

**MINUTES OF MEETING
KENTUCKY PUBLIC PENSIONS AUTHORITY
AD HOC REGULATION COMMITTEE MEETING
MARCH 7, 2023, AT 10:00 AM
VIA LIVE VIDEO TELECONFERENCE**

At the Special Called Meeting of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee held on March 7, 2023, the following members were present: Keith Peercy (Chair), Betty Pendergrass, and Jerry Powell. Staff members present were KRS CEO John Chilton, CERS CEO Ed Owens, III, Rebecca Adkins, Erin Surratt, Michael Lamb, Michael Board, Vicki Hale, Carrie Bass, Jessica Beaubien, Jillian Hall, Wendi Pierce, Liza Welch, Ashley Gabbard, Shaun Case, Katie Park, and Sherry Rankin.

Mr. Peercy called the meeting to order.

Ms. Hall read the Legal Public Statement.

Ms. Rankin took Roll Call.

There being no *Public Comment* submitted, Mr. Peercy introduced agenda item *Approval of Minutes – November 22, 2022 (Video 00:05:23 to 00:05:44)*. Ms. Pendergrass made a motion to approve the minutes from the meeting held on November 22, 2022. Mr. Powell seconded the motion and the motion passed unanimously.

Mr. Peercy introduced agenda item *Administrative Regulation 105 KAR 1:220 (Video 00:05:45 to 00:54:38)*. Ms. Jessica Beaubien advised the Committee that 105 KAR 1:220 is an amended administrative regulation which details the process for employment and medical staff reviews for recipients of a disability retirement allowance to determine if the recipient's disability retirement allowance should be continued or discontinued. Ms. Beaubien added that this regulation also details time periods for medical and employment review requirements, reporting gainful employment, and appeal rights. Ms. Pendergrass had several questions for the Office of Legal Services regarding periodic reviews. There was discussion of the disability review process and the way in which the process is explained in the administrative regulation. It was decided to add language which clearly states that previously approved disability retirement is subject to medical review and may change a determination. Additionally, that the medical review focuses on the job description/job held by the

recipient of a disability retirement allowance. Ms. Hale suggested that the approval letter be modified to notify recipients that the approval may change pending a medical periodic/annual review and the date their review. The Committee was pleased with this suggestion. Ms. Pendergrass also requested that clarification regarding the difference between an employment review and the review of employment for disability assessment also be added to 105 KAR 1:220. The definition of 'objective medical evidence' in the regulation was discussed. Ms. Pendergrass asked if the definition could be modified. Ms. Bass advised that the current definition complies with the statutory language which requires test results, lab work, etc. Mr. Powell asked if the definition of 'physician' also includes nurse practitioners or physician assistants. Ms. Beaubien suggested that the language be modified to state 'licensed healthcare provider'. It was agreed to incorporate this suggestion. Section 9 of 105 KAR 1:220 which discusses discontinuance for retirees in the hybrid cash balance plan was also briefly discussed. Ms. Pendergrass requested that language for a third option be added to state that a retiree may withdraw remaining funds in their account if disability is terminated. Ms. Welch added that should a retiree be permitted to withdraw their remaining funds; they forfeit their ability to apply for the reinstatement of their retirement benefits and would not be eligible for reinstatement at their original hire date. The Committee requested that the changes be highlighted when presented at a future date. There was no vote taken by the KPPA Ad Hoc Regulation Committee. It was decided that the Office of Legal Services would incorporate the discussed changes to 105 KAR 1:220 and present the modified regulation at a future meeting of the KPPA Ad Hoc Regulation Committee.

Mr. Powell made a motion and was seconded by Ms. Pendergrass to *adjourn* the meeting. The motion passed unanimously.

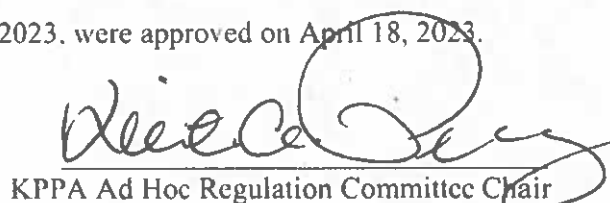
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CERTIFICATION

I do certify that I was present at this meeting, and I have recorded the above actions of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee on the various items considered by it at this meeting.


Recording Secretary

I, the Chair of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee, do certify that the Minutes of Meeting held on March 7, 2023, were approved on April 18, 2023.


KPPA Ad Hoc Regulation Committee Chair

I have reviewed the Minutes of the March 7, 2023, Kentucky Public Pensions Authority Ad Hoc Regulation Committee Meeting for content, form, and legality.


Executive Director, Office of Legal Services