Specialty Issues

Instructor Lesson Plan

Time Required: 1.5 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 # | 4275942 |
| Prerequisites | Prior to this lesson, the Veteran Service Representatives (VSRs) should have 12 months of development experience. Trainees should also have all 100 level course materials and the following 200 level courses:   * How to evaluate FDC and Non-FDC claims * How to evaluate evidence in new, increase, reopened, and secondary claims |
| target audience | The target audience for **Specialty Issues** is **non-entry level VSRs**  Although this lesson is targeted to teach non-entry level VSRs, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 1.5 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Specialty Issues PowerPoint Presentation * Specialty Issues Trainee Handouts * Specialty Issues Lesson Plan |
| 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 * VA TMS Evaluation |
| 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 Specialty Issues | | |
| INSTRUCTOR INTRODUCTION | | 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 | | This lesson is intended to help you understand advanced concepts when additional development is required for special issues. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * How to identify special issues * Actions to take when special issues are claimed   Please note that for more-in-depth training on special issues there  are separate lesson plans. |
| Lesson Objectives  Slide 2  Handout 2 | In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives.  TheVSRwill be able to:   * Identify special issues * Identify special issues which require centralized processing * Identify and determine when there are special issues which require further development | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| Motivation | **An understanding of the topics will ensure trainees are able to process a special claim in a timely manner and adhere to proper development; so that the Veterans entitled to this special processing are given a positive experience.** | |
| STAR Error code(s) | TBD | |
| References  Slide <>  Handout 2 | 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 3.303 (d) Principles relating to service connection** * **38 CFR 3.159 Department of Veterans Affairs assistance in developing claims** * **38 CFR 3.317 Compensation for certain disabilities occurring in Persian Gulf Veterans** * **M21-1 III.iv.5.7.a When Development to Obtain Additional Evidence May Be Needed** * **M21-1 III.iv.6.B.5.a Other Issues to Consider When Evaluating Evidence** * **M21-1 III.iv.2.A.2 Considering VA’s Duty to Notify and Assist** * **M21-1 IV.ii.1.B Claims for Service Connection for Radiogenic Diseases** * **M21-1 IV.ii.1.C Claims for Service Connection for Disabilities Resulting from Ionizing Radiation Exposure** * **M21-1 IV.ii.1.D Claims for Service Connection for PTSD** * **M21-1 IV.ii.1.E Claims based on service in Southwest Asia** * **M21-1 IV.ii.1.F Developing Claims for Service Connection for Disabilities Resulting From Exposure to Mustard Gas or Lewisite** * **M21-1 IV.ii.1.G Claims Based on Former Prisoner of War Status** * **M21-1 IV.ii.1.I Developing Claims for Service Connection Based on Other Types of Exposure Types.** * **M21-MR III.iv.3.A Examination Requests** * **M21-MR I.1.C.3. Assisting With Medical Opinion or Examination Requests** * **M21-1 III.iv.3.A.2.c Index of DBQ/Exams by Disability Tool** * **M21-1 III.ii.1.D Claims That Require Priority Processing** * **M21-4 Appendix C of Claim Attributes Section II Corporate Flashes** * **M21-1 III.i.3.B.3.d FDCs and Special Issue Development** * **M21-1 III.iv.4.I.2.f Development for Hepatitis Risk Factors** * **M21-1 III.iv.4.I.2.e Risk Factors for HBV and HCV** | |

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| Topic 1: Identifying Special Issues | |
| Introduction | Introduce yourself and inform trainees of the purpose of the lesson.  The purpose of this lesson is to help trainees identify special issues and actions to take when a special issue is identified. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points  Identifying Special Issue Claims  Slide 6  Handout 3 | Topic objectives:   * Identifying claims that involve a special issue and actions to take when one is received   The following topic teaching points support the topic objectives:   * Trainees will understand why some issues are classified as “special”. * They will be able to determine if additional development is needed.   The reason VA identifies certain claims as “special issues” is because these claims are a) hard to adjudicate, b) involve great personal hardship on our Veterans, or c) require special handling to ensure proper and timely adjudication of the claim. Some examples are:   * Homeless, financial Hardship, terminally ill * Agent Orange * Radiation * Asbestos * PTSD * Gulf War * Preparation (BDD, Quick Start) * Seriously Injured * Hepatitis * Former Prisoner of War * Hepatitis C |
| Note all special issues either have a corporate flash or special issue indicator flash in contentions to help identify these type of claims | Special Issue Claims need to be easily identified to ensure they are adjudicated properly. Many special issue claims have special tracking requirements to make them easily identifiable.  The following issues require priority processing.  **HOMELESS**  Homelessness for VA purposes:    * The Veteran lacks a fixed and/or regular residence; the residence they do reside in may be public or private * The Veteran lacks the resources or support networks needed to obtain other permanent housing   When homelessness is indicated there are places to search to determine if a Veteran is homeless:   * Search BIRLS under Corporate Flashes * Look at the closest VAMC and determine if he has contacted the Domiciliary * Each Regional Office has a Homeless Coordinator to determine if the Veteran is homeless   Homeless Veterans may often be difficult to contact. It is especially critical that they are notified of any scheduled VA exams. Therefore, it is crucial that each RO’s Homeless Veterans’ Coordinator be aware of the progress of the Veteran’s claim (i.e., scheduling of a VAE). The coordinator keeps track of these cases in his/her own log and he/she has additional resources to contact the Veteran to ensure the Veteran receives VA correspondence.  While there are no special development procedures needed, there are actions to take to ensure every step of the development process is expedited to help the Veteran receive a timely adjudication of his/her claim. |

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| Slide 6  Handout 3  Handout 4 | **Terminal Illness**  A terminally ill Veteran is considered to be a Veteran who has submitted a claim and a high likelihood exists the claimant will pass away before completion of the claims process.  Steps for a Veteran identified as terminally ill to ensure expedited processing are:   * Review the evidence submitted, to include VAMC treatment reports. Is there an illness shown or claimed that is likely to be terminal?(Example; Cancer, renal failure, etc.) * If the determination is made to prioritize the case append the contention with a terminally ill special issue flash and change the claim priority to high in VBMS.   **Financial Hardship**  Financial Hardship is an issue identified by the Veteran. The Veteran must provide evidence such as:   * An eviction notice or statement of foreclosure * Past due utility bills * Collection notices   If it is determined a Financial Hardship exists a Corporate Flash must be added to the record to ensure priority processing to expedite the decision of the claim.  **FORMER PRISONER OF WAR**  A former prisoner of war (FPOW) is defined as a person who, while serving in the active military, naval, or air service, was forcibly detained or interned in the line of duty by an enemy or foreign government, the agents of either, or a hostile force.  Cases are often identified before ever reaching development. POW claims can be identified based on looking in BIRLS to see if a Corporate Flash exists. All Regional Offices have a POW Coordinator to ensure these claims are expedited. |

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| Topic 2: Special Issues Requiring Centralized Processing | |
| Introduction | Introduce yourself and inform trainees the purpose of the lesson.  The purpose of this lesson is for trainees to identify special issues requiring centralized processing. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify claims which require centralized processing. * Identify if additional actions are needed prior to transfer   The following topic teaching points support the topic objectives:   * Trainees will be able to identify issues with centralized processing * Trainees will be able determine if additional actions are needed prior to transferring   There are three frequently seen claims which require centralized processing. The first one we will discuss is Radiation. |

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| Radiation  Slide 7-8  Handout 5 | **RADIATION**  In October 2006 VA centralized the processing of all claims based on exposure to radiation to the Jackson Regional Office.  A Veteran may be eligible for presumptive service connection (SC) under [38 CFR 3.309(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=85bf12b768c222d2a3b78b9c85031c0b&node=se38.1.3_1309&rgn=div8) ([38 U.S.C. 1112](http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00001112----000-.html)) only if he/she participated in one of the following radiation-risk activities   * internment as a former prisoner of war (FPOW) in Japan * post-war occupation of Hiroshima or Nagasaki * participation in atmospheric nuclear weapons testing * participation in underground nuclear weapons testing at Amchitka Island, Alaska, or * assignment to a gaseous diffusion plant at   + Paducah, Kentucky   + Portsmouth, Ohio, or   + Area K25 at Oakridge, Tennessee.   Veterans are eligible based on participation in a radiation-risk activity while serving on   * active duty * active duty for training, or * Inactive duty training.   For a claim to be identified as a Radiation claim the following criteria must be met prior to sending to the Jackson RO:  The Veteran must have identified one of the radiogenic diseases listed in 38 CFR 3.309(d)(2) or submitted a verified medical opinion or competent scientific evidence showing that an unlisted condition is a radiogenic disease  Veterans statement that the condition is the result of participation in a radiation risk activity; participation in atmospheric nuclear weapons testing; being part of the post-war occupation of Hiroshima or Nagasaki from September 1945 until July 1, 1946; or, internment as a POW in Japan.  If the criteria above is not met no further development under 38 CFR 3.309 is warranted. Consider the claim as any other claim for direct service connection or a claim for ionizing radiation exposure under 38 CFR 3.311.  When radiation exposure is alleged but no disability is claimed, do not transfer the claim. The VSR will notify the Veteran that exposure in and of itself is not a disability. Standard 5103 notice is still required under the guidelines of direct service connection. |
| Camp Lejeune  Slide 9  Handout 5-6 | **CAMP LEJEUNE**  Veterans who served at U.S. Marine Corps Base Camp Lejeune, North Carolina, between August 1953 and December 1987 were potentially exposed to contaminants present in the base’s water supply. The VA’s policy is to presume any Veteran who served there during that time was potentially exposed.  SC for any disease alleged to have been caused by contaminated water at Camp Lejeune requires evidence of   * a current disease * evidence of service at Camp Lejeune during the period of contamination, and * a medical nexus between the two, justified with a rational scientific explanation.   Camp Lejeune claims are primarily completed at the Louisville Regional Office; however other ROs are authorized to process these claims in special circumstances to include:   * Pittsburgh Regional Office processes these claims for Veteran’s residing in foreign countries * Salt Lake City, Winston Salem, and disability rating activity sites process original pre-discharge claims   The following criteria must be identified prior to transfer of a file:   * Proof of service at Camp Lejeune during the specified time frame * A specific disability must be claimed * Special issue flash indicator in contentions must be shown   For a list of diseases that may potentially be associated with exposure to contaminants in the water see M21-1 Iv.ii.2.C.5.p. |
| Mustard Gas  Slide 10  Handout 6 | **MUSTARD GAS**  Claims for Mustard Gas on or after January 19, 2005 are centrally processed at the Muskogee Regional Office. All Mustard Gas claims are controlled with a standard EP and EP 688.  Veterans who are eligible for benefits based on exposure to Mustard Gas include:   * exposed during field or chamber testing * exposed under battlefield conditions in World War I * present at the German air raid on the harbor of Bari, Italy, in World War II * engaged in the manufacturing, handling, or destruction of vesicant agents during military service, or * some Operation Iraqi Freedom service members who demolished or handled explosive ordinance   Conditions for which full body exposure to Mustard Gas may be awarded can be found under M21- 1 IV.ii.1.F.1.c  Before the file can be transferred to the Muskogee Regional Office the following is needed:   * Special issue flash in contentions screen * A Specific disability needs to be claimed. If no disability is claimed the Veteran needs to be notified that exposure in and of itself is not a disability and ask the Veteran to identify the disability that resulted from the exposure.   Additional issues for which development information is provided for other types of exposure can be found under M21-1 IV.ii.1.I; however in this topic we will only address one of the more identified issues, asbestos. The issue of Herbicide Exposure and Agent Orange development will be addressed in the next topic. |

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| Topic 3: Special Issues Requiring Additional Development | |
| Introduction | Inform trainees the purpose of the lesson.  The purpose of this lesson is for trainees to determine what development is needed when a special issue is identified. |
| Time Required | 0.25 hours |
| *OBJECTIVES/ Teaching Points*  Asbestos  Slide 11-13  Handout 7 | *Topic objectives:*   * *Identify when additional development is needed* * *Determine type of development needed*   *The following topic teaching points support the topic objectives:*   * *Trainees will identify when additional development is needed when a special issue claim is received* * *Trainees will be able to determine the actions to take when a special issue claim is received*   The issues we will discuss in this lesson require additional development actions when a claim is received; these issues also have specialty paragraphs that may need associated with the claim along with a special flash indicator in contentions. The more frequently seen special issues include asbestos, exposure to environmental hazards in Gulf War, and Agent Orange. In all cases remember to:   * Develop for STRs and any VA and/or private medical records that are noted by the claimant. * Verify dates of military service and obtain military personnel records as per normal procedures.   **ASBESTOS**  Asbestosis a mineral, known to have toxic qualities, with long, thin fibrous crystals that can be spun and woven together.  Claims based on exposure to asbestos require   * a military occupational skill with exposure to asbestos or other exposure event associated with service sufficient to request an examination with medical opinion as described in [M21-1, Part IV, Subpart ii, 1.I.3.f](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#3f), and * a diagnosed disability that has been associated with in-service asbestos exposure.   The inhalation of toxic asbestos fibers can cause serious respiratory illnesses such as malignant mesothelioma, cancer, and asbestosis. For a complete listing of the effects of exposure to asbestos see M21-1 IV.ii.2.C.2.b.  Many people with an asbestos-related disease develop the disease anywhere from 10 to 45 years from first exposure.  Actions to take when a claim for asbestos exposure is received:   * Update special issue flash in contentions * See if a specific disability was claimed such as respiratory condition. If no disability is claimed, develop for the disability being claimed as asbestos exposure in and of itself is not a disability. * If the DD 214 provides Military Occupational Specialty, see M21-1 IV.ii.1.I.3.c and determine the probability of exposure. If the Veteran has minimal exposure order the entire personnel file prior to scheduling any exams to determine if the Veteran did other jobs. While MOS is for consideration, also review other evidence available as personnel file and STRS may also show exposure. If the MOS shows probable or highly probable exposure request examination and order personnel file.   If the evidence of record is not sufficient to concede exposure to asbestos or diagnosis of a disease related to asbestos exposure, request further information from the Veteran.   * ASB- Tell us where, when , and how exposed * ASB- Medical evidence of disease (biopsy) needed |
| Environmental Hazards/Gulf War  Slide 14  Handout 8  Agent Orange  Slide 16-18  Handout 9  **Hepatitis**  Handout 9  Slide 19-21 | **Gulf War Environmental Hazards**  The Department of Defense (DoD) identified a number of environmental hazards at military installations in Iraq, Afghanistan\*, and elsewhere that could present health risks. These hazards include but are not limited to:   * large burn pits throughout Iraq, Afghanistan, and Djibouti on the Horn of Africa * particulate matter in Iraq, Afghanistan, and Djibouti on the Horn of Africa * a large sulfur fire at Mishraq State Sulphur Mine near Mosul, Iraq * hexavalent chromium exposure at the Qarmat Ali Water Treatment Plant at Basrah, Iraq   The Veteran’s lay statement of exposure to an environmental hazard or statements provided by others can be used to verify exposure to the claimed environmental hazard if the statements provided by the Veteran and/or others are consistent with the facts, places, and circumstances of the Veteran’s service.  Many Veterans suffering from illnesses such as those related to the respiratory, cardiopulmonary, neurological, autoimmune, and/or skin systems may not associate such illnesses with burn pit exposure or be aware of which toxins were released by burn pits. Actively review claims by recognizing potential exposure issues whenever they are reasonably raised by the record and then process those claims in accordance with these provisions.  Actions to take when a claim for exposure to environmental hazards in Gulf War is received:   * Update special issue flash in contentions * If the Veteran claims exposure to environmental hazards during service, but does not claim SC for a specific disability, the claim is not substantially complete. Inform the Veteran that he/she must at least identify a symptom or cluster of symptoms, because exposure, in and of itself, is not a disability * If the Veteran claims a disability and states in general due to environmental hazards, ask the claimant to provide at least some general information about the exposure event   When it is determined a VA examination is needed for a claim based on exposure to environmental hazards add the following to the request:   * Advise the examiner of the nature of the claimed environmental hazard and the location and timeframe of exposure. * Remember that more than one environmental hazard may apply when Veterans are alleging exposure to a specific event. Therefore, each *Fact Sheet* related to service in Iraq as provided in Exhibits 1 through 4 ([M21-1, Part IV, Subpart ii, 1.I.9](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#9), [10](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#10), [11](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#11), and [12](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#12)) should be provided to the VA examiner. This is necessary for Iraq Veterans since the Veteran served in Iraq and could have been exposed to burn pit emissions and the same high levels of particulate matter (PM) as others in the Southwest Asia Theater of operations. * Ask the examiner to provide an opinion, and rationale for the opinion, as to the likelihood that the Veteran’s claimed disability is related to the hazardous environmental exposure.   Specialty Paragraphs for Gulf War Veterans include:   * GW- earliest manifestations/evidence of illness * GW-Evidence of SWA service needed * GW- tell specific disability * GW- registry exam   **AGENT ORANGE**  Agent Orange was an herbicide agent used during allied military operations in the Republic of Vietnam during the period beginning January 9, 1962 and ending on May 7, 1975.  A Veteran is considered to have been exposed if during the time frame in the Republic of Vietnam, inland waterways, offshore waters to include anchoring and docking if the duties involved visitation to Vietnam, the DMZ between April 1, 1968 and August 31, 1971, or on at one of the Royal Thai Air Force Bases in Thailand and the duties would have put the claimant on the perimeter of the base.  Actions to take when a claim is based on exposure to Agent Orange:   * Update special issue flash in contentions * Review the evidence for proof of RVN or other exposure sites * Review 38 CFR 3.309(e) to determine if a presumptive condition has been claimed.   Additional development may be needed in the following scenarios:   * If Agent Orange exposure is not shown * If disability under 38 CFR 3.309(e) has been claimed but no proof of treatment. * If no disability is claimed. * If a Veteran claims a disability not recognized under 38 CFR 3.309(e).   Specialty paragraphs for Agent Oange include but are not limited to:   * AO-Exposure General Notice * AO-Tell Us specific disability from herbicides * AO- medical evidence of disability from herbicides * AO-Not a recognized condition   **HEPATITIS**  Hepatitis is a [liver disease](https://en.wikipedia.org/wiki/Liver_disease) defined by [inflammation](https://en.wikipedia.org/wiki/Inflammation) of the [liver](https://en.wikipedia.org/wiki/Liver) and characterized by the presence of [inflammatory](https://en.wikipedia.org/wiki/Inflammation) [cells](https://en.wikipedia.org/wiki/Cell_(biology)) in the [tissue](https://en.wikipedia.org/wiki/Tissue_(biology)) of the organ  Risk Factors of Hepatitis include but are not limited to:   * Blood transfusions * Organ transplants prior to 1992 * Tattoos * Body piercing * Acupuncture with non-sterile needles * Drug use * High-risk sexual activity * Accidental exposure to blood by percutaneous exposure or on mucous membranes * Sharing toothbrushes and razors * Immunization with a jet air gun injector   Actions to take when a claim for Hepatitis is received:  • Update Flash if Veteran is claiming Hepatitis C  • Develop for the risk factors  VA Form 21-526ez does not inform the claimant to submit evidence of hepatitis risk factors; therefore development for risk factors is required in every hepatitis claim, even when hepatitis is diagnosed in service. Development is necessary to determine if pre- and post-service risk factors are present as well as to ensure that the risk factor is not substance abuse either before or during service.  Regardless of what claim form the Veteran submits, development for risk factors is required if the complete risk factor history has not already been provided  When developing for risk factors include the What the Evidence Must Show for Hepatitis as this is not included on the VA Form 21-526ez  ***Important***: Do not send the development letter if the evidence of record provides the information the letter solicits, or if the evidence of record is otherwise sufficient to decide the claim.  ***Example***:  A Veteran claiming hepatitis C submits medical records that address risk factors for the disease.  Do not send a letter soliciting hepatitis C risk factors as this information is addressed by the evidence of record. |

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| Practical Exercise | |
| Time Required | 0.25 hours |
|  | Have the trainees complete the exercise independently or in small groups.  Ask if there are any questions about the information presented in the exercise, and then proceed to the Review.   * 1. What is the first action to take on any special issue claim received?   2. Name three types of claims that require expedited processing.   3. Name three issues that require centralized processing and the respective locations for processing:   4. Which special issue can be considered based on its MOS?   5. What two actions must be completed in the development process for all claims?   6. Where can information be found for risk factors of Hepatitis? |
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| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | This lesson was based on special issues and the development required processing them.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours |
| Lesson Objectives | You have completed the Specialty Issues lesson.  The trainee should be able to:   * Identify special issues * Identify special issues which require centralized processing * Identify and determine when there are special issues which require further development |
| Assessment | Remind the trainees 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. |