Exams: Who, When, and How

Instructor Lesson Plan

Time Required: 2.25 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 # | 4245283 |
| Prerequisites | Prior to this lesson, the student should have completed Challenge. |
| target audience | The target audience for Exams: Who, When, and How is all Development activity personnel.  Although this lesson is targeted to teach VSRs, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 2.25 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Exams: Who, When, and How PowerPoint Presentation * Exams: Who, When, and How Trainee Handout |
| Training Area/Tools | The following are required to ensure the students can meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for student note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, 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 * Exam Request Builder (ERB) * Examination Request Routing Assistant (ERRA) tool * Disability Benefit Questionnaire (DBQ) Index |
| 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 student 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 student 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 students 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 Exams: Who, When, and How | | |
| INSTRUCTOR INTRODUCTION  Slide 3 | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 0.25 hours |
| **PURPOSE OF LESSON**  Slide 4 | | This lesson is intended to reinforce knowledge of the procedures surrounding examination requests. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * Who is responsible for requesting examinations. * When an examination is needed. * How to properly request an examination. |
| Lesson Objectives  Slide 5  Handout 2 | To achieve the purpose of this lesson, the student, given all available resources to include the live manual, will be required to accomplish the following lesson objectives.   * Determine who is responsible for ordering examinations and/or medical opinions. * Identifywhen it ismost advantageous to order a VA examination. * Demonstrate the ability to order a sufficient examination utilizing job aid resources.   Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| MOTIVATION  Slide 6-7 | In an effort to expedite the processing of Veterans’ claims, reduce high deferral rates, minimize exam errors, we are reinforcing the fundamentals of examination procedures.  **Explain**: October 1, 2018, to August 1, 2019  29% (162,539) of avoidable deferrals (519,963) were due to exam issues (exams not ordered on all claims for increase, needed exam, insufficient exam, opinion needed).  Approximately 2% of the American population has served in the Armed Forces, of which .4% are currently active service members. We have a duty to assist this population, and it is our goal to increase efficiency and efficacy. | |
| STAR Error code(s) | 5A-5J, 11I  Discuss the error trends and deferral numbers specific to each district using Tableau to obtain this information. | |
| END OF COURSE ASSESSMENT | **Important:** Inform students there will be an end of course assessment. The students will be required to achieve a passing score of 85% or greater in order to receive credit for the training. The trainee may use any available resource to complete the assessment. This includes but not limited to lesson handout, internet/intranet web sites, job aides, PowerPoint and any applicable reference materials. | |
| References  Slide 8-9  Handout 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 §3.159, Department of Veterans Affairs assistance in developing claims.](http://www.ecfr.gov/cgi-bin/text-idx?SID=4a418d89e8365fe8930972d91d1319fd&mc=true&node=se38.1.3_1159&rgn=div8) * [38 CFR §3.303, Principles relating to service connection.](http://www.ecfr.gov/cgi-bin/text-idx?SID=4a418d89e8365fe8930972d91d1319fd&mc=true&node=se38.1.3_1303&rgn=div8) * [38 CFR 3.304, Direct service connection; wartime and peacetime.](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=b0d257a834092e5dd716d82aa98dc5d2&mc=true&r=SECTION&n=se38.1.3_1304) * [38 CFR §3.309, Disease subject to presumptive service connection.](http://www.ecfr.gov/cgi-bin/text-idx?SID=4a418d89e8365fe8930972d91d1319fd&mc=true&node=se38.1.3_1309&rgn=div8) * [38 CFR§3.317(a), Compensation for certain disabilities due to undiagnosed illness and medically unexplained chronic multisymptom illnesses](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=852664962208764818fb0aaf15ba2851&mc=true&r=SECTION&n=se38.1.3_1317) * [38 CFR §3.326, Examinations](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=8b2c4851d03c22d3d614f522eb8ecd72&mc=true&r=SECTION&n=se38.1.3_1326) * [M21-1 Part 1, Chapter 1, Duty to Notify and Duty to Assist](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/topic/554400000003063/Chapter-01-Duty-to-Notify-and-Duty-to-Assist) * [M21-1 Part III, Subpart iv, 3.A. Examination Requests Overview](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015809/M21-1-Part-III-Subpart-iv-Chapter-3-Section-A-Examination-Requests-Overview) * [Disability Benefit Questionnaire (DBQ) Index](http://vbacodmoint1.vba.va.gov/bl/21/DBQ/DBQByDisab.asp) * [Exam Request Builder (ERB](http://vbaw.vba.va.gov/bl/21/rating/rat00.htm)) * [Examination Request Routing Assistant (ERRA) tool](http://vbacoweb02.vba.va.gov/bl/21/DEMO/ZIP/default.asp) * [National Work Queue Phase 1&2 Playbook](https://vaww.vashare.vba.va.gov/sites/OFOPlaybooks/Shared%20Documents/NWQ_phase_1and2_playbook.pdf) * [VBMS User Guide](http://vbaw.vba.va.gov/VBMS/docs/12.1.130_VBMS_UserGuide.pdf) * [VBMS Job Aids](http://vbaw.vba.va.gov/VBMS/Resources_Job_Aids.asp) * [Compensation Service Novel Coronavirus (COVID-19) Operational Information Page](https://vbaw.vba.va.gov/bl/21/corona.htm) | |

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| Topic 1: Who Is Responsible | |
| Introduction  Slide 10 | This topic will delineate responsibilities of ordering examinations and/or medical opinions. |
| Time Required | 0.5 hours |
| OBJECTIVES/  TEACHING POINTS | Upon completion of this lesson and given all available resources to include the live manual, the VSR will be able to:   * identify proper activity responsible for requesting examinations and/or medical opinions |
| Exams Responsibilities: Development Activity  Slide 11-12  Handout 4  **Inform trainees of the importance of the potential effect of COVID-19 on the exam process.** | Development activity personnel have the primary responsibility for requesting examinations.Typical examinations that development activity personnel are responsible for requesting include:posttraumatic stress disorder (PTSD) (combat and/or fear-based)audiopresumptive issuesgeneral medical examinations for Veterans within one year of dischargeincrease examinations **Discuss**: Medical opinions are built into the PTSD and hearing loss DBQs and are within the scope of development activity personnel to request. The above examinations will be discussed later in this lesson.  **Rationale:** Development activity personnel can request PTSD examinations for Combat (when conceded) and/or fear-based, as well as Audio exams (Hearing Loss & Tinnitus), as the etiology opinion is built into the examination. In these situations, there is no need for a written opinion from development personnel.  **Important:** As the COVID-19 pandemic has continued, it is essential before requesting an examination that all claims adjudicators review the information posted on the [Compensation Service Novel Coronavirus (COVID-19) Operational Information Page](https://vbaw.vba.va.gov/bl/21/corona.htm) for any changes/updates to the examination process. |

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| **Development Activity Roles**  Slide 12  Handout 4 | Development activity personnel and Military Service Coordinators (MSCs) who have completed training specified by Central Office (CO) are authorized to prepare basic or straightforward medical opinion requests without rating activity review.Specially, development personnel are responsible for requesting:direct service-connection opinions, andsecondary service-connection opinions |
| Exams Responsibilites: Rating Activity  Slide 13  Handout 5 | A Veterans Service Center Manager (VSCM), Pension Management Center Manager (PMCM), or designee may authorize an examination/medical opinion in any case in which he/she believes it is warranted. The VSCM or PMCM will designate categories of opinions that are sufficiently basic or straightforward for preparation by the development activity. However, medical opinion requests of a complex nature, including the following types must be prepared by the rating activity:compensation under [38 U.S.C. 1151](http://www.law.cornell.edu/uscode/text/38/1151)aggravation (including *Allen* aggravation)diagnostic variation or conflicting medical evidencequestions of credibility of evidence presented to the examiner, orany other matters specified by the VSCM or PMCM, such asrare disorders/rare etiologies, orsensitive or high priority claims. **Discuss:** Guidance from the rating activity can come in two forms, **informal** and **formal**.  **Informal**: Development activity personnel request clarification or justification before requesting an exam and/or medical opinion. The development activity contacts the rating activity and receives informal guidance that is sufficient to continue requesting the exam.  **Formal**: the development activity appends the RVSR Examination special issue to at least one contention requiring complex medical opinion review.  Adds the Review Complex Exam tracked item and follows local procedures to ensure assignment to the rating activity for review. This tracked item is required when the exam and/or medical opinion is outside the scope of the VSR, e.g., Allen aggravation or diagnostic variation. |

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| Knowledge Check  *Slide 14*  If students indicate a lack of understanding take time to provide a review of those topics. | Ask the trainees the below:   * True or False? “Development personnel are responsible for requesting direct service-connection opinions, and secondary service-connection opinions.”   **Answer:** *True*   * True or False? “Identify two types of medical opinions that must be prepared by the rating activity. ”   **Answer:** 38 U.S.C 1151, aggravation   * What tracked item is required when the exam and/or medical opinion is outside the scope of the VSR?   **Answer:** Review Complex Exam |

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| Topic 2: When It Is Most Advantageous to Order Exams | |
| Introduction  Slide 15 | This topic will define when to order an examination and/or medical opinion, and relevant records. |
| Time Required | 0.5 hours |
| Topic objectives | Upon completion of this lesson and given all available resources to include the live manual, the student will be able to:   * recognize when it is most advantageous to order an examination |
| Identify When to Request a VA Examination  Slide 16  Handout 6 | **Discuss**: the three elements of service-connection and explain that all must be met before ordering an examination.  Element 1: a current disability or persistent recurrent symptoms of disability. This may be shown by competent lay or medical evidence of current symptoms.  Element 2: an event, injury or a disease that began in or was made permanently worse during service.  Element 3: an indication that the diagnosis or symptoms may be associated with the established event, injury or disease in service. This may be shown by medical records or medical opinions or lay evidence.  **Discuss**:  **On an issue-by-issue basis**   * After the development of all ***relevant*** evidence, assess whether an examination or opinion is necessary pursuant to our duty to assist. * An examination or opinion is only necessary under 38 CFR 3.159(c)(4) when there is ***not*** sufficient medical evidence of record to make a decision on the claim.   **Important.** Remind development personnel that all pertinent evidence (to include STRs when their review is relevant to the underlying request), must be scanned into the eFolder prior to requesting an examination.  STRs are not always **relevant** with regards to whether an exam is warranted. If an exam can be ordered, do so and make a note in the examination stating that “STRs are not pertinent to exam. Do not cancel.” STRs must still be requested and the RVSR must review the entire file.  See the review exercise in the student handout and discuss as a group. |
| **Relevant Records**  Slides 17-18  Handout 6-7 | ***Relevant records*** for the purpose of VA’s statutory and regulatory duty to assist are those records that   * relate to the disability or injury for which the claimant is seeking benefits, and * have a reasonable possibility of helping to substantiate the claim.   For the purpose of [38 U.S.C. 5103A](http://www.law.cornell.edu/uscode/text/38/5103A), the Court of Appeals for Veterans Claims (CAVC), in [*Golz v. Shinseki*](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/), 590 F.3d 1317 (Fed. Cir. 2010) held that not all medical records have a reasonable possibility of helping substantiate a pending claim and that VA’s duty to assist applies only to ***relevant*** records.  Because each case presents unique circumstances, relevance of records shall be determined on a case-by-case basis. It is not possible to offer “one-size fits all” guidance on the issue of determining whether an identified piece of evidence is relevant to the issue being adjudicated.  Here is a checklist for reviewing records for relevancy:   * *Can I determine relevance without review of the actual records?* * *Can an earlier effective date be established by obtaining the identified records?* * *Can a higher evaluation be assigned?* |
| Tracked Items & VBMS Notes  Slide 19  Handout 7-8 | Tracked items are crucial in the exam process. When a tracked item is not created, the status of the claim changes from Open to Ready For Decision (RFD). If the claim status is prematurely changed to RFD, this creates a delay in the claims process.  After requesting an examination, create specific DBQ tracked items for each exam.  When routing a claim to an RVSR for a review of complex exams or medical opinions: add the tracked item “Review Complex Exam.”appends the special issue “RVSR Examination” to at least one contention.add “Secondary Action Required” if an exam may be warranted but you are unable to enter the request at this time due to outstanding development.add a permanent claim level note to accurately reflect the status of any outstanding contentions requiring examination review. The “RVSR Examination” special issue will ensure claims requiring RVSR review remain within a Regional Office’s (RO’s) work queue until completion of the RVSR examination review and removal of the “RVSR Examination” special issue. |
| Tracked Item Selections in VBMS  Slide 20-21  Handout 7-8 | **Option 1:** Maintain the SECONDARY ACTION REQUIRED tracked item until examination review has been completed for all contentions to prevent the claim from reverting to RFD status before examination review is complete.  **Option 2:** Routes to a RVSR for exams within their scope such as when formal guidance is needed.  When the tracked item “Secondary Action Required” is used in VBMS, a permanent claim-level note shall be placed regarding any outstanding contentions requiring development and/or examination review.  For example, an examination for jungle rot is not being requested at this time because we are pending a character of discharge determination.  This note will be a placeholder and reminder for subsequent development. |

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| Knowledge Check  *Slide 22*  If students indicate a lack of understanding take time to provide a review of those topics. | Ask the trainees the below:   * Which element does not require that a disability be medically diagnosed?   **Answer:** Element 1 (M21-1.I.1.C.3.d)   * What element is missing in the below scenario in order to request an examination?   Veteran claimed SC for a right shoulder condition. STRs show one complaint for shoulder pain in-service with a negative separation examination. The Veteran provided no lay or medical evidence in support of the claim.  **Answer:** Element 1 and 3 (M21-1.I.1.C.3.f)  **Rationale:** The Veteran’s current claim provided no medical evidence indicating an association and no statement alleging continuous symptoms since service or that the current disability persisted since military service. Therefore, Element 3 has not been satisfied. Further, there is no medical or lay evidence of a current disability, so Element 1 is also not satisfied.   * What tracked item is required until an examination review has been completed for all claimed contentions?   **Answer:** Secondary Action Required |

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| Topic 3: How to Draft a Sufficient Examination | | |
| Introduction  Slide 23 | | This topic will introduce the tools necessary to draft an examination request, such as ERRA, ERB, and the Index of DBQ. |
| Time Required | | 0.5 hours |
| Topic OBJECTIVE | | Upon completion of this lesson and given all available resources to include the live manual, the student will be able to:   * Utilize the appropriate examination tool resources to draft a sufficient examination. |
| Using ERRA  Slide 24-26  Handout 9-10 | | Sufficient examination request begin with the use of the ERRA tool, which can be found on the Compensation Service Intranet page.    Examination facilities designated to conduct exams are found in the [ERRA tool](http://vbacodmoint1.vba.va.gov/bl/21/DEMO/ZIP/default.asp).    The ERRA tool’s search results include:   * application to use for submitting the examination request * facility routing location * the routing location and exam list comments * exam type details, and * approximate distance (from the ZIP code entered, including driving distance and estimated time).   **Important**:  This tool is designed as a guide to assist in the routing of C&P examination requests. Its usage in the development of SC compensation claims is mandatory. When routing an examination request, consider:   * claimant preferences, or * topography/driving concerns.   **Notes:**   * The ERRA tool identifies whether a VA facility has capacity to complete examinations timely and suggests a contract provider/ vendor to be used if necessary. * Any justifiable deviation from the ERRA tool’s recommendations must be explained as a remark in the body of the examination request.   **Important**:  The ERRA tool’s data is refreshed daily. Therefore, it is imperative to check ZIP codes daily, as the suitability of a claimant’s direction to a VA or contract examination facility may vary in response to demand and facility availability. Routing location and exam type comments may also be subject to daily updates. From the Job Aids Screen, select the ERRA book on the Job Aids Bookshelf. Type a Zip Code into the box and click Submit.  **Block 1**: represents the Veteran’s zip code.  **Block 2**: represents the exam category by body system and the associated exam location, specifically the VA Medical Centers (VAMC) vs. contract examiners  **Block 3**: represents the Routing Location, reflecting the nearest VAMC to the Veteran’s zip code.  **Note**: Examinations should not be requested from contract examiners under certain circumstances. Those circumstances under which contract examinations should not be requested include those listed in **Contract Examination Exclusions.**  Use discretion based on RO expertise and consultation with VA CO when determining whether a contract examination is warranted.  Circumstances under which contract examinations **must not** be requested include, but are not limited to, the following:   * Former Prisoner of War (FPOW) Protocol Examination is required * examination requires hospitalization or surgical evaluation, such as colonoscopy or laparoscopy * Veteran is an inpatient at a Veterans Health Administration (VHA) facility, nursing home, extended care facility, or domiciliary (including state-operated Veterans' homes) * Veteran is an employee of the contract examination vendor scheduled to conduct the examination.   **Exceptions**:   * All claims based on exposure to contaminants in the water supply at Camp Lejeune that require a subject matter expert's medical opinion in accordance with M21-1, Part IV, Subpart ii, 1.I.6.i are eligible for referral to contract examination providers, regardless of whether the Veteran upon whose service the claim is premised is living or deceased. * Disability claims based on herbicide exposure, unlike those based on exposure to other environmental hazards, are not excluded from referral to contract examination providers. However, if a condition other than those identified in 38 CFR 3.309(e) requires a medical opinion regarding its association with herbicide exposure, the medical opinion may not be requested for completion by a contract examination provider.   **Important**:  Annotate in the CAPRI REMARKS section when an examination cannot be performed by a contract examiner.  *Example*: “Veteran is a Former Prisoner of War (FPOW) Protocol Examination is required.”  **Discussion:** When routing work to the closest VA facility capable of conducting the examination, be aware that ERRA:   * is usually correct, and * might not put the claimant's needs or best interests first.   Uploading a screenshot of the ERRA results is mandatory. Selecting the correct DBQ is vital. |
| Index of DBQ  *Slide 27-28*  *Handout 11* | | The [Index of DBQ/Exams by Disability](http://vbacodmoint1.vba.va.gov/bl/21/DBQ/DBQByDisab.asp) tool allows users to search by a particular word, phrase, or diagnostic code (DC). Input information in the SEARCH CRITERIA text box, and the tool will generate suggested DBQs, DCs, and relevant legacy examination worksheets. |
| Exam Request Builder  Slides 29-30  *Handout 12* | | The purpose of the ERB tool is to standardize exam format requests.**Discuss:**Use of the ERB tool is mandatory when creating a(n)  * examination or medical opinion request in CAPRI. As with all automated tools, users should ensure the suggested language and examinations are adequate before inputting the exam requests. This includes ensuring that the ADDITIONAL EXAM REMARKS field of the ERB is completed to include information needed by the examiner but not automatically generated by the tool.  **Important:** Examination requests submitted through CAPRI ***must*** include the primary requestor’s contact information, to include:first and last namee-mail address, and10-digit telephone number (which must be accessible during authorized periods of telework) |
| Helpful Reminders When Ordering Exams  *Slides 31*  *Handout 13* | RO employees must ensure that each piece of relevant evidence in thepaper claims folder is tabbed, oreFolder is either bookmarked *or* annotated following the standardized procedures outlined in [M21-1, Part III, Subpart iv, 3.A.8.e](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015809/M21-1,-Part-III,-Subpart-iv,-Chapter-3,-Section-A---Examination-Requests-Overview#8e) and [f](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015809/M21-1,-Part-III,-Subpart-iv,-Chapter-3,-Section-A---Examination-Requests-Overview#8f).***Important***:  All pertinent evidence (to include STRs when their review is relevant to the underlying request), must be scanned into the eFolder prior to requesting any examination. This includes any case for which a VHA examiner may complete an ACE examination.***Note***:  Contract examiners ***do not*** have access to CAPRI.  Any VHA treatment report that needs to be reviewed must be uploaded to the eFolder or, if applicable, printed and filed in the paper claims folder From the Job Aids Screen, select Exam Request Builder (ERB) under VA References.  **Reminder:**  Per M21-1 I.1.C.3.c, an examination or opinion is only necessary when there is ***not*** sufficient medical evidence of record to make a decision on the claim.   * Prior to requesting an examination or opinion, review the available medical evidence to determine if such evidence is sufficient to rate the claim. * If evidence, such as a DBQ, a private physician’s report, or private medical opinion, is received and such records are *fully sufficient* to rate the claim then *do not order an examination*.   **Discuss and generate the below exams using the ERB tool and VBMS. These requests represent the typical examinations the employee will encounter as part of the development activity.** | |

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| When to Proceed With an Examination for PTSD  *Slide 32*  *Handout 13* | In PTSD claims, request an examination if   * there is credible supporting evidence that the claimed stressor occurred * evidence (to include lay statements) indicates the Veteran currently suffers from symptoms consistent with a diagnosis of PTSD, and * medical evidence adequate for rating purposes is not already of record.   ***Notes***:   * Do not request an examination until development for credible supporting evidence of the claimed stressor is complete as outlined in either [M21-1.IV.ii.1.D.3 and 4, or 5](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014906/M21-1-Part-IV-Subpart-ii-Chapter-1-Section-D-Claims-for-Service-Connection-SC-for-Post-Traumatic-Stress-Disorder-PTSD#3). * Forward the claims folder to the examining facility and request its review as part of the examination process any time the issue is SC for PTSD. * In PTSD claims alleging personal trauma based on MST, a VA examination should be scheduled and a medical opinion requested when there is evidence of a “marker” found in the records. |
| Hearing Loss and Tinnitus Examinations  *Slide 33*  *Handout 13-14* | Review each claim for direct service connection (SC) for hearing loss and/or tinnitus for   * sufficient evidence of a current audiological disability, ***or*** lay evidence of difficulty hearing, and * evidence documenting   + hearing loss and/or tinnitus in service, or   + an in-service event, injury, disease, or symptoms of a disease potentially related to an audiological disability.   ***Important***:   * A claim for hearing loss is acceptable lay evidence that the claimant is stating that he/she experiences difficulty hearing. * A claim for tinnitus is acceptable lay evidence that the claimant is stating that he/she experiences symptoms associated with tinnitus, such as ringing in the ears.   Sensorineural hearing loss and tinnitus are considered organic diseases of the nervous system and is subject to presumptive SC under 38 CFR 3.309(a).    **Discuss:** The *Duty Military Occupational Specialty (MOS) Noise Exposure Listing*, which has been reviewed and endorsed by each branch of service, is available at <http://vbaw.vba.va.gov/bl/21/rating/docs/dutymosnoise.xls>.  The Duty MOS Chart can also be located from Jobs Aids, Military References, Duty MOS Noise Exposure Listing.  Based on the Veteran’s records, review each duty MOS, Air Force Specialty Code, rating, or duty assignment documented on the *Duty MOS Noise Exposure Listing* to determine the probability of exposure to hazardous noise. When the duty position is shown to have a high, moderate, or low probability of hazardous noise exposure, concede exposure to hazardous noise for the purposes of establishing an event in service.    In addition, also review the Veteran’s records for evidence that the Veteran engaged in combat with the enemy in active service during a period of war, campaign, or expedition. If the evidence establishes that the Veteran was engaged in combat, concede exposure to hazardous noise for the purposes of establishing an event in service.  ***Notes***:   * *The Duty MOS Noise Exposure Listing* is not an exclusive means of establishing a Veteran’s in-service noise exposure. Evaluate claims for SC for hearing loss in light of the circumstances of the Veteran’s service and all available evidence, including treatment records and examination results.   When hazardous noise exposure is conceded based on the Veteran engaging in combat, accept satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, even if there is no official record of such incurrence or aggravation in such service. Resolve every reasonable doubt in favor of the Veteran, unless there is clear and convincing evidence to the contrary. |
| Presumptive Examinations  *Slide 34*  *Handout 14* | Determining whether examinations are required in presumptive SC claims still warrants application of the three-element standard (although Elements 2 and 3 are satisfied differently). 38 CFR 3.159(c)(4)(ii) provides that in claims for presumptive SC, part of the standard for determining whether an examination or opinion is necessary is the establishment of:   * required service or triggering event qualifying for the presumption (which substitutes for the in-service injury, event, or disease), and * manifestation during the presumptive period (which substitutes for the indication of an association) of either   + a disease listed in a regulatory presumptive provision, or   + symptoms of a disease listed in a regulatory presumptive period.     However, the evidence in support of the claim must still include lay or medical evidence of a current disability or symptoms to warrant an examination. |
| General Medical Examinations  *Slides 35-36*  *Handout 14-15* | A general medical examination containing a full report of complaints and functional impairments is the preferred type of examination in cases concerning original compensation claims.  Request a general medical examination if:   * an original claim is received within one year of discharge, *or* * an intent to file (ITF) is received within one year of discharge, and a substantially complete application is received within one year of the ITF.   It **may** also be appropriate to request a general medical examination to obtain evidence in claims for   * individual unemployability (IU) * service connection (SC) under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=4f37eddd401a23753883deb8ce72d226&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317), or * Veterans Pension.   When the medical examiner conducts the examination, he/she should confirm the existence of and evaluate   * all disabilities listed in the examination request, and * any other disabilities the Veteran identifies during the examination.   The examination request for a general medical examination should clearly cite the conditions or particular diagnoses that require attention.  **Note**: Opinions addressing etiology and relationship to service are *not* typically provided by general medical examinations.  **Important**:  When requesting a general medical examination to evaluate an original compensation claim received within one year of discharge, do not specify that the examiner also complete specialty examinations for each claimed disability. However, consider whether specialist examinations are required by virtue of the specific claims. This policy applies to examinations requested from VHA, as well as from private providers under VA contract.   **Example 1**: An original claim is received within one year of the Veteran’s release from active duty. The claimed issues are the right knee, left elbow, scar on left ankle, asthma, and migraines.  **Results 1**: Request only the DBQ General Medical  **Example 2**: An original claim is received within one year of release from active duty. The claimed issues are for right knee, left elbow, scar on left ankle, asthma, migraines, hearing loss, tinnitus, and PTSD  **Results 2**: Request the DBQ General Medical, DBQ Audio, and DBQ Initial PTSD  **Note**:  A fully sufficient general medical examination is usually of greater value than a number of uncorrelated specialty examinations.  If a subsequent claim is received within the initial year following discharge, but *after* a general medical examination has been conducted, *do not* order an additional general medical examination to evaluate the disability(ies) contended. In this case, you will need to order the individual DBQ.  In addition, if the Veteran has multiple periods of service a general medical examination can be requested multiple times as long as the Veteran submits a claim within one year of the release from service. |
| Increase Examinations  *Slide 37*  *Handout 16* | In a claim for increase in the evaluation of an SC condition, do not apply the [38 CFR 3.159(c)(4)](http://www.ecfr.gov/cgi-bin/text-idx?SID=f22875bb0218c30077b243a4e74103e5&mc=true&node=se38.1.3_1159&rgn=div8) standard. There is no prescribed standard for evidence that must be present prior to requesting an examination in a typical claim for increase. If a claim for increase is received, regardless of whether a statement of worsening is received or whether an examination for the claimed condition was completed within the last year, request an examination for the claimed condition ***except*** in the following circumstances.   * Do not routinely request an examination if a DBQ, completed by a private or VA physician, was submitted. * Do not routinely request examinations when a surgical report was submitted or identified by the Veteran. The surgical report may be considered in connection with a possible claim for entitlement to increased benefits   + under     - [38 CFR 4.29](https://www.ecfr.gov/cgi-bin/text-idx?SID=8c8a36675e4fe5d383dad4638b9dec67&mc=true&node=se38.1.4_129&rgn=div8), or     - [38 CFR 4.30](https://www.ecfr.gov/cgi-bin/text-idx?SID=8c8a36675e4fe5d383dad4638b9dec67&mc=true&node=se38.1.4_130&rgn=div8), or   + due to joint replacement. * Do not routinely request an examination for active cancer. * Do not routinely request examinations for disabilities currently evaluated at the schedular maximum evaluation. An examination for potential extraschedular evaluation is warranted only when medical or other evidence demonstrates symptoms that render the schedular criteria insufficient to evaluate the disability. * For issues under legacy appeal, VA is not required under its duty to assist obligation to order an examination solely because of the passage of time since an otherwise adequate examination was performed. However, when the appellant asserts that the disability in question has undergone an increase in severity since the time of the prior examination, additional examination may be warranted.   ***Note***:  A decision to not order an examination shall be supported with adequate reasons and bases.  **Stress:** When in doubt, seek informal guidance from an RVSR. |
| Exam Circle  *Slides 38-40*  *Handout 16-17* | The exam request process should flow in a uniform manner and should be completed one step at a time. Every step is described in the manual and should be routine. By following this circle, exams will be requested sufficiently using appropriate tools.  Skipping steps will cause errors.   * Example: if the claim status is changed to RFD due to failure to order a necessary examination, the claim process is delayed. * Example: An exam is not requested due to a pending character of discharge determination, and the required “Secondary Action Required” tracked item is not entered. This results in the claim being sent auto-RFD by VBMS. Again, the claim process is delayed, potentially adding 120 days to the claim.   Actions matter and can result in untimely claims processing. A review of cases has shown a high number of avoidable deferrals can be corrected by entering a correct exam at the earliest point recognized, entering tracked items, and using VA exam tools such as ERRA, ERB, and the Index of DBQs. |

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| Knowledge Check  *Slide 41*  If students indicate a lack of understanding take time to provide a review of those topics. | Ask the trainees the below:   * What VBA tool that assists in routing location is mandatory for use when requesting examinations?   **Answer:** ERRA Tool   * What is the purpose of the ERB tool?   **Answer:** To standardize examination format requests   * True/False? In a claim for increase the veteran must provide a statement of worsening before an examination is warranted.   **Answer:** False (No statement of worsening is required…request examination. M21-1.I.1.C) |

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| Practical Exercise | | |
| Time Required | | 0.25 hours |
| Exercise  *Handout 18-22* | | Review Practical Exercise 2 and have students engage in discussion. |
| Lesson Review, Assessment, and Wrap-up | | |
| Introduction | The Exams: Who, When, and How lesson is complete.  Review each lesson objective and ask the students for any questions or comments. | |
| Time Required | 0.25 hours | |
| Lesson Objectives | You have completed the Exams Who, When, and How lesson.  The student should be able to:   * determine who is responsible for ordering examinations and/or medical opinions * identifywhen it ismost advantageous to order a VA examination * demonstrate the ability to order a sufficient examination utilizing job aid resources | |
| Assessment  Handout 23 | Remind the students to complete the on-line assessment in TMS to receive credit for completion of the course.  The assessment will allow the participants to demonstrate their understanding of the information presented in this lesson. | |