

Chapter 64

(Senate Bill 357)

AN ACT concerning

State Retirement and Pension System – Medical Board Participation

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

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

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

Article – State Personnel and Pensions

21–126.

- (a) The Board of Trustees shall establish one or more medical boards.
- (b)
 - (1) Each medical board consists of three members and not more than three alternates.
 - (2) Each medical board member and alternate shall be a physician who is not eligible to be a member of a State system.
 - (3) **(I)** The Board of Trustees shall appoint the medical board members and any alternates.

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF TRUSTEES MAY APPOINT A PHYSICIAN WHO IS A PARTICIPATING EMPLOYEE IN THE OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE TO A MEDICAL BOARD IF THE PHYSICIAN IS NOT

ELIGIBLE TO RECEIVE A DISABILITY BENEFIT UNDER TITLE 29, SUBTITLE 1 OF THIS ARTICLE.

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

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

(d) A medical board shall:

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

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

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

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

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

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

Approved by the Governor, April 10, 2012.