§ 364. Payment of both pensions for accident and other benefits prohibited. a. If any benefits under the workers' compensation law may be or become payable as the result of accidental disability or accidental death, no payment of any benefit shall be made pursuant to this article on account of such disability or death until there shall have been a final determination of the claim for workers' compensation benefits. Pending such final determination, however, the comptroller may authorize payment of all or any part of the benefits payable under this chapter, and in that event, shall be entitled to reimbursement out of the unpaid installment or installments of compensation due under the workers' compensation law provided that claim therefor is filed pursuant to the provisions of such law. Any pension, payable pursuant to this article on account of any such disability or death, shall be reduced by the amount of the benefits that are finally determined to be payable under the workers' compensation law by reason of such disability or death. Such reduction shall be effectuated as follows:

1. Pension installments shall be reduced by the amount of the concurrent workers' compensation benefits.

2. The pension reserve on account of a pension so payable shall be reduced by the amount of the lump sum workers' compensation benefits. In such case the pension thereafter payable shall be the actuarial equivalent of the pension reserve as so reduced.

No such reduction shall be made, however, for the amount of medical, surgical, or other attendance or treatment, nurse and hospital service, medicine, crutches or apparatus and of any funeral expense provided under the workers' compensation law in addition to regular compensation benefits, or of any legal fees awarded under the workers' compensation law.

b. A final determination of the state workers' compensation board that benefits are payable pursuant to the workers' compensation law by reason of the accidental disability or accidental death of a member of the police and fire retirement system shall not in any respect be, or constitute, a determination that an accidental disability retirement

allowance, a disability incurred in performance of duty allowance or an accidental death benefit is payable on account thereof pursuant to the provisions of this article.