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Sec. 3307.44. A disability benefit recipient, notwithstanding section 3319.13 of the Revised Code, shall retain membership in the state teachers retirement system and shall be considered on leave of absence during the first five years following the effective date of a disability benefit.

The state teachers retirement board shall require any disability benefit recipient to submit to an annual medical examination by a physician selected by the board, except that the board may waive the medical examination if the board's physician ~~specifies~~ CERTIFIES that the recipient's disability is ongoing. If a disability benefit recipient refuses to submit to a medical examination, the recipient's disability benefit shall be ~~discontinued~~ SUSPENDED until the recipient withdraws the refusal. If the refusal continues for one year, all the recipient's rights under and to the disability benefit shall be ~~forfeited~~ TERMINATED AS OF THE EFFECTIVE DATE OF THE ORIGINAL SUSPENSION.

After the examination, the examiner shall report and certify to the board whether the disability benefit recipient is NO LONGER physically and mentally ~~capable~~ INCAPABLE of resuming THE service ~~similar to that~~ from which the recipient was found disabled. If the board concurs in a report by the examining physician that the disability benefit recipient is ~~so~~ ~~capable~~ NO LONGER INCAPABLE, the payment of a disability benefit shall be terminated not later than the following thirty-first day of August or upon employment as a teacher prior thereto. If the leave of absence has not expired, the board shall so certify to the disability benefit recipient's last employer before being found disabled that the recipient is ~~capable~~ NO LONGER PHYSICALLY AND MENTALLY INCAPABLE of resuming service, ~~and if~~ THAT IS THE SAME OR SIMILAR TO THAT FROM WHICH THE RECIPIENT WAS FOUND DISABLED. IF the recipient was under contract at the time the recipient was found disabled, the employer by the first day of the next succeeding year shall restore the recipient to the recipient's previous position and salary or to a position and salary similar thereto, UNLESS THE RECIPIENT WAS DISMISSED OR RESIGNED IN LIEU OF DISMISSAL FOR DISHONESTY, MISFEASANCE, MALFEASANCE, OR CONVICTION OF A FELONY.

A disability benefit shall terminate if the disability benefit recipient becomes employed as a teacher in any public or private school or institution in this state or elsewhere. An individual receiving a disability benefit from the state teachers retirement system shall be ineligible for any employment as a teacher and it shall be unlawful for any employer to employ the individual as a teacher. If any employer should employ or reemploy the individual prior to the termination of a disability benefit, the employer shall file notice of employment with the state teachers retirement board designating the date of the employment. If the individual should be paid both a disability benefit and also compensation for teaching service for all

or any part of the same month, the secretary of the state teachers retirement board shall certify to the employer or to the superintendent of public instruction the amount of the disability benefit received by the individual during the employment, which amount shall be deducted from any amount due the employing district under Chapter 3317. of the Revised Code or shall be paid by the employer to the annuity and pension reserve fund.

~~The board may adopt rules requiring each~~ EACH disability benefit recipient ~~to~~ SHALL file WITH THE BOARD an annual statement of earnings ~~and~~ current medical information on ~~his~~ THE RECIPIENT'S condition, AND ANY OTHER INFORMATION REQUIRED IN RULES ADOPTED BY THE BOARD. THE BOARD MAY WAIVE THE REQUIREMENT THAT A DISABILITY BENEFIT RECIPIENT FILE AN ANNUAL STATEMENT OF EARNINGS OR CURRENT MEDICAL INFORMATION IF THE BOARD'S PHYSICIAN CERTIFIES THAT THE RECIPIENT'S DISABILITY IS ONGOING.

THE BOARD SHALL ANNUALLY EXAMINE THE INFORMATION SUBMITTED BY THE RECIPIENT. IF A DISABILITY BENEFIT RECIPIENT REFUSES TO FILE THE STATEMENT OR INFORMATION, THE DISABILITY BENEFIT SHALL BE SUSPENDED UNTIL THE STATEMENT AND INFORMATION ARE FILED. IF THE REFUSAL CONTINUES FOR ONE YEAR, THE RECIPIENT'S RIGHT TO THE DISABILITY BENEFIT SHALL BE TERMINATED AS OF THE EFFECTIVE DATE OF THE ORIGINAL SUSPENSION.

A disability benefit also may be terminated by the board at the request of the disability benefit recipient.

If disability retirement under section 3307.43 of the Revised Code is terminated for any reason, the annuity and pension reserves at that time in the annuity and pension reserve fund shall be transferred to the teachers' savings fund and the employers' trust fund, respectively. If the total disability benefit paid was less than the amount of the accumulated contributions of the member transferred to the annuity and pension reserve fund at the time of the member's disability retirement, then the difference shall be transferred from the annuity and pension reserve fund to another fund as required. In determining the amount of a member's account following the termination of disability retirement for any reason, the total amount paid shall be charged against the member's refundable account.

If a disability allowance paid under section 3307.431 of the Revised Code is terminated for any reason, the reserve on the allowance at that time in the annuity and pension reserve fund shall be transferred from that fund to the employers' trust fund.

If a former disability benefit recipient again becomes a contributor, other than as an other system retirant under section 3307.381 of the Revised Code, to this retirement system, the school employees retirement system, or the public employees retirement system, and completes at least two additional years of service credit, the former disability benefit recipient shall receive credit for the period as a disability benefit recipient.