33 medical examination of the member.

34 ~~(B) This examination shall be made by or under the~~
35 ~~direction of a medical committee consisting of three (3) physicians, one of~~



1 ~~whom shall be selected by the board, one by the member, and the third by the~~
 2 ~~first two (2) physicians so named if the medical committee reports to the~~
 3 ~~board, by majority opinion in writing, that the member is physically or~~
 4 ~~mentally incapacitated for duty in the employ of the department, that the~~
 5 ~~incapacity will probably be permanent, and that the member should be retired.~~

6 (B) The examination shall be made by or under the
 7 direction of a board of medical professionals as defined in the rules of the
 8 board, using the active duty criteria supplied by the Department of Arkansas
 9 State Police in determining the extent of the disability.

10 (2) The five (5) years of service requirement contained in this
 11 subsection shall not apply to a member whom the board finds to be in receipt
 12 of workers' compensation for his or her disability arising solely and
 13 exclusively out of and in the course of his or her employment with the
 14 department.

15 (b)(1) Upon his or her retirement on account of disability as provided
 16 in subsection (a) of this section, a member shall receive a disability
 17 pension computed according to the contributory provisions of § 24-6-214 or
 18 the noncontributory provisions of § 24-6-227, as applicable.

19 (2) However, a member's disability pension shall not be less
 20 than twenty percent (20%) of his or her final average compensation and shall
 21 be subject to subsections (c)-(e) of this section.

22 (c)(1) At least once each year during the first five (5) years
 23 following a member's retirement on account of disability and at least once in
 24 every three-year period thereafter, the board may, and upon the retirant's
 25 application shall, require any disability retirant who has not attained age
 26 fifty (50) to undergo a medical examination to be made by or under the
 27 direction of ~~a physician designated by the board~~ the board-designated medical
 28 professionals.

29 (2) If the retirant refuses to submit to a medical examination
 30 in any such period, his or her disability pension may be suspended by the
 31 board until his or her withdrawal of his or her refusal.

32 (3) If his or her refusal continues for one (1) year, all his or
 33 her rights in and to a disability pension may be revoked by the board.

34 (4) If, upon the medical examination of the retirant, the
 35 ~~physician reports~~ board-designated medical professionals report to the board
 36 that the retirant is physically capable of performing the duties of the rank

1 held by him or her at the time of his or her retirement, the retirant shall
2 be returned to the employ of the department, and his or her disability
3 pension shall be terminated.

4 (d)(1) Upon a disability retirant's return to the employ of the
5 department as provided in subsection (c) of this section, his or her credited
6 service at the time of his or her retirement shall be restored to his or her
7 credit.

8 (2) He or she shall be given service credit for the period he or
9 she was receiving a disability pension if, within that period, he or she was
10 in receipt of workers' compensation on account of his or her department
11 employment.

12 (e) In the event a disability retirant who has not attained age fifty
13 (50) performs personal services in an occupation, business, or employment,
14 his or her disability pension shall be reduced so that the sum of his or her
15 disability pension and the compensation received by him or her from the
16 occupation, business, or employment shall not exceed his or her annual rate
17 of salary at the time of his or her retirement.

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19 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that for the effective
21 administration of this act and to avoid undue harm to the members and benefit
22 recipients of the State Police Retirement System that this act should become
23 effective on July 1, 2005. Therefore, an emergency is declared to exist and
24 this act being necessary for the preservation of the public peace, health,
25 and safety shall become effective on July 1, 2005.

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28 APPROVED: 2/07/2005
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