

PROPOSED RULE CHANGE

Amendment of 2.82.1.14 NMAC (Medical Review Board)

Proposed amendments to Rule 2.82.1.14 NMAC regarding the Medical Review Board (“MRB”) appear below. The amendments would remove the Executive Director from the panel, and provide for the appointment of a panel consisting of three ERB members, the appointment of a replacement in the event that a member of the panel resigns, revise the qualifications for physicians appointed to the MRB, and explicitly provide for qualified individuals, in addition to physicians, to perform tests and evaluations upon applicants for disability. Finally, the Rule is retitled and re-organized.

This proposed rule change will be on the agenda at the regular Board meeting on Friday, August 20, 2010. The meeting will take place at the New Mexico Educational Retirement Board Office, 6201 Uptown Boulevard NE, Suite 203, Albuquerque, New Mexico 87110, beginning at 9:30 AM. If you wish to make a comment on the proposed rule, please send your comments no later than Friday August 13 by email to rulechange@nmerg.org or by regular mail to: ERB, 701 Camino de los Marquez, Santa Fe, NM 87505.

2.82.1.14 MEDICAL REVIEW BOARD AND APPEAL OF RECOMMENDATIONS:

~~A. All appeals of the medical review board's recommendation to not grant a disability retirement shall be conducted by a hearing of the board. The hearings of the board may be conducted by a committee of three. The committee will consist of two members appointed by the chairman and approved by the board, and the director. The appointments by the chairman shall take place at the regular October meeting each year. The actions of this committee shall be governed by the statutes and administrative rules and regulations of the board.~~

~~B. The educational retirement board shall engage a medical review board composed of three physicians well qualified in general medical knowledge medicine, with individual specialties in internal medicine, gynecology, orthopedies, psychiatry and family practice. This board shall review all disability examination reports and advise the educational retirement board of the nature and extent of disability for all applicants for disability benefits and the nature and extent of disability for those members already approved for benefits when it becomes necessary to determine their continued eligibility. The medical review board shall also render advice to the educational retirement board on the selection of physicians or other qualified persons to perform tests and examinations upon applicants for disability ~~examiners~~ and other medical matters.~~

B€. The director may engage physicians and other qualified persons throughout the state to perform tests and examinations upon applicants for disability. Results of such examinations shall be reported in detail to, and reviewed by, the medical review board, ~~but reviewed by the medical review board~~. The director is authorized to pay a reasonable fee for the reports and examinations requested by the medical review board.

C. Appeals of recommendations by the medical review board that the educational retirement board not grant a disability retirement shall be conducted by a panel of three members of the educational retirement board appointed by the chairman and approved by the board. The appointments by the chairman shall take place at the regular October meeting each year. In the event that a member of the appeals panel resigns from the panel, the chairman may appoint a member of the educational retirement board to serve for the remaining portion of the one year term. The appointment shall become effectively immediately; provided, however, that it shall be subject to approval by the board at its first meeting occurring after said appointment. The actions of this panel shall be governed by the statutes and administrative rules and regulations of the educational retirement board.