

HOUSE BILL 88

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2lr1368
CF 2lr1369

By: **Delegate Griffith (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 18, 2012

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Medical Board Participation**

3 FOR the purpose of authorizing the Board of Trustees of the State Retirement and
4 Pension System to appoint a physician who is a participating employee in the
5 Optional Retirement Program to serve on a medical board, subject to a certain
6 condition; prohibiting a medical board physician who is a participating
7 employee in the Optional Retirement Program from participating in certain
8 cases under certain circumstances; and generally relating to the appointment of
9 medical boards for the State Retirement and Pension System.

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 Section 21–126
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – State Personnel and Pensions**

18 21–126.

19 (a) The Board of Trustees shall establish one or more medical boards.

20 (b) (1) Each medical board consists of three members and not more than
21 three alternates.

22 (2) Each medical board member and alternate shall be a physician
23 who is not eligible to be a member of a State system.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) **(I)** The Board of Trustees shall appoint the medical board
2 members and any alternates.

3 **(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS**
4 **SUBSECTION, THE BOARD OF TRUSTEES MAY APPOINT A PHYSICIAN WHO IS A**
5 **PARTICIPATING EMPLOYEE IN THE OPTIONAL RETIREMENT PROGRAM UNDER**
6 **TITLE 30 OF THIS ARTICLE TO A MEDICAL BOARD IF THE PHYSICIAN IS NOT**
7 **ELIGIBLE TO RECEIVE A DISABILITY BENEFIT UNDER TITLE 29, SUBTITLE 1 OF**
8 **THIS ARTICLE.**

9 (4) In the absence of a medical board member, an alternate may serve
10 on a medical board.

11 (c) Two members of a medical board are a quorum for the conduct of
12 business.

13 (d) A medical board shall:

14 (1) arrange for and approve all medical examinations required under
15 this Division II;

16 (2) investigate all essential certificates and statements by or on behalf
17 of a member concerning the application of the member for disability retirement; and

18 (3) submit written reports to the Board of Trustees, with conclusions
19 and recommendations, on all matters that the Board of Trustees refers to the medical
20 board.

21 (e) The Board of Trustees may employ other physicians to report on special
22 cases.

23 **(F) A MEMBER OF A MEDICAL BOARD APPOINTED UNDER SUBSECTION**
24 **(B)(3)(II) OF THIS SECTION MAY NOT PARTICIPATE IN A CASE CONCERNING THE**
25 **APPLICATION OF A MEMBER FOR DISABILITY RETIREMENT IF THE APPLICANT IS**
26 **AN EMPLOYEE OF THE SAME INSTITUTION THAT IS THE EMPLOYING**
27 **INSTITUTION, AS DEFINED IN § 30-101 OF THIS ARTICLE, OF THE MEMBER OF**
28 **THE MEDICAL BOARD.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2012.