

**OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 015 – DISABILITY RETIREMENT ALLOWANCES**

459-015-0020

Application Required

- (1) Application must be made on forms provided by PERS. PERS may require the member to provide any information that PERS considers necessary to determine the applicant's eligibility for a disability retirement allowance.
- (2) No disability retirement allowance will be paid unless the member files a timely and complete application.
- (3) Application must be made by a member or the member's authorized representative. A representative must submit to PERS written proof of the representative's authority, such as a power of attorney, guardianship or conservatorship appointment.
- (4) A member cannot apply for disability retirement before their date of disability.
- (5) Upon the filing of an application for a disability retirement allowance, PERS will notify the applicant's current or most recent employer of the filing. Additionally, PERS may request of an employer information pertaining to current or previous employment.
- (6) When an active member becomes disabled due to injury or disease, the member may make application immediately after the last day worked even though the member may be on a paid leave or on an official leave of absence without pay. Total disability must be continuous from the date of disability to the date the application is filed. If the member becomes an inactive member, the application must be submitted within the timelines outlined in section (8) of this rule.
- (7)(a) For a member who becomes totally disabled due to injury or disease but does not terminate employment, an application for disability retirement must be filed no later than 90 calendar days from the earlier of:
 - (A) The date the member is medically released for work; or
 - (B) The date the member returns to work.
- (b) Total disability must be continuous from the date of disability to the earlier of paragraph (a)(A) or (B) of this section.
- (8) An application by an inactive member is considered filed in a timely manner when received by PERS as follows:
 - (a) For an inactive member who becomes totally disabled due to injury or disease before the date of separation from service from all PERS qualifying positions and has not withdrawn the amount credited to the account of the member in the system, the member must file an application for a disability retirement allowance within five calendar years of the date of separation from service. Total disability must be continuous from the date of separation from service to the date the application is filed.
 - (b) For an inactive member who becomes totally disabled due to injury or disease after the date of separation from service from all PERS qualifying positions and has not withdrawn the amount credited to the account of the member in the system, the member must file an application for a disability retirement allowance within six months (180 days) after the date of separation from service. Total disability must be continuous from the date of disability to the date the application is filed.

(9) In determining the effective date of a disability retirement allowance, PERS may allow up to 60 months of benefits retroactive from the date the application is filed with PERS, but in no case earlier than the first day of the month following the date of separation from service.

(10) When making application for a PERS disability retirement allowance, PERS will request the applicant authorize any physician, health practitioner, hospital, clinic, pharmacy, employer, employment agency, or government agency to release and disclose to PERS, or independent physicians and vocational consultants retained by PERS, any information within their records or knowledge, including that information otherwise protected under federal or state law, regarding the applicant's health and employment which PERS determines relates to the applicant's claim of disability and inability to perform any work for which qualified.

(11) When filing an application for disability retirement allowance, if the applicant wishes to authorize release and disclosure of protected health information, as defined in OAR 459-015-0001, the applicant must complete and sign a consent form which specifically authorizes the release and disclosure of such information.

(a) This authorization is voluntary. PERS is not a covered entity as defined in 45 CFR Parts 160 and 164, and the protected health information is not subject to federal and state health information privacy laws, but may be protected under Oregon State Public Record disclosure laws.

(b) This authorization may be revoked in writing at any time, except to the extent the entities named on the authorization form(s) have taken action in reliance of the authorization.

(c) If the applicant refuses to give or revokes authorization to disclose to PERS medical information that PERS determines it needs to evaluate the application, eligibility for a disability retirement allowance may be affected.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320 - 238.345