

1.1 A bill for an act
1.2 relating to retirement; Teachers Retirement Association; adding a definition of
1.3 "medical provider"; adding physician assistant to the medical professionals who
1.4 can submit a report in support of a member's application to receive or continue to
1.5 receive disability pension benefits; amending Minnesota Statutes 2024, sections
1.6 354.05, by adding a subdivision; 354.07, subdivision 2; 354.48, subdivisions 4, 6.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2024, section 354.05, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 44. **Medical provider.** "Medical provider" means an individual licensed as a
1.11 physician, chiropractor, physician assistant, APRN, or, with respect to a mental impairment,
1.12 a psychologist.

1.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.14 Sec. 2. Minnesota Statutes 2024, section 354.07, subdivision 2, is amended to read:

1.15 Subd. 2. **Investigatory powers.** In passing upon all applications and claims, the board
1.16 may summon, swear, hear, and examine witnesses and, in the case of claims for disability
1.17 benefits, may require the claimant to submit to a medical examination by a ~~physician~~ medical
1.18 provider of the board's choice, at the expense of the claimant, as a condition precedent to
1.19 the passing on the claim, and, in the case of all applications and claims, may conduct
1.20 investigations necessary to determine the validity and merit of the same.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.1 Sec. 3. Minnesota Statutes 2024, section 354.48, subdivision 4, is amended to read:

2.2 Subd. 4. **Determination by executive director.** (a) The executive director ~~shall~~ must
 2.3 have the member examined by ~~at least two licensed physicians, licensed chiropractors, or~~
 2.4 ~~licensed psychologists~~ one or more medical providers.

2.5 (b) ~~These physicians, chiropractors, APRNs, or psychologists with respect to a mental~~
 2.6 ~~impairment, shall~~ The medical providers selected under paragraph (a) must make written
 2.7 reports to the executive director concerning the member's disability, including expert opinions
 2.8 as to whether or not the member is permanently and totally disabled within the meaning of
 2.9 section 354.05, subdivision 14.

2.10 (c) The executive director ~~shall~~ must also obtain written certification from the last
 2.11 employer stating whether or not the member was separated from service because of a
 2.12 disability ~~which~~ that would reasonably prevent further service to the employer and as a
 2.13 consequence the member is not entitled to compensation from the employer.

2.14 (d) If, upon the consideration of the reports ~~of the physicians, chiropractors, APRNs, or~~
 2.15 ~~psychologists~~ required under paragraph (b) and any other evidence presented by the member
 2.16 or by others interested therein, the executive director finds that the member is totally and
 2.17 permanently disabled, the executive director ~~shall~~ must grant the member a disability benefit.

2.18 (e) An employee who is placed on leave of absence without compensation because of
 2.19 disability is not barred from receiving a disability benefit.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.21 Sec. 4. Minnesota Statutes 2024, section 354.48, subdivision 6, is amended to read:

2.22 Subd. 6. **Regular physical examinations.** At least once each year during the first five
 2.23 years following the allowance of a disability benefit to any member, and at least once in
 2.24 every three-year period thereafter, the executive director may require the disability benefit
 2.25 recipient to undergo an expert examination by ~~a physician or physicians, by a chiropractor~~
 2.26 ~~or chiropractors, by an APRN or APRNs, or by one or more psychologists with respect to~~
 2.27 ~~a mental impairment,~~ medical providers engaged by the executive director. If an examination
 2.28 indicates that the member is no longer permanently and totally disabled or that the member
 2.29 is engaged or is able to engage in a substantial gainful occupation, the association must
 2.30 discontinue payments of the disability benefit ~~by the association must be discontinued.~~ The
 2.31 payments must be discontinued as soon as the member is reinstated to the payroll following
 2.32 sick leave, but payment may not be made for more than 60 days after the ~~physicians,~~

- 3.1 ~~chiropractors, APRNs, or psychologists~~ medical provider or medical providers engaged by
- 3.2 the executive director find that the person is no longer permanently and totally disabled.
- 3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.