Routine Future Exams (RVSR Residency)

Instructor Lesson Plan

Time Required: 0.75 Hours

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| Lesson Description | |
| The information below provides the instructor with an overview of the lesson and the materials that are required to effectively present this instruction. | |
| TMS # | 4188404 |
| Prerequisites | Prior to this lesson, the Rating Veteran Service Representatives (RVSRs) should have completed the Internet Web-Based Training (IWT) portion of the RVSR Challenge Training curriculum. |
| target audience | The target audience for Routine Future Exams (RVSR Challenge Residency) is RVSR Challenge trainees.  Although this lesson is targeted to teach the RVSR Challenge trainees, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 0.75 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Routine Future Exams (RVSR Residency) PowerPoint Presentation * Routine Future Exams (RVSR Residency) Job Aid |
| Training Area/Tools | The following are required to ensure the trainees are able to meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for trainee note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, overhead projector, etc.) with appropriate writing materials * Computer with PowerPoint software to present the lesson material   Trainees require access to the following tools:   * VA TMS to complete the assessment |
| Pre-Planning | * Become familiar with all training materials by reading the Instructor Lesson Plan while simultaneously reviewing the corresponding PowerPoint slides. This will provide you the opportunity to see the connection between the Lesson Plan and the slides, which will allow for a more structured presentation during the training session. * Become familiar with the content of the trainee handouts and their association to the Lesson Plan. * Practice is the best guarantee of providing a quality presentation. At a minimum, do a complete walkthrough of the presentation to practice coordination between this Lesson Plan, the trainee handouts, and the PowerPoint slides and ensure your timing is on track with the length of the lesson. * Ensure that there are copies of all handouts before the training session. * When required, reserve the training room. * Arrange for equipment such as flip charts, an overhead projector, and any other equipment (as needed). * Talk to people in your office who are most familiar with this topic to collect experiences that you can include as examples in the lesson. * This lesson plan belongs to you. Feel free to highlight headings, key phrases, or other information to help the instruction flow smoothly. Feel free to add any notes or information that you need in the margins. |
| Training Day | * Arrive as early as possible to ensure access to the facility and computers. * Become familiar with the location of restrooms and other facilities that the trainees will require. * Test the computer and projector to ensure they are working properly. * Before class begins, open the PowerPoint presentation to the first slide. This will help to ensure the presentation is functioning properly. * Make sure that a whiteboard or flip chart and the associated markers are available. * The instructor completes a roll call attendance sheet or provides a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

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| Introduction to Routine Future Exams (RVSR Residency) | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 0.05 hours |
| Purpose of Lesson  Explain the following: | | The purpose of this lesson is to expose trainees to the regulations and policies related to routine future examinations. |
| Lesson Objectives  Discuss the following:  Slide 2 | After completion of this lesson, given the available resources and references, the RVSR will be able to, with 98% accuracy:   * Identify the regulations that determine when and when not to schedule a routine future exam * Identify the regulations that determine what action to take if a reexamination shows improvement * Determine what action to take when there is a reduction in the evaluation of an service connected disability | |
| STAR Error code(s) | B2, C2, D1, E1, E2 | |
| References  Slide 3 | Explain where these references are located in the workplace.  All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/).   * [38 CFR 3.105(e), Reduction in evaluation—compensation](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) * [38 CFR 3.326, Examinations](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) * [38 CFR 3.327, Reexaminations](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) * [38 CFR 3.344, Stabilization of disability evaluations](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) * [M21-1, Part III, Subpart iv, Chapter 3, Section B Examinations](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/) * [M21-1, Part III, Subpart iv, Chapter 8, Section D Competency, Due Process and Protected Ratings](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014214/M21-1-Part-III-Subpart-iv-Chapter-8) * [M21-1, Part IV, Subpart ii, Chapter 3, Section A General Authorization and Claimant Notification Issues](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/) * [M21-1, Part IV, Subpart ii, Chapter 3, Section B Failure to Report for Review Examination](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014592/M21-1-Part-IV-Subpart-ii-Chapter-3-S) | |

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| Topic 1: Routine Future Exams | |
| Introduction | The topic will introduce trainees to the regulations and policies related to routine future examinations. |
| Time Required | 0.70 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify the regulations that determine when and when not to schedule a routine future exam * Identify the regulations that determine what action to take if a reexamination shows improvement * Determine what action to take when there is a reduction in the evaluation of an service connected disability |
| When do I order a future exam?  Slide 4 | Explain that per our regulations (38 CFR 3.327) there are exacting guidelines as to when scheduling a reexamination is appropriate.  Request a review examination whenever   * there is a need to verify either the continued existence or the current severity of a disability * it is likely that a disability has improved * evidence indicates there has been a material change in a disability * the current rating may be incorrect, or * it is otherwise required by the regulation or diagnostic code (DC) under which the Veteran is service connected.   **Note**: Do not request a review examination solely to confirm evidence (such as, hospital report, examination reports, statement from a private physician per 38 CFR 3.326(b) and (c)) that is otherwise adequate for rating. |
| When should I NOT schedule a future exam?  Slide 5 | Explain that we will review each of these points separately and how to properly apply them.  Do not request reexaminations in cases when   * the disability is static, without material improvement over five years * the disability is permanent in character and of such nature that there is no likelihood of improvement * the Veteran is over 55 years of age (except under circumstances where required by regulation, such as convalescence after surgery.) * the evaluation is the prescribed schedular minimum within its diagnostic code * the evaluation is 10 percent or less, or * the combined evaluation would not change even if the reexamination resulted in a reduced evaluation for one or more disabilities. |
| Definition: Static Disability  Slide 6 | A static disability is a disability that is considered permanent by its nature, history and severity. It is assigned a permanent evaluation without the need for future examinations to determine whether or not the disability has improved.  When deciding if a disability is static or not, only order a future examination if there is objective evidence stating clearly a disability is likely to improve.  Explain that with treatment and medication the symptoms of many disabilities may improve, but we never want a Veteran to stop their medication or treatment plan to “prove” they still have the disability. Nor would we establish a future examination for the same reason.  The treatment plans are managing a static disability. |
| Symptoms have persisted without improvement 5 years or more  Slide 7 | Explain that a disability (for example asthma or GERD) by its very nature may have symptoms that wax and wane. However, if the totality of the evidence shows no change or improvement in the past five years, do not order a future examination. |
| Permanent in character and no likelihood of improvement  Slide 8 | Explain that certain disabilities are considered, by well-established medical practices, to be currently incurable or terminal. We would not schedule a routine future examination for these disabilities.   * Terminal cancer * ALS * Parkinson’s disease |
| Over 55 – unusual circumstances  Slide 9 | Explain that if the Veteran would be over age 55 at the time the reexamination would be scheduled, it should not be done. There are exceptions and they are also noted in the Rating Schedule for each applicable disability. |
| Scheduled minimum rating  Slide 10 | Explain that if a disability is currently at the minimum schedular evaluation level as noted in the Rating Schedule, a routine future examination should not be scheduled. |
| Combined evaluation would NOT be affected  Slide 11 | Explain that if a reduction of a disability would not affect the total combined evaluation, a reexamination should not be scheduled. |
| What if reexamination shows improvement?  Slide 12 | Explain that per regulation 38 CFR 3.344, if an examination should show improvement in disability level then a reduction of the rating evaluation may be needed.  It is important to review the totality of the evidence and more than one examination is needed if the evaluation has been at the same level for more than 5 years.  When the results of a review examination show improvement of a stabilized disability, and it is determined another review examination is needed, schedule it 18, 24, or 30 months from the date of the new rating  **Note**: The regulation provides for reexamination in within 18, 24, or 30 months and has verbiage to be included in the rating narrative in 3.344(b). |
| Improvement continued…  Slide 13 | Consider stabilization of a disability evaluation, under the provisions of 38 CFR 3.344, when such disability percentage has been at the same level for five or more years.  If evidence shows improvement, refer to 38 CFR 3.344(a), which describes the evidentiary requirements for reducing a disability evaluation which has been in place for five years or more.  Emphasize that this is not an all-inclusive list, but representative of disability categories of which to be aware.  Also that this provision **does not apply** to disabilities that have not stabilized and are likely to improve.  Reexaminations showing improvement in these would warrant reduction in rating per the regulation |
| Proposing to reduce  Slide 15 | 38 CFR 3.105(e) applies only to reductions in compensation in running awards when a reduction or discontinuance of compensation results from   * the reduction in the evaluation of a SC disability, or * loss of entitlement to a total rating based on individual unemployability.   **Example**: If one or more disability evaluations is increased or SC is awarded for a new disability, but the combined evaluation is reduced because of a reduction in the evaluation of another disability.  However, if the overall combined evaluation does not change as a result of the reduction, then immediate action may be taken. The following M21-1 reference IV.ii.3.A.3.d. When 38 CFR 3.105(e) Does Not Apply provides an If/Then table describing different scenarios when due process does not apply.  **Note**: IV.ii.3.A.3.e. and f provide guidance to when notification action is required for a proposed reduction or discontinue. |
| Questions  Slide 15 | Allow trainees to ask questions at this time. |
| Exercise | Not applicable |
| note(s) | Job matrix located in RVSR Assistant |
| DEMONSTRATION | Review the Routine Future Exam Job Aid (matrix) with the trainees. |