

DISABILITY EXAMINATIONS

- 1. REASON FOR ISSUE:** This Veterans Health Administration (VHA) Directive defines VHA policy for administering the Disability Examination Program.
- 2. SUMMARY OF CONTENTS:** This VHA Directive defines VHA policy for facilitating disability examinations or opinions for Veterans and Servicemembers as part of adjudication of a claim for Department of Veterans Affairs (VA) disability benefits, if an examination or opinion is necessary to decide the claim.
- 3. RELATED ISSUES:** None.
- 4. RESPONSIBLE OFFICE:** The Office of Disability and Medical Assessment (10NC8) is responsible for the contents of this VHA Directive. Questions may be referred to the Director, Clinical Programs and Administrative Operations at 202-461-6699.
- 5. RESCISSIONS:** VHA Handbook 1601E.01, dated October 13, 2009, is rescinded.
- 6. RECERTIFICATION:** This VHA Directive is scheduled for recertification on or before the last working day of April, 2019.

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DISABILITY EXAMINATIONS

1. PURPOSE: This Veterans Health Administration (VHA) Directive defines VHA policy for administering the Disability Examination Program. **AUTHORITY:** 38 United States Code (U.S.C.) 5103A, and 38 Code of Federal Regulations (CFR) 3.159 and 3.326.

2. BACKGROUND: Veterans may submit claims to the Veterans Benefits Administration (VBA) for service-connected compensation or nonservice-connected pension benefits. A disability examination may be provided, if necessary, to adjudicate a claim for Department of Veterans Affairs (VA) benefits pursuant to the duty to assist provisions of 38 U.S.C. 5103A and 38 CFR 3.159. Generally, the examinations are provided by VA medical staff, VA contract providers, or non-VA care providers. Reports submitted by a private non-VA care provider may also be accepted in lieu of disability examinations performed by VA.

a. A comprehensive general medical or psychiatric examination usually provides both the diagnosis and symptomatology sufficient to identify a condition and to allow VBA to determine eligibility for VA benefits. With regard to examinations provided as part of the Integrated Disability Evaluation System (IDES), examiners are not to make determinations of fitness for duty of Servicemembers (Active Duty and Reserve Component). *NOTE: Determinations of fitness for duty are a Department of Defense (DoD) function.*

b. A compensation and pension (C&P) disability examination may be requested for determining whether a current diagnosed disability is related to an event, injury, or disease incurred or aggravated in military service or to provide other medical evidence necessary for VBA to render a decision concerning entitlement to VA benefits. When a disability examination is requested for VA benefits claim adjudication purposes, the examination is provided in accordance with 38 CFR 3.326.

c. **Disability Examinations May be Requested for:**

(1) **Servicemembers.** Servicemembers, both Active Duty and the Reserve Component.

(2) **Veterans.** Veterans to include:

(a) **Incarcerated Veterans.** The duty to assist provisions of 38 U.S.C. 5103A and 38 CFR 3.159 applies equally to incarcerated Veterans and non-incarcerated Veterans. Incarcerated Veterans must, however, comply with prison security requirements. VA examiners must comply with VA security requirements when examining incarcerated Veterans in VA medical facilities.

(b) **Veterans Residing Outside the United States.** VA's options to examine Veterans residing outside the United States may be limited by the absence of VA medical facilities or examination contracts in most foreign countries. In the absence of VA medical facilities or contracts, examinations may be managed through United States Embassies.

(c) **Veteran Employees of VA.** Veterans who are VA employees should have their examinations performed at an alternate VA medical facility location from the location of their employment.

(3) Pensioners and Veterans of Certain Nations Allied with the United States.

Pensioners and Veterans of certain nations allied with the United States in World War I and World War II (except any nation which was an enemy of the United States during World War II), upon authorization from accredited officials of the respective governments. *NOTE: Allied beneficiaries are managed manually outside of the Compensation and Pension Record Interchange (CAPRI) software within the Veterans Information Systems and Technology Architecture (Vista) software. For more information on allied beneficiaries, see the Non-Veteran Beneficiaries Procedure Guide at:*

<http://vawww1.va.gov/cbo/apps/policyguides/index.asp>. This is an internal VA Web site that is not available to the public.

(4) Non-Veterans and Veterans' Beneficiaries.

3. POLICY: It is VHA policy that a disability examination or medical opinion must be provided when VBA determines it is necessary to make a decision on a claim for VA disability benefits under the duty to assist provisions of 38 U.S.C. 5103A, and 38 CFR 3.159 and 3.326.

4. RESPONSIBILITIES:

a. **Under Secretary for Health.** The Under Secretary for Health is responsible for:

(1) Ensuring the quality and timelines of the VHA disability examination process.

(2) Ensuring that resources are allocated in support of the process.

b. **Office of Disability and Medical Assessment.** The Office of Disability and Medical Assessment (10NC8) is responsible for:

(1) Providing guidance on the disability examination process.

(2) Ensuring VHA performance measures regarding timeliness and quality are met through a quality review program and directing assistance as needed.

(3) Providing a certification program for disability examiners.

(4) Creating and maintaining information technology programs and applications to gather data in support of the disability examination process.

(5) Assisting with disability examination request surges and underserved areas through examination contracting programs and providing oversight of VHA contracts for supplemental examination capacity, including contracted examinations overseas.

(6) Ensuring close collaboration with VBA to promote efficiency and enhance communication.

(7) Supporting collaborative initiatives with DoD to provide a seamless transition between military service and VA.

(8) Serving as VHA's primary liaison to VBA and the Board of Veterans' Appeals (BVA) for consultative services that require specialized medical and nexus opinions.

c. **Veterans Integrated Service Network Director.** Each Veterans Integrated Service Network (VISN) Director is responsible for:

(1) Ensuring that a Veteran-centric and Servicemember-centric, and forward-looking approach to disability examinations, is established.

(2) Ensuring that VA medical facility leadership provides adequate resources in support of the disability examination process.

(3) Ensuring implementation of, and compliance with, this Directive.

d. **Medical Facility Director.** The medical facility Director is responsible for:

(1) Ensuring that disability examinations are a high-priority workload, and are processed within the guidelines in this Directive, the Disability Examination Procedure Guide, and additional clinical guidelines found at <http://vaww.demo.va.gov/>. *NOTE: This is an internal VA Web site and is not available to the public.*

(2) Ensuring disability examinations are conducted in accordance with the format on Disability Benefits Questionnaires (DBQs) and applicable VHA and VBA guidelines, including mandatory examiner certification guidelines. In limited circumstances, including pending development of new DBQs, the examination may be conducted using CAPRI disability examination worksheets. *NOTE: Disability examination worksheets, DBQs, and other references are available at <http://vaww.demo.va.gov/>. This is an internal VA Web site that is not available to the public.*

(3) Ensuring processes are in place for conducting disability examinations requested in connection with the adjudication of claims for VA benefits within the timeframes required.

(a) VHA has specified time standards to complete disability examinations and required tests after receipt of the examination request. The completion standards are measured from the day the properly-completed request for examination(s) is received by VHA through the day when all the components, including laboratory and ancillary test results, are released or returned to VBA.

(b) The appropriate program office responsible for the day-to-day oversight of the disability examination program must ensure a follow-up system is established for the examinations conducted by non-VA medical care providers and VA contract providers in order to ensure they are completed within the established timeframe, meets VHA standards, and that payments for services are made promptly.

(4) Addressing disability examination requests as follows:

(a) Ensuring disability examinations are requested using the CAPRI disability examination request option that electronically transmits the request to the VA medical facility of jurisdiction.

This includes requests for observation and examination (O&E). Disability examination requests must specify the types of examination(s) needed and any special reports or studies required.

(b) The VA medical facility staff receiving the examination request determines the actionable items of the request in terms of clarity and completeness. The VA medical facility staff addresses insufficient or incomplete examination requests with VBA.

(c) If the request is sufficient, the VA medical facility staff determines as soon as possible after the receipt of the request who, in accordance with VBA guidance, may perform an examination and where and how to conduct the examination. An examination may be completed through various methods including the Acceptable Clinical Evidence (ACE) process, in-person, or by telehealth modalities.

(d) If an in-person examination is to be conducted, the VA medical facility staff is responsible for scheduling the examination in a manner most accommodating, when feasible, to the examinee.

(e) The VA medical facility staff may refer special cases to another VA medical facility.

(f) VBA may specifically request specialist examinations on the CAPRI disability examination requests.

(g) The examiner has the authority and responsibility to request a specialist examination in individual cases when deemed necessary. *NOTE: The Associate Chief of Staff for Ambulatory Care or the Clinical Director, or designee, may be required to approve the request for a specialist examination.*

(5) Ensuring disability examination reports are completed as required and reported electronically on a DBQ or a CAPRI disability examination worksheet. Disability examination worksheets and DBQs contain specific instructions on elements that must be addressed during the examination. The examination report must contain:

(a) A diagnosis or notation that a chronic disease or disability was ruled out for each disability, complaint, or symptom listed on the examination request.

(b) Answers to any questions specifically requested in the examination request.

(c) All opinions specifically requested in the examination request, including specific evidence reviewed and considered in formulating the opinion, and a thorough rationale for the opinion rendered and expressed using legally-recognized phrases.

(6) Ensuring disability examiners understand they are to avoid addressing matters related to the claim for disability benefits outside the disability examination request. The examiner should not express an opinion regarding the merits of any claim or the percentage evaluation that should be assigned for a disability. Determination of service connection and disability ratings for VA benefits is exclusively a function of VBA. Any concerns or observations regarding the claimant's symptoms or presentation should be described on the examination report for VBA to address.

(7) Ensuring reimbursement to Veterans for travel as outlined in Beneficiary Travel in VHA Handbook 1601B.05 on VA's VHA Publications website: <http://vaww1.va.gov/vhapublications/publications.cfm?Pub=2>. *NOTE: This is an internal VA website and is not available to the public.*

(8) Supporting the "No Wrong Door" philosophy by developing a plan for VA medical facility C&P clinics to assist Veterans in support of Veterans' requests to have DBQs completed. The plan should include coordinating with VHA treating providers in ensuring the Veteran receives a "warm hand-off" to the local VHA C&P clinic or other resources when the VHA treating provider is unable to complete a DBQ when requested by a Veteran.

5. REFERENCES:

- a. 38 U.S.C. 5103A.
- b. 38 CFR 3.159.
- c. 38 CFR 3.326.
- d. VHA Handbook 1601B.05.

6. DEFINITIONS:

- a. **Disability Examination.** For purposes of this directive, a disability examination is a medical professional's opinion, personal observation, and/or evaluation of a claimant. It can be conducted in person, via the ACE process, or by means of telehealth.
- b. **Opinion.** For purposes of this directive, an opinion refers to a medical professional's statement of findings and views, which may be based on review of the claimant's medical records or personal examination of the claimant, or both.