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RESCISSIONS

The following material is rescinded:

Manuals

M-10, Part I, Chapter I, dated March 29, 1990

b. Circulars

10-78-219
10-78-234
10-79-83
10-79-239
10-80-32
10-80-79
10-80-152
10-80-203
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10-81-54
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CHAPTER 1. AGENT ORANGE HEALTH CARE SERVICES

1.01 PURPOSE

This chapter provides procedures regarding certain health care services to Vietnam veterans exposed to herbicides.

1.02 AUTHORITY

a. Title 38 United States Code (U.S.C.) 1710 (formerly 610), provides for health care only. Health care services may not be provided under this authority for the care of conditions which are found to have resulted from a cause other than the specified exposures (see par. 1.05).

b. Congress made it clear that this authority provides for health care only, and that a determination that the veteran is eligible for such care does not constitute a basis for service-connection or in any way affect determinations regarding service-connection.

NOTE: Vietnam Era Veterans exposed to phenoxy herbicides outside of the Vietnam Theater of War are not eligible for health care under this authority. They may be furnished care, if eligible, under any other statutory authority. Individuals who served as civilians in Vietnam, are not eligible for health care under this authority unless they also served as a member of the Armed Forces in Vietnam during the Vietnam Conflict.

1.03 POLICY

It is Veterans Health Administration (VHA) policy that health care services will be provided to veterans who while serving in Vietnam may have been exposed to dioxin or were exposed to a toxic substance in a herbicide or defoliant used for military purposes. Verification of service in Vietnam during the Vietnam era (August 5, 1964 through May 7, 1975) will be required.

NOTE: Inasmuch as the Department of Veterans Affairs (VA) presumes that a veteran was exposed to phenoxy herbicides during any service in the Vietnam theater, a verified claim of such in-country service constitutes the required contention of exposure and establishes eligibility for medical care within these provisions.

1.04 AUTHORIZED HEALTH CARE SERVICES

Authorized health care services are limited to:

a. Hospital and nursing home care in VA facilities and outpatient care in VA facilities on a pre-hospitalization basis, post-hospitalization basis, or to obviate a need for hospitalization.

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b. Such health care services will be provided without regard to the veteran's age, service-connected (SC) status or the ability of the veteran to defray the expenses of such care.

c. Veterans furnished outpatient care under this authority will be accorded priority ahead of most other nonservice-connected (NSC) veterans and equal to former Prisoners of War (POWs) who are receiving care for NSC conditions.

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1.05 EVALUATION OF CONDITION

a. Where the findings reveal a condition requiring treatment, it is essential that the responsible staff physician shall make a determination and document whether the condition is possibly related to Agent Orange exposure or resulted from a cause other than the specified exposure.

b. Vietnam veterans claiming health conditions related to Agent Orange exposure will be evaluated clinically by means of a physical examination and appropriate diagnostic studies (see ch. 2, par. 2.10).

(1) In making this determination, the physician will consider that the following types of conditions are not ordinarily considered to be due to such exposure:

(a) Congenital or developmental conditions; e.g., spina bifida, scoliosis.

(b) Conditions which are known to have existed before military service.

(c) Conditions resulting from trauma; e.g., deformity or limitation of motion of an extremity.

(d) Conditions having a specific and well-established etiology; e.g., tuberculosis, gout.

(e) Common conditions having a well-recognized clinical course; e.g., inguinal hernia, acute appendicitis, etc.

(2) Although the types of conditions listed in paragraph b(1) are not ordinarily considered to be due to Agent Orange exposure, if the staff physician finds that a veteran requires care under this provision for one or more of those conditions, the physician should seek guidance from the Chief of Staff (COS) and the Environmental Physician (EP) regarding the authorization for treatment.

(a) The decision and its basis will be clearly documented in the medical record/chart by the EP.

(b) All NSC Vietnam veterans who respond affirmatively to the Agent Orange exposure question are means tested before being seen by a physician.

1.06 FEMALE VETERANS' SPECIAL HEALTH NEEDS

VHA is committed to providing for the physical and psychological treatment needs of women veterans who have been sexually or physically abused and/or engaged in military combat.

a. The EP should be aware of and sensitive to the needs of women veterans who were:

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- (1) Raped,
- (2) Otherwise sexually assaulted,
- (3) Sexually harassed, or
- (4) Combatants during military service.

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b. Any of these occurrences could lead to long-term psychiatric and psychosomatic sequelae.

(1) When such a problem is detected, appropriate counseling and psychotherapy should be offered. NOTE: Since this type of care is highly specialized and may not be provided inhouse, it may be necessary to make appropriate referral to other VA or private sector providers.

(2) Such occurrences should be reported on the Consolidated Health Record (CHR) as well as under Item 33, Part II of VA Form 10-9009, Agent Orange Registry Code Sheet.

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